**TENTATIVE AGENDA**
**STATE OF TENNESSEE**
**REGULAR MEETING**
**AIR POLLUTION CONTROL BOARD**
**Davy Crockett Tower, First Floor**
**Conference Room 1-A**
**500 James Robertson Parkway**
**Nashville, TN 37243-0582**
**In Person and**
**Remote Access Via Microsoft Teams**

## Join the meeting now

**Meeting ID:** 230 299 485 034 0
**Passcode:** Eb6iz94i

**Wednesday, June 11, 2025**
**9:30 A.M.**

******Public Comments**: If you wish to speak on topic(s) shown here, please print your name on the Sign-In Sheet provided at the guest table or type your name into the Webex chat box. Someone will recognize you during the meeting for comments or questions. **********

| | Item | Presenter | Page |
|---|---|---|---|
| 1. | Roll Call | | |
| 2. | Approval of the April 09,2025, Board Meeting Minutes | | 3 |
| 3. | Hamilton County Regulatory Amendments BO#25-010 | Marc Corrigan | 8 |
| 4. | Redesignation Request for the Sullivan County SO2 Nonattainment Area BO#25-012 | Travis Blake | 257 |
| 5. | FY 2025-26 Title V Workload Analysis BO#25-013 | James Johnston | 385 |
| 6. | NSPS and NESHAP Incorporation by Reference Rulemaking | Mark Reynolds | 422 |
| | General Business:<br><br>**Comments from the Public or Online Participants | | |

The meeting will be held in compliance with Tennessee Code Annotated Section 8-44-108, as amended by Chapter 490 of the 1999 Public Acts of the Tennessee General Assembly. The meeting will be conducted permitting participation by electronic or other means

of communication. Consequently, some members of the Tennessee Air Pollution Control Board are allowed to and may participate by electronic or other means of communication and may not be physically present at the announced location of the meeting.

This agenda is subject to change. For the latest board agenda, please contact: Donna F. Brown (615) 532-0532 or donna.f.brown@tn.gov (Email is preferred for prompt reply)

Air Pollution Control Board
of the
State of Tennessee
Regular Meeting

On Wednesday April 09, 2025, at 9:40 A.M., the Air Pollution Control Board of the State of Tennessee, (hereinafter, referred to as the "Board"), began its meeting on the 1st Floor of the Davy Crockett Tower, Conference Room 1-A. The following Board members were physically present.

Ms. Tara Pedraza
Dr. John Benitez
Dr. Kyle Etheridge
Mr. Mike Haverstick
Mr. Stephen Moore
Mr. Nicholas Ramos
Mayor Larry Waters
Mr. Jimmy West
Ms. Caitlin Roberts

The following Board member joined the meeting via WebEx:
Dr. Chunrong Jia

The following Board members were absent:
Dr. Joshua Fu
Dr. Shawn Hawkins
Mayor Ken Moore
Ms. Amy Spann

Since the Chairman, David Salyers, P.E., could not attend the meeting, Ms. Michelle Owenby, Director, Division of Air Pollution Control, represented the Chairman by proxy, and served as Technical Secretary.

Ms. Michelle Owenby, Technical Secretary, welcomed Board members and those attending via Microsoft Teams.

The Vice-Chairman, Mayor Larry Waters, called the meeting to order and asked for a roll call and the response was as follows:

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|---|---|---|---|
| Ms. Pedraza | Present | Dr. Benitez | Present |
| Dr. Etheridge | Present | Dr. Fu | Absent |

| | | | |
|---|---|---|---|
| Mr. Haverstick | Present | Dr. Hawkins | Absent |
| Ms. Roberts | Present | Dr. Jia | Present |
| Mayor Moore | Absent | Mr. Moore | Present |
| Ms. Spann | Absent | Mr. Ramos | Present |
| Mayor Waters | Present | Mr. Jimmy West | Present |

Nine (9) Board members were present, one (1) participated via Microsoft Teams and four (4) were absent.

The next item on the agenda was the approval of the minutes from the January 08, 2025, Board meeting. The Vice-Chairman requested a motion to approve the minutes. Mr. Etheridge made a motion to approve the minutes and Dr. Benitez seconded the motion. The Vice-Chairman asked if there were any additions or corrections to the minutes. Hearing none, the Vice-Chair asked for a roll call and the response was as follows:

| | | | |
|---|---|---|---|
| Ms. Pedraza | Yes | Dr. Benitez | Yes |
| Dr. Etheridge | Yes | Dr. Fu | Absent |
| Mr. Haverstick | Yes | Dr. Hawkins | Absent |
| Ms. Roberts | Yes | Dr. Jia | Yes |
| Mayor Moore | Absent | Mr. Moore | Yes |
| Ms. Spann | Absent | Mr. Ramos | Yes |
| Mayor Waters | Yes | Mr. Jimmy West | Yes |

The motion carried with Ten (10) affirmative votes; the minutes were approved as presented.

The Vice-Chairman called on Mr. Doug Wright, Air Pollution Control, to present the Board Order 25-011 Sinova Silicon 48-0046 PSD permit extension.

Mr. Wright presented Board Order 25-011, Sinova Silicon LLC. request to extend the expiration date of Prevention of Significant Deterioration (PSD) construction permit 979383.

The application was deemed complete on November 18, 2021. Because of funding issues caused by uncertainty related to tariff and trade issues, Sinova has requested an amendment to extend the expiration date. A great deal of progress has been made at the site. Construction has begun and 1000 deep foundation pilings have been installed. Site grading, landscaping, rail construction, TVA power line installation, and water tower installation are complete. Submerged arc furnace shells, electrical substation equipment, and overheard cranes have been delivered and are currently on-site. Industrial gas service is nearly complete. Based on the facts specified above, the Technical Secretary recommends that the Board extend the expiration date of this permit until October 31, 2026.Mr. Wright answered questions from the board, there were no questions from the public.

The Vice-Chairman requested a motion to approve the Sinova Silicon 48-0046 PSD permit extension, Board Order number 25-011. Mr. West made a motion to approve the Board Order and Mr. Etheridge seconded the motion. The Vice-Chair asked for a roll call and the response was as follows:

| | | | |
|---|---|---|---|
| Ms. Pedraza | Yes | Dr. Benitez | Yes |
| Dr. Etheridge | Yes | Dr. Fu | Absent |
| Mr. Haverstick | Yes | Dr. Hawkins | Absent |
| Ms. Roberts | Yes | Dr. Jia | Yes |
| Mayor Moore | Absent | Mr. Moore | Yes |
| Ms. Spann | Absent | Mr. Ramos | Yes |
| Mayor Waters | Yes | Mr. Jimmy West | Yes |

The motion carried with Ten (10) affirmative votes; Board Order 25-011 approved as presented.

The Vice-Chairman called on Ms. Emily Vann, Office of General Counsel, to discuss the Initial order granting Tennessee Department of Environment and Conservation's Motion to Dismiss SOCM's Permit Appeal (APC24-0246)

Ms. Vann presented, The Statewide Organizing for Community Empowerment (SOCM) filed a third-party permit appeal challenging TDEC's issuance of Permit 082337 to Tinsley Sand and Gravel LLC to construct/modify and operate air contaminant source(s). As part of its appeal, SOCM requested an order revoking and/or staying the permit during the contested

case proceeding and reopening the public comment period, including requiring TDEC to reply to public comments and hold a formal public hearing. TDEC filed a motion to dismiss, which Tinsley Sand and Gravel joined, arguing that because the permit at issue was a minor source permit, it was not obligated to hold a formal public meeting under the applicable rules, nor was it required to reopen the public notice period for a non-material change to the permit application.

Administrative Judge Leigh Thomas granted TDEC's motion to dismiss, finding: (1) the permit application was for a minor source permit and therefore subject to less rigorous notice and comment requirements; (2) Rule 1200-03-09-.01(1)(h) provides the notice requirements for minor source permits and only requires publishing an electronic notice on TDEC's website of the application, the general vicinity or location of the proposed source or modification, the type of source or modification, and an opportunity for public comment via U.S. mail or email; (3) it is not unusual for minor source permit applications to be revised up until issuance because of the technical nature of construction and operating a facility and changes to permits that do not impact the permittee's potential to emit are non-material changes; and (4) TDEC properly conducted a notice and comment period for the permit under the applicable law. Because TDEC complied with the rules and regulations concerning minor source permits, SOCM was not entitled to any relief sought through its appeal and therefore dismissal was appropriate.

The Vice-Chairman requested a motion to approve the Motion to Dismiss SOCM's Permit Appeal (APC24-0246). Mr. Etheridge made a motion to approve the Board Order and Mr. Moore seconded the motion. The Vice-Chair asked for a roll call and the response was as follows:

| | | | |
|---|---|---|---|
| Ms. Pedraza | Yes | Dr. Benitez | Yes |
| Dr. Etheridge | Yes | Dr. Fu | Absent |
| Mr. Haverstick | Yes | Dr. Hawkins | Absent |
| Ms. Roberts | Yes | Dr. Jia | Yes |
| Mayor Moore | Absent | Mr. Moore | Yes |
| Ms. Spann | Absent | Mr. Ramos | Yes |
| Mayor Waters | Yes | Mr. Jimmy West | Yes |

The motion carried with Ten (10) affirmative votes; APC24-0246 approved as presented.

The Vice-Chairman called on Ms. Michelle Oakes, Division of Air Pollution Control, to present PM NAAQS Designation Recommendations.

Ms. Oakes provided an overview of the PM NAAQS Designation recommendations. TDEC recommended attainment for all counties in Tennessee, assuming EPA approves EEDs in at-risk areas. The EPA will finalize area designations in February 2026. 2024 data certification is anticipated by May 2025. If an area still violates the NAAQS after data gaps are resolved, TDEC will evaluate attainment status using 5-factor analysis and may need to update recommendations.

There being no further business to discuss before the Board, nor members of the public wishing to address the Board, the meeting was adjourned at 10:34am.

_____
(Signed) Michelle Owenby, Technical Secretary
Tennessee Air Pollution Control Board

Approved at Nashville, Tennessee on

_____
(Signed) Mayor Larry Waters, Vice-Chairman
Tennessee Air Pollution Control Board

_____
(Signed) David Salyers, Chairman
Tennessee Air Pollution Control Board

Air Pollution Control Board Summary: Board Order 25-010 Hamilton County Major Source (Part 70) Affirmative Defense rule revisions

The Environmental Protection Agency (EPA) removed the “emergency” affirmative defense provisions from EPA’s Title V operating permit program regulations (88 FR 47029, Friday July 21, 2023). These provisions established an affirmative defense that sources could have asserted in enforcement cases brought for noncompliance with technology-based emission limitations in operating permits, provided that the exceedances occurred due to qualifying emergency circumstances. These provisions were removed as being inconsistent with the EPA’s interpretation of the enforcement structure of the Clean Air Act according to prior court decisions from the US Court of Appeals for the DC Circuit. To be consistent with the recent revisions to the federal regulations in 40 CFR 70, Hamilton County, and all included municipalities’ ordinances need to be revised to remove sections that corresponds to EPA’s final action of removing 40 CFR 70.6(g).

Additionally, a number of other revisions are being incorporated into this set of ordinance revisions:

- Removal of general “affirmative defense” provisions that apply to excess emissions during periods of startup, shutdown, and malfunction, as required by the EPA;
- Revision of a national ambient air quality standard;
- Incorporation by reference of the most current versions of federal regulations;
- Removal of an unnecessary provision for alternatively permitting equipment as a locally defined “minor pollution source”;
- Addition of a requirement for the Director to report confidentiality request determinations to the local Air Pollution Control Board;
- Update name of a national emission standard;
- Correction of two date errors; and
- Correction of an ordinance reference.

The effective dates of the adopted ordinances are as follows:

| | |
|---|---|
| City of Chattanooga Ordinance | October 29, 2024 |
| City of Collegedale Ordinance | November 4, 2024 |
| Town of Walden Ordinance | November 12, 2024 |
| City of East Ridge Ordinance | November 14, 2024 |
| City of Lakesite Ordinance | November 19, 2024 |
| City of Soddy-Daisy Ordinance | November 21, 2024 |
| Town of Lookout Mountain Ordinance | December 3, 2024 |

| | |
|---|---|
| City of Red Bank Ordinance | December 3, 2024 |
| Hamilton County Resolution | December 4, 2024 |
| Town of Signal Mountain Ordinance | December 9, 2024 |
| City of Ridgeside Ordinance | January 21, 2025 |

Ordinance revisions for the City of Chattanooga are contained in Attachment 1 of this Board Order. The ordinance revisions for the other municipalities and Hamilton County are the same except for the numbering systems and are included in Attachment 2. Two of the ordinance revisions are not requested for inclusion into the federal programs: sections 2 and 9. Section 2 includes fees and section 9 includes a plan that has not yet been delegated to Hamilton County.

A public notice was published on July 3, 2024 with a hearing held on August 22, 2024. The only comments received were two written comments from EPA. These comments have been addressed.

If approved by the Tennessee Air Pollution Control Board, these revisions will be submitted to EPA for incorporation into the Hamilton County Title V (Part 70) permitting program, NESHAP, NSPS and SIP regulations.

**STATE OF TENNESSEE**

**AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF

| | | |
|---|---|---|
| REGULATORY AMENDMENT TO HAMILTON COUNTY AND ALL INCLUDED MUNICIPALITIES | ) | |
| INCORPORATION OF REVISIONS TO PART 70 PERMIT PROGRAM, NESHAP, NSPS AND THE STATE IMPLEMETATION PLAN | ) | ORDER NO. 25-010 |

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on June 11, 2025.

On February 28, 2025, the Chattanooga Hamilton County Air Pollution Control Bureau (CHCAPCB) submitted notification to the Division of regulatory changes to the Major Source Operating Permit/Title V, NESHAP, NSPS and SIP ordinances in Hamilton County. The Chattanooga Hamilton County Air Pollution Control Bureau is requesting these ordinance changes be submitted to EPA, in part, as Hamilton County's response to EPA's removal of Title V emergency affirmative defense provisions from state operating permit programs and federal operating permit programs. Details of the revisions are contained in Attachment 1.

A public notice of the proposed ordinance changes was published on July 3, 2024 on the CHCAPCB's website.

Chattanooga Hamilton County Air Pollution Control Bureau is requesting the Board's approval of these revisions to Hamilton County's ordinances for submission to EPA.

The Division of Air Pollution Control has reviewed the changes to the language in the Hamilton County ordinances and finds them acceptable.

Following the Board's approval, Hamilton County and included municipalities portion of the Major Source Operating Permit/Title V, NESHAP, NSPS and SIP ordinances shall be amended, and the ordinance amendments outlined in Attachments 1 and 2 approved for submission to EPA.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on the 11th day of June, 2025.

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| _____ | _____ |

# ATTACHMENT 1

**Chattanooga-Hamilton County Air Pollution Control Bureau**

May 13, 2025

Michelle Walker Owenby, Technical Secretary
Tennessee Air Pollution Control Board
Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243

Re: State Implementation Plan (SIP) Revisions for Hamilton County, Tennessee, and all included municipalities within Hamilton County. (*This is a revision of my letter of February 28, 2025.*)

Dear Ms. Owenby:

On behalf of the Chattanooga-Hamilton County Air Pollution Control Board, I hereby submit regulatory revisions recently adopted by Hamilton County and all included municipalities for the State Air Board's approval and submission to the U.S. Environmental Protection Agency (EPA) for incorporation into the State of Tennessee's federally approved SIP.

The effective dates of the adopted ordinances/resolution are as follows:

| | |
|---|---|
| City of Chattanooga Ordinance | October 29, 2024 |
| City of Collegedale Ordinance | November 4, 2024 |
| Town of Walden Ordinance | November 12, 2024 |
| City of East Ridge Ordinance | November 14, 2024 |
| City of Lakesite Ordinance | November 19, 2024 |
| City of Soddy-Daisy Ordinance | November 21, 2024 |
| Town of Lookout Mountain Ordinance | December 3, 2024 |
| City of Red Bank Ordinance | December 3, 2024 |
| Hamilton County Resolution | December 4, 2024 |
| Town of Signal Mountain Ordinance | December 9, 2024 |
| City of Ridgeside Ordinance | January 21, 2025 |

CBL Center II • 2034 Hamilton Place Blvd., Suite 300 • Chattanooga, TN 37421-6127 • 423.643.5970 • *apcb.org*

The matters considered in the ordinance/resolutions for each of the jurisdictions are summarized as follows:

- Sections 1 and 2: Removal of an unnecessary provision for alternatively permitting equipment as a locally defined "minor pollution source"
- Sections 3, 4, and 7: Removal of general "affirmative defense" provisions that apply to excess emissions during periods of startup, shutdown, and malfunction, as recommended by the U.S. EPA
- Section 5: Addition of a requirement for the Director to report confidentiality request determinations to the Board
- Section 6: Correction of two date errors
- Sections 8, 9, 10, 11, 13, 17, 18, 19, 20, and 23: Incorporation by reference of the most current of various federal regulations
- Section 12: Update name of a national emission standard
- Sections 14 and 15: Revision of a national ambient air quality standard
- Section 16: Correction of an ordinance reference and clarification of wording
- Sections 21 and 22: Removal of "affirmative defense" provisions that apply to excess emissions from Part 70 sources during periods of startup, shutdown, and malfunction, as directed by the U.S. EPA

The federal programs that each of these sections address are as follows:

- SIP: Sections 1, 3–7, and 14–16
- New Source Performance Standard (NSPS): Section 8
- National Emission Standards for Hazardous Air Pollutants (NESHAP): Sections 10–13
- Title V (Part 70) Permit Program: Sections 17–23
- (Sections 2 and 9 should not be incorporated into any federal program as they are a part of the local ordinances/resolution only. Section 2 regards fees and Section 9 regards a federal plan that has not yet been delegated to Hamilton County.)

These proposed changes to the air pollution control regulations were the subject of a thirty (30)-day public comment period and a public hearing before the Chattanooga-Hamilton County Air Pollution Control Bureau. No adverse comments were received on the proposed revisions.

The following items are enclosed to document the adoption of the SIP revision submittal portions of the enclosed ordinances/resolution:

(1) Evidence of pre-hearing submission to the U.S. EPA and copy to TDEC;
(2) Copy of the Public Notice;
(3) Copy of the Chattanooga-Hamilton County Air Pollution Control Board minutes and transcript of the August 6, 2024, meeting approving the changes to the local regulations, ordinance, and an indication of when the ordinance/rule/etc. becomes effective (evidence of adoption and legal authority);
(4) Copy of the final ordinance revision rules to the Local Implementation Plan (LIP), including a redline version;
(5) Comments that the U.S. EPA and TDEC offered during the pre-hearing review, and our responses;
(6) Evidence of a public hearing being conducted, including date, attendees, and comments submitted;
(7) Email transmittal of the pre-hearing draft ordinance/regulation sent to the U.S. EPA, TDEC, local Tennessee programs, surrounding state programs, and the Chattanooga Regional Manufacturers Association;
(8) Certificate of Exemption from State Supervision of the Tennessee Air Quality Act, effective through June 30, 2026;
(9) Adopted ordinances/resolution from each of the eleven municipalities.

This is an official submittal of certain SIP revisions for the Hamilton County portion of the Tennessee federally-approved SIP, as well as additional local revisions submitted for your information and for the information of the U.S. EPA.

If you have any questions or need further information, please contact me at 423.643.5974.

Sincerely,

Ron Drumeller
Executive Director
Chattanooga-Hamilton County Air Pollution Control Bureau

Copy: Marc Corrigan, TDEC (w/o enclosures)
Dr. Michelle Oakes, TDEC (w/o enclosures)
Lynorae Benjamin, U.S. EPA, Region 4 (w/o enclosures)

**First Reading: October 22, 2024**
**Second Reading: October 29, 2024**

ORDINANCE NO. 14165

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS "THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.

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WHEREAS, it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS, local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS, the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Chattanooga and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chapter 4 of Part II of the Chattanooga City Code be amended as is hereafter set forth:

SECTION 1. That Chattanooga City Code, Part II, Chapter 4, Section 4-2, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Chattanooga City Code, Part II, Chapter 4, Section 4-8, is hereby amended so as to delete Section 4-8(d)(6) in its entirety.

SECTION 3. That Chattanooga City Code, Part II, Chapter 4, Section 4-12, is hereby amended so as to delete Section 4-12(c) in its entirety.

SECTION 4. That Chattanooga City Code, Part II, Chapter 4, Section 4-12, is hereby amended so as to delete Section 4-12(d) in its entirety.

SECTION 5. That Chattanooga City Code, Part II, Chapter 4, Section 4-19, is hereby amended so as to add the following Section 4-19(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 4-19.

SECTION 6. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides (NOX) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the NOX emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting NOX emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 3.2 in its entirety.

SECTION 8. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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|---|---|
| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |

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| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |

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| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |

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|---|---|
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |

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| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |

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| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 4 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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| 9.0 $\mu g/m^3$ |

SECTION 15. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Chattanooga City Code, Part II, Chapter 4, Section 4-52, is hereby amended so as to delete Section 4-52(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 4, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Chattanooga City Code, Part II, Chapter 4, Section 4-57, is hereby amended so as to delete Section 4-57(g) in its entirety.

SECTION 22. That Chattanooga City Code, Part II, Chapter 4, Section 4-65, is hereby amended so as to delete Section 4-65(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 4-4(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source,

including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Chattanooga City Code, Part II, Chapter 4, Section 4-68, is hereby amended so as to delete Section 4-68 in its entirety and substitute in lieu thereof the following:

**Sec. 4-68. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED, that Chattanooga City Code, Part II, Chapter 4, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED, that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED, that this Ordinance shall become effective within two (2) weeks from and after its passage.

Passed on second and final reading: October 29, 2024

CHAIRPERSON

APPROVED: ✓ DISAPPROVED: ____

MAYOR

PAN/mem/v3

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS "THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.

_____

WHEREAS it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Chattanooga and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chapter 4 of Part II of the Chattanooga City Code be amended as is hereafter set forth:

SECTION 1. That Chattanooga City Code, Part II, Chapter 4, Section 4-2, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

~~*Minor Pollution Source*: Any fuel-burning, refuse-burning or process equipment which, without control equipment, would emit less than one thousand (1,000) pounds per year and less than ten (10) pounds per day of air pollutants, and which can otherwise be operated in compliance with this chapter; provided, that this definition shall not be applicable to sources of hazardous air pollutant emissions.~~

SECTION 2. That Chattanooga City Code, Part II, Chapter 4, Section 4-8, is hereby amended so as to delete Section 4-8(d)(6) in its entirety and substitute in lieu thereof the following:

(6) ~~Any equipment which can be classified as a minor pollution source and which is not subject to subsection 4-8(e) "Construction or modification permit," shall be exempted from the requirements of subsection 4-8(a) and subsection 4-8(b) but must have a certificate of operation. No person shall operate any such equipment until an application for a certificate of operation, together with plans and specifications of the equipment, has been filed by such person and a certificate of operation has been issued by the director. An annual fee of one hundred fifty-five dollars ($155.00) shall be assessed for the issuance of a certificate of operation upon such equipment.~~**(Reserved)**

SECTION 3. That Chattanooga City Code, Part II, Chapter 4, Section 4-12, is hereby amended so as to delete Section 4-12(c) in its entirety and substitute in lieu thereof the following:

(c) ~~*Report required to preclude the issuance of a notice of violation.*~~**(Reserved)**

~~(1) When emissions in excess of any applicable provision of this chapter or of any installation permit or certificate of operation issued thereunder occur from any air pollutant source subject to this chapter, a notice of violation shall automatically be issued, unless the source owner or operator in the written report required by section 4-12(e) presents, within the deadlines stated in section 4-12(e), adequate justification for not issuing a notice except for visible emission levels included as a startup or shutdown permit condition under Section 4-41, Rule 3.2.~~

~~[*Formerly 4-12(g)(1); T.A.R. 1200-3-20-.06*]~~

~~(2) Failure to submit this report within the seven (7) day period specified in section 4-12(e)(2) shall preclude the admissibility of the report for consideration as an affirmative defense of malfunction for any operation, failure to operate, start-up,~~

~~or shutdown resulting in emissions in excess of any applicable provision of this chapter or of any installation permit or certificate of operation issued thereunder.~~

~~[*Formerly 4-12(g)(3); T.A.R. 1200-3-20-.06*]~~

SECTION 4. That Chattanooga City Code, Part II, Chapter 4, Section 4-12, is hereby amended so as to delete Section 4-12(d) in its entirety and substitute in lieu thereof the following:

(d) ~~*Effect of a malfunction.* A malfunction constitutes an affirmative defense to an action brought for noncompliance with any emission limitations if the conditions of section 4-12 are met. The affirmative defense of malfunction shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:~~**(Reserved)**

~~(1) A malfunction occurred requiring emergency measures and that the source can identify the probable cause(s) of the malfunction. The probable cause identified by the source must be supported by a credible investigation into the incident that seeks to identify the causes and results in an explanation supported by generally accepted engineering or scientific principles:~~

~~(2) The source was, at the time of onset, being properly operated. In determining whether or not a source was being properly operated, the director or board may examine the source's written standard operating procedures which were in effect at the time of the noncompliance and any other code that would be relevant to preventing the noncompliance. The source's failure to follow recognized standards of practice to the extent that adherence to such a standard would have prevented noncompliance will disqualify the source from any affirmative defense of malfunction;~~

~~(3) During the period of the malfunction the source took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the installation permit or certificate of operation; and~~

~~(4) The source submitted the notices of the malfunction required in section 4-12 to the director by the deadlines set forth in section 4-12(e). [Modeled on 40 CFR 70.6(g)(3)]~~

SECTION 5. That Chattanooga City Code, Part II, Chapter 4, Section 4-19, is hereby amended so as to add the following Section 4-19(d):

**(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 4-19.**

SECTION 6. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides **($NO_X$)** in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007**,** the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May ~~3~~1, 2007**,** through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May ~~3~~1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* ~~Consistent with requirements of section 4-12 of this Code, due allowance may be made for visible emissions in excess of that permitted in this rule which are necessary or unavoidable due to routine start-up and shutdown conditions provided the owner or operator shall maintain a continuous, current log of all start-up and shutdown conditions showing a time at which such conditions began and ended and that such record shall be available to the director or his representative upon request.~~**(Reserved)**

SECTION 8. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, **AA,** AAa, BB, BBa, CC, DD, EE, GG, HH, KK, **KKa,** LL, MM, **MMa,** NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, **TTTa,** UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 202~~1~~**3**) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |

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| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| **Subpart AA –** | **Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983** |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |

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| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants **for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022** |
| **Subpart KKa –** | **Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022** |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations **for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022** |
| **Subpart MMa –** | **Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022** |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |

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| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| **Subpart TTTa –** | **Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022** |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills **That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014** |

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| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas ~~Production, Transmission and Distribution~~ **Facilities** for which Construction, Modification**,** or Reconstruction Commenced ~~a~~**A**fter August 23, 2011, and on or ~~b~~**B**efore September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |

Appendix I – Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60

SECTION 9. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 202~~1~~3) is hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 202~~1~~3) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN,

PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 202~~1~~**3**) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – ~~Mercury Emissions From~~ Mercury Cell Chlor-Alkali Plants

SECTION 13. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 202~~1~~**3**) is hereby incorporated by reference in Chapter 4 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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|---|
| ~~12~~**9**.0 µg/$m^3$ |

SECTION 15. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed ~~12~~**9**.0 µg/$m^3$ for the primary standard and 15.0 µg/$m^3$ for the secondary standard.

SECTION 16. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2)~~(a)~~. Before a new or revised emission limitation **is established** that is based on ~~good engineering practice~~ **a GEP** stack height **that** exceeds the height allowed by Rule 22.2(3)~~(~~a~~)~~**.** or ~~(~~b~~)~~**.**, the Director must notify the public of the availability of the **applicable** demonstration study **that is specified by Rule 22.2(3)c.** and must provide opportunity for **a** public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Chattanooga City Code, Part II, Chapter 4, Section 4-52, is hereby amended so as to delete Section 4-52(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 202~~1~~**3**), which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 202~~1~~**3**), which are also incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 202~~1~~3), which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 202~~1~~3), the requirements of which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 4, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 202~~1~~3), the requirements of which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Chattanooga City Code, Part II, Chapter 4, Section 4-57, is hereby amended so as to delete Section 4-57(g) in its entirety and substitute in lieu thereof the following:

(g) ~~*Emergency provision.*~~**(Reserved)**

~~(1) *Definition*. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.~~

~~(2) *Effect of an emergency*. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph (g)(3) of this section are met, unless an ambient air violation occurs as a result of the emergency.~~

~~(3) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:~~

~~(i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;~~

~~(ii) The permitted facility was at the time being properly operated;~~

~~(iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and~~

~~(iv) The permittee submitted notice of the emergency to the permitting authority within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph (a)(3)(iii)(B) of this section. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.~~

~~(4) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.~~

~~(5) This provision is in addition to any emergency or upset provision contained in any applicable requirement.~~

SECTION 22. That Chattanooga City Code, Part II, Chapter 4, Section 4-65, is hereby amended so as to delete Section 4-65(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. ~~Where an affirmative defense of emergency is not established, t~~**T**he Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at ~~§~~ **Section** 4-4(e) of ~~the Chattanooga Air Pollution Control~~ **this** ~~O~~**o**rdinance. **An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.**

SECTION 23. That Chattanooga City Code, Part II, Chapter 4, Section 4-68, is hereby amended so as to delete Section 4-68 in its entirety and substitute in lieu thereof the following:

**Sec. 4-68. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 202~~1~~**3**):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 202~~1~~3);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 202~~1~~3):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 202~~1~~**3**);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 202~~1~~**3**);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 202~~1~~**3**);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 202~~1~~**3**):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 202~~1~~**3**);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 202~~1~~**3**):

(1) Subpart D "*Design Criteria*," § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the

Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 4, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall become effective within two (2) weeks from and after its passage.

PASSED on second and final reading: xxxx xx, 2024

S/_____
CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2024

S/_____
MAYOR

# Notice of Public Comment Period and Public Hearing for Proposed Regulation and Ordinance Revisions

Notice is hereby given that the Chattanooga-Hamilton County Air Pollution Control Board will receive public comments upon proposed revisions to the following regulations:

- The Hamilton County Air Pollution Control Regulation,
- The Chattanooga Air Pollution Control Ordinance,
- The Collegedale Air Pollution Control Ordinance,
- The East Ridge Air Pollution Control Ordinance,
- The Lakesite Air Pollution Control Ordinance,
- The Lookout Mountain Air Pollution Control Ordinance,
- The Red Bank Air Pollution Control Ordinance,
- The Ridgeside Air Pollution Control Ordinance,
- The Signal Mountain Air Pollution Control Ordinance,
- The Soddy-Daisy Air Pollution Control Ordinance, and
- The Walden Air Pollution Control Ordinance.

The proposed revisions will be incorporated into the Tennessee State Implementation Plan for the attainment and maintenance of air quality. The matters that are the being considered by the revisions consist of the following:

- Removal of "affirmative defense" provisions that apply to excess emissions from Part 70 sources during periods of startup, shutdown, and malfunction, as directed by the U.S. EPA;
- Removal of general "affirmative defense" provisions that apply to excess emissions during periods of startup, shutdown, and malfunction, as recommended by the U.S. EPA;
- Revision of a national ambient air quality standard;
- Incorporation by reference of the most current of various federal regulations;
- Removal of an unnecessary provision for alternatively permitting equipment as a locally defined "minor pollution source";
- Addition of a requirement for the Director to report confidentiality request determinations to the Board;
- Update name of a national emission standard;
- Correction of two date errors; and
- Correction of an ordinance reference.

Questions may be directed to Alan Frazier, Bureau Engineering Manager, at 423.643.5978. Materials concerning the proposed revisions may be inspected in person or online beginning at 4:30 p.m. EDT, Wednesday, July 3, 2024.

In Person:
Chattanooga-Hamilton County Air Pollution Control Bureau
CBL Center II
2034 Hamilton Place Blvd., Suite 300
Chattanooga, TN 37421-6127

- Online: apcb.org/public-notice-announcements

A public hearing concerning the proposed revisions will be held at 9:00 a.m. EDT, Thursday, August 22, 2024, at the Bureau office located at the above address. Any person desiring to present comments at the hearing should be prepared to offer a written statement to be incorporated into the hearing record. Written comments not presented at the hearing will also be considered part of the record if they are mailed or delivered to the Bureau Executive Director at the above address and are received by the time of the hearing.
Furthermore, the federal regulations that are to be incorporated by reference will be available for public review, pursuant to Tennessee Code Annotated Sections 68-201-115 and 10-7-121, at the Hamilton County Clerk's office, 625 Georgia Avenue, Room 201, Chattanooga, TN, between 8:00 a.m. and 4:30 p.m. EDT, Monday through Friday, beginning on Wednesday, July 3, 2024.

Documentation:

2025 Draft Chattanooga Ordinance Revision

2025 Draft Redlined Chattanooga Ordinance Revision

2025 Draft Ordinance Revision Summary

Contact Us

CBL Center II
2034 Hamilton Place Blvd.,
Suite 300
Chattanooga, TN 37421

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Burning Ban
Burning Permits
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Public Hearing
Chattanooga-Hamilton County
Air Pollution Control Bureau
2034 Hamilton Place Blvd., Suite 300
Chattanooga, Tennessee 37421
9:00 A.M.

August 22, 2024

Opening Statement for Hearing

I would like to call this hearing to order. It is 9:00 a.m. August 22, 2024. My name is Ron Drumeller. I'm the Executive Director with the Chattanooga-Hamilton County Air Pollution Control Bureau and I'm the Hearing Officer for this meeting. This hearing is being held under the authority of the Chattanooga-Hamilton County Air Pollution Control Board. This hearing is being held in Conference Room #1 at 2034 Hamilton Place Blvd., Suite 300, Chattanooga, Tennessee.

***This public hearing has been called to consider the following:***

Notice is hereby given that the Chattanooga-Hamilton County Air Pollution Control Bureau (Bureau) is revising and updating the Air Pollution Control Ordinance and Regulations for Hamilton County, Tennessee, and all included municipalities which will include revisions to the Hamilton County portion of the Tennessee State Implementation Plan ("SIP") for the attainment and maintenance of air quality. The matters being considered consist of:

- Removal of “affirmative defense” provisions that apply to excess emissions from Part 70 sources during periods of startup, shutdown, and malfunction, as directed by the U.S. EPA;
- Removal of general “affirmative defense” provisions that apply to excess emissions during periods of startup, shutdown, and malfunction, as recommended by the U.S. EPA;
- Revision of a national ambient air quality standard;
- Incorporation by reference of the most current of various federal regulations;
- Removal of an unnecessary provision for alternatively permitting equipment as a locally defined “minor pollution source”;
- Addition of a requirement for the Director to report confidentiality request determinations to the Board;
- Update name of a national emission standard;
- Correction of two date errors; and
- Correction of an ordinance reference.

This hearing is a requirement of the Uniform Administrative Procedures Act, and the Federal Clean Air Act. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201.

I want to emphasize (1) that we are not here to debate any testimony presented, but to listen and only answer questions for clarification and (2) that written statements or transcripts of comments are requested and will be considered as a part of this record if received in the office of the Executive Director, Chattanooga-Hamilton County Air Pollution Control Bureau, 2034 Hamilton Place Blvd., Suite 300, Chattanooga, TN. 37421 by close of business Friday, August 30, 2024.

Materials concerning the proposed actions were available at http://apcb.org/public-notice-announcements

and also for public inspection during normal working hours at, the office of County Clerk.

A copy of these notices will be made a permanent part of the record.

The proceedings of this hearing are being recorded and copies of the hearing record will be available for the cost of reproduction. Requests for such copies should be sent to the Executive Director at the previously mentioned address.

Compilers of the testimony presented at this hearing reserve the right to include extensive or bulky testimony by reference only.

Verbal or written testimony, either for or against matters under discussion, may be presented at this hearing.

Is there any one here who would like to make an oral comment?

Comments **Let the Record show that there were no oral comments**

As there anyone here who would like to make an oral comment for the hearing record, I declare this hearing in recess until 10:00 a.m.

It is 10:00 a.m., the recess is ended. The public hearing will come to order.

Is there anyone else here who would like to make an oral comment for the hearing record?

Comments **Let the Record show that there were no oral comments**

Written statements not presented at the hearings will only be considered part of the records if received by 4:30 p.m. Friday, August 30, 2024, at the office of the Executive Director, Chattanooga-Hamilton County Air Pollution Control Bureau, 2034 Hamilton Place Blvd., Suite 300, Chattanooga, TN. 37421
Since there is no one present to make an oral comment for the hearing record, the hearing is adjourned.

Hearing Completed August 22, 2024 – Hearing Officer – Ron Drumeller

February 28, 2025

Michelle Walker Owenby, Technical Secretary
Tennessee Air Pollution Control Board
Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243

RE: Response to comments from U.S. EPA Region 4 concerning State Implementation Plan (SIP) revisions for Hamilton County, Tennessee, and all included municipalities within Hamilton County

Dear Ms. Owenby:

The U.S. EPA Region 4 submitted two general comments to our agency concerning proposed revisions to the Chattanooga Air Pollution Control Ordinance by way of a letter dated August 1, 2024. This letter is enclosed. The first comment was a request for a summary of the purpose of each revision. The second comment was a request for all previous revisions since April 25, 1996.

Our agency responded to these comments by email on August 2, 2024, in which all of the requested information was attached. In response to the first comment, we included both a "clean" and a "redlined" copy of the proposed revisions and a summary of the revisions. In response to the second comment, we included all nineteen ordinance revisions that were made from September 28, 1994, through June 27, 2023. The EPA was satisfied with our responses and had no further comments.

Sincerely,

Ron Drumeller

Executive Director

Chattanooga-Hamilton County APCB

Enclosure

Copy: Marc Corrigan, TDEC
Lynorae Benjamin, Region 4, USEPA
Dr. Michelle Oakes

REGION 4
ATLANTA, GA 30303

August 1, 2024

Amber Boles, Director
Chattanooga-Hamilton County
Air Pollution Control Bureau
CBL Center II
2034 Hamilton Place Blvd., Suite 300
Chattanooga, TN 37421-6127

Dear Ms. Boles:

Thank you for your letter dated July 2, 2024, transmitting a prehearing package regarding the Chattanooga Air Pollution Control Ordinance revision removing "affirmative defense" provisions from the Chattanooga portion of the Tennessee state implementation plan (SIP). These provisions apply to excess emissions during periods of startup, shutdown, and malfunction. This SIP revision is the subject of a public hearing scheduled for August 5, 2024, with written comments due by the close of business on August 5, 2024. The EPA has completed its review and offers comments in the enclosure.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Twunjala Bradley, Acting Manager, Air Regulatory Management Section at 404-562-9352, or have your staff contact Mr. Josue Ortiz at (404) 562-8085.

Sincerely,

JANE SPANN Digitally signed by JANE SPANN Date: 2024.08.01 17:07:41 -04'00'

Jane Spann
Acting Branch Manager
Air Planning and Implementation Branch

cc: Alan Frazier, Engineering Manager
Ron Drumeller, Executive Director Chattanooga-Hamilton County

**The U.S. Environmental Protection Agency Preliminary Comments on the Pre-hearing regarding 2024 Proposed Revision to the Chattanooga Air Pollution Control Ordinance**

**General Comments**

1. The EPA recommends Chattanooga provide additional details that explain the purpose of each proposed regulatory change.

2. For a comprehensive Title V program update, the EPA recommends that the final SIP submittal for approval into Chattanooga-Hamilton County's Title V program, include a compilation of previous revisions established at the local level since the original program approval effective date of April 25, 1996 (including the revisions respecting this current prehearing). See Appendix A to part 70.

CHATTANOOGA-HAMILTON COUNTY

AIR POLLUTION CONTROL BOARD

CBL CENTER II

2034 Hamilton Place Blvd., Suite 300

Tuesday, August 6, 2024

5:00 p.m.

ATTENDANCE:

AIR POLLUTION CONTROL BOARD

| | |
|---|---|
| Colleen Russell | Dawn Ford |
| Shea Cofer | Val De Olloqui |
| Mark Harrison | Dr. John Tucker, via phone |
| Chairman Steve Meyer | Sandra Koss |

AIR POLLUTION CONTROL BUREAU

| | |
|---|---|
| Director Ron Drumeller | Alan Frazier |
| Amber Boles | Jack Benson, Jr., Esq. |

Also Present: Beth Ann Pell, Court Reporter
Michelle Reyes
Brandon Segari

* * * * * * * * * * * * * * * * * * *

CHAIRMAN MEYER: We'll follow through on that, that motion.

Okay. First item on the agenda is the ordinance revisions. And I'm going to yield the ordinance revisions to our chairman -- or Executive Director Ron.

How about talk to us about these ordinance revisions?

MR. DRUMELLER: Okay. So good evening, Mr. Chairman and Board members. Today the Bureau is asking the Board to consider proposed revisions to the air pollution control regulations throughout Hamilton County. I know we had one of these last year, and this one is a lot less this time, so I'll just run through it.

The Air Pollution Control Board has responsibility of recommending changes in the air pollution control regulations to the various legislative bodies in the County. The proposed changes to the air pollution control regulations, which are one of the subjects in today's hearing, were the subject of a required public day comment period of at least 30 days. The comment period began July 2nd, 2024, and will end on August 21st, 2024.

Publication was made on the Bureau's website at www.apcb.org. A public hearing on these proposed changes will be held on August 22nd, 2024 at the Bureau offices. No written or oral comments on these proposed changes have been received thus far, and are not anticipated.

General emails with considerations and support from Region 4, U.S. EPA, and Tennessee Department -- Division of Environmental Conservation -- rather TDEC, were all addressed.

The State of Tennessee requires that the air pollution control rules within all of Hamilton County be no less stringent than the State rules. Many of these rules have their origin as federal rules promulgated by the U.S. EPA. They are commonly adopted by reference by state and local juris -- jurisdictions, excuse me, to ensure national uniformity of rules and streamlining of state and local regulations since many of them are extremely lengthy. The State recently updated the rules and is requiring that our local rules be updated in order to be no less stringent than the State rules.

So the proposed changes to the regulations include:

Removal of affirmative defense

provisions that apply to excess emissions from Part 70 sources during periods of startup, shutdown, and malfunction as directed by the U.S. EPA; removal of general affirmative defense provisions that apply to excess emissions during periods of startup, shutdown, and malfunction as recommended by the U.S. EPA; revision of national ambient air quality standard; incorporation by reference of the most current of various federal regulations; removal of unnecessary provision, or alternatively, permitting equipment as locally defined -- minor pollution source; addition of a requirement for the Director to report confidentiality request determinations to the Board; update name of a national emission standard; correction of two date errors, and correction of an ordinance preference.

Based upon the foregoing, the Bureau is recommending to the Board that the Board recommend to the various jurisdictions within Hamilton County that these provisions be adopted by each of them as presented.

If we do -- if we do receive comments at the August 22nd public hearing, the Bureau will address those comments.

CHAIRMAN MEYER: I'll -- I'll entertain

a motion to accept the ordinance revisions -- or I'll entertain a motion to accept the ordinance revisions as presented by Executive Director Drumeller.

Is there a motion to accept the ordinance revisions?

MS. RUSSELL: So moved.

CHAIRMAN MEYER: By Colleen Russell.

Is there a second?

MR. COFER: Second.

CHAIRMAN MEYER: Second by Shea Cofer.

I want to open it up for discussion. Are there --

I have a question -- is what precipitated this, Ron?

MR. DRUMELLER: The EPA required that all Part 70 sources remove the affirmative defense provisions based on the Sierra Club taking the EPA to court. So before, up to this day, until it's changed in our ordinance, the Part 70 sources -- and let me know if I get this wrong, Alan, because I'm just more of a layman's term, that facilities that had emissions during startup, shutdown, and malfunction, basically had a get out free jail card --

CHAIRMAN MEYER: Oh.

MR. DRUMELLER: -- and so the Sierra

Club didn't really like that. So now, that's changed, and removing those out of the permits, but we still have a discretion to apply either way --

CHAIRMAN MEYER: Okay.

MR. DRUMELLER: -- depending on the, the determination to correct what's happening at the facility.

So there you go. Did I say that...

MR. FRAZIER: That's right.

CHAIRMAN MEYER: So did this come down as an EPA directive?

MR. DRUMELLER: Yes.

CHAIRMAN MEYER: So you received correspondence from EPA.

MR. DRUMELLER: Believe me, we just did this, and it took over a year, these ordinance revisions.

CHAIRMAN MEYER: Okay.

MR. DRUMELLER: So I'm not looking for ways to keep doing ordinance revisions.

CHAIRMAN MEYER: I was -- I was wondering.

MR. DRUMELLER: So when, when the EPA came to us -- or actually everybody on the phone call, it was like: Oh, Alan. We got to do another ordinance

revision.

CHAIRMAN MEYER: Yeah.

MR. DRUMELLER: And because, really, there's only, I think, one other local agency that has to go through the, the hoops that we do. I think Memphis has to do this as far as going on all the city council meetings and the presenting and getting approvals -- because everybody else is tied to public health department, and so they can quickly get changes done --

CHAIRMAN MEYER: Really?

MR. DRUMELLER: Yeah. So that's the main purpose of the ordinance revision this time is --

CHAIRMAN MEYER: Okay.

MR. DRUMELLER: -- giving notice.

And then, while we were in it, Alan found some little housekeeping things that needed to be changed anyways that were missed last time.

CHAIRMAN MEYER: Now, the State Board, did they have to do the same thing with their ordinances?

MR. DRUMELLER: Yes. Everybody.

CHAIRMAN MEYER: Okay. All right.

MR. DRUMELLER: Yeah.

CHAIRMAN MEYER: Any other questions of

Director Ron?

Going once. Going twice.

All in favor say aye.

(Unanimous response by the Board.)

CHAIRMAN MEYER: Opposed?

(No response by the Board.)

CHAIRMAN MEYER: The motion is passed.

* * * * * * * * * * * * * * * * * * *

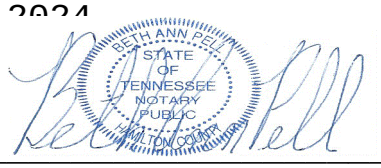
REPORTER'S CERTIFICATE

STATE OF TENNESSEE )
COUNTY OF HAMILTON )

I, Beth Ann Pell, Court Reporter and Notary Public, do hereby certify that I reported in machine shorthand the above-styled cause; that the foregoing pages, numbered 1 through 9 inclusive, were typed under my personal supervision and constitute a true record of said excerpted proceeding.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney of counsel connected with the action, nor financially interested in the outcome of the action.

Witness my hand in the City of Chattanooga, County of Hamilton, State of Tennessee, this 20th day of August, 2024.




BETH ANN PELL, LCR # 267
Court Reporter and Notary Public
My Commission Expires: 10/12/2025

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**Hamilton County Implementation of Affirmative Defense Provisions**

The Chattanooga-Hamilton County Air Pollution Control Bureau *has already removed* "affirmative defense" provisions from the Part 70 (Title V) permits for the following five (5) major-source facilities when the permits were last renewed:

1.) Astec Industries, Inc.

2.) Porter Warner Industries, LLC

3.) Signal Mountain Cement Company d/b/a Buzzi Unicem USA

4.) Sofix Corporation

5.) Sonoco Products Company

The Part 70 permits are currently in the process of being renewed for the remaining four (4) major-source facilities in our jurisdiction, which are as follows:

1.) Chattem Chemicals, Inc.

2.) City of Chattanooga Birchwood Landfill

3.) Mueller Co. LLC

4.) Volkswagen Group of America Chattanooga Operations, LLC

Affirmative defense provisions have been removed from the draft renewal permits for all four of these facilities, and these permits are all scheduled to be renewed by **September 30, 2025**.

Attachment 2

City of Collegedale

**ORDINANCE #1149**

**AN ORDINANCE TO AMEND COLLEGEDALE MUNICIPAL CODE, TITLE 14, CHAPTER 3, WHICH CHAPTER IS KNOWN AS "THE COLLEGEDALE AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.**

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**WHEREAS** it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

**WHEREAS** local regulation of air quality is the most efficient means toward that end; and

**WHEREAS,** in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

**WHEREAS** the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Collegedale and to insure maintaining the local Certificate of Exemption;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGEDALE, TENNESSEE**, that Chapter 3 of Title 14 of the Collegedale Municipal Code be amended as is hereafter set forth:

SECTION 1. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-302, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-308, is hereby amended so as to delete Section 14-308(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-312, is hereby amended so as to delete Section 14-312(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-312, is hereby amended so as to delete Section 14-312(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-319, is hereby amended so as to add the following Section 14-319(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 14-319.

SECTION 6. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as

requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

| | |
|---|---|
| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |

| | |
|---|---|
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |

| | |
|---|---|
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |

| | |
|---|---|
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |

| | |
|---|---|
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of

July 1, 2023) is hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 3 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

| |
|---|
| 9.0 $\mu g/m^3$ |

SECTION 15. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-352, is hereby amended so as to delete Section 14-352(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-353, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-353, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-353, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 3, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-357, is hereby amended so as to delete Section 14-357(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-365, is hereby amended so as to delete Section 14-365(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 14-304(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Collegedale Municipal Code, Title 14, Chapter 3, Section 14-368, is hereby amended so as to delete Section 14-368 in its entirety and substitute in lieu thereof the following:

**Sec. 14-368. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10\text{-}2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Collegedale Municipal Code, Title 14, Chapter 3, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall become effective within two (2) weeks from and after its passage.

Passed first reading 10/21/2024
Votes for 5 Votes against 0

Passed second reading 11/4/2024
Votes for 5 Votes against 0

**Mayor**

**Attest: City Recorder**

Approved as to form

**City Attorney**

City of East Ridge

# ORDINANCE NO. 1211

**AN ORDINANCE OF THE EAST RIDGE CITY COUNCIL TO AMEND EAST RIDGE MUNICIPAL CODE, TITLE 20, CHAPTER 2, WHICH CHAPTER IS KNOWN AS "THE EAST RIDGE AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS**

**WHEREAS** it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

**WHEREAS** local regulation of air quality is the most efficient means toward that end; and

**WHEREAS,** in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

**WHEREAS** the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of East Ridge and to insure maintaining the local Certificate of Exemption;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE**, that Chapter 2 of Title 20 of the East Ridge Municipal Code be amended as is hereafter set forth:

SECTION 1. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-202, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-208, is hereby amended so as to delete Section 20-208(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-212, is hereby amended so as to delete Section 20-212(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-212, is hereby amended so as to delete Section 20-212(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-219, is hereby amended so as to add the following Section 20-219(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 20-219.

SECTION 6. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB,

BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |

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| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |

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| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |

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| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |

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| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN,

OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 2 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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|---|
| 9.0 $\mu g/m^3$ |

SECTION 15. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> [3] To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-241, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-252, is hereby amended so as to delete Section 20-252(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 2 as requirements of this

municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-253, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-253, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-253, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 2, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are

incorporated herein by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-257, is hereby amended so as to delete Section 20-257(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-265, is hereby amended so as to delete Section 20-265(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 20-204(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That East Ridge Municipal Code, Title 20, Chapter 2, Section 20-268, is hereby amended so as to delete Section 20-268 in its entirety and substitute in lieu thereof the following:

**Sec. 20-268. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 2 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria,*" and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that East Ridge Municipal Code, Title 20, Chapter 2, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the

validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER AND FINALLY ORDAINED, that this Ordinance shall take effect immediately after its passage, the public welfare of the City requiring it.

Approved on first reading October 24, 2024

Approved on second reading November 14, 2024

Brian W. Williams, Mayor

ATTEST:

J. Scott Miller, City Manager

APPROVED AS TO FORM:

Mark W. Litchford, City Attorney

City of Lakesite

**ORDINANCE NO. 314**

AN ORDINANCE TO AMEND LAKESITE MUNICIPAL CODE, TITLE 14, CHAPTER 3, WHICH CHAPTER IS KNOWN AS "THE LAKESITE AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.

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WHEREAS it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Lakesite and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKESITE, TENNESSEE, that Chapter 3 of Title 14 of the Lakesite Municipal Code be amended as is hereafter set forth:

SECTION 1. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-302, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-308, is hereby amended so as to delete Section 14-308(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-312, is hereby amended so as to delete Section 14-312(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-312, is hereby amended so as to delete Section 14-312(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-319, is hereby amended so as to add the following Section 14-319(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 14-319.

SECTION 6. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides **($NO_X$)** in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007 the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007 through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, **AA,** AAa, BB, BBa, CC, DD, EE, GG, HH, KK, **KKa,** LL, MM, **MMa,** NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, **TTTa,** UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |

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| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |

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| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |

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| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |

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| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |

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| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV,

WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 3 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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| 9.0 $\mu g/m^3$ |

SECTION 15. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> [3] To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-341, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3) a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3) c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-352, is hereby amended so as to delete Section 14-352(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40

CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-353, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-353, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-353, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 3, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-357, is hereby amended so as to delete Section 14-357(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-365, is hereby amended so as to delete Section 14-365(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 14-304(e) of this Ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Lakesite Municipal Code, Title 14, Chapter 3, Section 14-368, is hereby amended so as to delete Section 14-368 in its entirety and substitute in lieu thereof the following:

**Sec. 14-368. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Lakesite Municipal Code, Title 14, Chapter 3, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall become effective within two (2) weeks from and after its passage.

Passed on First Reading 10-15-2024

Passed on Second and Final Reading 11-19-2024

Approved as to form

Sam Elliott
City Attorney

Mayor David Howell
City of Lakesite

Jodi P. LaCroix, CMC
City Clerk/ Recorder

City of Lookout Mountain

ORDINANCE NO. 234

AN ORDINANCE TO AMEND LOOKOUT MOUNTAIN MUNICIPAL CODE, TITLE 20, CHAPTER 1, WHICH CHAPTER IS KNOWN AS "THE LOOKOUT MOUNTAIN AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.

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WHEREAS it is the declared public policy of this town to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Lookout Mountain and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOOKOUT MOUNTAIN, TENNESSEE, that Chapter 1 of Title 20 of the Lookout Mountain Municipal Code be amended as is hereafter set forth:

SECTION 1. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-102a, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-108, is hereby amended so as to delete Section 20-108(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-119, is hereby amended so as to add the following Section 20-119(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 20-119.

SECTION 6. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |

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| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |

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| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |

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| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |

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| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ,

LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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| 9.0 $\mu g/m^3$ |

SECTION 15. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-152, is hereby amended so as to delete Section 20-152(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions

of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 1, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference

in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-157, is hereby amended so as to delete Section 20-157(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-165, is hereby amended so as to delete Section 20-165(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 20-104(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Lookout Mountain Municipal Code, Title 20, Chapter 1, Section 20-168, is hereby amended so as to delete Section 20-168 in its entirety and substitute in lieu thereof the following:

**Sec. 20-168. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria,*" and

(2) Subpart F "*Closure and Post-Closure Care,*" § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Lookout Mountain Municipal Code, Title 20, Chapter 1, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity

of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall become effective within two (2) weeks from and after its passage.

PASSED on second and final reading: 12/3/2024

S/_____
CHAIRPERSON

APPROVED: X DISAPPROVED: _____

DATE: 12/3/24, 2024

S/ Walter L Jones
MAYOR

City of Red Bank

**ORDINANCE NO. 24-1268**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE TO AMEND RED BANK MUNICIPAL CODE, TITLE 20, CHAPTER 1, WHICH CHAPTER IS KNOWN AS "THE RED BANK AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS**

**WHEREAS**, it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

**WHEREAS**, local regulation of air quality is the most efficient means toward that end; and

**WHEREAS,** in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary for the City of Red Bank to adopt regulations no less stringent than state standards as have all municipalities within, together with Hamilton County; and

**WHEREAS,** the adoption of these amendments is required for the continued protection of the health, safety, and welfare of the citizens of Red Bank and to insure maintaining the local Certificate of Exemption;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RED BANK, TENNESSEE,** that Chapter 1 of Title 20 of the Red Bank Municipal Code be amended as is hereafter set forth:

SECTION 1. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-102, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-108, is hereby amended so as to delete Section 20-108(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-119, is hereby amended so as to add the following Section 20-119(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 20-119.

SECTION 6. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |

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| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |

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| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |

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| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |

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| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

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| Subpart IIIII – | Mercury Cell Chlor-Alkali Plants |

SECTION 13. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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| 9.0 $\mu g/m^3$ |

SECTION 15. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-152, is hereby amended so as to delete Section 20-152(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 1, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-157, is hereby amended so as to delete Section 20-157(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-165, is hereby amended so as to delete Section 20-165(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 20-104(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Red Bank Municipal Code, Title 20, Chapter 1, Section 20-168, is hereby amended so as to delete Section 20-168 in its entirety and substitute in lieu thereof the following:

**Sec. 20-168. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Red Bank Municipal Code, Title 20, Chapter 1, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall become effective within two (2) weeks from and after its passage.

Stefanie Dalton 12/6/24
Mayor Stefanie Dalton (date)

12/04/24
Assistant City Recorder Summer Sheldon (date)

___November 19, 2024_____
PASSED ON FIRST READING

___December 3, 2024_____
PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

City Attorney Arnold Stulce, Jr.

City of Ridgeside

ORDINANCE NO. 2024-02

AN ORDINANCE TO AMEND RIDGESIDE MUNICIPAL CODE, TITLE 20, CHAPTER 1, WHICH CHAPTER IS KNOWN AS "THE RIDGESIDE AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.

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WHEREAS it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Ridgeside and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGESIDE, TENNESSEE, that Chapter 1 of Title 20 of the Ridgeside Municipal Code be amended as is hereafter set forth:

SECTION 1. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-102, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-108, is hereby amended so as to delete Section 20-108(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-119, is hereby amended so as to add the following Section 20-119(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 20119.

SECTION 6. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_x$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_x$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_x$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_x$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_x$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |

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| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |

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| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |

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| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |

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| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |

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| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD,

EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with

"Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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| 9.0<br>$\mu g/m^3$ |

SECTION 15. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-152, is hereby amended so as to delete Section 20-152(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 1, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-157, is hereby amended so as to delete Section 20-157(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-165, is hereby amended so as to delete Section 20-165(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 20-104(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Ridgeside Municipal Code, Title 20, Chapter 1, Section 20-168, is hereby amended so as to delete Section 20-168 in its entirety and substitute in lieu thereof the following:

**Sec. 20-168. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and

Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Ridgeside Municipal Code, Title 20, Chapter 1, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall become effective within two (2) weeks from and after its passage.

First Reading: 15th day of October, 2024

Signed: Katy Ingvalson

Printed Name: Katy Ingvalson
Mayor , City of Ridgeside, TN

Signed: MW Thompson

Printed: MARIA THOMPSON
Secretary, Commissioner, City of Ridgeside, TN

Second/ Final Reading 21 day of January, 2025

Signed: Katy Ingvalson

Printed Name: Katy Ingvalson
Mayor , City of Ridgeside, TN

Signed: MW Thompson

Printed Name: MARIA THOMPSON
Secretary, Commissioner, City of Ridgeside, TN

City of Signal Mountain

**ORDINANCE NO.: 2024-1 7**

**AN ORDINANCE TO AMEND SIGNAL MOUNTAIN MUNICIPAL CODE, TITLE 20, CHAPTER 3, WHICH CHAPTER IS KNOWN AS "THE SIGNAL MOUNTAIN AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.**

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**WHEREAS**, it is the declared public policy of this town to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

**WHEREAS**, local regulation of air quality is the most efficient means toward that end; and

**WHEREAS**, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

**WHEREAS,** the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Signal Mountain and to insure maintaining the local Certificate of Exemption;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE**, that Chapter 3 of Title 20 of the Signal Mountain Municipal Code be amended as is hereafter set forth:

SECTION 1. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-302, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-308, is hereby amended so as to delete Section 20-308(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-312, is hereby amended so as to delete Section 20-312(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-312, is hereby amended so as to delete Section 20-312(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-319, is hereby amended so as to add the following Section 20-319(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 20-319.

SECTION 6. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B,

C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |

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| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |

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| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |

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| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before*

*July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*
Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 3 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

| 9.0 $\mu g/m^3$ |
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SECTION 15. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-341, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-352, is hereby amended so as to delete Section 20-352(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-353, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-353, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-353, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 3, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-357, is hereby amended so as to delete Section 20-357(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-365, is hereby amended so as to delete Section 20-365(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 20-304(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Signal Mountain Municipal Code, Title 20, Chapter 3, Section 20-368, is hereby amended so as to delete Section 20-368 in its entirety and substitute in lieu thereof the following:

**Sec. 20-368. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 3 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking*

*Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria,*" and

(2) Subpart F "*Closure and Post-Closure Care,*" § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Signal Mountain Municipal Code, Title 20, Chapter 3, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall become effective within two (2) weeks from and after its passage.

Passed First Reading December 2, 2024

Passed Second Reading December 9, 2024

Elizabeth Baker, Mayor

12/11/24

Recorder

City of Soddy Daisy

**2024-2025 ORDINANCE NO. 9**

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, AMENDING THE SODDY-DAISY MUNICIPAL CODE, TITLE 20, CHAPTER 1, WHICH CHAPTER IS KNOWN AS "THE SODDY-DAISY AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.**

**WHEREAS,** it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

**WHEREAS,** local regulation of air quality is the most efficient means toward that end; and

**WHEREAS,** in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

**WHEREAS,** the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Soddy-Daisy and to insure maintaining the local Certificate of Exemption;

**NOW, THEREFORE, BE IT ORDAINED** by the City of Soddy-Daisy, Tennessee, that Chapter 1 of Title 20 of the Soddy-Daisy Municipal Code be amended as is hereafter set forth:

**SECTION 1.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-102a, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

**SECTION 2.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-108, is hereby amended so as to delete Section 20-108(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

**SECTION 3.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

**SECTION 4.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

**SECTION 5.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-119, is hereby amended so as to add the following Section 20-119(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 20-119.

**SECTION 6.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln

during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

**SECTION 7.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

**SECTION 8.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |

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| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |

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| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |

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| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |

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| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

**SECTION 9.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

**SECTION 10.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

**SECTION 11.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

**SECTION 12.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

**SECTION 13.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

**SECTION 14.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

| |
|---|
| 9.0<br>$\mu g/m^3$ |

**SECTION 15.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

**SECTION 16.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion

technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

**SECTION 17.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-152, is hereby amended so as to delete Section 20-152(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

**SECTION 18.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

**SECTION 19.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

**SECTION 20.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 1, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

**SECTION 21.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-157, is hereby amended so as to delete Section 20-157(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

**SECTION 22.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-165, is hereby amended so as to delete Section 20-165(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those

factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 20-104(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

**SECTION 23.** That Soddy-Daisy Municipal Code, Title 20, Chapter 1, Section 20-168, is hereby amended so as to delete Section 20-168 in its entirety and substitute in lieu thereof the following:

**Sec. 20-168. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

**SECTION 24. BE IT FURTHER ORDAINED** that Soddy-Daisy Municipal Code, Title 20, Chapter 1, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

**SECTION 25. BE IT FURTHER ORDAINED** that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

**SECTION 26.** This Ordinance shall take effect fifteen (15) days after the date of its final passage, the public welfare of the City of Soddy-Daisy requiring it.

MAYOR JIM COLEMAN

RECORDER BURT JOHNSON

PASSED ON FIRST READING November 7, 2024
PASSED ON SECOND READING November 21, 2024

APPROVED AS TO FORM:

CITY ATTORNEY SAM ELLIOTT

Hamilton County

STATE OF TENNESSEE
Hamilton County

December 4, 2024
Date (Month, Day, Year)

# Hamilton County Board of Commissioners

# RESOLUTION

No. 1224-5

**A RESOLUTION AMENDING RESOLUTION NO. 924-12 WHICH AMENDED THE CHATTANOOGA AIR POLLUTION CONTROL REGULATIONS TO INCLUDE THE DEFINITION OF "EMERGENCY", AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE SAID AMENDED REGULATIONS.**

**WHEREAS,** by passage of Resolution No. 924-12 this county legislative body adopted the 2024 modifications to the Chattanooga Air Pollution Control Bureau's Regulations; and

**WHEREAS,** said resolution and its attachments erroneously omitted the definition of "emergency" therefrom as was included in later versions of said regulations as adopted by said Bureau, thereby causing a discrepancy in those documents presented to this county legislative body thereby lacking this body's approval; and

**WHEREAS,** it is the intent of this county legislative body its minutes and record evidence the inclusion of said definition in order for there to be no confusion as to this body's intent to approve the exact actions of the Air Pollution Control Bureau; thereby necessitating an amendment of the resolution as previously adopted.

**NOW, THEREFORE, BE IT RESOLVED BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED:**

That Resolution 924-12 as previously adopted by this body is hereby amended to include the definition of "emergency" within said regulations; and the County Mayor is hereby authorized to execute the attached amended version of said regulations which reflects said inclusion.

**BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.**

**CERTIFICATION OF ACTION**

Approved: ☑ W.T. Knowles by Chief Brooke Weaver, Deputy
Rejected: ☐
County Clerk

Approved: ☑
Vetoed: ☐
County Mayor

December 4, 2024
Date

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE HAMILTON COUNTY AIR POLLUTION CONTROL REGULATION BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.

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WHEREAS it is the declared public policy of this county to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Hamilton County and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF HAMILTON COUNTY, TENNESSEE, that the Hamilton County Air Pollution Control Regulation be amended as is hereafter set forth:

(A). That Section 2 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

(B). That Section 8 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Section 8(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

(C). That Section 12 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Section 12(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

(D). That Section 12 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Section 12(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

(E). That Section 19 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to add the following Section 19(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 19.

(F). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

(G). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

(H). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |
| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |

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| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |
| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |

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| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |
| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |

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| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |

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| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |
| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |

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| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

(I). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

(J). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby

incorporated by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

(K). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

(L). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

(M). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in this regulation as a requirement of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

(N). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

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|---|
| 9.0 $\mu g/m^3$ |

(O). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

(P). That Section 41 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

(Q). That Section 52 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Section 52(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

(R). That Section 53 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

(S). That Section 53 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in this regulation as

requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

(T). That Section 53 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in this regulation, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

(U). That Section 57 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Section 57(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

(V). That Section 65 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Section 65(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 4(e) of this regulation. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(W). That Section 68 of the Hamilton County Air Pollution Control Regulation is hereby amended so as to delete Section 68 in its entirety and substitute in lieu thereof the following:

**Sec. 68. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in this regulation as requirements of this county pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

(X). BE IT FURTHER RESOLVED that the Hamilton County Air Pollution Control Regulation codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that regulation shall not be construed as defense for non-compliance with any other applicable provisions of the Regulation or rules or regulations thereof nor with any applicable provisions of that regulation.

(Y). BE IT FURTHER RESOLVED that if any section, part of a section, sentence, clause or phrase of this Resolution is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Resolution, and only such invalid portion shall be elided from this Resolution.

(Z). BE IT FURTHER RESOLVED that this Resolution shall become effective within two (2) weeks from and after its passage.

**ADOPTED** on December 4, 2024

S/_____
CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2024

S/ Wes Wamp
WESTON WAMP,
HAMILTON COUNTY MAYOR

Town of Walden

**ORDINANCE 2024-373**

**AN ORDINANCE TO AMEND WALDEN MUNICIPAL CODE, TITLE 20, CHAPTER 1, WHICH CHAPTER IS KNOWN AS "THE WALDEN AIR POLLUTION CONTROL ORDINANCE," BY REMOVING "AFFIRMATIVE DEFENSE" PROVISIONS, PROVIDING FOR INCORPORATION BY REFERENCE OF THE MOST CURRENT OF VARIOUS FEDERAL REGULATIONS, AND PROVIDING FOR CERTAIN HOUSEKEEPING PROVISIONS.**

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WHEREAS it is the declared public policy of this town to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Walden and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WALDEN, TENNESSEE, that Chapter 1 of Title 20 of the Walden Municipal Code be amended as is hereafter set forth:

SECTION 1. That Walden Municipal Code, Title 20, Chapter 1, Section 20-102, is hereby amended so as to delete the definition of "Minor pollution source" in its entirety.

SECTION 2. That Walden Municipal Code, Title 20, Chapter 1, Section 20-108, is hereby amended so as to delete Section 20-108(d)(6) in its entirety and substitute in lieu thereof the following:

(6) (Reserved)

SECTION 3. That Walden Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(c) in its entirety and substitute in lieu thereof the following:

(c) (Reserved)

SECTION 4. That Walden Municipal Code, Title 20, Chapter 1, Section 20-112, is hereby amended so as to delete Section 20-112(d) in its entirety and substitute in lieu thereof the following:

(d) (Reserved)

SECTION 5. That Walden Municipal Code, Title 20, Chapter 1, Section 20-119, is hereby amended so as to add the following Section 20-119(d):

(d) The Director shall report to the Board at the next board meeting any determinations made by the Director concerning requests for confidentiality made pursuant to this Section 20-119.

SECTION 6. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 2.6 in its entirety and substitute in lieu thereof the following:

*Rule 2.6.* No owner or operator of any Portland cement plant shall cause, suffer, allow or permit the emission of nitrogen oxides ($NO_X$) in excess of seven hundred and fifty (750) parts per million when averaged over any three (3) consecutive hour period. After April 30, 2007, the owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 through September 30 with at least one (1) of the following:

(a) Low-$NO_X$ burners;

(b) Mid-kiln system firing;

(c) Alternative control techniques approved by the Director and the EPA and achieving the same emissions decreases as low-$NO_X$ burners or mid-kiln system firing; or

(d) Reasonably available control technology approved by the Director and the EPA.

By April 30, 2007, the owner or operator of a cement kiln subject to this rule shall provide the Director with a statement confirming that the kiln is subject to the rule and a report demonstrating compliance with the requirements of the rule. If compliance is achieved by the use of prescribed equipment, the compliance demonstration shall be a written certification that the equipment is installed and in use. By October 31, 2007, the owner or operator shall provide the Director a report documenting the $NO_X$ emissions for the period of May 1, 2007, through September 30, 2007. Beginning in 2008, an annual report documenting $NO_X$ emissions for May 1 through September 30 of each year shall be submitted to the director by October 31 of that year. The annual report shall include a certification that the kiln has continued to be in compliance with this rule as stated in the initial compliance certification.

SECTION 7. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 3.2 in its entirety and substitute in lieu thereof the following:

*Rule 3.2.* (Reserved)

SECTION 8. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

*Rule 15.1* The provisions of Title 40 Code of Federal Regulations Part 60 "Standards of Performance for New Stationary Sources," Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, KKa, LL, MM, MMa, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, TTTa, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

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| Subpart A – | General Provisions |
| Subpart D – | Fossil-Fuel-Fired Steam Generators |
| Subpart Da – | Electric Utility Steam Generating Units |

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| Subpart Db – | Industrial-Commercial-Institutional Steam Generating Units |
| Subpart Dc – | Small Industrial-Commercial-Institutional Steam Generating Units |
| Subpart E – | Incinerators |
| Subpart Ea – | Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994 |
| Subpart Eb – | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 |
| Subpart Ec – | Hospital/Medical/Infectious Waste Incinerators |
| Subpart F – | Portland Cement Plants |
| Subpart G – | Nitric Acid Plants |
| Subpart Ga – | Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 |
| Subpart H – | Sulfuric Acid Plants |
| Subpart I – | Hot Mix Asphalt Facilities |
| Subpart J – | Petroleum Refineries |
| Subpart Ja – | Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 |
| Subpart K – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 |
| Subpart Ka – | Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984 |
| Subpart Kb – | Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 |
| Subpart L – | Secondary Lead Smelters |
| Subpart M – | Secondary Brass and Bronze Production Plants |
| Subpart N – | Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 |
| Subpart Na – | Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 |
| Subpart O – | Sewage Treatment Plants |
| Subpart P – | Primary Copper Smelters |

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| Subpart Q – | Primary Zinc Smelters |
| Subpart R – | Primary Lead Smelters |
| Subpart S – | Primary Aluminum Reduction Plants |
| Subpart T – | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants |
| Subpart U – | Phosphate Fertilizer Industry: Superphosphoric Acid Plants |
| Subpart V – | Phosphate Fertilizer Industry: Diammonium Phosphate Plants |
| Subpart W – | Phosphate Fertilizer Industry: Triple Superphosphate Plants |
| Subpart X – | Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities |
| Subpart Y – | Coal Preparation and Processing Plants |
| Subpart Z – | Ferroalloy Production Facilities |
| Subpart AA – | Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983 |
| Subpart AAa – | Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 |
| Subpart BB – | Kraft Pulp Mills |
| Subpart BBa – | Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 |
| Subpart CC – | Glass Manufacturing Plants |
| Subpart DD – | Grain Elevators |
| Subpart EE – | Surface Coating of Metal Furniture |
| Subpart GG – | Stationary Gas Turbines |
| Subpart HH – | Lime Manufacturing Plants |
| Subpart KK – | Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 |
| Subpart KKa – | Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 |
| Subpart LL – | Metallic Mineral Processing Plants |
| Subpart MM – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 |
| Subpart MMa – | Automobile and Light Duty Truck Surface Coating Operations for Which Construction, Modification or Reconstruction Commenced After May 18, 2022 |

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| Subpart NN – | Phosphate Rock Plants |
| Subpart PP – | Ammonium Sulfate Manufacture |
| Subpart QQ – | Graphic Arts Industry: Publication Rotogravure Printing |
| Subpart RR – | Pressure Sensitive Tape and Label Surface Coating Operations |
| Subpart SS – | Industrial Surface Coating: Large Appliances |
| Subpart TT – | Metal Coil Surface Coating |
| Subpart UU – | Asphalt Processing and Asphalt Roofing Manufacture |
| Subpart VV – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 |
| Subpart VVa – | Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart WW – | Beverage Can Surface Coating Industry |
| Subpart XX – | Bulk Gasoline Terminals |
| Subpart AAA – | New Residential Wood Heaters |
| Subpart BBB – | Rubber Tire Manufacturing Industry |
| Subpart DDD – | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry |
| Subpart FFF – | Flexible Vinyl and Urethane Coating and Printing |
| Subpart GGG – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 |
| Subpart GGGa – | Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 |
| Subpart HHH – | Synthetic Fiber Production Facilities |
| Subpart III – | Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes |
| Subpart JJJ – | Petroleum Dry Cleaners |
| Subpart KKK – | Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |

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| Subpart LLL – | $SO_2$ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 |
| Subpart NNN – | Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations |
| Subpart OOO – | Nonmetallic Mineral Processing Plants |
| Subpart PPP – | Wool Fiberglass Insulation Manufacturing Plants |
| Subpart QQQ – | VOC Emissions From Petroleum Refinery Wastewater Systems |
| Subpart RRR – | Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes |
| Subpart SSS – | Magnetic Tape Coating Facilities |
| Subpart TTT – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines |
| Subpart TTTa – | Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 |
| Subpart UUU – | Calciners and Dryers in Mineral Industries |
| Subpart VVV – | Polymeric Coating of Supporting Substrates Facilities |
| Subpart WWW – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014 |
| Subpart XXX – | Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 |
| Subpart AAAA – | Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 |
| Subpart CCCC – | Commercial and Industrial Solid Waste Incineration Units |
| Subpart EEEE – | Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 |
| Subpart IIII – | Stationary Compression Ignition Internal Combustion Engines |
| Subpart JJJJ – | Stationary Spark Ignition Internal Combustion Engines |
| Subpart KKKK – | Stationary Combustion Turbines |
| Subpart LLLL – | New Sewage Sludge Incineration Units |

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| Subpart OOOO – | Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 |
| Subpart OOOOa – | Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 |
| Subpart QQQQ – | New Residential Hydronic Heaters and Forced-Air Furnaces |
| Subpart TTTT – | Greenhouse Gas Emissions for Electric Generating Units |
| Appendix A-1 – | Test Methods 1 through 2F |
| Appendix A-2 – | Test Methods 2G through 3C |
| Appendix A-3 – | Test Methods 4 through 5I |
| Appendix A-4 – | Test Methods 6 through 10B |
| Appendix A-5 – | Test Methods 11 through 15A |
| Appendix A-6 – | Test Methods 16 through 18 |
| Appendix A-7 – | Test Methods 19 through 25E |
| Appendix A-8 – | Test Methods 26 through 30B |
| Appendix B – | Performance Specifications |
| Appendix C – | Determination of Emission Rate Change |
| Appendix D – | Required Emission Inventory Information |
| Appendix F – | Quality Assurance Procedures |
| Appendix I – | Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60 |

SECTION 9. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 15.4 in its entirety and substitute in lieu thereof the following:

*Rule 15.4* The provisions of Title 40 Code of Federal Regulations Part 62 "Approval and Promulgation of State Plans for Designated Facilities and Pollutants," Subpart OOO "*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 10. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.1 and substitute in lieu thereof the following:

*Rule 16.1* The provisions of Title 40 Code of Federal Regulations Part 61 "National Emissions Standards for Hazardous Air Pollutants," Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 11. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *first paragraph only* of Rule 16.5(c) and substitute in lieu thereof the following:

(c) The provisions of Title 40 Code of Federal Regulations Part 63 "National Emissions Standards for Hazardous Air Pollutants for Source Categories," Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2023) are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

SECTION 12. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *96th row* of the table given in Rule 16.5(c) and substitute in lieu thereof the following:

Subpart IIIII – Mercury Cell Chlor-Alkali Plants

SECTION 13. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

*Rule 17. Emission Standard for Asbestos.*

Title 40 Code of Federal Regulations Part 763, Subpart E "*Asbestos-Containing Materials in Schools*," Appendix E "*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*" (Revised as of July 1, 2023) is hereby incorporated by reference in Chapter 1 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 14. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete the *entry that is found in the eighth row* (that begins with "Particulate Matter $PM_{2.5}$" and "Primary") *and fourth column* (that has a heading of "Level") of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

| |
|---|
| 9.0 $\mu g/m^3$ |

SECTION 15. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Note (3) of the table given in Rule 21 in its entirety and substitute in lieu thereof the following:

> (3) To attain these standards, the three (3) year average of the weighted annual $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 9.0 $\mu g/m^3$ for the primary standard and 15.0 $\mu g/m^3$ for the secondary standard.

SECTION 16. That Walden Municipal Code, Title 20, Chapter 1, Section 20-141, is hereby amended so as to delete Rule 22.1(1) in its entirety and substitute in lieu thereof the following:

(1) This Rule 22 provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by that portion of any source's stack height that exceeds good engineering practice (GEP) or any other dispersion technique, except as provided in Rule 22.1(2). Before a new or revised emission limitation is established that is based on a GEP stack height that exceeds the height allowed by Rule 22.2(3)a. or b., the Director must notify the public of the availability of the applicable demonstration study that is specified by Rule 22.2(3)c. and must provide opportunity for a public hearing on it. This Rule 22 does not restrict in any manner the actual stack height of any source.

SECTION 17. That Walden Municipal Code, Title 20, Chapter 1, Section 20-152, is hereby amended so as to delete Section 20-152(d) in its entirety and substitute in lieu thereof the following:

(d) The requirements of Title 40 Code of Federal Regulations Part 70 "*State Operating Permit Programs*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 "*Permits Regulation*," Part 75 "*Continuous Emission Monitoring*," and Part 76 "*Acid Rain Nitrogen Oxides Emission Reduction Program*" (Revised as of July 1, 2023), which are also incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 18. That Walden Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (9) under the definition of "Applicable requirements" in its entirety and substitute in lieu thereof the following:

(9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 "*Protection of Stratospheric Ozone*" (Revised as of July 1, 2023), which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 19. That Walden Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete Item (2) under the definition of "Regulated air pollutant" in its entirety and substitute in lieu thereof the following:

(2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 "National Primary and Secondary Ambient Air Quality Standards" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 20. That Walden Municipal Code, Title 20, Chapter 1, Section 20-153, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of "Regulated air pollutant" and substitute in lieu thereof the following:

(5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 1, or Title 40 Code of Federal Regulations Part 68 "*Chemical Accident Prevention Provisions*" (Revised as of July 1, 2023), the requirements of which are incorporated herein by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 21. That Walden Municipal Code, Title 20, Chapter 1, Section 20-157, is hereby amended so as to delete Section 20-157(g) in its entirety and substitute in lieu thereof the following:

(g) (Reserved)

SECTION 22. That Walden Municipal Code, Title 20, Chapter 1, Section 20-165, is hereby amended so as to delete Section 20-165(g) in its entirety and substitute in lieu thereof the following:

(g) Appropriateness of penalties and fines. A civil penalty or criminal fine assessed, sought, or agreed upon by the permitting authority under paragraph (e)(3) of this section shall be appropriate to the violation. The Board may consider emergency circumstances in mitigation or reduction in assessing a penalty, and shall consider those factors enumerated in § 113(e)(1) [42 U.S.C. 7413(e)(1)] of the Act and those factors enumerated in T.C.A. 68-201-106, as well as those factors set forth at Section 20-104(e) of this ordinance. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

SECTION 23. That Walden Municipal Code, Title 20, Chapter 1, Section 20-168, is hereby amended so as to delete Section 20-168 in its entirety and substitute in lieu thereof the following:

**Sec. 20-168. - Incorporation of documents by reference.**

The following documents are hereby incorporated by reference in Chapter 1 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

(a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2023):

(1) Appendix A-1 "*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,"

(2) Appendix A-2 "*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,"

(3) Appendix B "*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,"

(4) Appendix C "*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,"

(5) Appendix D "*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,"

(6) Appendix F "*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,"

(7) Appendix G "*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,"

(8) Appendix H "*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(9) Appendix I "*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(10) Appendix J "*Reference Method for the Determination of Particulate Matter as $PM_{10}$ in the Atmosphere*,"

(11) Appendix K "*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*,"

(12) Appendix L "*Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere*,"

(13) Appendix N "*Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*,"

(14) Appendix O "*Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere*,"

(15) Appendix P "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*,"

(16) Appendix Q "*Reference Method for the Determination of Lead in Particulate Matter as $PM_{10}$ Collected From Ambient Air*,"

(17) Appendix R "*Interpretation of the National Ambient Air Quality Standards for Lead*,"

(18) Appendix S "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)*,"

(19) Appendix T "*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)*," and

(20) Appendix U "*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*";

(b) Title 40 Code of Federal Regulations Part 51, Subpart I "*Review of New Sources and Modifications*" (Revised as of July 1, 2023);

(c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2023):

(1) Appendix M "*Recommended Test Methods for State Implementation Plans*,"

(2) Appendix P "*Minimum Emission Monitoring Requirements*,"

(3) Appendix S "*Emission Offset Interpretative Ruling*," Section IV "*Sources That Would Locate in a Designated Nonattainment Area*," and

(4) Appendix W "*Guideline on Air Quality Models*";

(d) Title 40 Code of Federal Regulations Part 58 "*Ambient Air Quality Surveillance*" and its Appendix B "*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*" (Revised as of July 1, 2023);

(e) Title 40 Code of Federal Regulations Part 64 "*Compliance Assurance Monitoring*" (Revised as of July 1, 2023);

(f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2023);

(g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2023):

(1) Appendix A "Specifications and Test Procedures,"

(2) Appendix B "*Quality Assurance and Quality Control Procedures*,"

(3) Appendix C "*Missing Data Estimation Procedures*,"

(4) Appendix D "*Optional $SO_2$ Emissions Data Protocol for Gas-Fired and Oil-Fired Units*,"

(5) Appendix E "*Optional $NO_X$ Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*,"

(6) Appendix F "*Conversion Procedures*," and

(7) Appendix G "*Determination of $CO_2$ Emissions*";

(h) Title 40 Code of Federal Regulations Part 257, Subpart A "*Classification of Solid Waste Disposal Facilities and Practices*," § 257.2 "*Definitions*" (Revised as of July 1, 2023);

(i) The following sections of Title 40 Code of Federal Regulations Part 258 "*Criteria for Municipal Solid Waste Landfills*" (Revised as of July 1, 2023):

(1) Subpart D "*Design Criteria,*" § 258.40 "*Design criteria*," and

(2) Subpart F "*Closure and Post-Closure Care*," § 258.60 "*Closure criteria*";

(j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;

(k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;

(l) American Petroleum Institute (API) Bulletin 2517 "Evaporative Loss from External Floating-Roof Tanks" Third Edition with addendum May 1994;

(m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and

(n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 "Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures."

SECTION 24. BE IT FURTHER ORDAINED that Walden Municipal Code, Title 20, Chapter 1, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 25. BE IT FURTHER ORDAINED that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 26. BE IT FURTHER ORDAINED that this Ordinance shall take effect upon adoption and publication, the public welfare requiring it.

First Reading: 10/08/2024:

YEA: 2
ABSENT: 1
NAY: 0

Final Reading and Public Hearing: 11/12/2024:

YEA: 3

NAY: 0

Mayor Lee Davis

Recorder Stacy Stewart

Attachment 3

**STATE OF TENNESSEE**
**AIR POLLUTION CONTROL BOARD**

| | | |
|---|---|---|
| **IN THE MATTER OF:** | ) | |
| | ) | |
| **Hamilton County, Tennessee** | ) | |
| **City of Chattanooga, Tennessee** | ) | |
| **City of Collegedale, Tennessee** | ) | |
| **City of East Ridge, Tennessee** | ) | |
| **City of Lakesite, Tennessee** | ) | **Board Order No. 24-005** |
| **Town of Lookout Mountain, Tennessee** | ) | |
| **City of Red Bank, Tennessee** | ) | |
| **City of Ridgeside, Tennessee** | ) | |
| **Town of Signal Mountain, Tennessee** | ) | |
| **City of Soddy-Daisy, Tennessee** | ) | |
| **Town of Walden, Tennessee** | ) | |

**CERTIFICATE OF EXEMPTION**

## BOARD ORDER

**I.**

Under the authority of Tennessee Code Annotated section 68-201-115(a), a petition to renew the Hamilton County Certificate of Exemption was filed on August 2, 2023, with the Tennessee Division of Air Pollution Control by the Chattanooga-Hamilton County Air Pollution Control Bureau for the City of Chattanooga, the County of Hamilton and all included municipalities.

The terms in Tennessee Code Annotated section 68-201-115(b)(3) state that:

"(3) The certificate of exemption shall be granted if the board determines that:
(A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;
(B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and

(C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;"

**II.**

In accordance with Tennessee Code Annotated section 68-201-115(b)(3), the Chattanooga-Hamilton County Air Pollution Control Bureau does enforce regulations and/or ordinances for the control of air pollution that are not less stringent than the State's. Therefore, the Air Pollution Control Board of the State of Tennessee does hereby grant a Certificate of Exemption to Hamilton County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2024**, and expires on **June 30, 2026** as authorized by Tennessee Code Annotated section 68-201-115(c). During this period, Hamilton County and all included municipalities shall be exempt from the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following as set forth in the ordinances, regulations or other rules where indicated below:

1. Ambient air quality standards;
2. Open burning restrictions;
3. Visible emissions limitations;
4. Non-process emission limitations (fuel burning and incinerator);
5. Process emission including process gaseous emissions limitations;
6. Fugitive dust restrictions (Transportation and Material Handling in Open Air);
7. Permitting requirements, including definitions; amendments to permits; applications; permitting fees; emissions fees; testing; practical enforceability; monitoring; record keeping and reporting;
8. Construction permits:

    New Source Review - Growth Policy
    PSD Authority

Installation Permits

9. Certificates of Operation:

   Initial and Renewal
   Federally Enforceable

10. Part 70 Operating Permits

11. Asbestos Demolition and Renovation Project Permits

12. All National Emission Standards for Hazardous Air Pollutants, as set forth in 40 CFR Parts 61 and 63 (with the exception of 40 CFR Part 61, Subpart M, for asbestos, which is addressed in the preceding item 11) including authority to determine Maximum Achievable Control Technology Standards and authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;

13. Methods of sampling; testing and analysis;

14. Enforcement and Compliance provisions including:

    Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any order, final order, determination, rule, regulation or ordinance of the local Board, the director of the local Bureau, or of any included governmental entity, including instituting legal proceedings on behalf of any included municipality or county;

    Determining that any order, final order, determination, rule, regulation or ordinance of the local Board, the director of the local Bureau, or of any included governmental entity has been violated, that such violation constitutes a public nuisance, and abating such a public nuisance in the manner provided by the general law relating to the abatement of public nuisances, including instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;

    Obtaining compliance with air pollution control rules and regulations by conference, conciliation, persuasion, issuance of formal notices of violation and prosecution thereof; including, when appropriate, holding hearings and issuing orders to assess civil penalties for each violation where each day of violation is a separate offense, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;

    Pursuing enforcement of any ordinance or regulations, or orders made by the director or the Board pursuant to the ordinance or regulations, by injunction to enjoin any violation of any requirement of the ordinance or regulations, including conditions of a permit or

certificate of operation, or other appropriate remedy, and the Board shall have power to institute and maintain in the name of the Board any and all enforcement proceedings;

15. Control of emissions of particulates including PM2.5 and PM10, carbon monoxide, sulfur dioxide, nitrogen oxides, volatile organic compounds, toxic air pollutants and gaseous emissions;

16. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;

17. Control of emissions of sulfur oxides, and emissions of sulfuric acid and sulfur trioxide (combined);

18. Control of emissions of lead;

19. Emergency episode regulations including emergency stop orders;

20. New Source Performance Standards (NSPS) set forth in 40 CFR Part 60 including, authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;

21. Administrative procedures including emissions credit banking and emissions trading policy statements;

22. Emissions limitations and monitoring requirements;

23. Regulation of malfunctions, start-ups, and shutdowns;

24. Alternate emissions limitations;

25. General policies or plans;

26. System of permits and/or certificates to include the Title V (Part 70) permit program;

27. Scheduling and collecting fees for review of plans and specifications, issuance or renewal of permits or certificates (including Part 70 emission fees), inspection of air pollutant sources, building demolition and renovation, and computer and research time;

28. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending such changes as may be deemed appropriate;

29. Requiring the furnishing of information from persons causing, or who may be about to cause, air pollution;

30. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;

31. Providing such technical, scientific and other services as may be necessary and charging fees for preparation, research, computer time and distribution;

32. Receiving, budgeting, receipting for and administering such moneys as are appropriated or granted for carrying out the program of the local Board;

33. Collecting and disseminating information relative to air pollution; encouraging voluntary cooperation in preserving and restoring a reasonable degree of air purity; and advising, consulting and cooperating with other agencies, persons or groups in matters pertaining to air pollution;

34. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;

35. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;

36. Regulation of infectious and medical waste incinerators;

37. Regulation of general engineering practice stack height requirements;

38. Abatement of air contaminants, water, steam, or a combination which reduce visibility across any road to cause a hazard;

39. Transportation conformity requirements;

40. Confidentiality determinations; and

41. Regulation of odors related to emissions of air contaminants and regulation of nuisances related to emissions of air contaminants.

## III.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of April, 2024.

Board Order 24_005 Hamilton COE 2024 a.docx

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

# CERTIFICATE OF EXEMPTION

**By authority of Tennessee Code Annotated section 68-201-115, the Tennessee Air Pollution Control Board Declares that**

## Chattanooga and Hamilton County, Tennessee and all Included Municipalities

**are exempt from the provisions of the Tennessee Air Quality Act as found in Tennessee Code Annotated Title 68, Chapter 201, subject to such limitations as established by the Board pursuant to Board Order No. 24-005, passed by the Board on this the 10th day of April 2024**

**Air Pollution Control Board Members of the State of Tennessee**

**Expiration Date: June 30, 2026**

# Redesignation Request and Maintenance Plan for the Sullivan County, Tennessee One-Hour Sulfur Dioxide Nonattainment Area (2010 $SO_2$ NAAQS)

## June 11, 2025

Prepared by:

Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243

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## LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| AERMET | A meteorological data preprocessor for AERMOD |
| AERMOD | AMS/EPA Regulatory Model. |
| AQS | Air Quality System. AQS is EPA's repository of ambient air quality data. |
| BACT | Best Available Control Technology |
| BART | Best Available Retrofit Technology |
| CAA | Clean Air Act |
| CFR | Code of Federal Regulations |
| DSI | Duct sorbent injection, or dry sorbent injection |
| EPA | Environmental Protection Agency |
| ESP | Electrostatic Precipitator |
| FR | Federal Register |

## LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| HWC | Hazardous Waste Combustor |
| µg/$m^3$ | Micrograms per Cubic Meter |
| lb/hr | Pounds per hour |
| lb/MMBtu | Pounds per million Btu of heat input |
| MPO | Metropolitan Planning Organization |
| MOVES | Motor Vehicle Emissions Simulator |
| MSOP | Major source operating permit |
| N | North |
| NAA | Nonattainment area |
| NAAQS | National Ambient Air Quality Standards |
| NCD | NMIM County Database |
| NEI | National Emissions Inventory |
| NMIM | National Mobile Inventory Model |
| NSR | New Source Review |
| $PM_{2.5}$ | Particulate matter less than 2.5 micrometers in diameter |
| ppb | Parts per billion |
| PSD | Prevention of Significant Deterioration |
| Q | Calendar quarter (e. g., Q1 = January 1 through March 31, etc.) |
| RACM | Reasonably Available Control Measures |
| RACT | Reasonably Available Control Technology |
| RCRA | Resource Conservation and Recovery Act |
| RFP | Reasonable Further Progress |
| SCC | Source Classification Code |
| SDA | Spray dryer absorber |
| SIP | State Implementation Plan |
| $SO_2$ | Sulfur dioxide |
| SODAR | Sonic detection and ranging |
| TAPCR | Tennessee Air Pollution Control Regulations |
| TCA | Tennessee Code Annotated |
| TDEC | Tennessee Department of Environment and Conservation |
| TDOT | Tennessee Department of Transportation |
| TN | Tennessee |
| TNO | Tennessee Operations (a division of Eastman Chemical Company) |
| tpy (or TPY) | Tons per year |
| UTM | Universal Transverse Mercator |
| VMT | Vehicle miles traveled |
| W | West |

# EXECUTIVE SUMMARY

The Kingsport, Tennessee $SO_2$ nonattainment area includes the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius. Between 2008 and 2010, air quality monitoring at one monitor within this region indicated that the ambient $SO_2$ concentrations exceeded the 75 ppb one-hour $SO_2$ National Ambient Air Quality Standard (NAAQS) promulgated in 2010, and EPA designated the area as nonattainment for the one-hour $SO_2$ NAAQS, effective October 4, 2013.

Tennessee submitted attainment demonstrations on May 11, 2017, and February 9, 2023, and projected that the area would attain the NAAQS based on $SO_2$ emission reductions achieved by: (1) Eastman's conversion of the B-253 powerhouse (Boilers 25-29) from coal to natural gas operation; and (2) installation of dry sorbent injection (DSI) controls on Boilers 23 and 24 of Eastman's B-83 powerhouse; and (3) adoption of revised emission limits for Eastman's B-83 and B-325 powerhouses. Air quality monitoring data for 2020 through 2022 indicates declining sulfur dioxide concentrations within the nonattainment area, and the design value of each monitor in the nonattainment area shows attainment of the NAAQS.

Tennessee is petitioning EPA for redesignation of the Sullivan County one-hour sulfur dioxide nonattainment area to attainment for the 2010 one-hour $SO_2$ NAAQS, based on an attaining three-year design value for the period 2020-2022 and upon air dispersion modeling that demonstrates future maintenance of the NAAQS. This petition is submitted pursuant to §107(d)(3) of the Clean Air Act, which specifies the requirements for redesignation of nonattainment areas. This petition will show that the nonattainment area has attained the NAAQS and that the observed reduction in $SO_2$ levels is due to permanent and enforceable emission reductions. In addition, an emissions inventory is included, which indicates declining $SO_2$ emissions between 2017 and 2022. As $SO_2$ emissions continue to decline, the region is likely to remain in attainment of the NAAQS in the future. However, this petition includes contingency measures that may be put into place, if necessary, to correct NAAQS exceedances that may occur after redesignation of the area to attainment.

# 1.0 INTRODUCTION

This petition is submitted to the United States Environmental Protection Agency (EPA) to request redesignation of the Sullivan County, Tennessee sulfur dioxide nonattainment area from nonattainment to attainment for the one–hour $SO_2$ National Ambient Air Quality Standard (NAAQS), pursuant to §107(d)(3) of the Clean Air Act (CAA). The Act specifies the following requirements for redesignation of nonattainment areas:

1. The Administrator determines that the area has attained the national ambient air quality standard;

2. The Administrator has fully approved the applicable implementation plan for the area under section 110(k);

3. The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

4. The State containing such area has met all requirements applicable to the area under section 110 and part D.

5. The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and

EPA enumerates specific requirements for each of these criteria in the Agency's September 4, 1992 memorandum, *Procedures for Processing Requests to Redesignate Areas to Attainment* (Calcagni memo)[1]. The Agency provided additional pollutant-specific guidance for $SO_2$ nonattainment areas in the April 23, 2014, memorandum, *Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions* (Page memo)[2]. Tennessee is petitioning EPA for redesignation of the nonattainment area to attainment based on an attaining three-year design value for the period 2020-2022 and upon air dispersion modeling that projects attainment of the NAAQS based on permitted allowable emissions and/or the maximum uncontrolled hourly emission rates[3] for small fuel-burning sources. This document demonstrates that the Sullivan County area meets the above requirements and can petition the EPA for redesignation in lieu of an attainment demonstration. Submission of an attainment demonstration in place of this redesignation request would not necessarily result in additional controls, since ambient air quality data indicates that the area is attaining the NAAQS, and since attainment has been achieved using existing controls (see Section 2.0 for additional information).

[1] Available online at https://www.epa.gov/sites/default/files/2016-03/documents/calcagni_memo_-_procedures_for_processing_requests_to_redesignate_areas_to_attainment_090492.pdf.

[2] Available online at https://www.epa.gov/sites/default/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf

[3] For modeling purposes, "permitted allowable" means the hourly emission rate in pounds per hour listed in the emission source's construction or operating permit, and "maximum uncontrolled hourly emission rate" means the unrestricted maximum physical and operational capacity to emit sulfur dioxide, without restriction by any permit term or limit. Modeling of the maximum uncontrolled hourly emission rate is used as applicable to determine whether, even without enforceable restrictions on some sources, the area can attain the NAAQS if the respective emission sources emit at maximum possible uncontrolled hourly levels. The maximum uncontrolled hourly emission rate includes no assumptions beyond the design capacity of the unit and the fuel(s) burned. Calculation and documentation of maximum uncontrolled hourly emissions for fuel burning and process emission sources are included in Attachment K.

Sulfur dioxide ($SO_2$) is a highly reactive gas emitted from fossil fuel combustion at power plants and other industrial facilities and from industrial processes (e. g., the extraction of metal from ore)[4]. In June 2010, EPA promulgated a new one-hour primary $SO_2$ NAAQS of 75 parts per billion (ppb). This one-hour primary standard is met when the three-year average of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR 50[5]. EPA revised the air quality standard for $SO_2$ based on an integrative synthesis of the entire body of evidence on human health effects associated with ambient $SO_2$ and upon the results of quantitative exposure and risk assessments reflecting this evidence. In considering the entire body of evidence, EPA chose to focus primarily on respiratory morbidity following short-term exposure to $SO_2$ (5 minutes to 24 hours), for which the Agency's Integrated Science Assessment[6] found a causal relationship[7].

The Kingsport, Tennessee $SO_2$ nonattainment area includes the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius (**Figure 1-1**). Between 2008 and 2010, air quality monitoring at one monitor within this region indicated that the one-hour average $SO_2$ concentrations exceeded the 75 ppb NAAQS, and EPA designated the area as nonattainment for the one-hour $SO_2$ NAAQS, effective October 4, 2013[8].

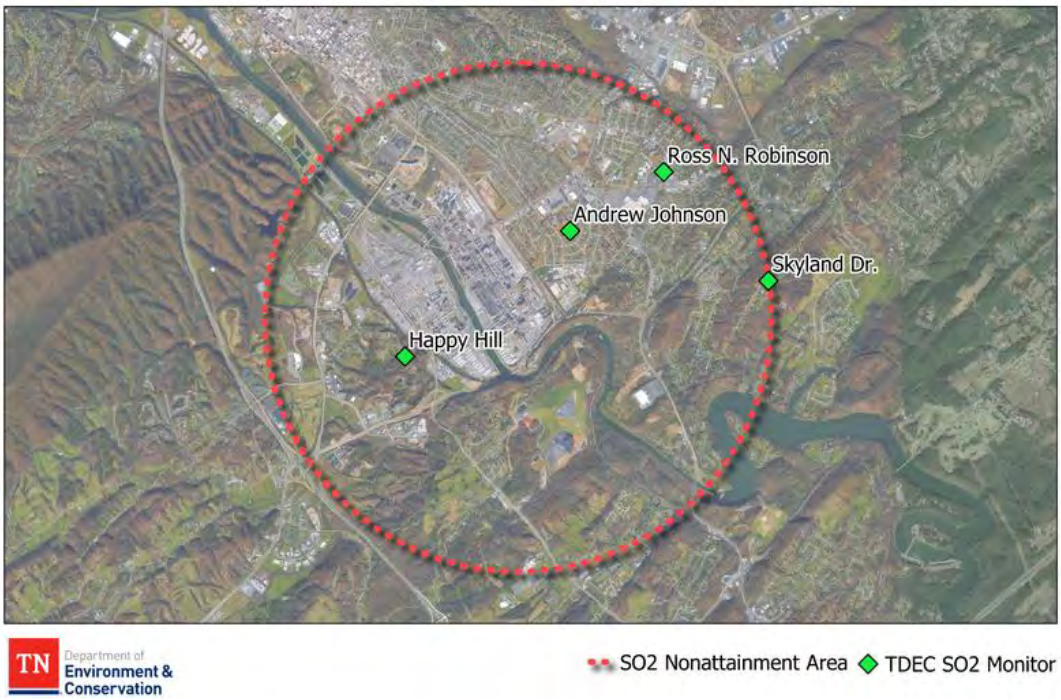


**Figure 1-1: Kingsport $SO_2$ Nonattainment Area**

[4] *Id*. Unless otherwise noted, the general information in this section was taken from EPA's 2013 *Federal Register* notice and from the 1992 Calcagni memo.
[5] 40 CFR §50.17.
[6] National Center for Environmental Assessment (NCEA), *Integrated Science Assessment for Sulfur Oxides-Health Criteria,* September 12, 2008.
[7] Federal Register June 22, 2010, page 35524.
[8] See 78 FR 47191-47205 (August 5, 2013) and 40 CFR §81.343.

# 2.0 AIR QUALITY

A redesignation request must demonstrate that the area is attaining the applicable NAAQS, and there are two components to this demonstration, which should be considered interdependently: ambient monitoring and air quality modeling. Each component of this demonstration is discussed separately below.

## 2.1 Ambient Monitoring Data

For redesignation of $SO_2$ nonattainment areas, any available monitoring data must indicate that all monitors in the affected area are meeting the standard as stated in 40 CFR §50.17 using data analysis procedures specified in 40 CFR part 50, Appendix T.

Ambient monitoring data used for redesignation purposes must meet several criteria: (1) ambient monitoring data should be representative of the area of highest concentration[9]; (2) ambient monitors should remain at the same location for the duration of the monitoring period required for demonstrating attainment; (3) data should be collected and quality-assured in accordance with 40 CFR 58 and recorded to be available for the public to review; and (4) the Regional office should verify that the integrity of the air quality monitoring network has been preserved.

Following promulgation of a new or revised NAAQS, EPA is generally required to designate areas as nonattainment, attainment, or unclassifiable, pursuant to CAA §107(d)(1) within two years[10]. EPA used existing ambient monitoring data from 2009 through 2011 to identify violations of the 2010 one-hour $SO_2$ NAAQS in its first round of designations and deferred other areas with insufficient or missing data.

No later than one year after the promulgation of a new or revised NAAQS, CAA §107(d)(1)(A) requires each state governor to recommend air quality designations to EPA, and EPA must review the state's recommendations for adequacy. Tennessee made initial recommendations to EPA on May 26, 2011, and revised its recommendations on June 3, 2011, and January 28, 2013. Following the submittal of Tennessee's recommendation and consultation with the governor's designee, EPA designated a portion of Sullivan County as nonattainment for the one-hour $SO_2$ NAAQS. EPA's designation was based on data from an ambient monitor operated by Eastman Chemical Company at Ross N. Robinson Middle School in Kingsport (**Table 2-1**)[11].

[9] In cases where air quality monitors for the affected area are located in the area of maximum concentration, the EPA may be able to use the data from the monitors alone to make the attainment determination for the affected area without need for additional air quality modeling beyond what the previously approved attainment demonstration has provided.

[10] EPA is generally required to designate areas as nonattainment, attainment, or unclassifiable, pursuant to CAA §107(d)(1) within two years, but if the Administrator has insufficient information to make those designations within two years, EPA has the authority to extend the deadline for completing designations by up to one year. On July 27, 2012, EPA extended the deadline for $SO_2$ designations to June 3, 2013.

[11] Prior to 2016, the Ross N. Robinson monitoring site was owned and operated by Eastman Chemical Company, and EPA includes Eastman's historical data on its air quality monitoring site. In 2016, the Tennessee Department of Environment and Conservation co-located a monitor at the same site, and that site has been used since 2016 for compliance purposes. Eastman's historical data are available on AQS because the old data from this site were used for designation purposes.

| Table 2-1: Ross N. Robinson Ambient Data, 2009-2011 | | | | | |
|---|---|---|---|---|---|
| Monitor Name | AQS ID | Highest-Fourth-High (H4H) $SO_2$ Concentration (ppb) | | | Three-Year Design Value (2009-2011) |
| | | 2009 | 2010 | 2011 | |
| Ross N. Robinson | 47-163-6001 | 158.5 | 231.5 | 198.8 | 196.3 |

CAA §107(d)(3)(E)(i) states that the Administrator may not promulgate a redesignation of a nonattainment area (or portion thereof) to attainment unless the Administrator determines that the area has attained the national ambient air quality standard.

Following designation of the area to nonattainment, Eastman implemented a number of control strategies, as discussed in Section 4.0, and installed a second monitor at Skyland Drive for planning purposes[12]. Tennessee installed its own monitor at Skyland Drive in 2016 and two additional monitors at Andrew Johnson Elementary School and Happy Hill, and those monitors began operation in 2019 (see **Figure 1-1** for active monitor locations). Following the implementation of Eastman's control strategy between 2013 and 2021, declining ambient concentrations were observed at all monitors (**Table 2-2**). In 2022, the three-year design values (three-year average of 2020, 2021, and 2022) were below the NAAQS at all monitoring locations (**Table 2-3**). Tennessee's redesignation request is based on the most recent three years of data, which show no violations of the $SO_2$ NAAQS for the three-year average of 2020 through 2022. These data are represented graphically in **Figure 2-1**.

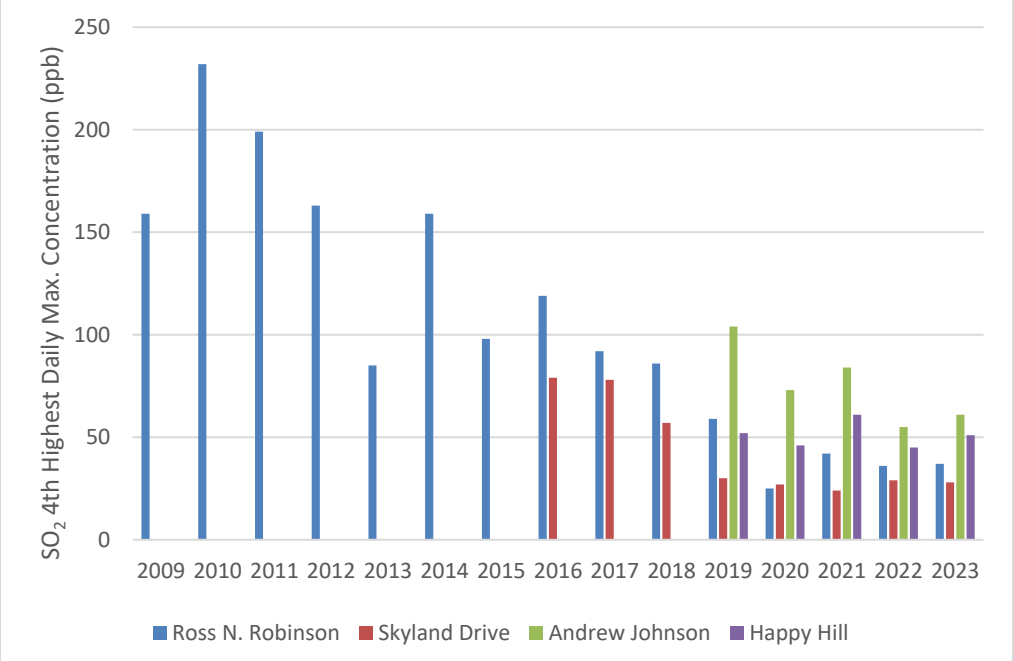


**Figure 2-1: $SO_2$ Trends, 2009-2023[13]**

[12] Industry-generated data do not, in general, meet EPA's quality assurance requirements, and Eastman's data for this site are not uploaded to AQS. Ambient data for Happy Hill are available for 2016 and later, when Tennessee began operating its own monitor at the site.

[13] 2023 data are preliminary.

| Table 2-2: Ambient Data from Active Monitors | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Monitor Name** | **AQS ID** | **99th Percentile Daily Maximum One-Hour $SO_2$ concentration (ppb)** | | | | | | | |
| | | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** | **2024** |
| Ross N. Robinson | 47-163-6001 | 92 | 86 | 59 | 45 | 42 | 36 | 37 | 40 |
| Skyland Drive | 47-163-6002 | 78 | 57 | 30 | 27 | 24 | 29 | 28 | 30 |
| Andrew Johnson | 47-163-6003 | | | 104 | 73 | 84 | 55 | 61 | 56 |
| Happy Hill[14] | 47-163-6004 | | | 52 | 46 | 61 | 45 | 51 | 50 |

| Table 2-3: Three-Year Design Values at Active Monitors | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Monitor Name** | **AQS ID** | **Three-Year Average of 99th Percentile Daily Maximum One-Hour $SO_2$ concentration (ppb)** | | | | | |
| | | **2017-2019** | **2018-2020** | **2019-2021** | **2020-2022** | **2021-2023** | **2022-2024** |
| Ross N. Robinson | 47-163-6001 | 79 | 63 | 49 | 41 | 38 | 38 |
| Skyland Drive | 47-163-6002 | 55 | 38 | 27 | 27 | 27 | 29 |
| Andrew Johnson | 47-163-6003 | | | 87 | 71 | 67 | 57 |
| Happy Hill | 47-163-6004 | | | 53 | 50 | 52 | 49 |

[14] Data from 2018 are not included because the Happy Hill monitor operated for only 21 days in 2018.

Ambient $SO_2$ concentrations within the nonattainment area vary with the distance of each monitor from the primary $SO_2$ source[15], and the four monitors within the nonattainment area vary by distance and spatial location relative to the emission source. Tennessee's ambient monitoring data demonstrate that the area has attained the NAAQS, and Tennessee has met EPA's ambient monitoring requirements outlined in the 1992 Calcagni memo as follows:

**Location and Representativeness:** The ambient monitors have remained at the same location for the duration of the monitoring period required for demonstrating attainment. The Ross N. Robinson monitoring site is located northeast of Eastman Chemical Company's Tennessee Operations, approximately 2 km from the centroid of the nonattainment area[16]. Skyland Drive is located at the eastern edge of the nonattainment area, approximately 3 km from the centroid. Notwithstanding the relatively longer distance from the nonattainment area, Skyland Drive has been important because of the monitor's elevation relative to the remainder of the nonattainment area (approximately 1,700 feet above mean sea level, compared to an elevation of 1,200 feet above mean sea level in the vicinity of the Holston River). Historically, the Skyland Drive monitor was able to detect elevated $SO_2$ concentrations not observed at Ross N. Robinson, presumably due to plume rise from Eastman's B-83 and B-253 powerhouses.

Andrew Johnson and Happy Hill are newer monitors and were installed specifically to capture ambient data closer to the facility. Andrew Johnson is 1 km northeast of the centroid and is roughly in a direct line between the B-83 stacks and the Ross N. Robinson monitor. Happy Hill is 2 km west-southwest of the centroid and is intended to capture ambient data during periods when the wind direction is opposite of the prevailing winds (typically from the SW). The Happy Hill site is also relatively near to Eastman's B-325 powerhouse and coal gasification operations and may be better suited to detect ambient concentrations affected by those sources.

Following implementation of Eastman's initial control strategy between 2013 and 2018 (repowering of B-253 boilers from coal to natural gas), ambient data from RNR and Skyland Drive declined such that those monitors indicated no exceedances of the NAAQS for 2018 and afterward. Similarly, the H4H concentrations at Happy Hill have not exceeded 75 ppb for all five years of the monitor's operation. However, the Andrew Johnson monitor continued to indicate NAAQS exceedances after beginning operation in 2019, and Eastman began

[15] As discussed in Section 5.2.1, Eastman Chemical Company's Tennessee Operations is the only significant source of $SO_2$ affecting the nonattainment area.

[16] All distances were calculated as follows: the latitude and longitude of the centroid of the nonattainment area are defined in EPA's designation of the area, and the latitude and longitude of each monitor were obtained from EPA's interactive map of air quality monitors (https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors). NOAA's latitude/longitude distance calculator (https://www.nhc.noaa.gov/gccalc.shtml) was used to calculate the distance of each monitor from the centroid..

| Location | Latitude | Longitude |
|---|---|---|
| Centroid of Nonattainment Area (B-253 Powerhouse) | 36.5186° N | 82.5350° W |
| Andrew Johnson Monitor | 36.5264° N | 82.5287° W |
| Happy Hill Monitor | 36.5130° N | 82.5505° W |
| Ross N. Robinson Monitor | 36.5326° N | 82.5163° W |
| Skyland Drive Monitor | 36.5211° N | 82.5024° W |

| Location | Distance from Centroid (km) |
|---|---|
| Andrew Johnson Monitor | 1 |
| Happy Hill Monitor | 2 |
| Ross N. Robinson Monitor | 2 |
| Skyland Drive Monitor | 3 |

the implementation of both a provisional control strategy in 2019 (portable DSI) and initiated work on a permanent control strategy (permanent DSI), which was completed in 2021. Following implementation of the permanent control strategy in 2021, there were no further exceedances of the NAAQS in 2022 and 2023, the design value indicated attainment of the NAAQS. As discussed in Section 2.2 (Air Quality Modeling), Tennessee modeled the $SO_2$ emissions from nearby sources, and the model outputs indicated that the areas of highest modeled concentration were located in the vicinity of the Andrew Johnson monitor for four model runs, and the highest concentrations for the remaining two runs were located in the vicinity of the Happy Hill site.

As discussed in Section 2.2, ambient monitoring data collected at the Andrew Johnson monitor (47-163-6003) are representative of the area of highest concentration.

**Quality Assurance and Data Completeness:** Ambient data are collected and quality-assured in accordance with 40 CFR Part 58 and are recorded to be available for public review. Section 3(b) of Appendix T to 40 CFR Part 50 states that a one-hour $SO_2$ design value is valid if it encompasses three consecutive calendar years of complete data, a year meets data completeness requirements when all four quarters are complete, a quarter is complete when at least 75% of the sampling days for each quarter have complete data, and a sampling day has complete data if 75% of the hourly concentration values, including State-flagged data affected by exceptional events which have been approved for exclusion by the Administrator, are reported. **Table 2-4** summarizes the data completeness for the Sullivan County monitors from 2019 through 2023.

**Table 2-4: Data Completeness**

| Monitor ID | Local Site Name | Year | Number of Complete Hours | Observation Percent |
|---|---|---|---|---|
| 47-163-6003 | Andrew Johnson School | 2019 | 8,141 | 93% |
| | | 2020 | 8,170 | 93% |
| | | 2021 | 8,284 | 95% |
| | | 2022 | 8,308 | 95% |
| | | 2023 | 8,262 | 94% |
| | | 2024 | 8,277 | 94% |
| 47-163-6003 | Happy Hill | 2019 | 8,172 | 93% |
| | | 2020 | 8,279 | 94% |
| | | 2021 | 8,256 | 94% |
| | | 2022 | 8,274 | 94% |
| | | 2023 | 8,081 | 92% |
| | | 2024 | 8,169 | 93% |
| 47-163-6001 | Ross N. Robinson | 2019 | 8,252 | 94% |
| | | 2020 | 8,040 | 92% |
| | | 2021 | 8,251 | 94% |
| | | 2022 | 8,288 | 95% |
| | | 2023 | 8,142 | 93% |
| | | 2024 | 8,143 | 93% |
| 47-163-6002 | Skyland Drive | 2019 | 8,250 | 94% |

| Table 2-4: Data Completeness | | | | |
|---|---|---|---|---|
| **Monitor ID** | **Local Site Name** | **Year** | **Number of Complete Hours** | **Observation Percent** |
| | | 2020 | 8,068 | 92% |
| | | 2021 | 8,189 | 93% |
| | | 2022 | 8,171 | 93% |
| | | 2023 | 8,282 | 95% |
| | | 2024 | 7,967 | 91% |
| Data source: https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors | | | | |

**Monitoring Network Integrity:** EPA's Region 4 office periodically verifies that the integrity of the air quality monitoring network has been preserved through Technical Systems Audits (TSAs). EPA performed a TSA for the $SO_2$ monitors in 2019 and found that the ambient air monitoring program was maintained in accordance with State quality system documents and that data collected within the State's ambient air monitoring network were of sufficient quality for regulatory decisionmaking purposes. Issues identified during the TSA were resolved with the development and implementation of a corrective action plan, and on October 22, 2020, EPA found that all findings and concerns identified in the 2019 TSA were successfully resolved.

## 2.2 Air Quality Modeling

The second component of Tennessee's analysis relies upon air quality modeling of $SO_2$ emitting sources in the nonattainment area, including enforceable control measures, to demonstrate that the area has attained the NAAQS pursuant to CAA §107(d). Although supplemental modeling is not required for regional pollutants such as ozone or fine particulate matter, a monitoring network may not be sufficient to represent the air quality throughout the nonattainment area for directly-emitted pollutants such as sulfur dioxide. If there are no air quality monitors located in the affected area, or if analyses indicate that none of the monitors is located in the area of maximum concentration, then air quality dispersion modeling will generally be needed to estimate $SO_2$ concentrations throughout the area and to demonstrate that emission sources are not causing or contributing to violations of the NAAQS.

Tennessee modeled the portion of Sullivan County encompassing a circle centered at coordinates 36.5186 N; 82.5350 W (Eastman Chemical Company's B-253 powerhouse) and having a three-kilometer radius (i. e., the portion of Sullivan County designated as nonattainment) as the modeling domain. Model receptors were placed at 50-meter intervals along the Eastman fenceline, public access roads, and riverbanks and at 100-meter intervals throughout the remainder of the nonattainment area. Terrain elevations were developed from the National Elevation Dataset (NED) acquired from USGS, using EPA's terrain processor (AERMAP version 18081). Receptors were not placed in the interior of Eastman's facility, since access to the property is controlled via fences, gates, and other restrictions to limit public access to the site. Tennessee used onsite meteorological data developed by Eastman and updated/supplemented Eastman's data with the 2011 NLCD and with the application of the latest version of AERMET (version 22112). To determine background $SO_2$ concentrations, Tennessee used data from a monitor located at Mammoth Cave National Park in Kentucky (AQS ID 21-061-0501) that was deemed representative based on the terrain similarity, the monitor location relative to nearby sources, and the completeness of the monitoring record, to develop "seasonal by hour of the day" background concentrations.

EPA's Guideline on Air Quality Models (Appendix W to 40 CFR Part 51) states that all sources expected to cause a significant concentration gradient in the vicinity of the source of interest should be explicitly modeled and that the number of such sources is expected to be small except in unusual cases. Other sources, which do not cause significant concentration gradients in the vicinity of the primary source, should be included in the modeling via monitored background concentrations. Model runs were performed for all Eastman sources except for one batch chemical manufacturing operation[17] and for all nearby sources affecting the nonattainment area. Sources were modeled either at the allowable emission rate for sources where Tennessee requested the adoption of emission limits into the SIP and at the maximum uncontrolled hourly emission rate for other sources. Model inputs for Eastman's coal-fired boilers are shown in **Table 2-5**, and model inputs for other sources (Eastman and Domtar Paper Company) are shown in **Table 2-6**.

The results of the model runs are shown in **Table 2-7.** Table 2-7 shows the maximum overall impact for each run (modeled highest-fourth-high concentration) and demonstrates that at the critical emission value of 1,600 lb/hr[18], there are no violations of the $SO_2$ NAAQS within the nonattainment area. The worst-case model run is 2022-0928-1 (Boilers 23, 24, 30 and 31 down; Boilers 18 through 24 operating at 1,600 lb/hr).

[17] Eastman's specialty organic chemicals production (MSOP-25, PES OC-BATCH) was excluded using the criteria enumerated in EPA's March 1, 2011, modeling guidance for the one-hour $NO_2$ NAAQS.

[18] The *critical emission value* is the hourly emission rate that the model predicts would result in the annual 99$^{th}$ percentile of daily maximum hourly $SO_2$ concentrations at or below the level of the one-hour NAAQS at all receptors, given representative meteorological data for the area. The critical emission value is based on an apportionment of $SO_2$ emission rates between B-83 boilers 18-22 and B-325 30-31 at different operating rates.

| Table 2-5: Boiler Model Runs | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Boilers 18-24 | | | | Boilers 30-31 | | | | |
| Run | Boiler(s) | $SO_2$ Emission Rate (lb/hr) | $SO_2$ Emission Rate (g/s) | Stack Velocity (m/s) | Stack Temperature (K) | $SO_2$ Emission Rate (lb/hr) | $SO_2$ Emission Rate (g/s) | Stack Velocity (m/s) | Stack Temperature (K) | Total $SO_2$ Emission Rate (lb/hr) |
| 2023-0120-1[19] | 18, 19, 20, 21, 22 | 1,600.0 | 201.60 | 16.48 | 447.92 | | | | | 1,600 |
| 2023-0120-5 | 20, 21, 22, 23, 24, 30 | 1,283.0 | 161.65 | 22.63 | 439.34 | 317 | 39.94 | 18.97 | 383.50 | 1,600 |
| 2023-0120-6 | 20, 21, 22, 23, 24, 30 | 1,233.6 | 155.43 | 22.42 | 438.80 | 366.4 | 46.17 | 18.97 | 383.50 | 1,600 |
| 2023-0120-7 | 21, 22, 23, 24, 31 | 1,102.0 | 138.85 | 19.96 | 438.21 | 497.6 | 62.70 | 18.22 | 397.28 | 1,600 |
| 2023-0120-9 | 18, 19, 20, 21, 22, 30, 31 | 1,014.2 | 127.79 | 14.01 | 441.90 | 585.8 | 73.81 | 37.19 | 390.25 | 1,600 |
| 2023-0120-12 | 18, 19, 20, 21, 22, 30, 31 | 846.0 | 127.79 | 14.01 | 441.90 | 754 | 95.00 | 37.19 | 390.25 | 1,600 |

| Table 2-6: Other Modeled $SO_2$ Emission Sources | | | | | |
|---|---|---|---|---|---|
| ID | Description | Stack Velocity (m/s) | Stack Temperature (K) | Modeled $SO_2$ Emission Rate (g/s) | Basis |
| DOMTR_BB | Domtar Biomass Boiler | 15.39 | 449.70 | 1.44 | Allowable emissions from PSD permit 978656 (11.43 lb/hr, daily average). The maximum uncontrolled hourly emission rate is 6.13 lb/hr (i. e., the modeled emission rate is higher than the maximum uncontrolled hourly emission rate). |
| TAIL_GAS | Tail Gas Incinerator | 21.34 | 644.26 | 2.75 | Allowable emission rate (21.8 lb/hr). |
| FUGITIVE | Fugitive | | | 1.72E-08[20] | $SO_2$ emissions from equipment leaks are estimated from equipment counts (i. e., number of pumps, valves, flanges, connectors, etc.) and emission factors plus nontraditional fugitive emissions[21] (estimated as 10% of equipment leaks). There are no numeric emission limits for equipment leaks, and compliance is based on work practice standards (quarterly or annual inspection using audible, visual, or olfactory methods). |

[19] Model run ID numbers are not sequential because Tennessee developed multiple runs but later eliminated some runs as redundant. Model run IDs were updated to reflect the most recent runs performed in response to EPA comments.

[20] Fugitive emissions are modeled in g/s*$m^2$, where the fugitive area is 2,425,384 $m^2$ (1353.3 m x 1792.2 m).

[21] Fugitive emissions from equipment closures including manways, body flanges, and blind flanges.

| Table 2-6: Other Modeled $SO_2$ Emission Sources | | | | | |
|---|---|---|---|---|---|
| ID | Description | Stack Velocity (m/s) | Stack Temperature (K) | Modeled $SO_2$ Emission Rate (g/s) | Basis |
| 253_25 | B-253 Powerhouse Boiler 25 | 25.3 | 434 | 0.058 | Maximum uncontrolled hourly emission rate at the design heat input. |
| 253_26 | B-253 Powerhouse Boiler 26 | 25.3 | 434 | 0.058 | Maximum uncontrolled hourly emission rate at the design heat input. |
| 253_27 | B-253 Powerhouse Boiler 27 | 25.3 | 434 | 0.058 | Maximum uncontrolled hourly emission rate at the design heat input. |
| 253_28 | B-253 Powerhouse Boiler 28 | 25.3 | 434 | 0.058 | Maximum uncontrolled hourly emission rate at the design heat input. |
| 253_29 | B-253 Powerhouse Boiler 29 | 25.3 | 434 | 0.058 | Maximum uncontrolled hourly emission rate at the design heat input. |
| H2_2_6 | H2 Plants (Hydrogen Plant #3) | 15.54 | 533.00 | 3.78E-03 | Maximum uncontrolled hourly emission rate at the design heat input[22]. |
| H24A | H2 Plants (Hydrogen Plant #4) | 15.54 | 533.00 | 4.31E-03 | Maximum uncontrolled hourly emission rate at the design heat input[23]. |
| H25A | H2 Plants (Hydrogen Plant #5) | 26.52 | 494.67 | 9.49E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| H26A | H2 Plants (Hydrogen Plant #6) | 26.52 | 494.67 | 9.49E-03 | Maximum uncontrolled hourly emission rate at the design heat input[24]. |
| B4231A | NG-Fired Boiler, 226 MMBtu/hr | 15.15 | 471.89 | 1.68E-02 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B4231B | NG-Fired Boiler, 226 MMBtu/hr | 15.15 | 471.89 | 1.68E-02 | |
| B4231C | NG-Fired Boiler, 226 MMBtu/hr | 15.15 | 471.89 | 1.68E-02 | |
| B1901F | NG-Fired Parts Cleaning Oven | 2.23 | 386.33 | 1.44E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B1901L | NG-Fired Parts Cleaning Oven | 7.62 | 302.44 | 1.44E-03 | |
| RICE1A | Diesel-Fired Emergency Engine | 78.9432 | 750.77778 | 7.47E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| RICE1H | Diesel-Fired Emergency Engine | 21.0312 | 745.22222 | 2.33E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| RICE1I | Diesel-Fired Emergency Engine | 71.628 | 785.77778 | 1.77E-05 | Maximum uncontrolled hourly emission rate at the design heat input. |
| RICE1K | Diesel-Fired Emergency Engine | 61.2648 | 658 | 4.36E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |

[22] Tennessee identified a small discrepancy between the modeled emission rate (0.03 lb/hr) and the calculated maximum uncontrolled hourly emission rate (0.034 lb/hr). We believe that this difference is a rounding error with no significance to the model output.

[23] Tennessee identified a small discrepancy between the modeled emission rate (0.0342 lb/hr) and the calculated maximum uncontrolled hourly emission rate (0.034 lb/hr). We believe that this difference is a rounding error with no significance to the model output.

[24] Tennessee identified a small discrepancy between the modeled emission rate (0.075 lb/hr) and the calculated maximum uncontrolled hourly emission rate (0.076 lb/hr). We believe that this difference is a rounding error with no significance to the model output.

| Table 2-6: Other Modeled $SO_2$ Emission Sources | | | | | |
|---|---|---|---|---|---|
| ID | Description | Stack Velocity (m/s) | Stack Temperature (K) | Modeled $SO_2$ Emission Rate (g/s) | Basis |
| RICE1P | Diesel-Fired Emergency Engine | 99.6696 | 710.22222 | 1.08E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B265B1A | NG-Fired Heat Transfer Furnace | 5.79 | 605.22 | 2.88E-04 | Maximum uncontrolled hourly emission rates at the design heat input are 3.63 x $10^{-4}$ g/s for B265B1A (Furnace SM-01) and 4.60E x $10^{-4}$ g/s for B265B1C (Furnace SM-02). The modeled emission rate (combined total for both furnaces) was 8.63 x $10^{-4}$ g/s, compared to a maximum uncontrolled hourly emission rate (combined total for both furnaces) of 8.23 x $10^{-4}$. Stacks are co-located (same UTM coordinates). |
| B265B1C | NG-Fired Heat Transfer Furnace | 2.74 | 616.33 | 5.75E-04 | |
| RK | Solid/Liquid Chemical Incinerators, B-248-1 Vents D and E | 17.07 | 319.11 | 2.52E+00 | CEV of 20 lb/hr |
| LCD | Liquid Chemical Incinerator B-248-2, Vent A | 15.85 | 319.11 | 1.26E+00 | CEV of 10 lb/hr |
| RICE3A | Diesel-Fired Emergency Engine | 41.7576 | 713.55556 | 5.50E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| RICE2B63 | B-63 Emergency Fire Pump Engine (Vent A) | 53.64 | 727.4 | 3.51E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| RIC2B269 | B-269 Emergency Fire Pump Engine (Vent B) | 45.72 | 788 | 2.56E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| DOMTR_SR | Domtar No. 2 Power Boiler | 14.54 | 429.26 | 1.70E-01 | 1.33 lb/hr allowable (daily average) from PSD permit 978656. Maximum uncontrolled hourly emission rate is 1.33 lb/hr. |
| DOMTR_LK | Domtar Lime Kiln | 6.46 | 516.48 | 4.91E-01 | 3.9 lb/hr allowable (daily average) from Title V permit 573622. Emissions will be zero following startup of the modified source (the facility will no longer produce soda pulp, and the lime kiln will not be needed). The allowable emission rate was retained in the model because there is no enforceable shutdown requirement for the lime kiln. |
| PRMSTER | Cellulose Acetate Process | 3.63 | 306.48 | 3.15E-02 | Controlled emission rate (0.25 lb/hr). |
| B6551 | Methanolysis Plant (Furnace FR-01) | 4.88 | 449.70 | 1.26E-02 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B8311_32 | New Gas Boiler 32 | 17.07 | 455.20 | 1.89E-02 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B8311_33 | New Gas Boiler 33 | 17.07 | 455.20 | 1.89E-02 | |
| B8311_34 | New Gas Boiler 34 | 17.07 | 455.20 | 1.89E-02 | |
| B338_3 | Catalyst Recovery | 21.95 | 310.80 | 1.26E-02 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B90_7_1 | TBHQ Production | 43.28 | 298.00 | 1.15E-03 | Maximum uncontrolled hourly emission rate (0.01 lb/hr). Vent E is an uncontrolled process vent, and $SO_2$ is used as a reagent in the process. Emissions |

| Table 2-6: Other Modeled $SO_2$ Emission Sources | | | | | |
|---|---|---|---|---|---|
| ID | Description | Stack Velocity (m/s) | Stack Temperature (K) | Modeled $SO_2$ Emission Rate (g/s) | Basis |
| | | | | | from this vent are negligible because $SO_2$ is added below its solubility limit of in water. |
| B90_7_2 | TBHQ Production | 0.09 | 298.00 | 2.59E-03 | Maximum uncontrolled hourly emission rate (0.02 lb/hr). Vent C is an uncontrolled process vent, and $SO_2$ is used as a reagent in the process. Emissions from this vent are negligible because $SO_2$ is added below its solubility limit of in water. The application also states that there is adequate mixing and reaction time such that no excess $SO_2$ remains in solution. |
| B90B_1 | BHA Production | 6.10 | 294.10 | 4.03E-02 | Maximum uncontrolled hourly emission rate (0.31 lb/hr). |
| B22723_1 | HTM Furnace #3 (Vent A) | 2.01 | 449.70 | 9.58E-03 | Allowable emission rate of 0.19 lb/hr allocated to each furnace by heat input (0.08 lb/hr to Vent A and 0.11 lb/hr to Vent B). The modeled emission rates are greater than the maximum uncontrolled hourly emission rates at the design heat inputs ($1.04 \times 10^{-3}$ g/s for Vent A and $1.59 \times 10^{-3}$ g/s for Vent B). |
| B22723_2 | HTM Furnace #4 (Vent B) | 4.02 | 449.70 | 1.44E-02 | |
| B6C1_27 | Cracking Furnace 27 | 12.10 | 644.10 | 1.89E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B6C1_28 | Cracking Furnace 28 | 12.10 | 644.10 | 1.89E-03 | |
| B7R_1 | Crack Furnace 5-16 and 9-24 | 6.68 | 644.10 | 7.56E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B7R_2 | Crack Furnace 5-16 and 9-24 | 6.68 | 644.10 | 7.56E-03 | |
| B7RC_1 | Cracking Furnace 25 | 5.46 | 644.10 | 1.26E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B7RC_2 | Cracking Furnace 26 | 5.46 | 644.10 | 1.26E-03 | |
| AB7_1 | Acetic Anhydride Manufacturing (Ketene Furnaces) | 1.58 | 505.20 | 3.02E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| AB7_2 | Acetic Anhydride Manufacturing (Thermal Oxidizer) | 3.14 | 1,144.10 | 7.56E-04 | |
| B351_5 | Cold and Warm Flares | 20 | 1273 | 2.0513 | Modeled at 2020 $99^{th}$ percentile emission rate of 16.28 lb/hr. |
| B545_1 | Copolyester Monomer Manufacturing (Process Heater FA-F-01) | 17.22 | 681.90 | 1.76E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B545_2 | Copolyester Monomer Manufacturing (Process Heater FB-F-01) | 2.36 | 1,088.60 | 1.76E-03 | |
| B545_3 | Copolyester Monomer Manufacturing (Vapor Incinerator) | 10.00 | 681.30 | 1.76E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B55_1B | Organic Acids & Anhydrides Manufacturing | 2.66 | 294.6 | 0.672 | Uncontrolled emission rate of 5.33 lb/hr. |

| Table 2-6: Other Modeled $SO_2$ Emission Sources | | | | | |
|---|---|---|---|---|---|
| ID | Description | Stack Velocity (m/s) | Stack Temperature (K) | Modeled $SO_2$ Emission Rate (g/s) | Basis |
| B55_1C | Organic Acids & Anhydrides Manufacturing | 17.70 | 299.7 | 0.0857 | Uncontrolled emission rate of 0.68 lb/hr. Emissions for this vent were previously believed to be zero, but bag sampling confirmed the presence of small amounts of $SO_2$. |
| B55_1E | Organic Acids & Anhydrides Manufacturing | 0.12 | 299.7 | 0 | Emissions for this vent were confirmed to be zero. |
| B55_1I | Organic Acids & Anhydrides Manufacturing | 2.99 | 299.7 | 0.0744 | Uncontrolled emission rate of 0.59 lb/hr. Emissions for this vent were previously believed to be zero, but bag sampling confirmed the presence of small amounts of $SO_2$. |
| B55_1K | Organic Acids & Anhydrides Manufacturing | 3.33 | 307.2 | 0.0176 | Uncontrolled emission rate of 0.14 lb/hr. |
| B238_1 | HTM Furnaces (MF-01 Furnace) | 3.81 | 477.40 | 1.26E-03 | Maximum uncontrolled hourly emission rate at the design heat input [25]. |
| B238_2 | HTM Furnaces (MG-01 Furnace) | 3.81 | 477.40 | 1.26E-03 | Maximum uncontrolled hourly emission rate at the design heat input [26]. |
| B238_3 | HTM Furnaces (MK-01 Furnace) | 9.81 | 471.90 | 5.04E-03 | Maximum uncontrolled hourly emission rate at the design heat input [27]. |
| B238_4 | HTM Furnaces (ML-01 Furnace) | 6.10 | 258.30 | 7.56E-03 | Maximum uncontrolled hourly emission rate at the design heat input [28]. |
| B232_1 | Aromatic Acid Manufacturing (Vent UA Catalytic Oxidizer) | 7.32 | 323.00 | 2.88E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B232_2 | Aromatic Acid Manufacturing (Vent UB Regenerative Thermal Oxidizer) | 32.93 | 336.90 | 1.15E-03 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B232_3 | Aromatic Acid Manufacturing (Vent UC Catalytic Oxidizer) | 7.01 | 323.00 | 2.88E-04 | Maximum uncontrolled hourly emission rate at the design heat input. |
| B256_5 | HTM Furnace 5 | 4.02 | 449.70 | 1.68E-03 | The maximum uncontrolled hourly emission rate of each furnace at the design heat input is $1.48 \times 10^{-3}$ g/s. |
| B256_6 | HTM Furnace 6 | 4.02 | 449.70 | 1.68E-03 | |
| B256_8 | HTM Furnace 8 | 4.02 | 449.70 | 1.68E-03 | |

[25] Tennessee identified a small discrepancy between the modeled emission rate (0.010 lb/hr) and the calculated maximum uncontrolled hourly emission rate (0.012 lb/hr) for Furnace MF-01. We believe that this difference is a rounding error with no significance to the model output.

[26] Tennessee identified a small discrepancy between the modeled emission rate (0.010 lb/hr) and the calculated maximum uncontrolled hourly emission rate (0.012 lb/hr) for Furnace MG-01. We believe that this difference is a rounding error with no significance to the model output.

[27] Tennessee identified a small discrepancy between the modeled emission rate (0.040 lb/hr) and the calculated maximum uncontrolled hourly emission rate (0.044 lb/hr) for Furnace MK-01. We believe that this difference is a rounding error with no significance to the model output.

[28] Tennessee identified a small discrepancy between the modeled emission rate (0.060 lb/hr) and the calculated maximum uncontrolled hourly emission rate (0.058 lb/hr) for Furnace ML-01. We believe that this difference is a rounding error with no significance to the model output.

| Table 2-6: Other Modeled $SO_2$ Emission Sources | | | | | |
|---|---|---|---|---|---|
| **ID** | **Description** | **Stack Velocity (m/s)** | **Stack Temperature (K)** | **Modeled $SO_2$ Emission Rate (g/s)** | **Basis** |
| B272_7 | HTM Furnace 7 | 4.02 | 449.70 | 1.68E-03 | Permitted allowable for furnaces 5, 6, and 8 (0.04 lb/hr) were divided evenly among all three furnaces (0.0133 lb/hr). The modeled emission rates are greater than the maximum uncontrolled hourly emission rate at the design heat inputs ($1.48 \times 10^{-3}$ g/s for each furnace). |
| B272_9 | HTM Furnace 9 | 4.02 | 449.70 | 1.68E-03 | |
| B272_10 | HTM Furnace 10 | 4.02 | 449.70 | 1.68E-03 | |
| CARGLAS1 | Cardinal Flat Glass Gas Melting Furnace 1 | 9.58 | 574.82 | 0.41 | 3.25 lb/hr[29] |
| CARGLAS2 | Cardinal Flat Glass Gas Melting Furnace 2 | 16.53 | 517.59 | 11.97 | Allowable emission rate of 95 lb/hr |

[29] There appears to be an error in the model input for this run, because the allowable emission rate for this furnace is 32.5 lb/hr.

| Table 2-7: Summary of Model Results | | | | | |
|---|---|---|---|---|---|
| Model Run | Receptor Coordinates | | Maximum Impact (ppb) | Nearest Monitor | Distance to Nearest Monitor (km) |
| | Latitude | Longitude | | | |
| 2023-0120-1 | 36.5230 | -82.5171 | 74.82 | Ross N. Robinson | 1.08 |
| 2023-0120-5 | 36.5073 | -82.5525 | 66.45 | Happy Hill | 0.65 |
| 2023-0120-6 | 36.5073 | -82.5525 | 67.17 | Happy Hill | 0.65 |
| 2023-0120-7 | 36.5248 | -82.5193 | 72.36 | Andrew Johnson | 0.85 |
| 2023-0120-9 | 36.5221 | -82.5204 | 69.97 | Andrew Johnson | 0.88 |
| 2023-0120-12 | 36.5229 | -82.5294 | 68.98 | Andrew Johnson | 0.39 |

The location of each maximum modeled impact relative to the existing monitoring network is shown in **Figure 2-2**. Four of the six maximum modeled impacts, including the overall maximum of 74.82 ppb are located south and southeast of the Andrew Johnson monitor[30], with the remaining highest impacts in the vicinity of the Happy Hill site. When the modeled outputs are considered along with the history of monitored exceedances at Andrew Johnson, Tennessee believes that it is located in the vicinity of the area of highest concentration. All models involve a degree of uncertainty in both the value and location of the modeled concentration, and if the model results alone were considered, it might be arguable that the area of maximum impact is equally near to the Ross N. Robinson monitor rather than the Andrew Johnson site. However, the model outputs cannot be assessed without considering both the proximity of the monitors to the emission source and the monitoring history of the nonattainment area. The Andrew Johnson monitor is nearer to Eastman's B-83 powerhouse, and that monitor indicated NAAQS exceedances that were never observed at the Ross N. Robinson monitoring site. Based on all of these factors, Tennessee believes that the Andrew Johnson monitor is more representative of the maximum impact.

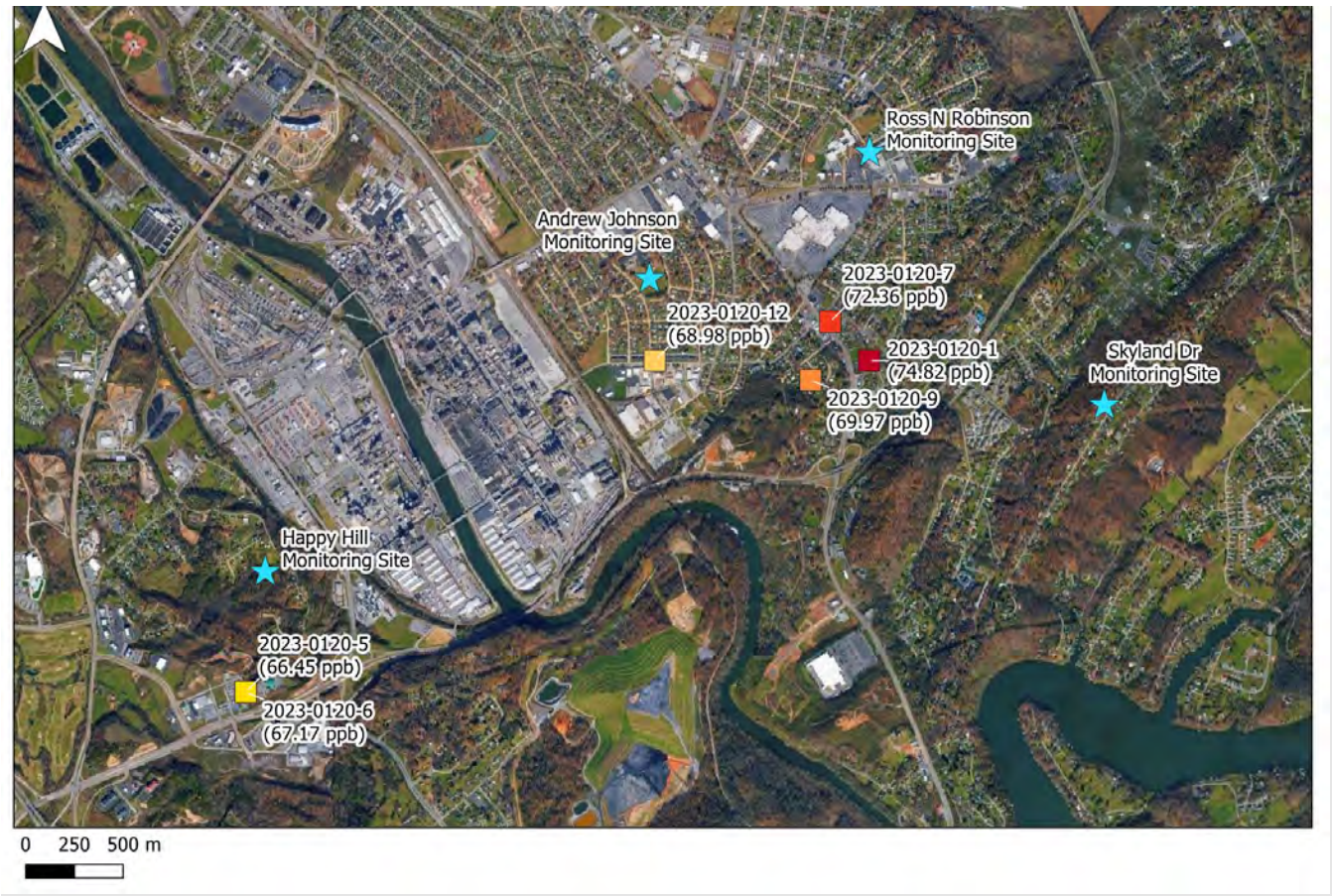


**Figure 2-2: Locations of Maximum Modeled Impacts**

[30] The highest overall impact is roughly equidistant from the Ross N. Robinson and Andrew Johnson sites.

# 3.0 Approved Implementation Plan

EPA's 2014 $SO_2$ SIP guidance states that the SIP for the affected area would need to be fully approved under CAA §110(k) and satisfy all applicable requirements for the area. An area cannot be redesignated to attainment if a required element of its plan is the subject of a disapproval; a finding of failure to submit, or failure to implement the SIP; or a partial, conditional, or limited approval. However, the approval action on both SIP elements and the redesignation request may occur simultaneously.

On February 9, 2023, the Tennessee Department of Environment and Conservation's Division of Air Pollution Control submitted an Attainment Demonstration showing that the area would attain the NAAQS by the attainment date of April 5, 2027. The Attainment Demonstration also met the other requirements of CAA §110(a), 172, 191, and 192. Specifically, the Attainment Demonstration contained a base year inventory for 2017, a projected attainment year inventory for 2027, a modeled attainment demonstration, provisions for RACT/RACM, NSR, RFP, and contingency measures. Tennessee's Attainment Demonstration is not subject to a disapproval, limited, or conditional approval or a finding of failure to submit.

# 4.0 Permanent and Enforceable Reductions

A redesignation request must demonstrate that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions. Permanent and enforceable emission reductions should be a result of emission limitations in the SIP for sources in the nonattainment area or at outside sources contributing to violations in the nonattainment area. Attainment resulting from temporary reductions, such as reduced production rates, shutdowns due to adverse economic conditions, or favorable meteorology, would not qualify as permanent and enforceable with respect to air quality improvements. In making this demonstration, EPA recommends that states provide sufficient quantitative information about emission reductions achieved by relevant controls to demonstrate that the improvement in air quality is attributed to permanent and enforceable measures.

**Table 4-1** shows the change in $SO_2$ emissions from Eastman's coal-fired boilers (**Figure 4-1**) between 2011 and 2022. This table shows historic emission rates from a base year (2011) used to determine the original design value for designation, an interim year (2017) that reflects partial implementation of the control strategy (repowering of three of Eastman's B-253 boilers from coal to natural gas operation), and a final year (2022) showing full implementation of the control strategy (conversion of all five B-253 boilers from coal to natural gas operation and installation of dry sorbent injection on B-83 boilers 23 and 24).

**Table 4-1: Eastman Chemical Company Actual Emissions – Coal-Fired Boilers**

| Release Point ID | Description | $SO_2$ Emissions (tons) | | | % Change, 2011-2022 |
|---|---|---|---|---|---|
| | | 2011 | 2017 | 2022 | |
| B-253-1 | B-253 Coal-Fired Boilers | 14,897 | 4,779 | 7.37 | (99.95%) |
| B-83-1 | B-83 Coal-Fired Boilers | 5,686 | 4,447 | 2,227 | (60.8%) |
| B-325-1 | B-325 Coal-Fired Boilers | 1,276 | 1,340 | 1,100 | (13.8%) |
| **Totals:** | | **21,859** | **10,566** | **3,334** | **(84.7%)** |

Overall, boiler emissions decreased by 84.7% between 2011 and 2022 as a result of Eastman's control strategy, which consisted of the following permanent and enforceable measures.

**Figure 4-1: Eastman Chemical Company Powerhouses**

## 4.1 Control Measures for Point Sources

**Repowering of Boilers 25-29:** Tennessee adopted Regional Haze SIPs on March 31, 2008, and May 9, 2012, to establish Best Available Retrofit Technology (BART) requirements for $SO_2$ emissions from Boilers 25-29 at Eastman Chemical Company's B-253 Powerhouse. The Regional Haze SIP required these boilers to comply with an $SO_2$ limit of 0.20 lb/MMBtu or to reduce uncontrolled $SO_2$ emissions by 92%, and an Alternative BART option allowed Eastman to repower these boilers from coal to natural gas operation as an alternative to add-on controls. A PSD construction permit (966859F), which authorized construction for the boiler repowering, was issued June 5, 2013, and Condition 6 of that permit states that on and after the startup date of each modified boiler in the B-253 fuel-burning installation, only natural gas shall be used as fuel. The repowered boilers began operation on the dates shown in **Table 4-2**, and conversion of the five B-253 boilers from coal to natural gas operation reduced $SO_2$ emissions from B-253 by >99.9% (from 14,897 tons/year to 10 tons/year). Tennessee requests that EPA approve a fuel usage restriction for Boilers 25 through 29 (only natural gas may be used as fuel for this source) into the SIP[31] as a permanent and enforceable control measure for Boilers 25-29.

[31] See Condition 6 of PSD Construction Permit 966859F. Compliance with this restriction is based on design and construction of the modified source (i. e., separate natural gas lines and burners have been installed in the boilers, and the associated coal handling equipment has been removed or abandoned in place). The separate natural gas lines and burners physically restrict the boilers' ability to combust other fuels, including coal and fuel oil.

| Table 4-2: Startup Dates of Modified B-253 Boilers | |
|---|---|
| **Boiler** | **Startup Date** |
| 25 | April 23, 2014 |
| 27 | April 23, 2016 |
| 28 | October 2, 2016 |
| 29 | March 30, 2018 |
| 26 | October 4, 2018 |

**Dry Sorbent Injection for B-83 Boilers 23 and 24:** The initial failure to attain the NAAQS in 2019 triggered the contingency plan requirements of the 2017 attainment demonstration, including the requirement to develop and implement operational changes as necessary to prevent future monitored violations of the standard. In response to the monitored exceedances, Eastman installed a portable dry sorbent injection (DSI) system on B-83 Boilers 23 and 24 and began the development of a plan to install a permanent DSI system. Eastman selected this provisional emission control strategy because the B-83 Boilers 18 through 24 were uncontrolled[32] and because Boilers 23 and 24 are high pressure baseload boilers that are operated preferentially over pressure Boilers 18 through 22, which are smaller and operate at lower pressure. Eastman designed the permanent DSI system to use sodium bicarbonate as the sorbent and to operate with a nominal control efficiency of 60%[33]. Installation and startup of the permanent DSI were completed in 2021, and these measures were made permanent and enforceable with the issuance of SIP permit 080222 on March 1, 2023[34].

**Combined Emission Limits for B-83 Powerhouse (Boilers 18-24) and B-325 Powerhouse (Boilers 30-31):** To assure that emissions from the B-83 and B-325 boilers do not endanger future attainment, air quality modeling was used to establish an emission limit of 1,248 lb/hr for all coal-fired boilers at Eastman's Kingsport facility. The modeled values were converted to a single 30-day rolling average emission limit (combined total for all coal boilers) using the procedure discussed in EPA's $SO_2$ SIP guidance, and compliance with this limit is demonstrated through the use of continuous emissions monitoring systems (CEMS) on all boilers[35]. Compliance with these limits is based upon the operation of existing controls for B-325 (spray dryer absorbers with PM control devices) and dry sorbent injection controls for B-83 Boilers 23 and 24. All 30-day rolling averages must be calculated as specified in 40 CFR §63.10021(b) (**Equation 4-1**), where $Her_i$ is the hourly emissions rate for hour i (combined total emissions for all boilers) and n is the number of hourly emissions rate values collected over 30 boiler operating days[36].

[32] Eastman also considered that the coal boilers Eastman's B-325 powerhouse are already well-controlled: Boiler 30 uses a spray dryer absorber and electrostatic precipitator (ESP) that reduce $SO_2$ by about 65%, and Boiler 31 uses a highly efficient spray dryer absorber and fabric filter system to reduce $SO_2$ emissions by 90-95%.

[33] The nominal control efficiency of the permanent DSI is higher than the efficiency of the portable system that was operated between 2019 and 2021. The portable system consisted of a single train serving two boilers, whereas the permanent system consists of one train for each boiler plus a spare train. The permanent DSI includes a dehumidifier to reduce plugging incidents on each train.

[34] SIP permit 082237, which is included with this redesignation request, incorporates the emission limits and monitoring requirements of permit 080222 for most sources and adds periodic reporting requirements.

[35] All boilers are equipped with CEMS, but emissions from the larger boilers (23, 24, 30, and 31) are calculated differently from Boilers 18 through 22. Boilers 23, 24, 30, and 31 are subject to the $NO_X$ SIP Call and are required by 40 CFR 75 to install and operate in-stack flow monitors. Because Boilers 18 through 22 are not equipped with flow monitors, $SO_2$ emissions are calculated in lb/MMBtu using 40 CFR 60 Appendix A, Method 19 and the heat input is calculated from the energy rise of steam across the boiler.

[36] "Boiler operating day" means a 24-hour period that begins at midnight and ends the following midnight during which any fuel is combusted at any time in any of the boilers. It is not necessary for the fuel to be combusted the entire 24-hour period.

$$Boiler\ operating\ day\ average = \frac{\sum_{i=1}^{n} Her_i}{n}$$ **Equation 4-1**

Permit 082237 requires each CEMS to be fully operational for at least 95% of the operational time of the monitored boiler during any calendar quarter, and missing data must be addressed by substituting the higher value of: (1) the last valid hourly emission rate before, or (2) the first valid hourly emission rate after, the period of missing data.

### 4.3 Other Controls

Tennessee is requesting that EPA adopt into the SIP the limits and associated compliance parameters listed in **Table 4-4,** established in the enforceable permits referenced in the table, and provided in Attachment J. These measures have resulted in permanent reductions in $SO_2$ emissions from Eastman's boilers and hazardous waste incinerators, as follows:

- B-253 boiler emissions decreased from 14,897 tons/year in 2011 (all boilers burning coal) to 4,779 tons/year in 2017 (includes both coal and gas boilers) and 7.37 tons/year in 2022 (all boilers converted to gas operation).

- B-83 Boiler decreased from 5,686 tons/year in 2011 to 4,447 tons/year in 2017 and 2,227 tons/year in 2022.

- $SO_2$ emissions from the solid/liquid chemical waste incinerators (PES B-248-1) decreased from 6.5 tons/year in 2011 and 11.7 tons/year in 2017 to 3.44 tons/year in 2022.

- $SO_2$ emissions from the liquid chemical waste incinerator (PES B-248-2) decreased from 0.8 tons/year in 2011 and 2.96 tons/year in 2017 to 0.46 tons/year in 2022. The decreased in emissions from Eastman's incinerators were primarily the result of the sale of Eastman's adhesive resins business (the source of sulfur-containing waste in the incinerator feed) in 2022, and the emissions limits will ensure that $SO_2$ emissions from the incinerators do not interfere with the attainment or maintenance of the $SO_2$ NAAQS in the future.

SIP permit 079592 was issued on February 9, 2022 to address the reasonable progress requirements for the second planning period of Tennessee's long-term strategy for Regional Haze. Condition 1 of this permit limits combined $SO_2$ emissions from Boilers 23 and 24 to 1,396 tons during any period of 12 consecutive months, beginning on March 1, 2022. Tennessee is noting these controls in the request as additional weight of evidence, but attainment of the NAAQS does not depend upon these controls, and we are not requesting adoption of these limits into the SIP for purposes of redesignation.

### 4.4 Future Controls

SIP permit 079592 requires the shutdown of B-83 Boilers 18, 19, and 20 no later than December 31, 2028. This change will help to ensure continued attainment of the NAAQS in the future, but Tennessee's air quality modeling did not include the B-83 shutdowns, and Tennessee is not relying upon these reductions for current or future attainment.

### 4.5 Recordkeeping and Reporting

SIP permit 082237 establishes general recordkeeping for all emission sources included in the permit. The permit also requires each source to submit periodic reports of $SO_2$ emissions, including reporting of all instances of deviations from the permit requirements[37]. For Primester, Condition E5-1 of permit 574994 includes the following monitoring requirements:

> *A minimum scrubber flow rate of 1.0 gallons per minute (3-hour moving average) and a minimum scrubber pH of 6.0 (24-hour block average) shall be maintained for Scrubber SRC-23. The scrubber flow rate and pH shall be continuously monitored and recorded.*

Primester's general recordkeeping requirements are included in Tennessee's Title V regulations (TAPCR 1200-03-09-.02(11)(e)1(iii)(II)II) and Condition B2 of permit 574994, which require the permittee to retain records of all required monitoring data and support information[38] for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Primester is also required to submit periodic (i. e., semiannual) reports pursuant to Tennessee's Title V regulations (TAPCR 1200-03-09-.02(11)(e)1.(iii)) and Condition E2-1 of permit 574994. This condition requires Primester to submit reports of the monitoring and recordkeeping requirements included in the permit, including the requirements established by Condition E5-1, and a report of all deviations identified during the reporting period.

For Eastman's sludge recovery operations (B-55-1), permit 082237 establishes additional monitoring requirements, as follows:

- Vent B represents the vent stack associated with four batch reactors that react sludge (distillation column bottoms and off-quality product) with sulfuric acid to liberate organic acids for downstream reuse. $SO_2$ emissions are generated as a by-product of the reaction and are variable over time during the batch cycle. Eastman reported that the typical shape of the emissions curve is a period of negligible $SO_2$ emissions at the start of each batch cycle followed by a period of linear $SO_2$ generation from an inflection point to the end of the batch cycle. A water scrubber is used to control organic acid emissions from the batch reactors, but no $SO_2$ control is assumed from the scrubber, and post-control $SO_2$ emissions are assumed to be identical to pre-control emissions. Eastman proposes to add stack testing ports to one reactor[39] and to collect reference method test data every 15 minutes over the entire batch cycle. The test data will be used to generate an emissions curve that will be used to estimate the $SO_2$ emission rate in pounds per hour for subsequent batch cycles.

- Vent C represents the vent stack associated with the vacuum system (pump) that is used to remove liquids from the material on the sludge handling belt. $SO_2$ emissions are generated as a by-product of continuing reactions occurring in the liquid material or by liberation of $SO_2$ that is entrained in the liquid as vacuum is applied to the system. A water scrubber is used in the system to control acid emissions, but no control of $SO_2$ is expected from the water scrubber. Eastman proposes to collect grab samples at varying belt processing rates to determine the value of testing over multiple belt processing rates compared to a single test at the maximum belt processing rate. If the emissions rate

[37] Deviation reports shall include a description of the deviation; the duration of the event; the explanation or probable cause; and identification of corrective actions or preventative measures undertaken to correct the deviation.
[38] Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
[39] The reactors are identical in size and operation, so a single reactor is representative of the larger process. The location of the stack test ports will be in the reactor vent header system prior to the inlet of the water scrubber.

is not highly variable with belt processing rate, a single test at the maximum belt processing rate will be performed. Once the specific feed rate level(s) are determined, reference method test data collected over three one-hour runs at each belt processing rate will be used to generate a maximum $SO_2$ emissions rate (lb/hr) that will be used during all periods of sludge handling belt operation. Stack test ports will be installed in the vent piping following the vacuum pump that is located on the outlet vent of the water scrubber.

- Vent E represents the vent stack associated with the vacuum system (steam jet) that is used to reduce the pressure in an evaporator and a flash chamber. No emissions control system is associated with this equipment. The evaporator is fed liquid material from the underflow of the first sections of the sludge handling belt, and recovered sulfuric acid is returned to the batch reactors as raw material. The flash chamber receives and returns (circulation loop) material to/from the hold-up tank that precedes the sludge handling belt. This operation is periodically performed to reduce liquids in processed sludge material and perform cooling of the sludge prior to being fed to the sludge handling belt. $SO_2$ emissions are generated as a by-product of continuing reactions occurring in the liquid material or liberation of entrained $SO_2$ in the liquid as vacuum is applied to the system. The equipment associated with Vent E is currently out of service and requires capital expenditure to return the process to operation, but Eastman wants to reserve the ability to operate the equipment in the future. If this equipment is restored to working order, Eastman will revaluate the emissions from Vent E via reference method testing within 180 days of startup. $SO_2$ emissions from this source are estimated at 0.0003 lb/hr based on bag sampling, and if this source resumes operation, Eastman will use the current estimate of 0.0003 lb/hr prior to completion of a performance test.

- Vent I represents the vent stack associated with a water scrubber that is used to control organic acid emissions from the sludge handling belt. Processed material from the batch reactors is transferred to a hold-up tank (Vent K) prior to being continuously fed to a porous, rotating belt that separates desired liquid material from unreacted solid waste. A hood and blower system is located over the belt and pulls vapors into the scrubber vent header system continuously. $SO_2$ emissions are generated as a by-product of continuing reactions occurring in the material on the belt and liberation of $SO_2$ entrained in the material from the reactors. No control of $SO_2$ is assumed from the water scrubber and emissions of $SO_2$ evaluated before the scrubber are assumed to be the emissions after the scrubber. Grab samples at varying belt processing rates will be used to determine the value of emissions testing over multiple belt processing rates vs. a singular maximum belt processing rate. If the emissions rate is not highly variable with belt processing rate, a single test at the maximum belt processing rate will be performed. Once the specific feed rate level(s) are determined, reference method test data collected over three one-hour runs at each belt processing rate will be used to generate a maximum lb/hr $SO_2$ emissions rate that will be used during all periods of sludge handling belt operation. Location of the stack test ports will be in the outlet vent piping of the of the water scrubber.

- Vent K represents the vent stack associated with a water scrubber that is used to control acid emissions from 20 process tanks and storage tanks in the B-55 operating area, including four tanks associated with sludge recovery operations. No control of $SO_2$ is assumed from the water scrubber and $SO_2$ emissions evaluated before the scrubber are assumed to be the emissions after the scrubber. Reference method test data collected over three one-hour runs will be used to generate a maximum emission rate that will be used during all periods of operation (i.e., when material is stored in any tank associated with sludge recovery).

For all B-55 vents, data will be evaluated, and an emissions curve will be generated. The batch emissions curve will be re-evaluated within 180 days after any process change that would increase $SO_2$ emissions or at least once every 60-months.

All periodic reports are available online and are accessible for public viewing at the TDEC Division of Air Pollution Control's Permits and Inspections Data Viewer (see https://www.tn.gov/environment/about-tdec/tdec-dataviewers.html).

| Table 4-4: Other Emission Limits Included in the SIP | | | | |
|---|---|---|---|---|
| **Permit** | **Condition(s)** | **Affected Source** | **Limit/Control Measure** | **Associated Monitoring** |
| PSD Construction Permit 966859F | 6 | PES B-253-1 Boilers 25 through 29 (82-0003-01, MSOP-02) | Only natural gas shall be used as fuel | None specified. Compliance with the fuel usage restriction is based on the design and construction of the boiler (natural gas feed lines and burners physically restrict the source's ability to burn other fuels). |
| SIP Operating Permit 082237 | S1-1 through S1-3 | PES B-83 Boilers 18 through 24 (82-0003-01, MSOP-02) and PES B-325 Boilers 30 and 31 (82-0003-131, MSOP-26) | 1,248 lb/hr (30-day average, combined limit for all boilers) and associated monitoring | Operate, maintain, and repair a dry sorbent injection (DSI) system to reduce $SO_2$ emissions from B-83 Boilers 23 and 24 as required to maintain and assure compliance with the specified emission limits. Calculate hourly emissions $SO_2$ emissions from CEMS data and flow monitoring (B-83 Boilers 23 and 24 and B-325 Boilers 30 and 31) or from CEMS data and calculated heat input (B-83 Boilers 18 through 22). |
| | S5-1 and S5-2 | B-248-1 Solid/Liquid Chemical Waste Incinerators (82-0003-282, MSOP-32) | 15.2 lb/hr (30-day average, combined limit for both rotary kilns) and associated monitoring | Calculate hourly emissions from sulfur feed rate and scrubber pH using established algorithm. Continuously monitor scrubber pH and determine the waste stream sulfur concentrations from analysis or process knowledge. |
| | S6-1 and S6-2 | B-248-2 Liquid Chemical Waste Incinerator (82-0003-283, MSOP-32) | 2.0 lb/hr (30-day average) and associated monitoring | |
| | S2-1 and S2-2 | B-334-1, Incinerator for Acid Gas Removal and Sulfur Recovery Plant (82-0003-168, MSOP-17) | 21.8 lb/hr (24-hour block average) and associated monitoring | Continuously measure the gas composition and gas flow rate in the SCOT process overhead stream entering the tail gas incinerator and use the monitored parameters to calculate the $SO_2$ emission rate. |
| | S4-1 and S4-2 | B-55-1, Organic Acids & Anhydrides Manufacturing, Vents B, C, E, I, and K (82-0003-224, MSOP-23) | 6.74 lb/hr and associated monitoring | Periodic stack testing. |
| | S3-1 and S3-2 | PES B-351-5, Coal Gasification Cold and Warm Flares (82-0003-171, MSOP-17) | 16.28 lb/hr (30 calendar day rolling average basis) and associated monitoring. | Continuously measure the gas composition and gas flow rate entering the flare and use the monitored parameters to calculate the $SO_2$ emission rate. |
| PSD permit 955272F | 4 | PES B-325-1, Boiler 30 | 317 lb/hr (30 calendar day rolling average basis) and associated monitoring. | Calculate hourly $SO_2$ emissions from CEMS data and flow monitoring, as required by permit 082237. |
| | | PES B-325-1, Boiler 31 | 293 lb/hr (30 calendar day rolling average basis) and associated monitoring. | |
| Title V Operating Permit 574994 (Primester) | E5-1 | 82-0510-03, B-441-2, Vent C | 1,000 parts per million by volume, dry basis (one hour average) and 0.25 pounds per hour (three-hour average) | Compliance is based upon parametric monitoring of the minimum scrubber flow rate (three-hour moving average of 1.0 gallons/minute) and minimum scrubber pH (24-hour block average value of 6.0). |

# 5.0 Applicable Requirements Under Section 110 and Part D

For the purposes of redesignation, a state must meet all requirements of CAA §110 and Part D that were applicable prior to submittal of a complete redesignation request. This condition does not include requirements that come due after the submittal of a complete redesignation request, but any requirements that came due prior to submittal of the request must be fully approved at or before the time that EPA redesignates the area. The Calcagni memo also states that under CAA §175A(c), the requirements of Part D remain in force and effect for the area until such time as it is redesignated. Upon redesignation to attainment, the requirements that became due under §175A(c) after submittal of the complete redesignation request would no longer be applicable.

## 5.1 Section 110 Requirements

Section 110(a)(2) contains general requirements for nonattainment plans, and pursuant to CAA §110(a)(1), states are required to submit SIPs meeting the applicable requirements of CAA §110(a)(2) within three years after promulgation of a new or revised NAAQS. States were required to submit such SIPs for the 2010 1-hour $SO_2$ NAAQS to EPA no later than June 2, 2013. Tennessee submitted an infrastructure SIP on March 13, 2014, and EPA approved the SIP, with the exception of the interstate transport requirements of CAA §110(a)(2)(D)(i)(I) and (II) on November 28, 2016[40]. EPA approved the visibility requirements of §110(a)(2)(D)(i)(II) on September 24, 2018[41], and the remaining elements of §110(a)(2)(D)(i) on August 9, 2023[42]. These approvals address all of the infrastructure elements except for CAA §110(a)(2)(I) (plan revisions for nonattainment areas), and those requirements are addressed in the following section.

## 5.2 Part D Requirements

Part D of the Clean Air Act (Plan Requirements for Nonattainment Areas, CAA §§171-193) addresses the general requirements for nonattainment areas. Specific statutory requirements include the requirement for an accurate emissions inventory for all sources of $SO_2$ within the nonattainment area (point, area, and mobile sources); a New Source Review (NSR) permit program; and an attainment demonstration using an EPA approved air quality dispersion model. The SIP submittal must also provide for: Reasonable Further Progress (RFP); implementation of RACM including RACT, and adequate contingency measures for the affected area. These elements are briefly described below.

### 5.2.1. Emissions Inventory

To demonstrate continued maintenance; the air agency should develop an attainment inventory to identify the level of emissions in the affected area which is sufficient to attain and maintain the $SO_2$ NAAQS. This inventory should be consistent with the EPA's most recent guidance on emission inventories for nonattainment areas available at the time and should include the emissions during the time period associated with the monitoring or modeling data showing attainment.

The last NAAQS exceedance occurred in 2021, and the first three-year period for which the design value fell below the NAAQS is 2020-2022. Repowering of B-253 boilers 25 through 29 from coal to natural gas was

[40] See 81 FR 85410.
[41] See 83 FR 48240.
[42] See 88 FR 53801.

completed by October 2018, and installation of DSI controls on B-83 Boilers 23 and 24 was completed in November 2021. The starting point for the 2022 point source emission inventory was the 2022 National Emissions Inventory (NEI), and the 2022 data was supplemented with information submitted by the affected facilities.

#### 5.2.1.1 Point Sources

The largest point source located within the nonattainment area is Eastman Chemical Company's Tennessee Operations facility and the 2022 actual emissions for this facility are summarized in Attachment A of the redesignation request. Eastman's coal-fired boilers were responsible for nearly all $SO_2$ emissions from this facility (~98-99%), as indicated in **Table 5-1**. Table 5-1 also shows that Eastman's $SO_2$ emissions have declined substantially following implementation of the control strategy.

| **Table 5-1: Summary of Historical $SO_2$ Emissions** | | | |
|---|---|---|---|
| | **2011[43]** | **2017[44]** | **2022** |
| Facility-Wide $SO_2$ emissions (tons) | 22,024 | 10,566 | 3,334 |
| Coal-fired Boiler $SO_2$ emissions (tons) | 21,859 | 10,567 | 3,326 |
| Coal-Fired Boiler % of Total $SO_2$ Emissions | 99.5% | 99.5% | 98.5% |

Primester GP operates a cellulose acetate manufacturing process at 1801 Warrick Drive (adjacent to Eastman Chemical Company). This facility is regulated by Title V Operating Permit 574994 (issued January 1, 2020). This facility includes one $SO_2$ emission source (Cellulose Scrap Recovery Process). Reject dope from various points in the acetylation operation is processed for the recovery of cellulose sludge, and recovered materials are distilled for reuse. Once the recoverable materials are removed from the cellulose sludge, it is heated with sulfuric acid in pressurized reactors to degrade the sludge into smaller solids for offsite management. Sulfur dioxide is emitted from the equipment and conveyors at this source, and $SO_2$ emissions are controlled by a wet scrubber. Primester is not subject to the annual or triennial air emissions reporting requirements established pursuant to 40 CFR 51 Subpart A. For purposes of redesignation, actual emissions from this source were assumed to be equivalent to the SIP emission limit of 0.25 lb/hr (1.1 tons/year)[45].

In general, states may generally demonstrate maintenance of a NAAQS either by showing that future emissions will not exceed the level of the attainment year inventory (2022 in Tennessee's redesignation request), or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. Tennessee has elected to demonstrate maintenance using a modeled attainment demonstration, and the 2037 inventory reflects the expected growth in point source emissions during the ten-year maintenance period. The 2037 point source inventory projects 7,337 tons of $SO_2$ emissions from Eastman Chemical Company, which reflects the use of allowable emissions for the B-83 and B-325 boilers, hazardous waste incinerators (PES B-248-1 and B-248-2), and the acid gas and sulfur recovery plant incinerator (PES B-334-1). The maintenance year inventory also reflects the addition of three natural gas boilers and a proposed methanolysis plant.

[43] Base year inventory in Tennessee's May 11, 2017, Attainment Demonstration.
[44] Base year inventory in Tennessee's February 9, 2022, Attainment Demonstration.
[45] The 2022 emissions estimate is higher than the 2017 value in the attainment demonstration, which was calculated as 0.57 tons based on production data submitted by Primester.

As noted previously, Primester GP is not subject to the annual or triennial air emissions reporting requirements, and future emissions from this source were assumed to be equivalent to the SIP emission limit of 0.25 lb/hr (1.1 tons/year).

Tennessee also reviewed $SO_2$ emissions from sources located outside of the nonattainment area (Domtar Paper Company and Holston Army Ammunition Plant Area B Operations) that could impact ambient $SO_2$ concentrations within the nonattainment area (**Table 5-2**). PSD construction permit 978656 was issued to Domtar June 21, 2021, to convert the idled mill from a hardwood bleached soda process to produce containerboard from 100% recycled material. This project included the optimization of a bubbling fluidized bed boiler, convert the existing soda recovery furnace to combust natural gas, and to shut down the existing lime kiln. Domtar's updated allowable emissions were included in the modeled attainment demonstration to ensure that the facility did not substantially impact the nonattainment area, but the changes associated with this modification are not part of the area's demonstration of maintenance for the 2010 $SO_2$ NAAQS. Holston Army Ammunition Plant's Area B facility is located in Hawkins County and included four coal-fired boilers during the base year. PSD construction permit 974192 was issued to BAE Systems Ordnance Systems Inc. (operating contractor for Holston Army Ammunition Plant) on October 8, 2018, for the construction of four natural gas and #2 oil-fired boilers to replace the facility's coal units. These boilers last operated on October 1, 2021, and BAE submitted formal notification of the retirement of these boilers on November 1, 2021. Base year $SO_2$ emissions from Holston Army Ammunition Plant's remaining emission sources were less than 0.5 tons/year.

**Table 5-2: Domtar Paper Company and Holston Army Ammunition Plant**

| Facility | 2017 $SO_2$ Emissions (tons) |
|---|---|
| Domtar Paper Company | 45.16 |
| Holston Army Ammunition Plant | 1,768 |

Tennessee did not include Holston Army Ammunition Plant or Domtar in the 2022 and 2037 emission inventories because both facilities are located outside of the nonattainment area, and Domtar's modeled emissions did not significantly impact the nonattainment area. Holston Army Ammunition Plant retired their coal-fired boilers in 2021, and $SO_2$ emissions from other sources at that facility are negligible.

Point source emissions for 2022 and 2037 are summarized in **Table 5-3**. State plans may generally demonstrate that the plan will provide for maintenance of the NAAQS by either showing that future emissions will not exceed the level of the attainment inventory, or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. The 2037 point source emissions are higher than the base year because Tennessee developed the projection using the same ambient air quality modeling used to demonstrate attainment of the NAAQS. For example, the model accounts for expected growth at Eastman Chemical Company during the 10-year maintenance period (i.e., the construction and startup of three new natural gas-fired boilers and the methanolysis plant). The model also assumes that the remaining coal-fired boilers (B-83 and B-325 powerhouses) continuously operate at their maximum allowable hourly emission rate for the entire year, while the base year inventory is representative of actual boiler operation at submaximal emission rates. Finally, the future year inventory does not consider reductions that were not relied upon to demonstrate attainment and maintenance of the NAAQS, such as the requirement to shut down B-83 Boilers 18, 19, and 20 for compliance with Tennessee's Regional Haze SIP. To summarize,

the future year inventory includes a mix of operational changes and projected growth at Eastman that is accounted for the in the air quality modeling and that, notwithstanding the higher annual emissions, will not cause or contribute to a NAAQS violation.

| Table 5-3: Summary of Point Source Emissions | | |
|---|---|---|
| | $SO_2$ Emissions (tons) | |
| **Description** | **2022** | **2037** |
| Eastman Chemical Company | 3,367 | 7,337 |
| Primester GP | 1.1 | 1.1 |
| **Totals** | **3,368.1** | **7,339.1** |

#### 5.2.1.2 Area Sources

Attainment year emissions were projected for 2022 using emission data sets and information used by U. S. EPA to develop the 2016v1 and 2016v2 emissions inventories[46,47]. For most source classification codes, Tennessee calculated a growth factor as the difference between 2026 and 2016 emissions, as follows:

Growth factor = (2026 emissions – 2016 emissions)/10

For each year between 2017 and 2022, future year emissions were calculated by adding the growth factor to the base year (2016) and to each subsequent year. The final result (2022 emissions) was used for the attainment year emission inventory.

For source classification codes 2610000400 (Open Burning - Yard Waste – Brush) and 2610000500 (Open Burning - Land Clearing Debris), the growth factor calculated above did not produce a realistic number because the calculated growth factor (-0.09164187 tons/year for open burning of yard waste/brush and -27.15637 tons/year for open burning of land clearing debris) produced negative values in 2037 (i. e., the model predicted that emissions from each category would be less than zero). For these source categories, Tennessee estimated 2022 and 2037 mobile source emissions by interpolation (for 2022) and extrapolation (for 2037) of the existing data by assuming a constant rate of year-over-year change (i. e., by assuming emissions decrease by a constant percentage of the previous year's emissions rather than a constant tonnage)[48]. This method assumes that the rate of change is logarithmic rather than linear (**Figures 5-1 and 5-2**), so that open burning emissions approach a minimum value over time without reaching zero. Using the 2016 base year as an initial condition and 2026 as a checkpoint, the year-over-year change was numerically determined (i. e., an initial

[46] The 2016v1 inventory is available online at https://www.epa.gov/air-emissions-modeling/2016v1-platform. The CSV file containing the area source inventory (2016fh_proj_from_2014NEIv2_NONPOINT_final_20180119_08aug2019_nf_v1.csv) is available at https://gaftp.epa.gov/Air/emismod/2016/v1/2016emissions/2016fh_inventory_nonpoint_27sep2019.zip.

[47] The 2016v2 inventory is available online at https://www.epa.gov/air-emissions-modeling/2016v2-platform. The CSV file containing the area source inventory (MYR_nonpt_constant_2017NEI_NONPOINT_20200415_28sep2020_v1.csv) is available at https://gaftp.epa.gov/Air/emismod/2016/v2/2016emissions/2016fj_nonpoint_inventoryt_15sep2021.zip.

[48] Since two data points (2017 and 2027) are known, Tennessee considered whether to estimate 2022 and 2032 by assuming a linear relationship for all years and calculating a constant year-over year change in tons/year. Using that method, the average change in emissions would be (2027 emissions – 2017 emissions)/10, and 2022 emissions would be equal to (2017 emissions) + (change in emissions)(5 years). The problem with this method is that applying a constant tons/year decrease will eventually reach zero, and projected mobile source emissions would become negative by 2032. Therefore, this method was considered inadequate for projection of future emissions. In contrast, a constant ***rate of change*** requires that that the absolute value of the decrease will become smaller over time.

estimate was adjusted up or down in small increments) until the projected 2026 emissions matched the value of EPA's 2026 inventory. Using a year-over-year change of 8.758225% (open burning of land clearing debris) and 9.000% (open burning of yard waste), source category emissions for each year between 2017 and 2037 were determined in accordance with **Equation 5-1**.

Current year emissions = (previous year emissions)(1- year-to-year change) **Equation 5-1**

County-level emissions were apportioned to the nonattainment area by using a percentage (9.3%) derived from the 2010 Census Bureau Population data for the county and the population for the nonattainment area[49].

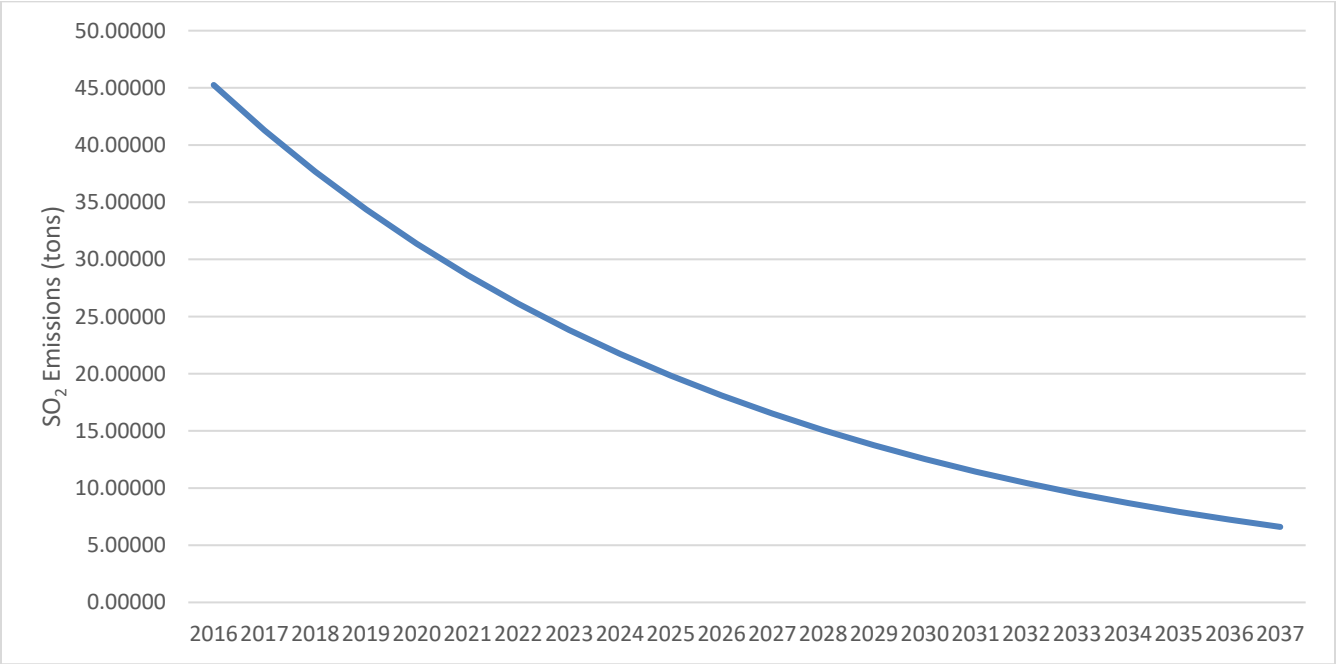


**Figure 5-1: Projection of Area Source Emissions from Open Burning of Land Clearing Debris**

[49] The allocation of nonpoint source emissions by population should not significantly overcount or undercount emissions relative to the county as a whole, because these emissions should vary directly with population (i. e., a population-weighted allocation of emissions from the entire county to the nonattainment area should be representative of the nonattainment area). Tennessee also believes that any overcounting or undercounting should have a negligible impact on the emission inventory as a whole, because these emissions are a small fraction of the overall emissions.

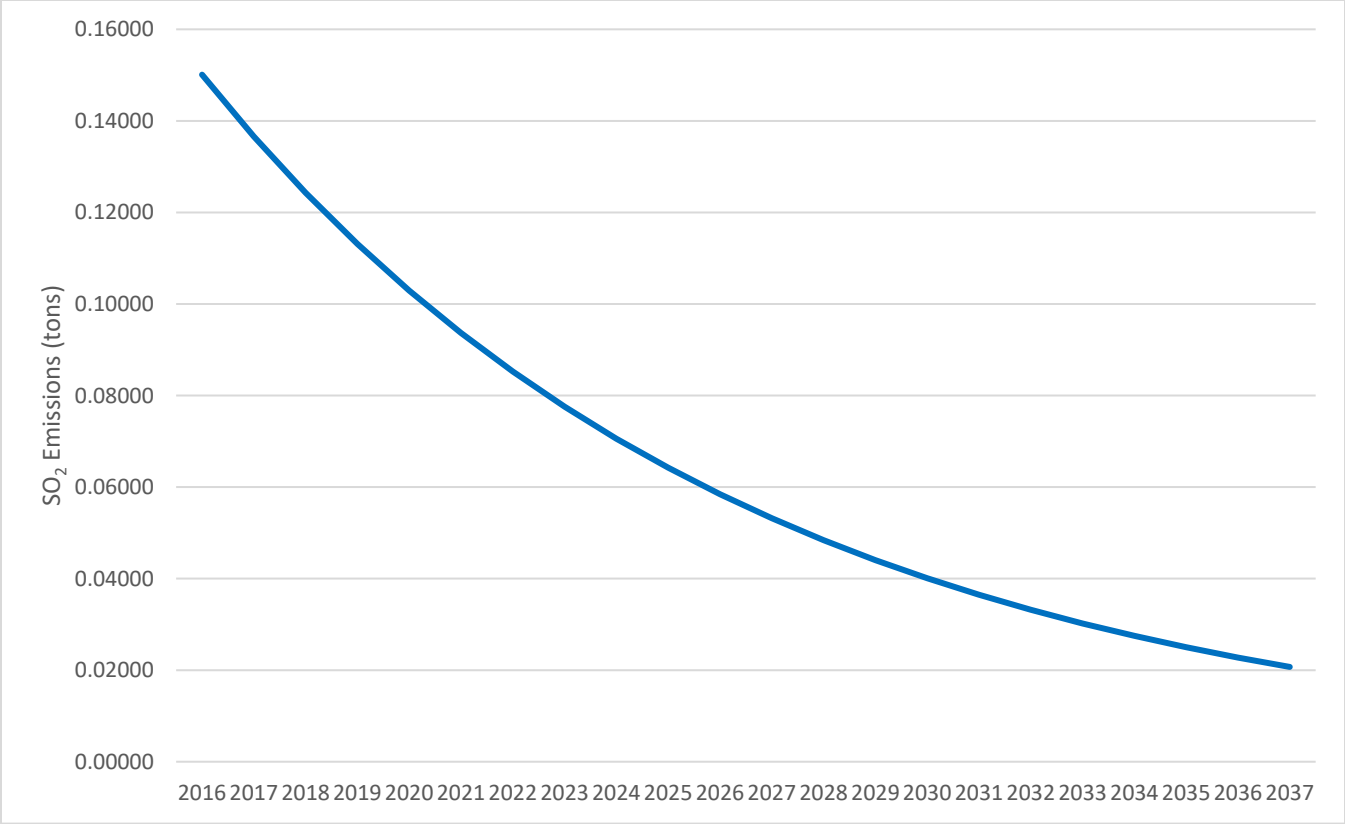


**Figure 5-2: Projection of Area Source Emissions from Open Burning of Yard Waste/Brush**

Area source emissions of $SO_2$ for 2022 and 2037 are summarized in **Table 5-5** and included in Attachment B.

| **Table 5-5: Area Source $SO_2$ Emissions – Sullivan County Nonattainment Area** | |
|---|---|
| **Year** | **$SO_2$ (tons)** |
| 2022 | 4.22[50] |
| 2037 | 3.42 |

### 5.2.1.3 Onroad Mobile Sources

Onroad mobile sources include emissions from motorized vehicles that are normally operated on public roadways, including passenger cars, motorcycles, minivans, sport-utility vehicles, light-duty trucks, heavy-duty trucks, and buses. The sector includes emissions generated from parking areas and "hoteling" emissions from the idling of long-haul diesel trucks during federally mandated rest periods. Emissions from onroad sources are estimated through the use of locally gathered information on the vehicle population and the miles driven

[50] The area source inventory for 2022 is higher than the base year inventory for 2017 (3.31 tons) and the 2027 projected inventory (3.39 tons) that were submitted with the 2023 attainment demonstration because the 2022 area source inventory includes higher estimated emissions from open burning to clear land debris. EPA's 2016 projection that was used as the starting point indicated 45.25 tons of $SO_2$ from open burning in 2016 and 18.10 tons of $SO_2$ in 2027 for the same category. Tennessee remains skeptical of this value because EPA's 2016 and 2027 estimates indicate that open burning of yard waste is substantially lower (0.15 tons in 2016 and 0.06 tons in 2017) for all of Sullivan County. When the nonattainment area is considered by itself, there is very little land for which open burning would be feasible to remove trees and other vegetation.

in the area, as well as a number of other inputs, combined with EPA's Motor Vehicle Emissions Simulator (MOVES) model.

Federal standards for National Low Emission Vehicles (NLEV) began in 1999 and were implemented through 2001 for new light duty cars and trucks, and EPA has since implemented further reductions from onroad mobile sources via Tier 2 and Tier 3 vehicle emission standards[51, 52]. Most gasoline sold in Tennessee prior to January 2006 had a sulfur content of up to 300 ppm, and the Tier 2 rule reduced the allowable sulfur content of gasoline to 30 ppm starting in January of 2006. Sulfur occurs naturally in gasoline but interferes with the operation of catalytic converters, and lower-sulfur gasoline is necessary to achieve the Tier 2 vehicle emission standards. Beginning in 2017, the Tier 3 emissions standards reduced the allowable sulfur content in gasoline from 30 ppm to 10 ppm to improve the performance of vehicles' emission control systems and to facilitate the development of technologies to improve fuel economy and reduce greenhouse gas emissions. Similarly, federal standards for heavy-duty gasoline and diesel highway vehicles became effective in 2004 and 2007[53], and these standards reduced the sulfur content of diesel fuel to 15 ppm to allow for the installation of emission controls on diesel engines. Because sulfur compounds in gasoline and diesel form $SO_2$ as a product of combustion, these sulfur content restrictions reduced $SO_2$ emissions as a co-benefit of EPA's light duty and heavy duty standards.

Attainment year and future year mobile source emissions were developed from the 2017 and 2027 emission inventories. Base year (2017) emissions in the attainment demonstration were obtained from the 2017 National Emissions Inventory (NEI), in which emissions were estimated from the MOVES model and state, local, and tribal (SLT) activity data when provided. Where SLT data were not provided, EPA-developed default activity based on data from the Federal Highway Administration. For the future year inventory (2027), Tennessee used EPA's MOVES model, version 3.0.3, to estimate emissions from onroad mobile sources in Sullivan County for 2027. Sullivan County's base year and future year emissions were apportioned to the nonattainment area by using a percentage (9.3%) derived from the 2010 Census Bureau Population data for the county and the population for the nonattainment area.

Tennessee obtained 2022 and 2037 mobile source emissions by interpolation (for 2022) and extrapolation (for 2037) of the existing data by assuming a constant rate of year-over-year change (i. e., by assuming emissions decrease by a constant percentage of the previous year's emissions rather than a constant tonnage)[54]. This method assumes that the rate of change is logarithmic rather than linear (**Figure 5-3**), so that mobile source emissions approach a minimum value over time without reaching zero. Using the 2017 base year as an initial condition and 2027 as a checkpoint, the year-over-year change was numerically determined (i. e., an initial estimate was adjusted up or down in small increments) until the projected 2027 emissions

[51]Environmental Protection Agency, *Federal Register***,** Vol. 65, No. 28, February 10, 2000. Federal Tier 2 vehicle emission standards require all passenger vehicles in a manufacturer's fleet, including light-duty trucks and Sport Utility Vehicles (SUVs), to meet an average standard of 0.07 grams of oxides of nitrogen ($NO_x$) per mile in 2007. The Tier 2 standards also cover passenger vehicles over 8,500 pounds gross vehicle weight rating (the larger pickup trucks and SUVs), which are not covered by the Tier 1 regulations. For these vehicles, the standards were phased in beginning in 2008, with full compliance in 2009.

[52]Environmental Protection Agency, *Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards; Final Rule. Federal Register,* Vol. 79, No. 81, April 28, 2014.

[53]Environmental Protection Agency, *Federal Register*, Vol. 66, No. 12, January 18, 2001.

[54] Since two data points (2017 and 2027) are known, Tennessee considered whether to estimate 2022 and 2032 by assuming a linear relationship for all years and calculating a constant year-over year change in tons/year. Using that method, the average change in emissions would be (2027 emissions – 2017 emissions)/10, and 2022 emissions would be equal to (2017 emissions) + (change in emissions)(5 years). The problem with this method is that applying a constant tons/year decrease will eventually reach zero, and projected mobile source emissions would become negative by 2032. Therefore, this method was considered inadequate for projection of future emissions. In contrast, a constant ***rate of change*** requires that that the absolute value of the decrease will become smaller over time.

matched the value of the 2027 MOVES output. Using a year-over-year change of 13.25%, mobile source emissions for each year between 2018 and 2037 were determined in accordance with **Equation 5-1**. Onroad mobile source emissions are included in Attachment C.

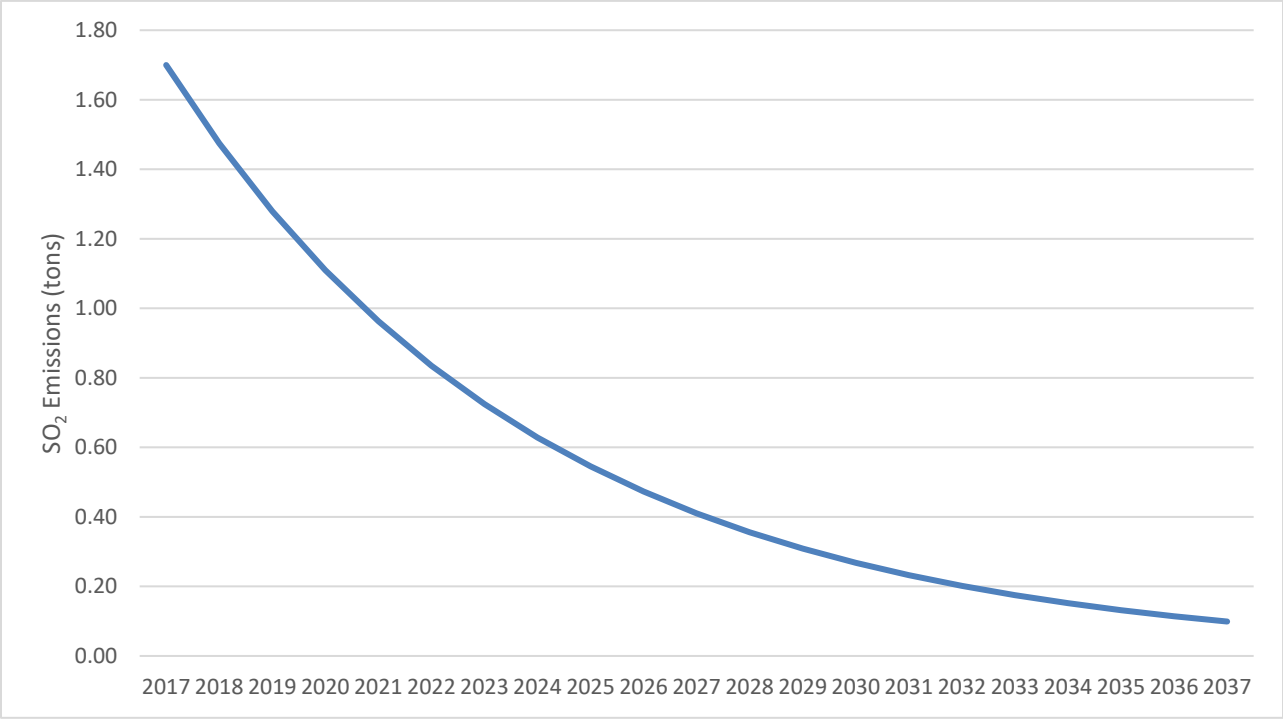


**Figure 5-3: Projection of Onroad Mobile Source Emissions**

Projected $SO_2$ emissions from onroad mobile sources are shown in **Table 5-6**. County-level emissions were apportioned to the nonattainment area by using a percentage (9.3%) derived from the 2010 Census Bureau Population data for the county and the population for the nonattainment area.

**Table 5-6: Projection of Attainment Year and Maintenance Year $SO_2$ Emissions from Onroad Mobile Sources**

| Year | Nonattainment Area $SO_2$ Emissions (tons) |
|---|---|
| 2022 | 0.84 |
| 2037 | 0.10 |

#### 5.2.1.4 Nonroad Mobile Sources (Excluding Locomotive/Rail Emissions)

Aircraft, commercial marine and rail future-year emissions were projected for 2022 using emission data sets and information used by U. S. EPA to develop the 2016v1 and 2016v2 emissions inventories[55,56]. For each source classification code, Tennessee obtained 2022 and 2037 mobile source emissions by interpolation (for 2022) and extrapolation (for 2037) of the existing data by assuming a constant rate of year-over-year change (i. e., by assuming emissions increase or decrease by a constant percentage of the previous year's emissions rather than a constant tonnage). This method assumes that the rate of change is logarithmic rather than linear, so that mobile source emissions approach a minimum value over time without reaching zero. Using the 2016 base year as an initial condition and 2026 as a checkpoint, the year-over-year change was numerically determined (i. e., an initial estimate was adjusted up or down in small increments) until the projected 2026 emissions matched EPA's 2026 inventory. Nonroad mobile source emissions for each year between 2018 and 2037 were determined in accordance with **Equation 5-1** and are summarized in **Table 5-7**. Nonroad emissions are included in Attachment D.

| **Table 5-7: Nonattainment Area Nonroad $SO_2$ Emissions (Excluding Locomotive/Rail)** | |
|---|---|
| **Year 2022** | **$SO_2$ (tons/year)** |
| 2022 | 0.089 |
| 2037 | 0.036 |

#### 5.2.1.5 Locomotive/Rail Emissions

Base-year emissions from locomotives were taken from EPA's 2020 National Emissions Inventory (NEI), and locomotive emissions are counted as point, nonpoint, and as nonroad mobile sources. The 2020 NEI Technical Support Document for point sources[57] states that yard emissions are associated with the operation of switcher engines at each yard, and the 2020 NEI includes estimates compiled by EPA for most railyards in the U. S. In general, switchyards are reported as point sources to SCC 28500201, but some states report switchyards to nonpoint SCC 2285002010. Tennessee reviewed the 2020 point source inventory and found one entry for SCC 28500201, but a review of the latitude and longitude associated with this entry (36.547755, -82.567891) indicated that the emission point was located outside of the nonattainment area. The 2020 NEI for Tennessee indicates that railyard emissions were reported as nonpoint emissions (SCC 2285002006, Line Haul Locomotives: Class I Operations) and as nonroad mobile source emissions (SCC 2285002015, Railway Maintenance).

EPA's 2020 rail emissions[58] were developed with the support of the Lake Michigan Air Directors Consortium (LADCO) and the State of Illinois using confidential line-haul activity data from the Federal Railroad Administration. 2020 rail fuel consumption index values were used to allocate each Class 1 railroad's fuel use to links based on MGT, and the Association of American Railroads (AAR) provided EPA with locomotive fleet mix information for 2020 for emission factor application. Railyard emissions were calculated from fuel use and/or yard switcher counts provided by rail companies.

[55] The 2016v1 inventory is available online at https://www.epa.gov/air-emissions-modeling/2016v1-platform. The CSV file containing the nonroad inventory (2016version1_nonroad_from_MOVES2014b_forAQ_aggSCC_03sep2019_nf_v3.csv) is available at https://gaftp.epa.gov/Air/emismod/2016/v1/2016emissions/2016fh_inventory_nonroad_27sep2019_contents.txt.

[56] The 2016v2 inventory is available online at https://www.epa.gov/air-emissions-modeling/2016v2-platform. The CSV file containing the nonroad inventory (2016fj_v2platform_nonroad_from_MOVES_aggSCC_27apr2021_nf_v1.csv) is available at https://gaftp.epa.gov/Air/emismod/2016/v2/2016emissions/2016fj_nonroad_inventory_27may2021.zip.

[57] U. S. EPA, *2020 National Emissions Inventory Technical Support Document: Point Sources*, Section 3.3.

[58] U. S. EPA, *2020 National Emissions Inventory Technical Support Document: Locomotives.*

2020 locomotive emissions were projected to 2022 and 2037 from the 2020 base year by assuming a 50% increase in emissions per decade. The 50% adjustment was based on a review of other nonroad categories and determining the highest calculated emissions increase for all nonroad categories (45% for several types of compressed natural gas-burning equipment). Locomotive emissions for 2022 and 2032 are shown in **Table 5-8** and in Attachment D.

| **Table 5-8: Locomotive $SO_2$ Emissions – Sullivan County Nonattainment Area** | |
|---|---|
| **Year** | **$SO_2$ (tons)** |
| 2022 | 0.0039 |
| 2037 | 0.0069 |

#### 5.2.1.6 Summary of Emission Inventories

The attainment year and future year emissions inventories for the Kingsport nonattainment area is summarized in **Table 5-9**.

| Table 5-9: Summary of 2022 and 2037 Emissions Inventories | | |
|---|---|---|
| **Description** | **2022 $SO_2$ Emissions (tons)** | **2037 $SO_2$ Emissions (tons)** |
| Point Sources | 3,368.1 | 7,338.1 |
| Area Sources | 4.22 | 3.42 |
| Onroad Mobile Sources | 0.84 | 0.10 |
| Nonroad Mobile Sources (Excluding Locomotive/Rail) | 0.089 | 0.036 |
| Locomotive/Rail Emissions | 0.0039 | 0.0069 |
| **Total Emissions** | **3,373** | **7,342** |

### 5.2.2. Control Strategy (Including RACM/RACT)

The SIP must include enforceable emission limitations, and such other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emission rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to provide for attainment of such standard in such area by the applicable attainment date[59].

The SIP should provide for attainment of the standard based on $SO_2$ emission reductions from permanent and enforceable control measures, and States should consider all Reasonably Available Control Measures (RACM) and Reasonably Available Control Technologies (RACT) that can be implemented in light of the attainment needs for the affected area(s). EPA also promulgated other regulatory requirements that are expected to yield substantial $SO_2$ reductions, and the implementation of national and regional control measures should ease the process of planning for attainment of the $SO_2$ NAAQS.

Section 172(c)(1) of the CAA requires SIPs to provide for the implementation of all RACM to demonstrate attainment as expeditiously as practicable. A subset of RACM is reasonably available control technology (RACT), which relates specifically to stationary point sources. The nonattainment area has attained the standard and is eligible for redesignation well in advance of the 2027 statutory attainment date, and with the repowering of Eastman Chemical Company's B-253 powerhouse from coal to natural gas operation, the installation of add-on controls for Eastman's B-83 boilers, the adoption of a combined emission limit for Eastman's B-83 and B-325 powerhouses, and the adoption of existing emission limits into the SIP for other $SO_2$ sources at Eastman Chemical Company and Primester, there are no additional measures that are necessary to demonstrate attainment as expeditiously as practicable and no potential measures which, if considered collectively, would advance the attainment year by one year or more.

Tennessee's permanent and enforceable reductions (Section 4.0) consist of the repowering of B-253 Boilers 25 through 29 from coal to natural gas operation and installation of dry sorbent injection on B-83 Boilers 23

[59] CAA §172(c)(6).

and 24. Tennessee also adopted new emission limits for Eastman's coal-fired boilers, incinerators, and coal gasification flare and requested the adoption of other existing limits into the SIP as control measures. Tennessee requests adoption of these measures into the SIP via PSD construction permits 955272F and 966859F (Eastman Chemical Company), SIP operating permit 082237 (Eastman Chemical Company), and Title V Operating Permit 574994 (Primester).

# 6.0 Maintenance Plan Requirements

CAA §175A(a) requires each State that submits a request for redesignation of a nonattainment area for any air pollutant to submit a SIP revision that provides for the maintenance of the NAAQS in the area for at least 10 years after the redesignation. The plan shall contain such additional measures, if any, as may be necessary to ensure such maintenance. The enforceable measures identified in Section 4.0 of this submittal will ensure maintenance of the NAAQS.

Before an area can be redesignated to attainment, EPA must approve a maintenance plan that meets the requirements of CAA §175A[60]. The maintenance plan will constitute a SIP revision and needs to provide for maintenance of the $SO_2$ NAAQS in the area for at least 10 years after redesignation. Section 175A also requires the maintenance plan to contain a contingency plan with measures to ensure prompt correction of any violation of the $SO_2$ NAAQS. These measures should include a requirement that the air agency will implement all measures contained in the nonattainment area SIP for the area prior to the EPA's approval of the redesignation. Where a state has submitted an attainment plan for $SO_2$, that plan can also serve as the basis for the maintenance demonstration for the area. Because attainment plans generally rely on maximum allowable emissions, those plans can generally be considered to demonstrate that the standard will be maintained without regard to any changes in operation rate of the pertinent sources. Such plans may be assumed to provide maintenance for the requisite 10 years and beyond. EPA would expect the state to verify continued attainment by tracking the compliance status of the pertinent sources. The supporting elements for maintenance plans includes the following elements:

**Attainment inventory:** To demonstrate continued maintenance; states should develop an attainment inventory to identify the level of emissions in the affected area which is sufficient to attain and maintain the $SO_2$ NAAQS. This inventory should be consistent with the EPA's most recent guidance on emission inventories for nonattainment areas available at the time and should include the emissions during the time period associated with the monitoring or modeling data showing attainment. Tennessee's attainment year inventory is included in Section 5.2.1 of this submittal.

**Maintenance demonstration:** An air agency may generally demonstrate maintenance of the NAAQS by either showing that future emissions of $SO_2$ will not exceed the level of the attainment inventory, or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. As a part of the maintenance demonstration, the air agency should provide a listing of $SO_2$ control measures being implemented in the affected area by general source sector (e.g., point, area, and mobile). The air agency should also project emissions for at least the 10-year period following redesignation of the area to attainment under CAA section 175A(a). Where the state has submitted an attainment plan, this plan in many cases can also serve as a maintenance plan for the area. Insofar as an attainment plan generally relies on air quality dispersion modeling using maximum allowable emissions, the plan can generally be expected to demonstrate that the standard will be maintained for the requisite 10 years and beyond without regard to any changes io operation rate of the pertinent sources that do not involve increases in maximum allowable emissions. As discussed in Section 4.0, attainment of the NAAQS is based on permanent and enforceable emission

[60] An air agency may submit both the redesignation request and the maintenance plan at the same time and rulemaking on both may proceed on a parallel track. However, because the CAA requires a demonstration of maintenance for 10 years after an area is redesignated to attainment, EPA's guidance recommends that states plan for sufficient lead time to allow the EPA to take action on the submittal and the redesignation request.

reductions implemented for Eastman Chemical Company's coal-fired boilers and other $SO_2$ emitting sources at the facility and made permanent in the Tennessee SIP.

**Monitoring network:** Once an area has been redesignated to attainment, where air quality monitors exist in an area, the air agency should continue to operate an appropriate air quality monitoring network as provided under 40 CFR part 58 to verify the attainment status of the affected area. To ensure that ambient $SO_2$ concentrations continue to attain the NAAQS, Tennessee will continue ambient air quality monitoring in the redesignated area in accordance with 40 CFR 58. Should Tennessee petition to discontinue the operation of any monitor in the area, the Tennessee Department of Environment and Conservation's Division of Air Pollution Control will work with U.S. EPA Region 4 to ensure the necessary regulatory steps and guidelines for discontinuing monitoring are met. If EPA approves the petition to discontinue the use of one or more monitors, Tennessee commits to resume monitoring at any point if additional monitoring is required pursuant to 40 CFR Part 58, Appendix D, Section 4.4. Tennessee commits to the continued operation of a monitoring network for the area and will consult with EPA prior to making changes to the existing monitoring network, should such changes become necessary in the future.

**Verification of continued attainment:** Each state should ensure that it has the legal authority to implement and enforce all measures necessary to attain and maintain the 2010 $SO_2$ NAAQS. The air agency's submittal should indicate how it will track the progress of the maintenance plan for the area either through air quality monitoring or modeling.

Tennessee has the legal authority to implement and enforce all measures necessary to maintain the NAAQS pursuant to the Tennessee Air Quality Act (TCA 68-201) and Tennessee Air Pollution Control Regulations (TAPCR) 1200-03 and 0400-30. Tennessee also has the authority to implement the specific control measures required to maintain the NAAQS pursuant to the requirements established in SIP operating permit 082237, and these measures, along with the applicable monitoring, recordkeeping, and reporting requirements established in the permit, will ensure continued maintenance of the NAAQS. Tennessee will track the continued attainment and maintenance of the NAAQS through air quality monitoring as required by to 40 CFR part 58 and through implementation and enforcement of the SIP and its control measures.

**Contingency Measures:** CAA §175A (d) requires the maintenance plan to contain contingency provisions that will promptly correct any violation of the $SO_2$ NAAQS that occurs after the area is redesignated to attainment. Section 175A does not explicitly require that contingency measures must take effect without further action by the air agency, but the contingency plan is an enforceable part of the SIP and should ensure that contingency measures are adopted and implemented as expeditiously as practicable once they are triggered. The plan should clearly identify the measures to be adopted, provide a schedule and associated procedures for adoption and implementation, and provide a specific time limit for action by the air agency. At a minimum, §175A(d) requires that the air agency continue to implement all measures contained in the nonattainment area plan that was in place prior to redesignation of the affected area to attainment. An air agency may submit a SIP revision at the time of its redesignation request to remove or reduce the stringency of control measures.

In the *General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990*[61], EPA provides further discussion of contingency measures for $SO_2$. This guidance states that in many cases, attainment revolves around compliance of a single source or a small set of sources with emission limits shown to provide for attainment. This guidance concludes that in such cases, "the EPA interprets 'contingency measures' to

[61] See 57 FR 13498 (April 16, 1992).

mean that the state agency has a comprehensive program to identify sources of violations of the $SO_2$ NAAQS and to undertake an aggressive follow-up for compliance and enforcement, including expedited procedures for establishing enforceable consent agreements pending the adoption of revised SIPs." Although this guidance applies to contingency measures for nonattainment plans, EPA envisions applying a similar policy with respect to the contingency measures required in maintenance plans under section 175A(d), consistent with the requirement that all NAA SIP or FIP requirements be implemented.

The two main elements of a contingency plan are triggering mechanisms to determine when contingency measures are needed and a process of developing and adopting appropriate control measures. The primary trigger(s) of the contingency plan and associated control measures submitted with Condition G4 of SIP permit 082237. This permit condition states:

> Upon notification by the Technical Secretary that a reference monitor for the area has registered four validated ambient $SO_2$ concentrations in excess of the standard (75 parts per billion, $99^{th}$ percentile of daily maximum one-hour average concentrations determined in accordance with 40 CFR 50, Appendix T) during any maintenance period approved pursuant to CAA §§175a(a) and (b), the permittee shall undertake a full system audit of all emissions units subject to control under this plan. The permittee must submit a written system audit report within 30 days of the notification. The system audit report must detail the operating parameters of all emissions units, including modeled emission units that were excluded from the SIP, for four 10-day periods up to and including the date upon which the reference monitor registered each exceedance, together with recommended provisional $SO_2$ emission control strategies for each affected unit and evidence that these control strategies have been deployed, as appropriate. Upon consultation with the Technical Secretary, the permittee shall develop and implement operational changes as necessary to prevent future monitored violations of the standard. These changes may include fuel switching, physical or operational reduction of production capacity, or other changes as appropriate. If a permit modification is deemed necessary, any changes to existing permit conditions shall follow the applicable procedures of TAPCR 1200-03-09. If an emission source is found to be noncompliant with a SIP emission limit, the Technical Secretary will, in addition to conducting enforcement proceedings to bring the source into compliance with its SIP limit, determine whether additional limits must be added to the SIP to meet the requirements of section 172(c)(9) of the Clean Air Act.

Tennessee will implement all $SO_2$ control measures, continue to enforce the contingency measures identified in Condition G4 of permit 082237, and will notify EPA of any exceedances that trigger the contingency measures of Condition G4.

In addition to the primary trigger described above, Tennessee has a comprehensive program to identify sources of violations of the $SO_2$ NAAQS and will undertake an aggressive follow-up for compliance and enforcement, including expedited procedures for establishing enforceable consent agreements pending the adoption of revised SIPs. A trigger-level response will consist of a study to determine whether emissions from sources within the nonattainment area (or nearby sources located outside of the nonattainment area, as appropriate) are increasing or indicate a trend toward higher sulfur dioxide concentrations. The study would evaluate whether the trend, if any, is likely to continue and any control measures necessary to reverse the trend, taking into consideration ease and timing for implementation, as well as economic and social considerations. If new control measures are already promulgated and scheduled to be implemented at the

Federal or State level, and if those measures are determined to be sufficient to address any increase in peak sulfur dioxide concentrations, additional local measures may be unnecessary. Tennessee will submit to the EPA an analysis to assess whether the proposed measures are adequate to reverse the increase in sulfur dioxide concentrations and to maintain the NAAQS within the area. If additional controls are necessary, Tennessee will implement the appropriate contingency measures needed to assure future attainment of the sulfur dioxide NAAQS. Contingency measures would be adopted and implemented as expeditiously as possible, but no later than 24 months after the triggering event. The proposed schedule for these actions would be as follows:

- Six months to identify appropriate contingency measures, including identification of emission sources and appropriate control technologies;

- Between three and six months to initiate a stakeholder process; and

- Between nine and twelve months to implement the contingency measures. This step would include the time required to draft rules or SIP amendments, complete the rulemaking process, and submit the final plans to EPA.

If a longer schedule is required to implement specific contingency measures, then, upon selection of the appropriate measures, Tennessee will notify EPA of the proposed schedule and will provide sufficient information to EPA to demonstrate that the proposed measures are a prompt correction of the triggering event. The selection of emission control measures will be based on cost-effectiveness, emission reduction potential, economic and social considerations, or other factors that the state deems to be appropriate. Selected emission control measures will be subject to public review, and Tennessee will seek public input prior to selecting new emission control measures.

CAA §175A(b) requires each state, within eight years after redesignation of any area as an attainment area, to submit to the Administrator an additional SIP revision for maintaining the NAAQS for 10 years after the expiration of the 10-year period referred to in CAA §175A(a). Within eight years of redesignation of the area, Tennessee will submit an additional SIP revision to ensure continued maintenance of the $SO_2$ NAAQS for the second 10-year period.

# Attachments A through I are uploaded to the Air Pollution Control Board's Web Page

# Attachment J
# Permits

## Table of Contents for Attachment J


| | |
|---|---|
| Attachment J1 | SIP Permit 082237 (Eastman Chemical Company) |
| Attachment J2 | Regional Haze Permit 066116H (Eastman Chemical Company) |
| Attachment J3 | PSD Construction Permit 966859 (Eastman Chemical Company) |
| Attachment J4 | Title V Operating Permit 574994 (Primester) |
| Attachment J5 | PSD Construction Permit 955272F (Eastman Chemical Company) |

# Attachment J1

# SIP Permit 082237
# (Eastman Chemical Company)

# STATE OF TENNESSEE
# AIR POLLUTION CONTROL BOARD
# DEPARTMENT OF ENVIRONMENT AND CONSERVATION
# NASHVILLE, TENNESSEE

## PERMIT TO OPERATE AIR CONTAMINANT SOURCE(S)

**Permit Number:** 082237

**Facility (Permittee):** Eastman Chemical Company

**Facility ID:** 82-0003

**Facility Address:** 200 South Wilcox Drive, Kingsport
Sullivan County

**Facility Classification:** Title V

**Federal Requirements:** SIP

**Facility Description:** Emission Sources Identified in Section I of this Permit

Operating Permit 082237, consisting of 16 pages, is hereby issued June 11, 2025, pursuant to the Tennessee Air Quality Act and by the Technical Secretary, Tennessee Air Pollution Control Board, Department of Environment and Conservation. The holder of this permit shall comply with the conditions contained in this permit as well as all applicable provisions of the Tennessee Air Pollution Control Regulations (TAPCR).

Michelle W. Owenby
Technical Secretary
Tennessee Air Pollution Control Board

No Authority is Granted by this Permit to Operate, Construct, or Maintain any Installation in Violation of any Law, Statute, Code, Ordinance, Rule, or Regulation of the State of Tennessee or any of its Political Subdivisions.

## Section I – Sources Included in this Operating Permit

| FACILITY DESCRIPTION | | | |
|---|---|---|---|
| **Source Number** | **Source Description** | **Status** | **Control Device/Equipment** |
| 01 | Boilers 18-24 (MSOP-02, PES B-83-1) | Active | Dry Sorbent Injection (Boilers 23 and 24) |
| 131 | Boilers 30-31 (MSOP-26, PES B-325-1) | Active | Spray Dryer Absorber and ESP (Boiler 30), Spray Dryer Absorber and Baghouse (Boiler 31) |
| 168 | Tail Gas Incinerator (MSOP-17, PES B-334-1) | Active | N/A |
| 171 | Cold and Warm Flares (MSOP-17, PES B-351-5) | Active | N/A |
| 224 | Organic Acids & Anhydrides Manufacturing, Vents B, C, E, I, and K (MSOP-23, PES B-55-1) | Active | N/A |
| 282 | Solid/Liquid Chemical Waste Incinerators (MSOP-32, PES B-248-1) | Active | Rod Scrubber |
| 283 | Liquid Chemical Waste Incinerator (MSOP-32, PES B-248-2) | Active | Rod Scrubber |

## Section II – Permit Record

| Permit Type | Description of Permit Action | Issue Date |
|---|---|---|
| Initial | Initial SIP permit issuance | June 11, 2025 |
| | | |
| | | |

## Section III - General Permit Conditions

**G1.** Reserved.

**G2. General Recordkeeping Requirements**

The information contained in logs, records, and submittals required by this permit shall be kept at the facility's address, unless otherwise noted, and provided to the Technical Secretary or a Division representative upon request. Computer-generated logs are acceptable. Compliance is assured by retaining the logs, records, and submittals specified in this permit for a period of not less than five years at the facility's address.

TAPCR 1200-03-10-.02(2)(a)

**G3. Submittals**

Unless otherwise specified within this permit, the permittee shall submit, preferably via email and in Adobe Portable Document format (PDF), all applicable plans, checklists, certifications, notifications, test protocols, reports, and applications to the attention of the following Division Programs at the email addresses indicated in the table below:

| Permitting Program | Compliance Validation Program | Field Services Program |
|---|---|---|
| • Notifications<br>• Startup certifications<br>• Applications<br>• NSPS reports<br>• MACT/GACT/NESHAP reports<br>• Emission statements<br>• Construction permit extension requests | • Test protocols<br>• Emission test reports<br>• Visible emission evaluation reports | • Semiannual reports<br>• Annual compliance certifications/status reports |
| Division of Air Pollution Control<br>Davy Crockett Tower, 7th Floor<br>500 James Robertson Parkway<br>Nashville, TN 37243<br>Air.Pollution.Control@tn.gov | | |

The permittee shall submit the information identified above as requested in this permit. In lieu of submitting this information to the email addresses above, the permittee may submit the information to the attention of the respective Division Programs at the mailing addresses listed above.

TAPCR 1200-03-09-.03(8)

## G4. Contingency Measures

Upon notification by the Technical Secretary that a reference monitor for the area has registered four validated ambient $SO_2$ concentrations in excess of the standard (75 parts per billion, 99$^{th}$ percentile of daily maximum one-hour average concentrations determined in accordance with 40 CFR 50, Appendix T) during any maintenance period approved pursuant to CAA §§175a(a) and (b), the permittee shall undertake a full system audit of all emissions units subject to control under this plan. The permittee must submit a written system audit report within 30 days of the notification. The system audit report must detail the operating parameters of all emissions units, including modeled emission units that were excluded from the SIP, for four 10-day periods up to and including the date upon which the reference monitor registered each exceedance, together with recommended provisional $SO_2$ emission control strategies for each affected unit and evidence that these control strategies have been deployed, as appropriate. Upon consultation with the Technical Secretary, the permittee shall develop and implement operational changes as necessary to prevent future monitored violations of the standard. These changes may include fuel switching, physical or operational reduction of production capacity, or other changes as appropriate. If a permit modification is deemed necessary, any changes to existing permit conditions shall follow the applicable procedures of TAPCR 1200-03-09. If an emission source is found to be noncompliant with a SIP emission limit, the Technical Secretary will, in addition to conducting enforcement proceedings to bring the source into compliance with its SIP limit, determine whether additional limits must be added to the SIP to meet the requirements of section 172(c)(9) of the Clean Air Act.

TAPCR 1200-03-09-.03(8)

## Section IV - Source Specific Permit Conditions

| Source Number | Source Description |
|---|---|
| 01 | Boilers 18-24 (MSOP-02, PES B-83-1) |
| 131 | Boilers 30-31 (MSOP-26, PES B-325-1) |

### S1-1. Emission Limitation(s)

On and after September 1, 2023, sulfur dioxide ($SO_2$) emitted from this source shall not exceed 1,248 lb/hr (combined limit for all boilers, 30-day rolling average).

TAPCR 1200-03-09-.03(8), 40 CFR §§51.110 – 51.112, Condition 1 of SIP permit 080222.

**Compliance Method**: Compliance with this condition shall be assured as specified in Appendix 1.

### S1-2. Operation of Dry Sorbent Injection

On and after March 1, 2023, the permittee shall operate and maintain a dry sorbent injection (DSI) system to reduce $SO_2$ emissions from B-83 Boilers 23 and 24. The permittee shall operate, maintain and repair the control device as required to maintain and assure compliance with the specified emission limits. All periods of nonoperation of the DSI and records of all repair and maintenance activities shall be recorded in a suitable permanent form and kept available for inspection by the Technical Secretary or an authorized representative. These records must be retained for a period of not less than five years. Periods of nonoperation of the DSI and the date each maintenance and repair activity began shall be entered in the log no later than seven days following the start of the period of nonoperation or maintenance and repair maintenance activity, and the completion date shall be entered in the log no later than seven days after activity completion.

TAPCR 1200-03-09-.03(8), 40 CFR §§51.110 – 51.112, Condition 2 of SIP permit 080222.

### S1-3. Periodic Reporting

On and after the issue date of this permit, the permittee shall submit reports of any monitoring or recordkeeping required by this permit with the semiannual reports required by the applicable Title V Operating Permit. Periodic reports shall include the following information:

A. 30-day average $SO_2$ emission rate for each day in the reporting period. A summary report[1] of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

B. All instances of deviations from these permit requirements must be clearly identified in the reports. Deviation reports shall include a description of the deviation; the duration of the event; the explanation or probable cause; and identification of corrective actions or preventative measures undertaken to correct the deviation.

C. The owner or operator shall submit CEMS downtime reports in accordance with Rule 1200-03-10-.02(2). If there are no excess emissions or CEMS downtime during the reporting period, the owner or operator shall submit a report to that effect.

This report must be certified by a responsible official consistent with TAPCR 1200-03-09-.02(11)(d)4.

[1] For all emissions reporting requirements identified in this permit, the minimum requirements for summary reporting are the highest measured emission rate, the date on which the measurement occurred, and either a report of all deviations or a statement that no deviations occurred during the reporting period. For reports of parametric monitoring, the minimum requirements for summary reporting are the highest or lowest measured value, as applicable, the date on which the measurement occurred, and either a report of all deviations or a statement that no deviations occurred during the reporting period.

TAPCR 1200-03-09-.03(8) and 1200-03-10-.02(1)(a)

| Source Number | Source Description |
|---|---|
| 168 | Tail Gas Incinerator (MSOP-17, PES B-334-1) |

**S2-1. Emission Limitation(s)**

On and after September 1, 2023, $SO_2$ emitted from this source shall not exceed 21.8 lb/hr (24-hour block average).

TAPCR 1200-03-09-.03(8), 40 CFR §§51.110 – 51.112, Condition 1 of SIP permit 080222.

**Compliance Method**: Compliance with this condition shall be assured as specified in Appendix 2.

**S2-2. Periodic Reporting**

On and after the issue date of this permit, the permittee shall submit reports of any monitoring or recordkeeping required by this permit with the semiannual reports required by the applicable Title V Operating Permit. Periodic reports shall include the following information:

A. 24-hour average $SO_2$ emission rate for each day in the reporting period. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

B. All instances of deviations from these permit requirements must be clearly identified in the reports. Deviation reports shall include a description of the deviation; the duration of the event; the explanation or probable cause; and identification of corrective actions or preventative measures undertaken to correct the deviation.

C. The owner or operator shall submit CEMS downtime reports in accordance with Rule 1200-03-10-.02(2). If there are no excess emissions or CEMS downtime during the reporting period, the owner or operator shall submit a report to that effect.

This report must be certified by a responsible official consistent with TAPCR 1200-03-09-.02(11)(d)4.

TAPCR 1200-03-09-.03(8) and 1200-03-10-.02(1)(a)

| Source Number | Source Description |
|---|---|
| 171 | Cold Flare and Warm Flare for South Production Areas (MSOP-17, PES B-351-5) |

**S3-1. Emission Limitation(s)**

A. On and after *****30 days following permit issue date****, $SO_2$ emitted from this source shall not exceed 16.28 lb/hr (30-day rolling average).

B. On and after *****12 months following permit issue date****, $SO_2$ emitted from this source shall not exceed 48 tons during any period of 12 consecutive months.

TAPCR 1200-03-09-.03(8), 40 CFR §§51.110 – 51.112

**Compliance Method**: Compliance with this condition shall be assured as follows:

A. Compliance with the hourly emission limit shall be assured as specified in Appendix 3 of this permit.

B. The permittee shall calculate actual emissions of sulfur dioxide emitted during each period of 12 consecutive months and maintain records of the emissions in the format shown in Appendix 4 of this permit.

TAPCR 1200-03-10-.02(1)(a), 1200-03-10-.02(2)(a)

**S3-2. Periodic Reporting**

On and after the issue date of this permit, the permittee shall submit reports of any monitoring or recordkeeping required by this permit with the semiannual reports required by the applicable Title V Operating Permit. Periodic reports shall include the following information:

A. 30-day average $SO_2$ emission rate for each day in the reporting period. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

B. 12-month rolling total $SO_2$ emissions for each month in the reporting period. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

C. All instances of deviations from these permit requirements must be clearly identified in the reports. Deviation reports shall include a description of the deviation; the duration of the event; the explanation or probable cause; and identification of corrective actions or preventative measures undertaken to correct the deviation.

This report must be certified by a responsible official consistent with TAPCR 1200-03-09-.02(11)(d)4.

TAPCR 1200-03-09-.03(8) and 1200-03-10-.02(1)(a)

**S3-3.** This emission limits and other requirements established by this permit supersede the limits previously established in SIP permit 080222.

TAPCR 1200-03-09-.03(8)

| Source Number | Source Description |
|---|---|
| 224 | Organic Acids & Anhydrides Manufacturing, Vents B, C, E, I, and K (MSOP-23, PES B-55-1) |

**S4-1. Emission Limitation(s)**

On and after March 8, 2026, $SO_2$ emitted from this source shall not exceed 6.74 lb/hr (one-hour average).

TAPCR 1200-03-09-.03(8), 40 CFR §§51.110 – 51.112

**Compliance Method**: Compliance with this condition shall be assured as follows:

A. The permittee shall conduct or have conducted performance tests to determine the amount of sulfur dioxide emitted from this source. The initial performance test shall be completed no later than June 6, 2026. For Vent E (not in service as of the issue date of this permit), an initial performance test shall be conducted no later than 180 days following any restart of the associated process. The permittee shall provide, at no expense to the Technical Secretary:

a) Sampling ports adequate for test methods applicable to such facility.
b) Safe sampling platform(s)
c) Safe access to sampling platform(s)
d) Utilities for sampling and testing equipment

TAPCR 1200-03-10-.01

B. For Vent B, the performance test shall consist of at least three test runs. For each test run, reference method test data shall be collected every 15 minutes over the entire batch cycle. The test data shall be used to generate an emissions curve that is representative of the $SO_2$ emission rate in lb/hr over the duration of the batch cycle.

C. For Vents C, E, I, and K, each performance test shall consist of three separate one-hour runs using the applicable test method. For the purpose of determining compliance with the applicable standard, the arithmetic means of the results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of a forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Technical Secretary's approval, be determined using the arithmetic mean of the results of the two other runs.

TAPCR 1200-03-10-.01(1)(a), (b), and (c)

D. The permittee shall notify the Technical Secretary in writing of their intention to conduct the performance test at least 30 days before the performance test is initially scheduled to begin to allow the Technical Secretary to have an observer(s) present during the test.

In the event the permittee is unable to conduct the performance test on the date specified in the notification requirement in this condition, the permittee must notify the Technical Secretary as soon as practical prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the permittee of legal responsibility for compliance with any other applicable provisions of any other applicable Federal, State, or local requirement, nor will it prevent the Technical Secretary from implementing or enforcing the terms of this permit.

TAPCR 1200-03-10-.01 and 1200-03-10-.02(c)

E. The permittee shall develop and submit a site-specific test plan for approval to the Technical Secretary at least 30 calendar days before the performance test is scheduled to take place, simultaneously with the notification of intent to conduct a performance test. The site-specific test plan shall include a test program summary, the test schedule, data quality objectives (i. e., the pretest expectations of precision, accuracy, and completeness of data), and an internal and external quality assurance (QA) program.

TAPCR 1200-03-10-.01

F. The performance test shall be conducted, and data reduced in accordance with the methods and procedures specified in 40 CFR part 60 Appendix A.

TAPCR 1200-03-10-.01

G. The permittee shall report the results of the performance test to the Technical Secretary within 60 days following the completion of the performance test. The report shall include the relevant process data (material input rate, production rate, etc., as appropriate) recorded during the test.

TAPCR 1200-03-10-.01

H. Upon submittal of the test report, the permittee shall calculate hourly emissions from the performance test results and batch data using the plant's distributed control system.

TAPCR 1200-03-10-.01

I. The permittee shall conduct subsequent performance tests no later than 180 days following any process change that would increase emissions from any vent[2]. If there are no process changes that would increase $SO_2$ emissions, subsequent performance tests shall be conducted no later than 60 calendar months after the previous test.

TAPCR 1200-03-10-.01

**S4-2. Periodic Reporting**

On and after August 5, 2026, the permittee shall submit reports of any monitoring or recordkeeping required by this permit with the semiannual reports required by the applicable Title V Operating Permit. Periodic reports shall include the following information:

A. $SO_2$ emission rate (lb/hr) for each day of the reporting period. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

B. A description of any process changes that would increase $SO_2$ emissions, or a statement that there were no process changes during the reporting period that would increase $SO_2$ emissions from the source.

C. All instances of deviations from these permit requirements must be clearly identified in the reports. Deviation reports shall include a description of the deviation; the duration of the event; the explanation or probable cause; and identification of corrective actions or preventative measures undertaken to correct the deviation.

This report must be certified by a responsible official consistent with TAPCR 1200-03-09-.02(11)(d)4.

TAPCR 1200-03-09-.03(8) and 1200-03-10-.02(1)(a)

| Source Number | Source Description |
|---|---|
| 282 | Solid/Liquid Chemical Waste Incinerators (MSOP-32, PES B-248-1) |

**S5-1. Emission Limitation(s)**

On and after September 1, 2023, $SO_2$ emitted from this source shall not exceed 15.2 lb/hr (combined limit for both rotary kilns, 30-day rolling average).

TAPCR 1200-03-09-.03(8), 40 CFR §§51.110 – 51.112, Condition 1 of SIP permit 080222.

**Compliance Method**: Compliance with this condition shall be assured as specified in Appendix 5.

**S5-2. Periodic Reporting**

On and after the issue date of this permit, the permittee shall submit reports of any monitoring or recordkeeping required by this permit with the semiannual reports required by the applicable Title V Operating Permit. Periodic reports shall include the following information:

[2] If a process change increases emissions from the batch reactors, then all vents must be tested to ensure that $SO_2$ emissions do not increase in other areas of the process. For other changes, Eastman must specify which vents will be tested in the site-specific test plan.

A. 30-day average $SO_2$ emission rate for each day in the reporting period. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

B. All instances of deviations from these permit requirements must be clearly identified in the reports. Deviation reports shall include a description of the deviation; the duration of the event; the explanation or probable cause; and identification of corrective actions or preventative measures undertaken to correct the deviation.

This report must be certified by a responsible official consistent with TAPCR 1200-03-09-.02(11)(d)4.

TAPCR 1200-03-09-.03(8) and 1200-03-10-.02(1)(a)

| Source Number | Source Description |
|---|---|
| 283 | Liquid Chemical Waste Incinerator (MSOP-32, PES B-248-2) |

**S6-1. Emission Limitation(s)**

On and after September 1, 2023, $SO_2$ emitted from this source shall not exceed 2.0 lb/hr (30-day rolling average).

TAPCR 1200-03-09-.03(8), 40 CFR §§51.110 – 51.112, Condition 1 of SIP permit 080222

**Compliance Method**: Compliance with this condition shall be assured as specified in Appendix 5.

**S6-2. Periodic Reporting**

On and after the issue date of this permit, the permittee shall submit reports of any monitoring or recordkeeping required by this permit with the semiannual reports required by the applicable Title V Operating Permit. Periodic reports shall include the following information:

A. 30-day average $SO_2$ emission rate for each day in the reporting period. A summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

B. All instances of deviations from these permit requirements must be clearly identified in the reports. Deviation reports shall include a description of the deviation; the duration of the event; the explanation or probable cause; and identification of corrective actions or preventative measures undertaken to correct the deviation.

This report must be certified by a responsible official consistent with TAPCR 1200-03-09-.02(11)(d)4.

TAPCR 1200-03-09-.03(8) and 1200-03-10-.02(1)(a)

(end of conditions)

# Appendix 1: B-83 and B-325 $SO_2$ Monitoring

| | |
|---|---|
| **Stack or Flow Diagram Points** | PES B-83-1, Boilers 18 through 24<br>PES B-325-1, Boilers 30 and 31 |
| **Pollutants** | $SO_2$ (combined total emissions for all boilers) |
| **Description of Monitoring Protocol** | The source owner or operator shall install, maintain, operate, and submit reports of sulfur dioxide emissions from continuous in-stack monitoring systems for sulfur dioxide ($SO_2$) and either oxygen ($O_2$) or carbon dioxide as the diluent gas. The sensors of these monitoring systems shall be located in representative areas of the effluent gas stream of the boiler. Electronic signal combining systems shall be installed to convert the output of the pollutant monitors into units of the applicable emission standards. The in-stack sulfur dioxide monitoring systems shall meet all the requirements of 40 CFR Part 60 Appendix B Performance Specification 2 or 40 CFR Part 75 Appendix A.<br><br>$SO_2$ emission rates in lb/hr shall be calculated as follows:<br><br>**Boilers 23-24 and 30-31**: The source owner or operator shall install, certify, operate, and maintain a $SO_2$ continuous emission monitoring system and a flow monitoring system with an automated data acquisition and handling system for measuring and recording $SO_2$ concentration (in parts per million), volumetric gas flow (in standard cubic feet per hour), and $SO_2$ mass emissions (in lb/hr) discharged to the atmosphere. The in-stack flow monitoring systems shall meet all the requirements of 40 CFR Part 60 Appendix B Performance Specification 6 or 40 CFR Part 75 Appendix A.<br><br>**Boilers 18-22:** 40 CFR 60 Appendix A, Method 19 shall be used to determine hourly average emissions of sulfur dioxide expressed as pounds per million Btu heat input. Hourly average emissions of sulfur dioxide expressed as pounds per hour shall be determined by multiplying each hourly average sulfur dioxide emission rate expressed as pounds per million Btu by the respective hourly average heat input.<br><br>The heat input for Boilers 18-22 will be computed by determining the energy rise of the steam across the individual boiler. The energy rise will be calculated as the difference in the energy of the output steam and the energy of the feedwater input. Boiler outlet pressure, temperature and flow along with the inlet feedwater temperature and flow will be used to determine the total energy change across the boiler. The energy of the outlet steam will be approximated by multiplying the boiler outlet steam flow by steam enthalpy. Enthalpy for the outlet steam conditions shall be determined using the ASME International Steam Tables for Industrial Use at the steam outlet pressure and temperature. Boiler outlet energy will be adjusted for an assumed boiler efficiency of 85%. The feedwater energy will be calculated by multiplying the inlet feedwater flow by the inlet feedwater enthalpy. The feedwater enthalpy will be determined using the enthalpy of saturated water from the ASME Steam Tables at the boiler economizer inlet feedwater temperature.<br><br>The boiler heat will be determined by subtracting the boiler inlet energy form the boiler outlet energy. This heat input will be transmitted to the $SO_2$ CEMS data acquisition and control system (DAHS) to use for computation of the sulfur dioxide mass emission rate in pounds per hour.<br><br>Missing emissions data shall be addressed as follows: Data is considered missing if there are fewer than two valid 15-minute averages during the hour. Data shall be substituted for the duration of each missing data period by using the higher value of: 1) the last valid hourly emission rate before, or 2) the first valid hourly emission rate after, the period of missing data. |

| | |
|---|---|
| **Calculation of 30-day rolling average** | Compliance will be determined on a 30 boiler operating day rolling average basis. All 30-day rolling averages shall be calculated as specified in 40 CFR §63.10021(b) and Equation 8:<br><br>$$Boiler\ operating\ day\ average = \frac{\sum_{i=1}^{n} Her_i}{n}\ (Eq.\ 8)$$<br><br>Where $Her_i$ is the hourly emissions rate for hour i (combined total emissions for all boilers) and n is the number of hourly emissions rate values collected over 30 boiler operating days.<br><br>**Note**: "Boiler operating day" means a 24-hour period that begins at midnight and ends the following midnight during which any fuel is combusted at any time in any of the boilers. It is not necessary for the fuel to be combusted the entire 24-hour period. |
| **Operational requirements for Sulfur Dioxide ($SO_2$) Monitoring Systems** | For each boiler to demonstrate continual compliance with the applicable sulfur dioxide emissions limitations, the in-stack sulfur dioxide monitoring systems shall be fully operational for at least 95% of the operational time of the monitored boiler during any calendar quarter. An operational availability of less than this amount may be considered the basis for declaring the source to be in noncompliance with the applicable monitoring requirements, unless the reasons for the failure to maintain this level of operational availability are accepted by this division as being legitimate malfunctions of the instruments. |

# Appendix 2: PES B-334-1 $SO_2$ Monitoring

| | |
|---|---|
| **Stack or Flow Diagram Points** | Tail Gas Incinerator (Vent B) |
| **Description of Monitoring Protocol** | An extractive sampling system or equivalent monitor shall continuously measure the $H_2S$ composition in the Shell Claus Off-gas Treatment (SCOT) process overhead stream entering the Tail Gas Incinerator. The gas flow rate into the incinerator shall be continuously monitored, and the distributed control system shall use the $H_2S$ composition and the flow rate (differential pressure or equivalent device) to calculate the $SO_2$ emission rate in lb/hr for a 24-hour block average. Process operational time does not include periods of Sulfur Recovery Plant outages. Monitoring data recorded during periods of monitoring system breakdown, repairs, calibration checks, zero and span adjustments, shall not be included in the data averages. In the event of an analyzer outage or Claus unit upset requiring direct venting to the incinerator, engineering evaluation and calculations will determine the lb/hr $SO_2$ emissions using actual operational data from the Claus and SCOT units. |
| **Equipment and Installation** | Hydrogen sulfide analyzer and flow meter located at the inlet to the tail gas incinerator. |
| **Measurement Frequency** | Continuous (at least once every 15 minutes) |
| **Minimum Data Availability** | The $SO_2$ monitoring system shall be fully operational for at least 95% of the operational time of the incinerator during each semiannual reporting period. |
| **QA/QC Practices** | Calibrate and maintain all monitoring equipment in accordance with manufacturer's specifications. |

# Appendix 3: PES B-351-5 $SO_2$ Monitoring

| | |
|---|---|
| **Stack or Flow Diagram Points** | Cold Flare (Vent B) and Warm Flare (Vent C) |
| **Description of Monitoring Protocol** | Excess gas which cannot be safely utilized in the Coal Gasification Process is relieved to one of two vent header systems, where that gas is then routed to one of two corresponding natural gas assisted flares for combustion, i.e., Cold Flare and Warm Flare. Hourly $SO_2$ emissions from the flares are calculated during these events by using the following protocol:<br><br>1. Control valve operating positions (percentage valve open) and control valve upstream pressures are used to calculate volumetric flow rate of the gas stream routed to the flare(s).<br>2. Known plant gas stream compositions are used to calculate sulfur content of the gas stream routed to the flare(s).<br>3. Total conversion (100%) of sulfur in the gas stream routed to the flare(s) to $SO_2$ after combustion is used to determine final $SO_2$ emissions from the flare(s). |
| **Equipment and Installation** | Control valves and pressure transmitters located upstream of each flare. |
| **Measurement Frequency** | Continuous (at least once every 15 minutes) |
| **Calculation of 30-day rolling average** | Compliance will be determined on a 30 operating day rolling average basis. All 30-day rolling averages shall be calculated as specified in the following equation:<br><br>$$30\ operating\ day\ average = \frac{\sum_{i=1}^{n} Her_i}{n}$$<br><br>Where $Her_i$ is the hourly emissions rate for hour *i* (combined total emissions for cold and warm flares) and *n* is the number of hourly emissions rate values (including periods with no $SO_2$ emissions) collected over 30 operating days. "Operating day" means a 24-hour period that begins at midnight and ends the following midnight during which any synthesis gas is produced by the gasifiers. It is not necessary for synthesis gas to be produced during the entire 24-hour period. |
| **Minimum Data Availability** | The $SO_2$ monitoring system shall be fully operational for at least 95% of the operational time of the incinerator during each semiannual reporting period. |
| **QA/QC Practices** | **Valve operating positions**: An annual field review will be completed for each control valve. Each flare valve will be verified either during process-related opening or by conducting a manual valve calibration check. Either (1) the process-related verification is completed by verifying the DCS-indicated percent open matches the field-observed percent open; or (2) a manual verification is completed by isolating the selected valve using manual valves as available (the isolated control valve will be given a DCS command to open to a set percentage, and a field operator will visually verify that the correct valve position is achieved).<br><br>**Valve upstream pressures**: the pressure transmitters are used as input parameters to critical process control loops. Normal and ongoing operations, in conjunction with operators' experience, will ensure proper operation of the pressure transmitters. Any abnormal function in these devices would require corrective action as part of normal plant operations. |

# Appendix 4: PES B-351-5 Annual Emissions

| | $SO_2$ Emissions (tons) | $SO_2$ Emissions (tons), 12-Month Rolling Total |
|---|---|---|
| January | | |
| February | | |
| March | | |
| April | | |
| May | | |
| June | | |
| July | | |
| August | | |
| September | | |
| October | | |
| November | | |
| December | | |

# Appendix 5: PES B-248-1 and 248-2 $SO_2$ Monitoring

<table>
<tr><td>Stack or Flow Diagram Points</td><td>PES B-248-1: Vents D (Rotary Kiln #1) and E (Rotary Kiln #2)<br>PES B-248-2: Vent A (Liquid Chemical Incinerator)</td></tr>
<tr><td>Pollutants</td><td>$SO_2$</td></tr>
<tr><td>Control Equipment</td><td>$SO_2$ emissions from the solid/liquid chemical waste incinerators (82-0003-282, PES-B-248-1) and liquid chemical waste incinerator (82-0003-283, PES B-248-2) shall be continuously controlled by wet scrubbers (Croll-Reynolds Clean Air Technologies multi-rod scrubber for each emission point).</td></tr>
<tr><td>Description of Monitoring Protocol</td><td>1. Continuous Monitoring of Rod Scrubber Underflow pH<br><br>A pH sensor and transmitter are installed in either the rod scrubber underflow line or the sump (which receives the rod scrubber underflow) before any caustic or additional water is added in the recycle loop. The distributed control system (DCS) will receive pH values from the transmitter, and a data archival system shall record the pH reading four or more times equally spaced over the hour. The permittee shall operate and maintain continuous monitoring systems (CMS) for scrubbing liquid pH and shall operate all CMS to document compliance with the applicable operating parameter limits under this section as follows:<br><br>(a) The permittee shall install and operate the CMS in compliance with the manufacturer's written specifications or recommendations for installation, operation, and calibration.<br><br>(b) The CMS must sample the regulated parameter without interruption and evaluate the detector response at least once each 15 seconds, and compute and record the average values at least every 60 seconds.<br><br>(c) The span of the CMS detector shall not be exceeded.<br><br>(d) Each parameter shall be monitored, and the permittee shall calculate $SO_2$ emissions from the sulfur feed rate and rod scrubber underflow pH.<br><br>(e) The permittee shall perform inspections and maintenance of the scrubbers as recommended by the manufacturer.<br><br>2. Determination of Sulfur Dioxide Removal Efficiency<br><br>A series of computer simulations using a commercially available software package (ASPEN®) have been conducted to establish the rod scrubber underflow pH as the key process variable that indicates sulfur dioxide control efficiency. Computer simulations were conducted at varying sulfur loading conditions and correlation curves relating pH and scrubber control efficiency were derived. The correlation curve for the highest sulfur feed modeled was used to develop the relationship programmed into the DCS. The DCS relationship is programmed as a series of straight lines plotted between the following points:<br><br>
<table>
<tr><th>Point</th><th>Rod Scrubber Underflow pH</th><th>Sulfur Dioxide Removal Efficiency (%)</th></tr>
<tr><td>1</td><td>0.00</td><td>0.0</td></tr>
<tr><td>2</td><td>4.13</td><td>0.0</td></tr>
<tr><td>3</td><td>4.20</td><td>67.2</td></tr>
<tr><td>4</td><td>4.42</td><td>82.8</td></tr>
<tr><td>5</td><td>4.74</td><td>90.6</td></tr>
<tr><td>6</td><td>5.64</td><td>98.1</td></tr>
<tr><td>7</td><td>14.00</td><td>98.1</td></tr>
</table>
3. Determination of Sulfur Feed Rates<br><br>Waste stream sulfur concentrations are determined either from process knowledge or from analysis using ASTM method D4239 or equivalent and are entered into the Environmental Management Information System (EMIS). EMIS provides information to the DCS regulating the feed of waste. As waste streams are burned, sulfur feed rates are calculated by the DCS using waste and fuel mass flow sensors that are required by 40 CFR 60 Subpart EEE.</td></tr>
<tr><td>Description of Monitoring Protocol (Continued)</td><td>4. Calculation of Stack Gas $SO_2$ Concentration</td></tr>
</table>

| | |
|---|---|
| | At a minimum of four equally spaced intervals in each hour, the DCS shall calculate the $SO_2$ emissions concentration using the stack gas flow rate (obtained from sensors required by 40 CFR 63 Subpart EEE), assuming all sulfur from Step #3 is converted to $SO_2$ and using the $SO_2$ control efficiency determined in Step #2. The hourly $SO_2$ concentration and annual emission rate are calculated using the following assumptions and equations:<br><br>Assumptions:<br><br>1. Standard conditions are 68° F and 1 atm;<br>2. Mole weights: sulfur (S) = 32.06, sulfur dioxide ($SO_2$) = 64.06;<br>3. $SO_2$ removal is based on the relationship established in Step #2;<br>4. All sulfur feeds react completely to $SO_2$;<br>5. Density of $SO_2$ gas at standard conditions = 0.1662 lb/ft$^3$.<br><br>**$SO_2$ emission rate (lb/hr)** = sulfur feed rate (lb/hr) x (64.06 lb $SO_2$/32.06 lb S) x (1-$SO_2$ removal)<br>30-day rolling average $SO_2$ emission rates will be calculated from hourly emission rates. |
| **Averaging** | One-hour averages shall be calculated from four or more equally spaced data averages over each one-hour period, except during periods of monitoring system breakdown, monitoring system repairs, and periods of non-operation of the source. During these periods, a valid one-hour average shall consist of at least two 15-minute averages. Data collected during periods of monitoring system breakdown, monitoring system repairs, required quality assurance or control periods, and periods of non-operation of the source shall not be included in the data averages. Compliance will be based on a 30-day rolling average basis. 30-day rolling averages shall be calculated as the arithmetic average of all valid one-hour averages over each 30-day period, beginning on midnight of the first day and ending at midnight on the 30$^{th}$ day. For a given 30-day averaging period, a valid average must include at least 75% percent of the measured values within the averaging period. |
| **Monitoring Downtime Incidents** | During periods of pH monitoring downtime, the sulfur dioxide removal efficiency shall be assumed to be zero in Step #2 above. Therefore, and pH monitoring system downtime incidents do not need to be reported as required by 40 CFR §64.9(a)(2)(ii). Any monitoring downtime incidents shall be reported in the semiannual reports, unless, in the case of a feed rate flow sensor, the feed line block valve is closed during the incident. |
| **Minimum Data Availability** | The $SO_2$ monitoring system shall be fully operational for at least 95% of the operational time of the incinerator during each semiannual reporting period. |
| **QA/QC Practices** | The pH sensors shall be calibrated once per month. |
| **Reference** | Operating Plan in the Title V application dated May 24, 2019, PES B-248-1, pages 25 and 26.<br>Operating Plan in the Title V application dated September 28, 2017, PES B-248-2, pages 12 and 13. |

# Attachments J2 through J5 are uploaded to the Air Pollution Control Board's Web Page

# Attachment K is uploaded to the Air Pollution Control Board's Web Page

# Attachment L
# Public Participation

## Table of Contents for Attachment L


| | |
|---|---|
| Attachment L1 | Public Hearing Notice |
| Attachment L2 | Public Participation E-mails |
| Attachment L3 | Public Hearing Sign-In Sheet |
| Attachment L4 | Public Hearing Presentation |
| Attachment L5 | Public Hearing Transcript |

# Attachment L1
# Public Hearing Notice

**NOTICE OF HEARING**

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**
**DIVISION OF AIR POLLUTION CONTROL**
**DAVY CROCKETT TOWER**
**500 JAMES ROBERSTON PARKWAY, 7th FLOOR**
**NASHVILLE, TENNESSEE 37243**
**PHONE: (615) 532-0554 FAX: (615) 532-0614**

**NOTICE IS HEREBY GIVEN,** the Division of Air Pollution Control will hold a public hearing pursuant to Tennessee Code Annotated, Section 68-201-105

Location: Davy Crockett Tower, 7th Floor Conference Room D, 500 James Robertson Parkway, Nashville, Tennessee

Date: March 26, 2025

Public Hearing: 10:00 AM Central Time

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider a proposed State Implementation Plan (SIP) revision under the authority of Tennessee Code Annotated, Section 68-201-105. Tennessee is proposing a SIP revision to request the redesignation of the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius from nonattainment to attainment for the one-hour sulfur dioxide ($SO_2$) National Ambient Air Quality Standard (NAAQS).

Tennessee proposes to demonstrate in the SIP revision that the area has attained the $SO_2$ NAAQS based on permanent and enforceable emission reductions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions. Tennessee has also prepared an emissions inventory, which indicates declining $SO_2$ emissions and demonstrates that the region is likely to remain in attainment of the NAAQS in the future. The redesignation request includes contingency measures that may be put into place to correct NAAQS exceedances that could occur after redesignation of the area to attainment.

**HEARING INFORMATION**

The hearing will take place at the location, date, and time indicated above. All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the draft general permit. Anyone desiring to make oral comments at this public hearing is requested to prepare a written copy of their comments to be submitted to the hearing officer at the public hearing. The hearing officer may limit the length of oral comments in order to allow all parties an opportunity to speak, and will require that all comments be relevant to the draft general permit.

Written statements not presented at the hearing will only be considered part of the record if received by close of business on **March 26, 2025**, at the office of the Technical Secretary, Tennessee Division of Air Pollution Control, 312 Rosa L. Parks Avenue, 15th Floor, William R. Snodgrass Tennessee Tower, Nashville, TN 37243. To assure that written comments are received and addressed in a timely manner, written comments must be submitted using one of the following methods:

1. **Mail, private carrier, or hand delivery:** Address written comments to Michelle Owenby, Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, Tennessee 37243.

2. **E-mail**: Submit electronic comments to air.pollution.control@tn.gov.

A final determination will be made after weighing all relevant comments.

Individuals with disabilities who wish to participate in these proceedings (or review the file record) should contact TDEC to discuss any auxiliary aids or services needed to facilitate such participation. Contact may be in person, by writing, telephone, or other means, and should be made no less than ten working days prior to **March 26, 2025**, to allow time to provide such aid or services. Contact the ADA Coordinator (1-866-253-5827) for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298). If you have any questions about the draft general permit, you may contact Mr. Travis Blake by phone at (615) 306-1990 or by e-mail at travis.blake@tn.gov.

**HEARING OPTIONS**

This is a hybrid hearing. You may attend the hearing in person at the following location: **Davy Crockett Tower, 7th Floor Conference Room D, 500 James Robertson Parkway, Nashville, Tennessee**

Or you may attend online via Microsoft Teams (see log-in and call-in information below):

---

**Microsoft Teams** Need help?
**Join the meeting now**
Meeting ID: 215 071 637 166
Passcode: i6S8eq37

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**Dial in by phone**
+1 629-209-4396,,483127615# United States, Triune
Find a local number
Phone conference ID: 483 127 615#
**Join on a video conferencing device**
Tenant key: stateoftn@m.webex.com
Video ID: 112 015 701 5
More info
For organizers: Meeting options | Reset dial-in PIN

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# Attachment L2
# Public Participation E-mails

## Travis Blake

**From:** Donna F. Brown
**Sent:** Thursday, February 13, 2025 7:55 AM
**To:** Jimmy West; Chunrong Jia (cjia); Hawkins, Shawn; Amy Spann; ketheridge@packagingcorp.com; Caitlin Roberts Jennings; Larry Waters; Cindy Hattingh; JOHN BENITEZ; JOHN BENITEZ; Ken Moore; mike.haverstick@nissan-usa.com; Larry Waters; Kalyn Helton; Tara Pedraza; Dr. Joshua Fu; stephenmoore; ramosnicholas@bfusa.com
**Cc:** Travis Blake; Daina L. Burks
**Subject:** FW: Notification to APC Board - Sullivan County Redesignation

Good morning APC Board members,

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider a proposed State Implementation Plan (SIP) revision under the authority of Tennessee Code Annotated, Section 68-201-105. Tennessee is proposing a SIP revision to request the redesignation of the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius from nonattainment to attainment for the one-hour sulfur dioxide ($SO_2$) National Ambient Air Quality Standard (NAAQS). Tennessee proposes to petition the U. S. EPA for redesignation of the Sullivan County one-hour sulfur dioxide nonattainment area to attainment based on an attaining three-year design value for the period 2020-2022 and upon air dispersion modeling that demonstrates future maintenance of the NAAQS.

A copy of the redesignation request is available for review at the following link: https://www.tn.gov/content/dam/tn/environment/air/documents/publicnotices/apc_ppo-sullivan-county-so2-redesignation.pdf. If you have any questions about this document, please contact Travis Blake at (615) 306-1990 or via e-mail at travis.blake@tn.gov.

**Travis J. Blake** | Environmental Fellow
Division of Air Pollution Control
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway, Nashville, TN 37243
**I have a new number:** (615) 306-1990
travis.blake@tn.gov
tn.gov/environment

We value your opinion. Please take a few minutes to complete our customer satisfaction survey.

## Travis Blake

**From:** Travis Blake
**Sent:** Tuesday, February 11, 2025 7:41 PM
**To:** Stephen D Moore; MCNEIL, Brad
**Subject:** Notice of Public Hearing - Redesignation Request for Sullivan County SO2 Nonattainment Area

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider a proposed State Implementation Plan (SIP) revision under the authority of Tennessee Code Annotated, Section 68-201-105. Tennessee is proposing a SIP revision to request the redesignation of the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius from nonattainment to attainment for the one-hour sulfur dioxide ($SO_2$) National Ambient Air Quality Standard (NAAQS). Tennessee proposes to petition the U. S. EPA for redesignation of the Sullivan County one-hour sulfur dioxide nonattainment area to attainment based on an attaining three-year design value for the period 2020-2022 and upon air dispersion modeling that demonstrates future maintenance of the NAAQS.

A copy of the redesignation request is available for review at the following link: https://www.tn.gov/content/dam/tn/environment/air/documents/publicnotices/apc_ppo-sullivan-county-so2-redesignation.pdf. Please contact me if you have any questions about this submittal.

**Travis J. Blake** | Environmental Fellow
Division of Air Pollution Control
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway, Nashville, TN 37243
**I have a new number:** (615) 306-1990
travis.blake@tn.gov
tn.gov/environment

We value your opinion. Please take a few minutes to complete our customer satisfaction survey.

## Travis Blake

**From:** Travis Blake
**Sent:** Tuesday, February 11, 2025 8:40 PM
**To:** Kennedy, Michael (EEC); michael.dowd@deq.virginia.gov; Abraczinskas, Michael
**Subject:** Notice of Public Hearing - Redesignation Request for Sullivan County SO2 Nonattainment Area (Affected State Notification)

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider a proposed State Implementation Plan (SIP) revision under the authority of Tennessee Code Annotated, Section 68-201-105. Tennessee is proposing a SIP revision to request the redesignation of the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius from nonattainment to attainment for the one-hour sulfur dioxide ($SO_2$) National Ambient Air Quality Standard (NAAQS). Tennessee proposes to petition the U. S. EPA for redesignation of the Sullivan County one-hour sulfur dioxide nonattainment area to attainment based on an attaining three-year design value for the period 2020-2022 and upon air dispersion modeling that demonstrates future maintenance of the NAAQS.

A copy of the redesignation request is available for review at the following link: https://www.tn.gov/content/dam/tn/environment/air/documents/publicnotices/apc_ppo-sullivan-county-so2-redesignation.pdf. Please contact me if you have any questions about this submittal.

**Travis J. Blake** | Environmental Fellow
Division of Air Pollution Control
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway, Nashville, TN 37243
**I have a new number:** (615) 306-1990
travis.blake@tn.gov
tn.gov/environment

We value your opinion. Please take a few minutes to complete our customer satisfaction survey.

# Attachment L3
# Public Hearing Sign-In Sheet

| NAME | Representing (Indicate organization name or private citizen) | Email Address | I Wish to Comment (✓) | Send Me the Response to Comments (✓) |
|---|---|---|---|---|
| STEVE MOORE | EASTMAN | stephenmoore@eastman.com | | X |
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Please Print

# Attachment L4
# Public Hearing Presentation

Department of Environment & Conservation

# Public Hearing
## Proposed SO2 Redesignation
Division of Air Pollution Control

March 20, 2025

# Introductions

- Moderator: Jan Compton, Regional Director
  Office of External Affairs - Johnson City
- Technical Staff: Travis Blake
  Division of Air Pollution Control
- Virtual Host: Christian Black
  Johnson City Environmental Field Office

# Agenda

Environment & Conservation

Division of Air Pollution Control
Public Hearing Agenda
March 20, 2025

TN Division of Air Pollution Control (TDAPC) will hold a public hearing pursuant to Tennessee Code Annotated, Section 68-201-105.

Tennessee is proposing a SIP revision to request the redesignation of the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius from nonattainment to attainment for the one-hour sulfur dioxide (SO2) National Ambient Air Quality Standard (NAAQS).

Print your name and e-mail address on the Registration Sheet as you enter. If you wish to make comments, please place a checkmark (✓) in the "I Wish to Comment" column.

I. Welcome and Agenda
Jan Compton, Division of Stakeholder Engagement, Office of External Affairs

II. Informational Session, Travis Blake, Division of Air Pollution Control

III. Public Hearing Comments Received (On Site & Virtual)

III. Closing

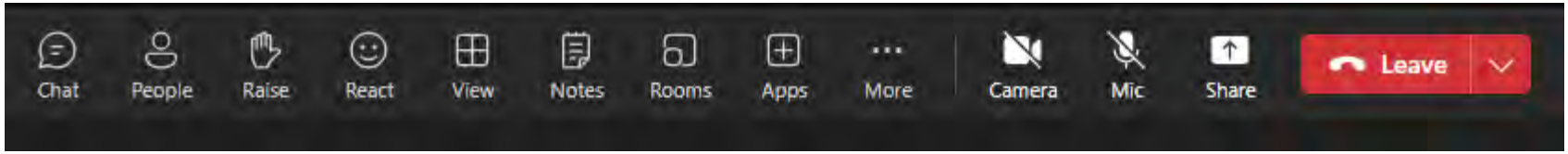
Note: If you signed up to comment, you will be called to the microphone and asked to state your name and present your comments related to this specific SIP revision. A written copy of your comments would be appreciated, if available. Questions will not be answered during the formal hearing but a Response to Comments will be issued with the final permit decision.

The meeting moderator may limit the length of oral comments in order to allow all parties an opportunity to speak.

Submitting a Comment: Written statements not presented at the hearing will only be considered part of the record if received by Close of Business March 20, 2025, via e-mail at air.pollution.control@tn.gov.

*TDEC thanks you for your participation and attendance at today's hearing*

# Sign-in and MS Teams




- Information on how to join the online meeting is available at tn.gov/environment
  Public Participation on the main menu
  Air Notices and Hearings
  Links for the public meeting with today's date: 3/20/2025

- You may also call into the meeting by dialing 629-209-4396
  Conference ID: 588 659 248#
  Callers can mute and un-mute by dialing *6

- For technical difficulties, call 423-823-8077
  (This number is for Christian Black, our virtual host)

# Q&A

- Information Session: Presentation and Q & A
- During this time, staff can respond to questions
- In-person participants will visit with staff at information stations throughout the room
- Virtual participants: Use the raise hand icon or enter your name or question in the chat box.
- If you have called in to the meeting, you may un-mute your device by dialing *6 when we recognize callers' time for questions.

Department of Environment & Conservation

# STATE OF TENNESSEE

Redesignation Request for the Sullivan County $SO_2$ Nonattainment Area

March 20, 2025

# Background

- The Kingsport $SO_2$ nonattainment area includes the portion of Sullivan County encompassing a 3-km circle centered at Eastman Chemical Company's B-253 powerhouse.

- Between 2008 and 2010, air quality monitoring indicated that ambient $SO_2$ concentrations in the area exceeded the 75 ppb one-hour $SO_2$ National Ambient Air Quality Standard (NAAQS), and EPA designated the area as nonattainment for the $SO_2$ NAAQS, on October 4, 2013.

- Tennessee submitted attainment demonstrations in 2017 and 2023 and projected that the area would attain the NAAQS based on $SO_2$ reductions achieved by repowering of one Eastman powerhouse from coal to natural gas and from the installation of dry sorbent injection (DSI) controls on Eastman's largest remaining uncontrolled boilers.

# Sullivan County Nonattainment Area

# Overview of Redesignation Request

- Tennessee is petitioning EPA for redesignation of the Sullivan County nonattainment area to attainment for $SO_2$ NAAQS, based on an attaining design value for 2020-2022 (three-year design value less than 75 ppb) at each monitor in the nonattainment area.

- This petition demonstrates that area has attained the NAAQS and that the observed reduction in $SO_2$ levels is due to permanent and enforceable emission reductions.

# Eastman Source-Specific Limits

| Source Description | $SO_2$ Emission Limit |
|---|---|
| B-83 and B-325 Coal-Fired Boilers | 1,248 lb/hr (combined limit for all boilers, 30-day rolling average) |
| B-253 Boilers | Only natural gas may be used as fuel |
| B-325 Boiler 30 | 317 lb/hr (30-day rolling average) |
| B-325 Boiler 31 | 293 lb/hr (30-day rolling average) |
| Coal Gasification Tail Gas Incinerator | 21.8 lb/hr (24-hour block average) |
| Coal Gasification Cold and Warm Flares | 16.28 lb/hr (30-day rolling average) and 48 tons during any period of 12 consecutive months |
| B-55 Organic Acids & Anhydrides Manufacturing | 6.74 lb/hr |
| B-248 Solid/Liquid Chemical Waste Incinerators | 15.2 lb/hr (combined limit for both rotary kilns, 30-day rolling average) |
| B-248 Liquid Chemical Waste Incinerator | 2.0 lb/hr (30-day rolling average) |

# Primester Source-Specific Limit

- The redesignation request establishes a source-specific limit of 0.25 lb/hr (three-hour rolling average) for Primester's Organic Acids & Anhydrides Process Unit (similar to Eastman B-55 process unit).

# EPA Review and Public Participation

- A prehearing draft of the redesignation request was made available to the public and submitted to U. S. EPA on February 11, 2025.

- Formal public participation includes a 30-day public comment period, in which members of the public and EPA may submit formal comments.

- A final redesignation request will be submitted to the Tennessee Air Pollution Control Board for approval once the comment period has closed and all comments have been addressed.

Department of Environment & Conservation

# THANK YOU

Department of Environment & Conservation

# Public Hearing
# Proposed SO2 Redesignation

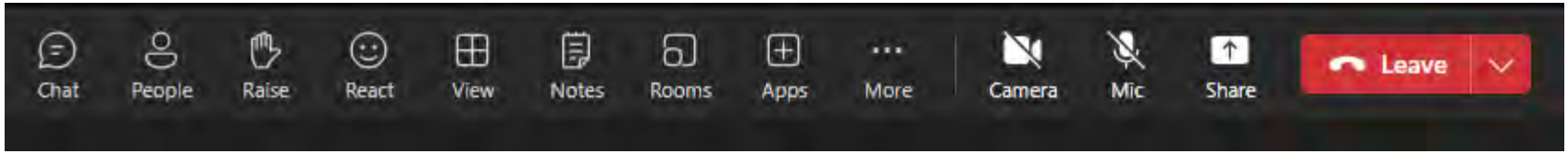
## Division of Air Pollution Control

March 20, 2025

# Introductions

- Moderator: Jan Compton, Regional Director
  Office of External Affairs - Johnson City
- Technical Staff: Travis Blake
  Division of Air Pollution Control
- Virtual Host: Christian Black
  Johnson City Environmental Field Office

# Sign-in and MS Teams




- Information on how to join the online meeting is available at tn.gov/environment
  Public Participation on the main menu
  Air Notices and Hearings
  Links for the public meeting with today's date: 3/20/2025

- You may also call into the meeting by dialing 629-209-4396
  Conference ID: 588 659 248#
  Callers can mute and un-mute by dialing *6

- For technical difficulties, call 423-823-8077
  (This number is for Christian Black, our virtual host)

# Procedural Overview

- If you do not wish to comment but you do want to be notified of the response to comments, send a written request for this to one of the addresses below for submitting written comments.
  - Written comments may be submitted until **March 20, 2025.**
  - Email written comments to air.pollution.control@tn.gov
  - Mail written comments to Tennessee Department of Environment & Conservation, Division of Air Pollution Control,500 James Robertson Pkwy, 7th Floor, Nashville, TN 37243
- To ensure everyone wanting to comment has a chance to do so this afternoon, each speaker will be limited to **5 minutes**.
- Public comments and questions will be addressed through the Department's Response to Comments.

# Comments?

- Before sharing comments, please clearly state your name, affiliation, and, if you are a virtual participant or have called into the hearing, your physical location.
- Please limit your oral comments to 5 **minutes**.
- In-person comments first, then virtual hands raised or names typed into the chatbox. Phone-in users will also have an opportunity to comment.

# Additional Comments?

- If you have written comments which you wish to have entered into the hearing record by **March 20, 2025** submit them by email to air.pollution.control@tn.gov or mail to:

  TN Department of Environment & Conservation
  Division of Air Pollution Control
  Davy Crockett Tower, 7th Floor
  500 James Robertson Parkway, 9th Floor
  Nashville, TN 37243

- These instructions are also available in the public notice and agenda.

# Thank you!

*TDEC thanks you for your participation and attendance at today's hearing.*

# Attachment L5
# Public Hearing Transcript

# Transcript of Public Hearing
# March 20, 2025

**The following text is an AI-generated transcript, as reviewed and corrected by Travis Blake. A copy of the audio file is available upon request.**

**Christian Black:** started transcription

**Jan Compton:** "Good afternoon, everyone. Welcome. Welcome to the Tennessee Department of Environment Conservation's Air Pollution Control Public hearing. We are... We have received information session and a presentation by Travis that was very informative, and this this afternoon's recording will be... our hearing will be recorded on Microsoft Teams. The technical staff will not be answering questions during this portion of the meeting. Public comments and questions will be addressed to the Department's response to comments and all public comments will be considered. As we go into this, we'll let you know, my name is Jan Compton, I'm with the Tennessee Department of Environment and Conservation's division of stakeholder engagement, also in the Office of External Affairs, and I have several staff today, co-workers with the department that are joining me with the technical staff. First, we have Travis Blake, who is working on the project for this SIP potential change. We have Michelle Oaks with us from Nashville as well., thank you for joining us in person, and online, we have a number of staff as well. We have Chelsea meadows, who is out of Nashville, we have our air pollution control manager, Amanda Davis. And then we also have Matt Hayes, who is with the division of Air Pollution Control out of the Johnson City office. I have a couple of admin staff from Johnson City helping me in person, Debbie England, and online, Christian Black and I appreciate you so much. We are hosting this meeting online, there are folks online that Christian is taking care of, and in person we have guests here. So we are able to offer this and let many people participate by offering this online portion."

"Okay, so just to give you a little bit of a history about what we're doing, there is... There is a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider a proposed State Implementation plan or a SIP, which it's often called, a revision under the authority of Tennessee Code Annotated section 68-201-105 Tennessee is proposing a SIP revision to request the recent redesignation of the portion of Sullivan County, which we are in tonight, encompassing a circle having its center at coordinates 36.5186 N 82.535 to the West, B-253 powerhouse Eastman Chemical Company and having a three kilometer radius, from nonattainment to attainment for the one hour sulfur dioxide, or $SO_2$, national ambient air quality standard. So Tennessee proposes to petition the U. S. EPA for redesignation of the Sullivan County, one-hour sulfur dioxide nonattainment area to attainment based on the attaining three-year design value for the period 2020 through 2022 and upon air dispersion modeling that demonstrates future maintenance of the ambient air quality standards. Tennessee proposes to demonstrate in the SIP revision that the area has attained the $SO_2$ national ambient air quality standard based on permanent and enforceable emission reductions resulting from implementation of the applicable implementation plan and federal air pollution control regulations, as well as other permanent and enforceable reductions. Tennessee has also prepared an emissions inventory, which indicates declining SO2 emissions and demonstrates that the region is likely to remain entertainment of the National Ambient Air Quality Standard in the future. The redesignation request includes contingency measures that may be put into place to correct National Ambient Air Quality Standards exceedances that could occur after redesignation of the area to attainment. So a copy of the redesignation request is available online, as Travis mentioned earlier,

if you need a copy of that, please see me and I'm happy to do that or request that in the chat, and we're happy to give that to you. So thankfully we have these staff attending today who will, who have helped us with this presentation. We are going to get into the public comments now."

"I think everybody already has the codes on how to get into Microsoft Teams, how to ask questions if you have them and how to submit official public comments. So, I will start tonight with the comment methodology: how do we do this? So, the overview is that if you don't wish to comment but you want to be notified of the response to comments, then you can send a written request for this to be to one of the addresses below for submitting written comments. So written comments are submitted by March 20th, 2025. e-mail written comments to air dot pollution dot control at TN dot gov, and you can mail written comments to the Tennessee Department of Environment and Conservation, Division of Air Pollution Control 500 James Robertson Parkway on the 7th floor of Nashville, TN 37243 so to ensure everyone wanting to comment has a chance to do so, we always ask our folks to be limited to 5 minutes, but tonight if you have a comment, you're welcome to take a little more time. So public comments and questions will be addressed through the department's response to comments. Again, technical staff can't answer questions, during this public hearing. So next we'll move into comments: is there anyone in person that would like to give a comment? Steve, I think you said no? OK, we have no one in person wishing to do comments. Trish or Christian, do you have folks there that would like to comment or is there anybody other than TDEC on there?"

**Christian Black:** "No, we have nobody here who wants to comment."

**Jan Compton:** "Okay. No one on the phone either. Okay. So, if there's no one online or in person who wants to make official comments at this time, we will declare this an official public hearing which gave the public a chance to participate in person, online, or even by calling in. So, if you have any written comments that you haven't entered already and you want to have them entered again, you need to do that by March 20th 2025, which is like today. So, you would, again, and send this to air.pollution.tn.gov. You can mail them to Travis, or you can mail them to the Tennessee Department of Environment Conservation's Air Pollution Control if you're doing the US Postal Service, where the Davy Crockett Tower on the 7th floor, 500 James Robertson Parkway... I'm sorry, you're the ninth floor, right?

**Michelle Oakes:** "Seventh floor."

**Jan Compton:** "Sorry, I actually just did one for water too. I thought it was on the ninth... so we're going to send them to the 7th floor, thank you. And these instructions are also available in the public notice and the agenda which alerted you to the meeting tonight, so there's plenty of ways to participate in this public participation opportunity. So again, I'm Jan Compton. I'm happy to serve for the facilitator today and TDEC thanks you for your participation and attendance at today's hearing. The public participation process is very important to us, and we thank you. Christian, you can stop recording."

**Christian Black:** Stopped transcription.

# Attachment M
# Response to Comments

**Table of Contents for Attachment M**


| | |
|---|---|
| Attachment M1 | Comments Received from Eastman Chemical Company |
| Attachment M2 | Comments Received from U. S. EPA |
| Attachment M3 | Response to Comments |

# Attachment M1
# Comments Received from Eastman Chemical Company

**From:** Steve Moore (US)
**To:** Travis Blake
**Cc:** Michelle Oakes
**Subject:** [EXTERNAL] Eastman Comment on Permit 082237
**Date:** Thursday, March 20, 2025 7:47:16 AM

**This Message Is From an External Sender**
This message came from outside your organization.
Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security

Travis,

As we discussed yesterday, preliminary screening data for $SO_2$ emissions from the Acid Con Sludge Recovery Process (Source Number 224 in Permit 082237) shows that additional control of $SO_2$ emissions from the batch reactors and/or sludge handling belt may be required to meet the emissions limitation specified in S4-1 of Permit 082237 under maximum operating conditions.

Eastman is currently preparing a construction permit application to authorize the installation of a new, fiberglass caustic scrubber to achieve safe, reliable, and effective reduction of $SO_2$ emissions from this process. The application will also include a temporary mitigating action to add a caustic supply to the existing scrubber on the batch reactors (largest source of $SO_2$ emissions from this process). Process modeling/simulation predicts that this addition will be at most 40% effective at reducing $SO_2$ in the vent stream from the batch reactors. However, this temporary system could serve as a "bridge" to the more robust emissions control system, i.e., new, permanent caustic scrubber. This is a similar approach that was taken with B-83 Powerhouse on Boilers 23 and 24 where a temporary DSI (Dry Sorbent Injection) system was operated in the interim period while a permanent system was designed and installed.

Initial responses from vendors indicate that a fiberglass scrubber could take 6 to 9 months for delivery. Consequently, Eastman would like to request that TDEC include additional time in Permit 082237, Section S4-1 after permit issuance for this emissions control project to be executed. As stated previously, this is contingent on the emissions testing being conducted on this process in April and May indicating that additional emission controls are required to meet the hourly emissions limitation. Eastman would provide TDEC with routine updates, at TDEC's discretion on frequency, as to the status of the project until the project is completed, or such time that Eastman determines, based on required emissions testing results, that the project is not needed for compliance.

Thank you for your time and consideration in this matter.

# Attachment M2
# Comments Received from U. S. EPA

**The U.S. Environmental Protection Agency Preliminary Comments on the Tennessee Department of Environment and Conservation (TDEC), Division of Air Pollution Control's Prehearing Submission Regarding the Redesignation Request and Maintenance plan for the Sullivan County Sulfur Dioxide ($SO_2$) Area**

The comments provided herein are based on historical policy interpretation respecting the redesignation and maintenance plan criteria for the 2010, $SO_2$ national ambient air quality standards (NAAQS) prior to the Agency's January 21, 2025, transition. As such any policy considerations supporting these comments will need further vetting and are subject to change.

1. **The EPA offers the following comments respecting Clean Air Action (CAA) § 107(d)3(E)i redesignation criteria that the Sullivan County Area has attained the 2010 1-hour sulfur dioxide ($SO_2$) national ambient air quality standard:**

   **A. Air Quality Monitoring**
   - To ensure TDEC's redesignation is based on the most current air quality monitoring data, the EPA recommends TDEC include the complete and certified 2023 $SO_2$ monitoring data and the preliminary 2024 monitoring data as part of the final redesignation/maintenance state implementation plan (SIP) submission. If the final SIP package is submitted after May 1, 2025, the EPA recommends TDEC include the final, certified 2024 monitoring data.

   **B. Air Dispersion Modeling**
   - ***Table 2-6: Other Modeled $SO_2$ Emission Sources:*** For several of the Emissions Sources, the "Modeled $SO_2$ Emission Rate grams per second (g/s)" provided in the 5th column of the table is different than the emissions rates included in the actual AERMOD modeling files available to EPA at the time of review (Runs 2023-0120) that were provided for review. The following table summarizes the sources where there are differences between the values listed in Table 2-6 and what is included in the modeling files:

| Unit ID | Description | Table 2-6 Emission Rate (g/s) | AERMOD Modeling Files Emission Rate (g/s) | Difference (g/s) |
|---|---|---|---|---|
| B265B1A | NG-Fired Heat Transfer Furnace | 3.63E-04 | 2.88E-04 | 0.75 |
| B265B1C | NG-Fired Heat Transfer Furnace | 4.60E-04 | 5.75E-04 | -1.15 |
| B256_5 | HTM Furnace 5 | 1.00E-02 | 1.68E-03 | 8.32E-03 |
| B256_5 | HTM Furnace | 1.00E-02 | 1.68E-03 | 8.32E-03 |

DRAFT

| | | | | |
|---|---|---|---|---|
| | 5 | | | |
| B256_6 | HTM Furnace 6 | 1.00E-02 | 1.68E-03 | 8.32E-03 |
| B256_7 | HTM Furnace 7 | 1.00E-02 | 1.68E-03 | 8.32E-03 |
| B256_8 | HTM Furnace 8 | 1.00E-02 | 1.68E-03 | 8.32E-03 |
| B256_9 | HTM Furnace 9 | 1.00E-02 | 1.68E-03 | 8.32E-03 |
| B256_10 | HTM Furnace 10 | 1.00E-02 | 1.68E-03 | 8.32E-03 |
| B55_1B | Organic Acids & Anhydrides Manufacturing | 0.756 | 0.672 | 0.084 |

The EPA recommends that the AERMOD Modeling runs be revised to ensure that all the emissions limits that listed in Table 2-6 correspond to the emissions rates included in the actual modeling runs. Alternatively, if a separate modeling run corresponds to the numbers in the table, the EPA requests the updated inputs for review as soon as practicable.

- **Attachment H1b, TDEC-APC Modeling Analysis for the Sullivan County, TN $SO_2$ Nonattainment Area, Section 4.0 $SO_2$ Ambient Background Concentrations:** The information contained in the spreadsheets included with the AERMOD modeling files does not provide all the information needed to reproduce the calculation of the Season-by-Hour of Day Background Concentrations presented in Table H9-4. Please consider providing the raw hourly ambient concentration data for 2019-2021 from the Mammoth Cave National Park Monitor in Kentucky (AQS ID 21-061-0501). The EPA also recommends that all the steps in the calculations be included in the spreadsheets to allow verification of the calculations. Note that the EPA's March 1, 2011, Guidance provides more information on the procedures that the EPA is using for this evaluation.

- The redesignation and maintenance plan criteria at CAA §107(d)3 and 175A of the CAA are standalone submissions separate from the CAA §172(c) attainment SIP requirements for nonattainment areas. The EPA recommends TDEC review the final redesignation submission to remove all references to the air agency's February 2023 attainment SIP from the final redesignation submission except for SIP narrative at section 2.0 that addressed the state's compliance with 110 and part D SIP redesignation requirements of §107(d)3(E)v of the CAA.

- The EPA suggests TDEC revise the statement in section 2.2 – Air Quality modeling to read as follows: *The second component of Tennessee's analysis relies upon air quality modeling* ***of $SO_2$ emitting sources in the Area including enforceable control measures*** *to demonstrate that the area has attained the NAAQS pursuant to CAA §107(d).*

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2. **CAA §107(d)3(E)iii - The EPA has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions.**

   A. **Enforceable control measures proposed for adoption into the Tennessee SIP**
      - The EPA recommends TDEC include in Table 4-4 the requirement to operate the dry sorbent injection (DSI) controls for B-83 boilers 23 and 24 from Permit #082237, condition S1-2 as one of the enforceable measures proposed for adoption into the Tennessee SIP.

      - Footnote #34 states "SIP permit 082237, which is included with this redesignation request, incorporates the emission limits and monitoring requirements of permit 080222 for most sources and adds periodic reporting requirements." This includes the B-83 and B-325 combined $SO_2$ emission limit of 1,248 lb/hr 30-day rolling average that Tennessee requested the EPA adopt into the SIP through the February 2023 attainment SIP to address regional haze obligations. The EPA recommends TDEC consider the interaction with the state's regional haze obligations and the Eastman combined limits for Boiler house 83 and 325.

      - The EPA suggests air agency's redesignation request include quantitative information about emission reductions achieved by relevant measures to demonstrate that the improvement in air quality is attributed to permanent and enforceable measures. Where possible, the EPA recommends TDEC quantify the $SO_2$ emission reductions (or percent in reductions) in tons from the control measures listed Table 4-4.

   B. **Sources modeled at the maximum uncontrolled hourly $SO_2$ emission rate.**

      The EPA appreciates the permit application documentation TDEC provided in Attachment K of the redesignation request and maintenance plan prehearing. As a follow-up to previous discussions, the EPA recommends TDEC draft a brief narrative for each relevant emission unit that supports the State's assertion that the modeled $SO_2$ emission limits for certain sources represent the maximum uncontrolled hourly emission limit (i.e. unrestricted by permit conditions requiring the operation of control devices, limits on heat input or raw material input, or other restrictions).

      The EPA supports TDEC's draft summary for MSOP-02, Boilers 32, 33, and capacities (including the potential to increase emission rate through changes in design capacity or burning alternative fuels) and recommends the state utilize this narrative format for all other modeled emission sources. Additionally, the EPA suggests TDEC's summaries identify the applications listed in

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Attachment K (i.e., cite to the relevant permit application citation listed in Attachment K including the application date, the corresponding permit number associated with the application and page number where this specific information can be found).

Lastly, it would be helpful if the summaries clarified whether any of the fuel usage restrictions are in addition to the inherent restrictions on these emission units due to their size and design.

The EPA suggests further discussion on whether to include a summary of the modeled impacts for each emission unit as the EPA has not established a threshold for modeled contribution impacts.

C. **Coal Gasification Cold and Warm Flare:** The revised $SO_2$ emissions permit limit for the PES B-351-5, Coal Gasification Cold and Warm Flares (82-0003-171, MSOP-17) does not ensure that the flare emissions will not contribute to a violation of the 1-hour $SO_2$ NAAQS. The revised permit limit of 16.28 lb/hr, 30 calendar day rolling average is identical to the 1-hour Critical Emission Value (CEV) that was included in the air modeling demonstration showing attainment of the NAAQS.

As discussed in Section V.D.2. and Appendix B of EPA's April 23, 2014 "Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions," longer term average limits (e.g., 30-day rolling average) may be justifiable, so long as they are of at least comparable stringency to a 1-hour limit at the CEV. When setting a longer-term average limit such as the 30-day rolling average limit for the flares, EPA expects that a downward adjustment of the numerical limit would be needed from the 1-hour CEV to compensate for the loss of stringency inherent in applying the longer-term average limit versus a 1-hour limit. Therefore, EPA recommends that TDEC revise the 30-day rolling average limit to provide for a comparably stringent limit to a 1-hour limit established at the CEV to ensure no violations of the NAAQS will reasonably be expected to occur. This may require operational changes to the coal gasification process or installation of additional control equipment to reduce the magnitude and frequency of emissions from the flare unit. The EPA is available to discuss this issue further upon request.

D. **Parametric monitoring**: The EPA is available for further discussions on the enforceable parameters to ensure practical enforceability for the B-248 and Primester monitoring parameters.

**3. CAA 107(d)3(E)iv - The EPA has fully approved a maintenance plan, including a contingency plan, for the area under section 175A of the Act.**

A. **2022 Emission and Attainment Inventory:** The EPA offers the following comments on the development of the 2022 emission inventory:

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- Please include a table summarizing total $SO_2$ emissions for each data source category.
- The prehearing submission includes a link to the EPA's 2016v1 and 2016v2 inventory, but no emission file names were included. Please provide the name of the EPA's emission modeling files used to calculate the area source emissions.
- For footnote 44, please explain why the emission value are different from the emissions reported to the emission inventory system (EIS) for the 2017 Eastman Facility wide emissions.
- Please explain why the 2022 emissions in Table 5-1 are different from Attachment A and the emissions reported to EIS for the 2017/2022 Eastman Facility wide emissions.
- Table 5-3 has a typo for 2037 emissions. Based on the Attachment, it should be 7,337 tons per year.
- In Table A-1, Footnote 2, TDEC mentions that the 2022 national emission inventory (NEI) value for Eastman emission unit, B-334-1 is incorrect in the EIS. EPA recommends TDEC submit an update to the 2022 NEI to correct the emissions data for emission unit B-334-1.

B. Maintenance demonstration
    - The redesignation request and maintenance plan are standalone SIP submissions. The EPA recommends TN remove the following attainment SIP reference in section 6.0 – Maintenance plan: *Tennessee submitted a modeled attainment demonstration on February 9, 2023, which demonstrated that the area would attain the NAAQS at the maximum allowable emission rate (or, for some small sources, the maximum uncontrolled hourly emission rate), for all modeled emission sources*. This statement suggests where a state has submitted an attainment plan, the plan in some cases serve as a maintenance plan for the area. However, this statement refers to an attainment SIP approved by the EPA. It also indicates in certain cases that the attainment SIP modeling reflects all enforceable measures needed to attain the standard and demonstrate maintenance.

    - Any future growth, operational changes and/or emission reductions measures accounted for in the projected inventory should be reflected in the air model analysis to show attainment of the 1-hour standard and demonstrate maintenance through 2037. The prehearing modeling files appears to exclude the plastics processing plant. It is unclear what future growth and emission reduction measures support the modeled maintenance demonstration. Alternatively, if a separate modeling run includes this information, the EPA requests the updated inputs for review as soon as practicable.

      Considering TDEC's maintenance demonstration is based on air dispersion modeling analysis rather than a comparison of attainment and

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projected actual emissions, the EPA recommends the final redesignation and maintenance demonstration rely on one modeling analysis that reflects existing enforceable control measures and the future growth and operational changes to ensure compliance with the redesignation and maintenance criteria at section 107(d)3(E)(i), (E)(iii) and E(iv) (i.e., demonstrates the area has attained the $SO_2$ standard based on permanent and enforceable emission reduction/control measures and maintenance through 2037.

- The EPA recommends TDEC explain the purpose or benefit of relying on projected allowable emissions rather than projected actuals.

- Section 5.0: The EPA recommends TDEC replace the phrase "nonattainment area's control strategy" with "demonstrating maintenance with the 2010 $SO_2$ NAAQS**."**

- The EPA recommends TDEC revise the following statement in section 6.0: *As discussed in Section 4.0, attainment of the NAAQS is based on ~~permanent and~~ enforceable emission reductions implemented for Eastman Chemical Company's coal-fired boilers,* ***and other $SO_2$ emitting sources at the facility*** *~~as well as other federally enforceable emission limits~~* ***and made permanent in the Tennessee SIP*** *~~as to ensure that other existing sources will not cause or contribute to nonattainment.~~*

C. Monitoring network:
   - The EPA recommends TDEC revise the following statement: *Should Tennessee petition to discontinue the operation of any monitor* in the area, *the Tennessee Department of Environment and Conservation's…"*

   - Should a request from TDEC to discontinue any monitor in the Area be approved, the EPA recommend the State commit to revise the maintenance plan accordingly to reflect future changes to the Area's monitoring network.

D. Verification of continued attainment
   - The EPA suggests the maintenance plan show how the air agency will track maintenance progress in the Area regardless of how the maintenance demonstration is determined. The EPA recommends TDEC revise the following statement to read: Tennessee will track the ~~*Tracking of progress*~~ continued attainment and ~~*of the*~~ *maintenance* progress ~~*plan is not required because all of the*~~ through air quality monitoring pursuant to 40 CFR part 58 and enforcement of the SIP and control measures ~~*proposed control measures have been installed and are operating. Tennessee will track continued attainment and maintenance of the NAAQS through air quality monitoring*~~

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E. Contingency measures:

- The contingency measures for an attainment SIP (pursuant to section 172(c) of the Act) are established to address when an area does not meet reasonable further progress towards attainment or attain the NAAQS by the statutory attainment date. Contingency measures for a maintenance plan are established to address a NAAQS exceedance or violation after an Area has been legally redesignated to attainment. For these reasons, the EPA recommends TDEC remove the calendar years 2024 thru 2027 and 2028 as part of the maintenance plan triggered event.

- The EPA recommends TDEC clarify when the air agency intends to notify the EPA of a triggered event.

- The EPA recommend the contingency measures system audit consider sources outside the Area.

- The EPA recommends TDEC remove all references to the 2023 attainment SIP.

- The EPA suggests TDEC apply the contingency measures comments for the maintenance plan to the draft contingency measure in operating permit #082337, condition G4.

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# Attachment M3
# Response to Comments

# Response to Comments

## I. EPA Comments

The following comments were received from U. S. EPA's Region 4 Office on March 14, 2025.

***Comment #1A:*** *To ensure TDEC's redesignation is based on the most current air quality monitoring data, the EPA recommends TDEC include the complete and certified 2023 $SO_2$ monitoring data and the preliminary 2024 monitoring data as part of the final redesignation/maintenance state implementation plan (SIP) submission. If the final SIP package is submitted after May 1, 2025, the EPA recommends TDEC include the final, certified 2024 monitoring data.*

**Response:** Tennessee updated Tables 2-2 and 2-3 to add 2024 final data.

***Comment #1B (Part 1): Table 2-6: Other Modeled $SO_2$ Emission Sources:*** *For several of the Emissions Sources, the "Modeled $SO_2$ Emission Rate grams per second (g/s)" provided in the 5th column of the table is different than the emissions rates included in the actual AERMOD modeling files available to EPA at the time of review (Runs 2023-0120) that were provided for review. The following table summarizes the sources where there are differences between the values listed in Table 2-6 and what is included in the modeling files:*

| ***Unit ID*** | ***Description*** | ***Table 2-6 Emission Rate (g/s)*** | ***AERMOD Modeling Files Emission Rate (g/s)*** | ***Difference (g/s)*** |
|---|---|---|---|---|
| *B265B1A* | *NG-Fired Heat Transfer Furnace* | *3.63E-04* | *2.88E-04* | *0.75* |
| *B265B1C* | *NG-Fired Heat Transfer Furnace* | *4.60E-04* | *5.75E-04* | *-1.15* |
| *B256_5* | *HTM Furnace 5* | *1.00E-02* | *1.68E-03* | *8.32E-03* |
| *B256_6* | *HTM Furnace 6* | *1.00E-02* | *1.68E-03* | *8.32E-03* |
| *B256_7* | *HTM Furnace 7* | *1.00E-02* | *1.68E-03* | *8.32E-03* |
| *B256_8* | *HTM Furnace 8* | *1.00E-02* | *1.68E-03* | *8.32E-03* |
| *B256_9* | *HTM Furnace 9* | *1.00E-02* | *1.68E-03* | *8.32E-03* |
| *B256_10* | *HTM Furnace 10* | *1.00E-02* | *1.68E-03* | *8.32E-03* |
| *B55_1B* | *Organic Acids & Anhydrides Manufacturing* | *0.756* | *0.672* | *0.084* |

*The EPA recommends that the AERMOD Modeling runs be revised to ensure that all the emissions limits that listed in Table 2-6 correspond to the emissions rates included in the actual modeling runs. Alternatively, if a separate modeling run corresponds to the numbers in the table, the EPA requests the updated inputs for review as soon as practicable.*

**Response:** Table 2-6 was updated/corrected as indicated below:

- **MSOP-31, PES B-265B-1 (Model Tags B265B1A and B265B1C):** Table 2-7 was updated to match the modeled emission rates. Tennessee did find an error in the model inputs, because one furnace was

modeled at slightly above the maximum uncontrolled hourly emission rate, while the second furnace was modeled at slightly lower than the maximum uncontrolled hourly emission rate. Tennessee believes that it is not necessary to update the model because the two furnace stacks are co-located and because the combined modeled emission rate (total for both furnaces) is higher than the combined maximum hourly emission rate for both furnaces.

| Source | Modeled Emission Rate (g/s) | Max. Uncontrolled Hourly Emission Rate (g/s) |
|---|---|---|
| SM-01 Furnace | $2.88 \times 10^{-4}$ | $3.63 \times 10^{-4}$ |
| SM-02 Furnace | $5.75 \times 10^{-4}$ | $4.60 \times 10^{-4}$ |
| **Total** | **$8.63 \times 10^{-4}$** | **$8.23 \times 10^{-4}$** |

- **MSOP-11 HTM furnaces (Model Tags B256_5, B256_6, B256_7, B256_8, B256_9, and B256_10):** Tennessee corrected the modeled emission rate of each furnace in Table 2-6 from $1.00 \times 10^{-2}$ g/s to $1.68 \times 10^{-3}$ g/s. The modeled emission rate for each furnace is greater than its maximum uncontrolled hourly emission rate at the design heat input ($1.48 \times 10^{-3}$ g/s).

- **MSOP-23 PES B-55-1, Vent B (Model Tag B55_1B):** The Vent B modeled emission rate was corrected in Table 2-6 from 0.756 g/s to 0.672 g/s, which corresponds to the uncontrolled emission rate of 5.33 lb/hr for this vent. Modeled emissions from all vents in PES B-55-1 correspond to the emission rate that Tennessee has requested for adoption into the SIP (6.74 lb/hr).

***Comment #1B (Part 2): Attachment H1b, TDEC-APC Modeling Analysis for the Sullivan County, TN $SO_2$ Nonattainment Area, Section 4.0 $SO_2$ Ambient Background Concentrations:*** *The information contained in the spreadsheets included with the AERMOD modeling files does not provide all the information needed to reproduce the calculation of the Season-by-Hour of Day Background Concentrations presented in Table H9-4. Please consider providing the raw hourly ambient concentration data for 2019-2021 from the Mammoth Cave National Park Monitor in Kentucky (AQS ID 21-061-0501). The EPA also recommends that all the steps in the calculations be included in the spreadsheets to allow verification of the calculations. Note that the EPA's March 1, 2011, Guidance provides more information on the procedures that the EPA is using for this evaluation.*

**Response:** See new Attachments I3 through I8.

***Comment #1B (Part 3):*** *The redesignation and maintenance plan criteria at CAA §107(d)3 and 175A of the CAA are standalone submissions separate from the CAA §172(c) attainment SIP requirements for nonattainment areas. The EPA recommends TDEC review the final redesignation submission to remove all references to the air agency's February 2023 attainment SIP from the final redesignation submission except for SIP narrative at section 2.0 that addressed the state's compliance with 110 and part D SIP redesignation requirements of §107(d)3(E)v of the CAA.*

**Response:** Tennessee deleted the references to the attainment demonstration except for Section 3.0 (the reference to "section 2.0" was an error in EPA's comment, which was confirmed by a follow-up call to EPA).

***Comment #1B (Part 4):*** *The EPA suggests TDEC revise the statement in section 2.2 – Air Quality modeling to read as follows: "The second component of Tennessee's analysis relies upon air quality modeling* ***of $SO_2$ emitting sources in the Area including enforceable control measures*** *to demonstrate that the area has attained the NAAQS pursuant to CAA §107(d)."*

**Response**: Tennessee added the requested statement with minor edits.

***EPA Comment #2A (Part 1):*** *The EPA recommends TDEC include in Table 4-4 the requirement to operate the dry sorbent injection (DSI) controls for B-83 boilers 23 and 24 from Permit #082237, condition S1-2 as one of the enforceable measures proposed for adoption into the Tennessee SIP.*

**Response:** Tennessee added a requirement to operate the DSI controls as one of the enforceable measures listed in Table 4-4.

***EPA Comment #2A (Part 2):*** *Footnote #34 states "SIP permit 082237, which is included with this redesignation request, incorporates the emission limits and monitoring requirements of permit 080222 for most sources and adds periodic reporting requirements." This includes the B-83 and B-325 combined $SO_2$ emission limit of 1,248 lb/hr 30-day rolling average that Tennessee requested the EPA adopt into the SIP through the February 2023 attainment SIP to address regional haze obligations. The EPA recommends TDEC consider the interaction with the state's regional haze obligations and the Eastman combined limits for Boiler house 83 and 325.*

**Response:** Tennessee updated SIP permit 082237 to remove condition G1, which stated, "This [sic.] emission limits and other requirements established by this permit supersede the limits previously established in SIP permit 080222." Because Tennessee's Regional Haze SIP includes permit 080222, we agree that it is not appropriate to supersede the older permit with respect to Eastman's coal-fired boilers (permits 080222 and 082237 include the same requirements for the boilers). Because the emission limits were changed for Eastman's cold and warm flares (MSOP-17, PES B-351-5), Tennessee added condition S3-3, which establishes that permit 082237 supersedes permit 080222 for that emission source only.

***EPA Comment #2A (Part 3):*** *The EPA suggests air agency's redesignation request include quantitative information about emission reductions achieved by relevant measures to demonstrate that the improvement in air quality is attributed to permanent and enforceable measures. Where possible, the EPA recommends TDEC quantify the $SO_2$ emission reductions (or percent in reductions) in tons from the control measures listed Table 4-4.*

**Response**: Tennessee updated Section 4.3 of the narrative to quantify the SO2 reductions associated with the measures in Table 4-4:

- B-253 boiler emissions decreased from 14,897 tons/year in 2011 (all boilers burning coal) to 4,779 tons/year in 2017 (includes both coal and gas boilers) and 7.37 tons/year in 2022 (all boilers converted to gas operation).

- B-83 Boiler decreased from 5,686 tons/year in 2011 to 4,447 tons/year in 2017 and 2,227 tons/year in 2022.

- $SO_2$ emissions from the solid/liquid chemical waste incinerators (PES B-248-1) decreased from 6.5 tons/year in 2011 and 11.7 tons/year in 2017 to 3.44 tons/year in 2022.

- $SO_2$ emissions from the liquid chemical waste incinerator (PES B-248-2) decreased from 0.8 tons/year in 2011 and 2.96 tons/year in 2017 to 0.46 tons/year in 2022. The decreased in emissions from Eastman's incinerators were primarily the result of the sale of Eastman's adhesive resins business (the source of sulfur-containing waste in the incinerator feed) in 2022, and the emissions limits will ensure that $SO_2$ emissions from the incinerators do not interfere with the attainment or maintenance of the

$SO_2$ NAAQS in the future.

***EPA Comment #2B:*** *The EPA appreciates the permit application documentation TDEC provided in Attachment K of the redesignation request and maintenance plan prehearing. As a follow-up to previous discussions, the EPA recommends TDEC draft a brief narrative for each relevant emission unit that supports the State's assertion that the modeled $SO_2$ emission limits for certain sources represent the maximum uncontrolled hourly emission limit (i.e. unrestricted by permit conditions requiring the operation of control devices, limits on heat input or raw material input, or other restrictions).*

*The EPA supports TDEC's draft summary for MSOP-02, Boilers 32, 33, and capacities (including the potential to increase emission rate through changes in design capacity or burning alternative fuels) and recommends the state utilize this narrative format for all other modeled emission sources. Additionally, the EPA suggests TDEC's summaries identify the applications listed in Attachment K (i.e., cite to the relevant permit application citation listed in Attachment K including the application date, the corresponding permit number associated with the application and page number where this specific information can be found).*

*Lastly, it would be helpful if the summaries clarified whether any of the fuel usage restrictions are in addition to the inherent restrictions on these emission units due to their size and design.*

*The EPA suggests further discussion on whether to include a summary of the modeled impacts for each emission unit as the EPA has not established a threshold for modeled contribution impacts.*

**Response:** Attachment K was revised to provide additional documentation of maximum uncontrolled hourly emission rates, and Tennessee incorporated EPA's comments into the documentation. Tennessee elected to retain the summary of modeled impacts for each source. The modeled impacts provide additional weight of evidence in favor of exclusion of small $SO_2$ sources from the SIP, but the final decision is based on multiple factors, including emissions, modeled impacts, and operating capacity.

***EPA Comment #2C: Coal Gasification Cold and Warm Flare:*** *The revised $SO_2$ emissions permit limit for the PES B-351-5, Coal Gasification Cold and Warm Flares (82-0003- 171, MSOP-17) does not ensure that the flare emissions will not contribute to a violation of the 1-hour $SO_2$ NAAQS. The revised permit limit of 16.28 lb/hr, 30 calendar day rolling average is identical to the 1-hour Critical Emission Value (CEV) that was included in the air modeling demonstration showing attainment of the NAAQS.*

*As discussed in Section V.D.2. and Appendix B of EPA's April 23, 2014 "Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions," longer term average limits (e.g., 30-day rolling average) may be justifiable, so long as they are of at least comparable stringency to a 1-hour limit at the CEV. When setting a longer-term average limit such as the 30-day rolling average limit for the flares, EPA expects that a downward adjustment of the numerical limit would be needed from the 1-hour CEV to compensate for the loss of stringency inherent in applying the longer-term average limit versus a 1-hour limit. Therefore, EPA recommends that TDEC revise the 30-day rolling average limit to provide for a comparably stringent limit to a 1-hour limit established at the CEV to ensure no violations of the NAAQS will reasonably be expected to occur. This may require operational changes to the coal gasification process or installation of additional control equipment to reduce the magnitude and frequency of emissions from the flare unit. The EPA is available to discuss this issue further upon request.*

**Response:** The 30-day rolling average limit was adjusted downward from 16.28 lb/hr to 14.6 lb/hr (highest 30-day rolling average from CY 2020, and the highest 30-day RA observed during all modeled years with no

modeled exceedances of the NAAQS). While we agree with the concept that a 30-day rolling average should be of comparable stringency to the CEV, calculating a comparable value is difficult in practice because most hourly emission rates from the flare is zero, use of EPA's compliance ratio methodology produces a 30-day rolling average that is higher than the CEV, and there is no alternative calculation of comparable stringency for sources that operate only intermittently. Tennessee used EPA's compliance ratio method and adjusted the result downward to ensure that the 30-day rolling average was not higher than the CEV, and when we consider how the flare typically operates, we believe that this limit would be comparably stringent to the CEV. However, in acknowledgement of EPA's concerns, we made a final adjustment to the limit based on the model outputs.

***EPA Comment #2D: Parametric monitoring****: The EPA is available for further discussions on the enforceable parameters to ensure practical enforceability for the B-248 and Primester monitoring parameters.*

**Response:** The limits for both Eastman's hazardous waste incinerators and Primester's cellulose scrap recovery process are practicably enforceable because each permit specifies the specific monitoring, recordkeeping, and reporting, including requirements for data collection (e. g., collect at least one data point every 15 minutes whenever the source is in operation); averaging periods and calculation of averages; and missing data procedures. For Eastman's hazardous waste combustors, these procedures are included in Appendix 5 of SIP permit 082237. For Primester, these procedures are specified in the facility's Title V permit[1].

***EPA Comment 3A: 202 Emission and Attainment Inventory:*** *The EPA offers the following comments on the development of the 2022 emission inventory:*

- *Please include a table summarizing total $SO_2$ emissions for each data source category.*

  **Response:** $SO_2$ emissions for each data source category are summarized in Table 5-9. Tennessee updated the table by combining Eastman and Primester to show total point source emissions instead of breaking point source emissions down by facility.

- *The prehearing submission includes a link to the EPA's 2016v1 and 2016v2 inventory, but no emission file names were included. Please provide the name of the EPA's emission modeling files used to calculate the area source emissions.*

  **Response:** Updated to add file names and pathways.

- *For footnote 44, please explain why the emission value are different from the emissions reported to the emission inventory system (EIS) for the 2017 Eastman Facility wide emissions.*

  **Response:** 2017 Boiler emissions in Table 5-1 were corrected from 10,624 tons to 10, 566 tons.

- *Please explain why the 2022 emissions in Table 5-1 are different from Attachment A and the emissions reported to EIS for the 2017/2022 Eastman Facility wide emissions.*

  **Response:** 2022 Boiler emissions in Table 5-1 were corrected from 3,375 tons to 3,334 tons.

1 The emission limit and monitoring requirements of Title V permit were adopted into the SIP based on the model outputs and discussions with EPA. Primester's general monitoring requirements (see Conditions E2-10, E2-11 and E2-12 of Title V Operating Permit 574994) were not adopted into the SIP but are necessary for compliance with 40 CFR §70.6(a)(3).

- *Table 5-3 has a typo for 2037 emissions. Based on the Attachment, it should be 7,337 tons per year.*

  **Response:** The value in Table 5-3 was corrected in the final submittal.

- *In Table A-1, Footnote 2, TDEC mentions that the 2022 national emission inventory (NEI) value for Eastman emission unit, B-334-1 is incorrect in the EIS. EPA recommends TDEC submit an update to the 2022 NEI to correct the emissions data for emission unit B-334-1.*

  **Response:** TDEC's Emission Inventory group will follow up on this issue.

***EPA Comment 3B: Maintenance Demonstration:***

- *The redesignation request and maintenance plan are standalone SIP submissions. The EPA recommends TN remove the following attainment SIP reference in section 6.0 – Maintenance plan: Tennessee submitted a modeled attainment demonstration on February 9, 2023, which demonstrated that the area would attain the NAAQS at the maximum allowable emission rate (or, for some small sources, the maximum uncontrolled hourly emission rate), for all modeled emission sources. This statement suggests where a state has submitted an attainment plan, the plan in some cases serve as a maintenance plan for the area. However, this statement refers to an attainment SIP approved by the EPA. It also indicates in certain cases that the attainment SIP modeling reflects all enforceable measures needed to attain the standard and demonstrate maintenance.*

  **Response:** The underlined statement was removed from the redesignation request.

- *Any future growth, operational changes and/or emission reductions measures accounted for in the projected inventory should be reflected in the air model analysis to show attainment of the 1-hour standard and demonstrate maintenance through 2037. The prehearing modeling files appears to exclude the plastics processing plant. It is unclear what future growth and emission reduction measures support the modeled maintenance demonstration. Alternatively, if a separate modeling run includes this information, the EPA requests the updated inputs for review as soon as practicable.*

  *Considering TDEC's maintenance demonstration is based on air dispersion modeling analysis rather than a comparison of attainment and projected actual emissions, the EPA recommends the final redesignation and maintenance demonstration rely on one modeling analysis that reflects existing enforceable control measures and the future growth and operational changes to ensure compliance with the redesignation and maintenance criteria at section 107(d)3(E)(i), (E)(iii) and E(iv) (i.e., demonstrates the area has attained the SO2 standard based on permanent and enforceable emission reduction/control measures and maintenance through 2037.*

  **Response:** Section 5.2.1.1 of the redesignation request states, "The maintenance year inventory also reflects the addition of three natural gas boilers and a proposed plastics processing operation and methanolysis plant." The plastics processing operation and methanolysis plant are part of a single project in which plastic waste and unprocessed polyethylene terephthalate (PET) are converted into feedstock for the methanolysis plant, which produces processes PET waste from recycled plastic into its corresponding monomers (dimethyl terephthalate and ethylene glycol) using methanol, sodium hydroxide. There are no $SO_2$ emissions from the plastics processing operation, and the redesignation request was updated to remove it.

- *The EPA recommends TDEC explain the purpose or benefit of relying on projected allowable emissions rather than projected actuals.*

  **Response:** Section 5.2.1.1 of the SIP narrative explains the benefit of relying upon projected allowable emissions rather than projected actuals. State plans may generally demonstrate that the plan will provide for maintenance of the NAAQS by either showing that future emissions will not exceed the level of the attainment inventory, or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. The 2037 point source emissions are higher than the base year because Tennessee developed the projection using the same ambient air quality modeling used to demonstrate attainment of the NAAQS. For example, the model accounts for expected growth at Eastman Chemical Company during the 10-year maintenance period (i.e., the construction and startup of three new natural gas-fired boilers and the methanolysis plant). The model also assumes that the remaining coal-fired boilers (B-83 and B-325 powerhouses) continuously operate at their maximum allowable hourly emission rate for the entire year, while the base year inventory is representative of actual boiler operation at submaximal emission rates. Finally, the future year inventory does not consider reductions that were not relied upon to demonstrate attainment and maintenance of the NAAQS, such as the requirement to shut down B-83 Boilers 18, 19, and 20 for compliance with Tennessee's Regional Haze SIP. To summarize, the future year inventory includes a mix of operational changes and projected growth at Eastman that is accounted for the in the air quality modeling and that, notwithstanding the higher annual emissions, will not cause or contribute to a NAAQS violation.

- *Section 5.0: The EPA recommends TDEC replace the phrase "nonattainment area's control strategy" with "demonstrating maintenance with the 2010 SO2 NAAQS."*

  **Response:** Section 5.0 was updated in accordance with EPA's comment.

- *The EPA recommends TDEC revise the following statement in section 6.0: "As discussed in Section 4.0, attainment of the NAAQS is based on ~~permanent and~~ enforceable emission reductions implemented for Eastman Chemical Company's coal-fired boilers, and other $SO_2$ emitting sources at the facility ~~as well as other federally enforceable emission limits~~ and made permanent in the Tennessee SIP ~~as to ensure that other existing sources will not cause or contribute to nonattainment~~."*

  **Response:** Section 6.0 was updated in accordance with EPA's comment.

***EPA Comment 3C: Monitoring Network:***

- *The EPA recommends TDEC revise the following statement: "Should Tennessee petition to discontinue the operation of any monitor in the area, the Tennessee Department of Environment and Conservation's…"*

  **Response:** Section 6.0 was updated in accordance with EPA's comment.

- *Should a request from TDEC to discontinue any monitor in the Area be approved, the EPA recommend the State commit to revise the maintenance plan accordingly to reflect future changes to the Area's monitoring network.*

**Response:** Tennessee commits to the continued operation of a monitoring network, and we will work with EPA to ensure that all regulatory requirements and guidelines are met if we elect to discontinue the operation of an ambient monitor in the area. However, it is unclear if a revised maintenance plan would be required under all foreseeable circumstances, so an explicit commitment to revise the maintenance plan was not included in the final redesignation request.

***EPA Comment 3D: Verification of Continued Attainment:***

- *The EPA suggests the maintenance plan show how the air agency will track maintenance progress in the Area regardless of how the maintenance demonstration is determined. The EPA recommends TDEC revise the following statement to read: "Tennessee will track the ~~Tracking of progress~~ continued attainment and ~~of the~~ maintenance progress ~~plan is not required because all of the~~ through air quality monitoring pursuant to 40 CFR part 58 and enforcement of the SIP and control measures ~~proposed control measures have been installed and are operating. Tennessee will track continued attainment and maintenance of the NAAQS through air quality monitoring.~~"*

  **Response:** Section 6.0 was updated in accordance with EPA's comment.

***EPA Comment 3E: Contingency Measures:***

- *The contingency measures for an attainment SIP (pursuant to section 172(c) of the Act) are established to address when an area does not meet reasonable further progress towards attainment or attain the NAAQS by the statutory attainment date. Contingency measures for a maintenance plan are established to address a NAAQS exceedance or violation after an Area has been legally redesignated to attainment. For these reasons, the EPA recommends TDEC remove the calendar years 2024 thru 2027 and 2028 as part of the maintenance plan triggered event.*

  **Response**: Tennessee deleted the specific calendar years and added "during any maintenance period approved pursuant to CAA §§175a(a) and (b)…" in the SIP narrative and in permit 082223. We agree broadly with EPA's comment, but since the SIP permit does not expire, it was necessary to add language to clarify that the contingency measures would be required beyond the end of the 20-year maintenance period.

- *The EPA recommends TDEC clarify when the air agency intends to notify the EPA of a triggered event.*

  **Response:** The SIP narrative was updated to state that Tennessee will notify EPA of any triggering event. SIP permit 082223 was not updated to add this requirement because the permit imposes requirements upon Eastman and not upon the permitting authority.

- *The EPA recommends the contingency measures system audit consider sources outside the Area.*

  **Response:** Tennessee updated the narrative to commit to a review of sources outside of the nonattainment area, as appropriate, in its trigger-level response. Tennessee also revised the narrative to remove a reference to the coal gasification flare, since the response would not be limited to a single emission source. SIP permit 082223 was not updated because the contingency measures required by the permit require a system audit for all $SO_2$ emission sources at Eastman Chemical Company (i. e., the system audit was not limited to the flare) and because the SIP permit does not impose

requirements upon other sources within the nonattainment or nearby sources that could cause or contribute to a NAAQS exceedance.

- *The EPA recommends TDEC remove all references to the 2023 attainment SIP.*

  **Response:** Tennessee updated the narrative to remove all references to the 2023 attainment demonstration.

- *The EPA suggests TDEC apply the contingency measures comments for the maintenance plan to the draft contingency measure in operating permit #082337, condition G4.*

  **Response:** Permit 082237 was revised to match the SIP narrative.

## II. Eastman Chemical Company

The following comment was received from Eastman Chemical Company on March 20, 2025.

*As we discussed yesterday, preliminary screening data for $SO_2$ emissions from the Acid Con Sludge Recovery Process (Source Number 224 in Permit 082237) shows that additional control of $SO_2$ emissions from the batch reactors and/or sludge handling belt may be required to meet the emissions limitation specified in S4-1 of Permit 082237 under maximum operating conditions.*

*Eastman is currently preparing a construction permit application to authorize the installation of a new, fiberglass caustic scrubber to achieve safe, reliable, and effective reduction of $SO_2$ emissions from this process. The application will also include a temporary mitigating action to add a caustic supply to the existing scrubber on the batch reactors (largest source of $SO_2$ emissions from this process). Process modeling/simulation predicts that this addition will be at most 40% effective at reducing $SO_2$ in the vent stream from the batch reactors. However, this temporary system could serve as a "bridge" to the more robust emissions control system, i.e., new, permanent caustic scrubber. This is a similar approach that was taken with B-83 Powerhouse on Boilers 23 and 24 where a temporary DSI (Dry Sorbent Injection) system was operated in the interim period while a permanent system was designed and installed.*

*Initial responses from vendors indicate that a fiberglass scrubber could take 6 to 9 months for delivery. Consequently, Eastman would like to request that TDEC include additional time in Permit 082237, Section S4-1 after permit issuance for this emissions control project to be executed. As stated previously, this is contingent on the emissions testing being conducted on this process in April and May indicating that additional emission controls are required to meet the hourly emissions limitation. Eastman would provide TDEC with routine updates, at TDEC's discretion on frequency, as to the status of the project until the project is completed, or such time that Eastman determines, based on required emissions testing results, that the project is not needed for compliance.*

**Response:** Condition S4-1 of SIP permit 082223 was revised to state that the emission limit for PES B-55-1 will become effective 270 days after permit issuance and that performance testing must be completed 360 days after permit issuance (i. e., the compliance date plus 90 days). Condition S4-2 of SIP permit 082223 was revised to state that the source-specific reporting requirements will become effective 420 days after permit issuance (i. e., the performance test date plus 60 days).

# Attachment N
# Board Order 25-012

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| | ) | |
| PROPOSED STATE IMPLEMENTAITON PLAN | ) | ORDER NO. 25-012 |
| AMENDMENT TO REQUEST REDESIGNATION | ) | |
| OF THE SULLIVAN COUNTY ONE-HOUR $SO_2$ | ) | |
| NONATTAINMENT AREA TO ATTAINMENT | ) | |

**BOARD ORDER**

The Sullivan County, Tennessee sulfur dioxide ($SO_2$) nonattainment area includes the portion of Sullivan County encompassing a circle having its center at coordinates 36.5186 N; 82.5350 W (B-253 powerhouse, Eastman Chemical Company), and having a three-kilometer radius. Between 2008 and 2010, air quality monitoring at one monitor within this region indicated that the annual average $SO_2$ concentrations exceeded the 75 ppb National Ambient Air Quality Standard (NAAQS), and EPA designated the area as nonattainment for the one-hour $SO_2$ NAAQS, effective October 4, 2013.

The Tennessee Air Pollution Control Board finds that the Sullivan County Nonattainment Area has attained the 2010 one-hour $SO_2$ NAAQS based on an attaining three-year design value for the period 2020-2022 and upon air dispersion modeling that demonstrates future maintenance of the NAAQS. The Board approves the submittal of a redesignation request and maintenance plan to redesignate the area to attainment pursuant to §107(d)(3) of the Clean Air Act.

Approved on June 11, 2025, by the members of the Tennessee Air Pollution Control Board as follows:

# Title V

## Workload Analysis

## Fiscal Year 2025-2026

Division of Air Pollution Control
June 11, 2025

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**Executive Summary**

Title V Workload Analysis
By the
State of Tennessee
Department of Environment and Conservation
Division of Air Pollution Control

Title V of the Clean Air Act (CAA) and its implementing regulations in 40 CFR Part 70 require the Division of Air Pollution Control to operate a Title V Operating Permit Program. Paragraph 502(b)(3) of the CAA and 40 CFR 70.9 require the collection of fees sufficient to fully fund the program. The proposed methods and estimated cost for implementation and operation of a federally approved CAA Title V Operating Permit Program (Title V Program) are described herein.

The CAA Amendments of 1990 included many changes and substantive differences in the body of regulations that comprise the CAA. None are as far reaching in effect as the regulations that detail the procedures for an operating permit program for air contaminant sources and for assessment and collection of fees to allow the regulated sources to pay for the permitting related activities. Each permitting authority identifies, inventories, assesses, and issues permits to all affected sources. Title V fee collection must provide the means for each state air pollution program or permitting authority to fully fund Title V work efforts.

The Division of Air Pollution Control (the Division or APC) within the Tennessee Department of Environment and Conservation (TDEC or the Department) is responsible for permitting air contaminant sources in Tennessee. Upon review and acceptance of the Title V permitting program by the United States Environmental Protection Agency (EPA) on August 28, 1996, the Division became the State's major source Title V permitting authority in 91 of 95 counties in Tennessee. Davidson, Hamilton, Knox and Shelby counties have local air pollution control programs that operate under Certificates of Exemption from the Tennessee Air Pollution Control Board (APC Board). These agencies regulate the Title V sources within their jurisdictions that are not owned by the State of Tennessee. Local air program activities are not addressed in this plan. TDEC retains the permitting authority for state-owned sources in these counties.

Title V related activities are projected to require 59.4 full-time equivalent (FTE) positions in fiscal year 2025-2026 (FY2026).

This Implementation Plan consists of eleven (11) separate functional units within the Division, including the Small Business Environmental Assistance Program[1], which has various responsibilities and functions related to Title V. Briefly, these units are:

Administrative Services
Director's Office
Small Business Environmental Assistance
Compliance Validation
Enforcement
Field Services
Permitting
Regulatory Development
Emissions Inventory, Fees, and Special Projects
Ambient Monitoring Quality Control
Ambient Monitoring Quality Assurance

[1] Subparagraph 502(b)(3)(A) of the CAA requires that the costs of programs established to fulfill the requirements of section 507 of the CAA (i.e., small business stationary source technical and environmental compliance assistance programs) be funded by Title V fees.

The activities of each of these units are described in this Workload Analysis. Each functional unit has identified the portion of total workload that can be attributed to Title V activities. In addition to the activities described in this plan, support services are provided to the Division by other bureaus, divisions, and offices within TDEC and the Bureau of Environment (BOE). Each of the divisions and offices within TDEC are charged for these services in accordance with formulae established by TDEC and BOE. A portion of these TDEC General and Administrative (G&A) expenses are charged to Title V. Further descriptions of these support services are described in the section of this plan entitled "TDEC General and Administrative Expenses".

The part 70 presumptive fee rate ($/ton) effective for the 12-month period of September 1, 2024, through August 31, 2025, is $63.69. This fee rate represents an increase of 3.17905% (or $1.96) from the fee rate in effect for the prior 12-month period ($61.73). This increase is based on a calculation of the average monthly change in the Consumer Price Index (All Urban Consumers) for the 12-month period of September 2023 through August 2024 as reported by the U.S. Bureau of Labor Statistics. This information is included for reference purposes only, since Tennessee's Title V fees are not based on the federal presumptive minimum fee rate.

# INTRODUCTION

Title V of the CAA mandates that states develop a major source operating permit program, commonly called the Title V Operating Permit Program. The CAA further mandates that the program be funded solely through fees collected from affected sources. Additionally, the CAA requires that the activities of a Small Business Assistance Program must be paid through these fee collections. Subparagraph 502(b)(3)(A) of the CAA requires that a state must establish a fee schedule that results in the collection and retention of revenues sufficient to cover the permit program costs. Subparagraph 502(b)(3)(B) of the CAA states that a fee program shall be deemed adequate if the amount of fees collected is no less than $25 per ton of actual emission, as adjusted by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989 (i.e., the "presumptive minimum" fee). Should a state elect to establish a fee schedule that would result in the collection and retention of an amount less than the amount that would be presumed to be adequate using the presumptive minimum fee approach, the state must provide a detailed accounting that its fee schedule meets the requirements of 502(b)(3)(A). The Tennessee APC Board has historically elected to prepare an annual workload analysis and set the fees for the upcoming year(s) instead of using the presumptive minimum approach.

EPA regulations promulgated to implement and more thoroughly describe Title V may be found at 40 CFR Part 70, section 70.9 of the federal regulations.

The workload analysis is prepared in accordance with Tennessee Air Pollution Control Regulation (TAPCR) 1200-03-26-.02(9)(d) to provide justification of fees to the public, the regulated community, and the EPA. Additionally, disclosure of this information leads to the development of informed consent and, therefore, acceptance of the program by stakeholders.

On November 8, 2023, the APC Board approved a Title V workload analysis that covered fiscal year 2024-2025 (FY2025). This workload analysis reflects projected workload for fiscal year 2025-2026 (FY2026).

Many complex requirements are mandated in the CAA and the Part 70 regulations that serve to demonstrate that the state permitting agency will be able to carry out its responsibilities. Section 70.4(b)(8) calls for a description of the program, a demonstration of fiscal soundness of the planned program based on fee projections, and planning for adequate personnel to administer the program.

Tennessee has seen a significant growth in new and expanding industry. This affects both Title V and non-Title V activity of the Division. The increased Title V activity related to this growth is reflected in this workload analysis.

This workload analysis is a projection based on workload data analyzed by the Division annually. Several things could happen that may impact the accuracy of this workload analysis and projection. These possibilities include but are not limited to:

- Changes in the air contaminant source population will alter the workload. Many sources have obtained "conditional major" status wherein they opt out of Title V by limiting their potential to emit via a federally enforceable limitation. The Division views the work effort to make a Title V source a conditional major source as Title V work. These sources require more frequent inspections and record reviews to verify that they are operating below the Title V thresholds; and

- Changes in applicable requirements mandated by EPA will also alter the workload.

- Increased workload due to increased business activities at existing facilities and new facilities locating in the state.

- Decreased workload due to market changes impacting businesses.

## ESTIMATION METHODS

The workload analysis is provided for each functional unit of the Division. The work of each unit plus the Title V work from the Small Business Environmental Assistance Program is described as it relates to the requirements of Title V. Estimated hours necessary to accomplish the task and, for some functional units, the numbers of tasks to be completed per year are projected.

Most of the work units in the Division track Title V and non-Title V time daily using the Division's database known as Smoglog. Smoglog allows most work units to track time spent on specific projects, such as a permit or inspection. For much of the work described in this workload analysis, Title V and non-Title V workload estimates for FY2026 are based on actual historical data from Smoglog. Some of the work is based on deadlines imposed by state or federal regulation or goals set by the Division.

Other work, such as administrative work and technical training, is not clearly attributable to Title V or non-Title V facilities. For those activities, data is used from the state of Tennessee's personnel management system known as Edison. All employees are required to enter work time into Edison. Activity that is clearly Title V or non-Title V is entered into Edison in a similar manner as it is in Smoglog. Activity that is not clearly Title V or non-Title V[2], time is entered using a Title V/non-Title V "split" ratio. The split ratio is set based on a historical ratio of 52% Title V/48% non-Title that was determined in FY2018. Because Edison allows expenses to be tracked on a program level, projected work that is not directly Title V or non-Title V related is based on the average Edison Title V/non-Title V ratio for that program.

For the two Ambient Monitoring programs, expenses are based on a study conducted in 2020. This study is discussed further in following sections. Non-personnel costs, such as rent and equipment are allocated in a similar manner as personnel expenses that are not clearly attributable to Title V or non-Title V facilities, allocated using the split ratio.

As a result of resource constraints within the Division's permitting program, the Division developed intentional backlogging procedures in 2020. Intentional backlogging is "setting aside" a permit application, permit amendment, or permit modification such that it will miss a regulatory deadline or Division goal. The intentional backlogging procedures include provisions for removing permits, amendments, and modifications from the intentional backlog and setting new issuance goals. This workload analysis includes the issuance of intentionally backlogged Title V permits and conditional major "opt out" permits (as described above) that have been removed from the intentional backlog list and are scheduled to be issued in accordance with the intentional backlog procedures.

The number of full-time equivalents (FTEs) needed to conduct Title V work is determined by dividing the hours projected to complete the Title V work by 1,601.5 hours per employee.

The 1,601.5 hours of work time per employee is derived as follows:

| | | |
|---|---|---|
| Scheduled Payroll Hours per Year | = | 1950 |
| Less: Holiday, Vacation & Sick Leave Hours<br>(13.5 Days + 21 Days + 12 Days) X 7.5 hrs./day | = | - 348.5 |
| Total Work Hours per Employee | = | 1601.5 |

Note that the number of holidays per year increased by one with the addition of Juneteenth as a state holiday by the Tennessee General Assembly during the 2023 legislative session.

[2] Non-Title V funding includes annual emissions fees paid by non-Title V facilities, construction permit application fees, modification permit application fees, visible emissions certification fees, section 103 and 105 air quality grant funds received from EPA, state appropriations, and civil penalties.

# ADMINISTRATIVE SERVICES

Administration involves activities both directly and indirectly associated with support of the Title V Program. These activities include permit and report tracking, training coordination, processing travel claims, website management, APC board support, fee support, procurement, database management and support, and customer inquiries. The Administrative Services section also provides general administrative support for the entire Division including personnel activities, grants support, management of supplies, reception desk, etc.

The Administrative Services team is currently in the process of reorganization. This reorganization will result in two separate operating teams. The data management team will be managed by a Data & Analytics Manager and will contain a Data Steward, Data Specialist, and two Data Producers. The administrative team will include an Executive Administrative Services Assistant and three administrative professionals. This workload analysis reflects this reorganization.

Workload supports 4.1 FTEs of Title V work for Administrative Services.

| | |
|---|---|
| CALCULATION BASIS | Title V administrative activities are based on billing data compiled from FY2020 through FY2024 for the Administrative Services program. |
| ASSUMPTIONS | The percentage of work that is Title V is assumed to be the same as historical workload (47%). |

**Table 1 - Administrative Services Title V Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| APC Data Management – Smoglog | 2585 | 1.61 |
| Administrative Support & Management | 2867 | 1.79 |
| Product Procurement | 489 | 0.31 |
| Office Supply Management | 165 | 0.10 |
| Record Maintenance | 282 | 0.18 |
| Training | 212 | 0.13 |
| **TOTAL** | **6600** | **4.12** |

# DIRECTOR'S OFFICE

The office of the Director is responsible for overseeing the operation of the functions necessary for the development and performance of the Division, including the Title V Program. The Director serves as the Technical Secretary of the APC Board. The Director's Office is also responsible for coordinating and providing technical support to the APC Board, as well as providing support to the Tennessee Emergency Management Agency during emergency events, both natural and manmade, that impact ambient air quality. The Director's office provides program direction and oversight, coordinating Departmental goals with Division programs and providing reporting, support documents and informational documents for the Department and legislature concerning the operation of the Division. The Director's Office is also responsible for the financial performance of the Division and all associated grant management and support. Included in the Director's Office are individuals who provide management and technical support for multiple programs within the Division. For this workload analysis, the Director's Office includes the Director, the Deputy Director of Permitting and Regulatory Development, the Deputy Director of Environmental Measurement and Compliance Assurance, the technical lead for Environmental Measurement and Compliance Assurance, the Environmental Fellow, the Business Administrator, and the Grants Administrator. Activities of the Deputy Director for Field Services and the Field Services technical lead are included in the Field Services portion of this analysis. Activities of the technical lead for Permitting and Regulatory Development are included in the Permitting portion of this analysis.

Workload supports 2.9 FTEs of Title V work for the Director's Office.

| | |
|---|---|
| CALCULATION BASIS | Title V workload is calculated by the number of existing staff assigned to the Director's Office in this Workload Analysis, minus the Grants Administrator which does not do Title V work, times the percentage of their workload that is estimated to be Title V related. Percent Title V workload for the Deputy Director for Permitting and Regulatory Development is the average of three programs (Permitting, Regulatory Development, and Emissions Inventory; average = 51%). The percent Title V workload for the Deputy Director and the technical lead (EC4) for Environmental Measurement and Compliance Assurance is the average of four programs, excluding PM2.5 grant-funded time (Technical Services, Quality Assurance, Compliance Validation, and Enforcement; average = 49%). The Title V percentage for each of these programs is based on billing data gathered during FY2020 through FY2024. Title V time for all other positions is based on billing data compiled from FY2020 through FY2024 for the Administrative Services and Directors Office staff (46%). |
| ASSUMPTIONS | It is assumed that the Title V activities of the Deputy Director of Permitting and Regulatory Development, Deputy Director and the technical lead of the Environmental Measurement and Compliance Assurance programs are the same percentage as the average of the programs in which they lead. For all other positions, the percentage of work that is Title V is assumed to be the same as historical workload. |

**Table 2 - Director's Office Title V Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Deputy Director of Permitting and Regulatory Development | 817 | 0.51 |
| Deputy Director and Technical Lead of Environmental Measurement and Compliance Assurance | 1570 | 0.98 |
| Three Other Director's Office Positions | 2210 | 1.38 |
| **TOTAL** | **4597** | **2.87** |

# SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAM

Section 507 of the CAA requires an environmental compliance assistance program in each state to support small businesses in understanding and complying with air quality regulations. The CAA also requires this program to be funded entirely with Title V fees. Tennessee's program provides confidential assistance free of charge to small businesses. Services include permitting assistance, onsite visits, training, a toll-free hotline, regulatory notifications, outreach, and guidance in preventing and eliminating non-compliance situations. A small business is defined as one that has 100 or fewer employees, is not a major stationary source, and meets the federal Small Business Act's definition of a small business.

**Required Program Components:**

(1) State Ombudsman
The Small Business Ombudsman represents small business in regulatory matters, identifies and proposes solutions to small business technical and compliance problems.
(2) Environmental Technical Assistance
Staff members provide technical, administrative, and permitting assistance. Staff members inform businesses of regulatory requirements in easy-to-understand language. When needed, staff members conduct on-site visits and provide training opportunities.
(3) Compliance Advisory Panel (CAP)
An advisory panel comprised of individuals appointed by the Governor and the legislature, plus one Department representative, is required. The Panel advises and provides technical, administrative and evaluation assistance to the program. The CAP has at least seven-members on its panel.

**Program Activities:**

New Regulations/Sources

- Staff members review regulations, determine potentially impacted sources, develop a strategy for notification and assistance, develop compliance assistance tools, conduct training programs, and work with regulatory programs on outreach activities.
- Staff members assist the Division in developing regulations and programs that impact small businesses.
- Staff members assist potential new companies in understanding regulatory requirements.
- Staff members participate in monthly conference calls on regulations with other SBEAPs and EPA.

Existing Sources

- Staff members respond to small business compliance and permitting questions.
- Staff members monitor enforcement reports. This can be used to determine sectors with compliance problems and develop compliance assistance strategies.
- Staff members assist companies in meeting permit conditions, including developing tools to meet recordkeeping requirements.
- Staff members assist companies in resolving non-compliance issues, as well as assisting companies in utilizing the Department's self-disclosure audit policy.

Workload supports 2.0 FTEs of Title V work for the Small Business Environmental Assistance Program.

| | |
|---|---|
| **CALCULATION BASIS** | Title V of the CAA requires activities of the small business assistance programs and the small business ombudsman be funded by Title V fees. Thus, the number of FTEs is based on the current staffing levels of the SBEAP program. |
| **ASSUMPTIONS** | It is assumed that the SBEAP is fully staffed, and that workload reflects historical levels. |

**Table 3 - Small Business Environmental Assistance Program Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Compliance assistance | 1609 | 1.00 |
| Workshops/training events | 805 | 0.50 |
| Material development | 402 | 0.25 |
| Regulatory Development/Notification | 201 | 0.13 |
| Administration/Other | 201 | 0.13 |
| **TOTAL** | **3218** | **2.01** |

# COMPLIANCE VALIDATION

The Compliance Validation Program's primary responsibilities involve the oversight and review of emissions performance tests and continuous emissions monitoring systems conducted and operated by regulated facilities to ensure compliance with state and federal air quality standards and permit conditions.

The Compliance Validation Program maintains the capability to conduct stack testing. The program also retains the capability to: address special situations as directed by higher management and ensure that all staff conducting stack test observations are adequately trained to competently observe stack testing conducted by contractors or facility personnel. Observation of stack testing ensures that all proper testing procedures are followed, and that facility operation is representative of typical operation. This constitutes the primary job function of the program. Observation of stack testing, followed by a technical review of the reports of this testing, constitutes a major Division effort to validate that the emissions values reported from Title V facilities are as accurate as possible. Continuous Emission Monitoring Systems (CEMS) are utilized by some Title V facilities to determine compliance on an on-going basis. Compliance Validation conducts audits of CEMS data to ensure the data submitted is accurate and reviews emissions reports of CEM data to verify compliance with emission standards. Compliance Validation conducts Visible Emission Evaluator Certification (VEE) schools to train state and industry personnel to certify compliance with visible emission standards. The majority of the work done by this group involves facilities related to Title V.

Responsibility for asbestos renovation and demolition activities are housed within the Compliance Validation Program, but this activity is not considered Title V. The "Other Compliance Validation Activity" category includes activities such as administrative report preparation, file clean-up, regulatory and SIP work, and special projects.

Workload supports 4.6 FTEs of Title V work for this program.

**CALCULATION BASIS**

Projected workload is estimated based on actual time and activity data for FY2024. However, because there was a vacant position in the program for most of FY2024, some of the work estimates increased slightly to account for the current resources. Asbestos demolition and renovation work is funded entirely by non-Title V funds. Data from the Division's Smoglog database from FY2024 was used to determine Title V percentages for most activities. Program management, training, and other activity is based on the 2020-2024 average Title V percentage for the entire program (50%).

**ASSUMPTIONS**

It is assumed that FY2025 workload will be similar to historical workload.

**Table 4 - Compliance Validation Program Title V Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Stack Testing | 0 | 0.00 |
| Source Test Validation | 3877 | 2.42 |
| In-Stack Monitor Data Validation | 298 | 0.19 |
| In-Stack Monitor Report Review | 164 | 0.10 |
| Visible Emissions Evaluation School | 763 | 0.48 |
| Visible Emissions Data Validation | 2 | 0.00 |
| Program Management | 779 | 0.49 |
| Training | 837 | 0.52 |
| Other Compliance Validation Activity | 611 | 0.38 |
| **TOTAL** | **7331** | **4.58** |

# ENFORCEMENT

The Enforcement program is responsible for processing violations discovered in Tennessee by individuals, Division staff, other government agencies, and facilities. Processing of violations includes responding to the regulated community when a violation occurs, issuing Technical Secretary's Orders, issuing letters resolving noncompliance, and tracking penalties and compliance schedules in orders. Additionally, Enforcement staff track and quality assure (QA) compliance-related data using Smoglog. Much of this data is available to the public via the departmental data-viewer website. This program also serves as a point of contact in enforcement matters between the Division and EPA Region 4.

The Enforcement program is also responsible for management and further development of the Division's Oracle database known as Smoglog. This includes writing and modifying code in development and then implementing revisions with the assistance of the State of Tennessee's Strategic Technology Solutions. Enforcement staff members review requests from Division staff for additional features to help determine which requests should be implemented as time and resources allow.

Enforcement staff members update EPA's Compliance and Enforcement database (Integrated Compliance Information System [ICIS-Air]) on a weekly basis, ensuring the data in the Smoglog database is properly reflected in ICIS-Air. Enforcement is also responsible for entering and quality assuring all data entered in ICIS-Air. The data reported to ICIS-Air includes inspections, report reviews, stack tests, continuous emission monitoring audits, formal and informal enforcement actions, penalties assessed and collected, Federally Reportable Violations, High Priority Violations, facility status (Title V, non-Title V, CM), applicable air programs, facility operational status, etc. The data reported to ICIS-Air is available to the public via EPA's ECHO website.

Workload supports 2.5 FTEs of Title V work for this program.

**CALCULATION BASIS**

The total amount of workload for the program is estimated based on historical time and activity. Billing data compiled from FY2020 through FY2024 indicated that 50% of the Enforcement program work is Title V related.

**ASSUMPTIONS**

Much of the Enforcement Program workload is based on violations reported or discovered by the Division. The Division does not project future violations. Therefore, enforcement activity and other activity of the program (database and computer-related) is assumed to be the same as historical workload.

**Table 5 - Enforcement Program Title V Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Enforcement Related Activities | 1566 | 0.98 |
| ICIS-Air Data Management | 434 | 0.27 |
| Smoglog Development | 414 | 0.26 |
| APC Data Management | 132 | 0.08 |
| Computer Hardware/Software Support | 71 | 0.04 |
| Training | 336 | 0.21 |
| Special Projects | 250 | 0.16 |
| Program Management | 788 | 0.49 |
| **TOTAL** | **3991** | **2.49** |

# FIELD SERVICES

Field Services program staff are located throughout the state in seven Environmental Field Offices: Johnson City, Knoxville, Chattanooga, Cookeville, Nashville, Columbia, and Jackson. A Deputy Director oversees the entire program with the technical assistance of a TDEC-Environmental Consultant 4 (EC4).

**Responsibilities**:

The Field Services program has the following responsibilities:

- Conduct Comprehensive Evaluations on Title V facilities
- Review the majority of the Title V semi-annual reports (SARs) and annual compliance certifications (ACCs), and review some MACT and NSPS reports
- Operation and maintenance of the state's ambient air monitors
- Review and provide feedback regarding Title V draft permits
- Investigation and resolution of complaints associated with Title V facilities
- Issuance of Notices of Violation; assistance to the Enforcement Program, TDEC's Office of General Counsel, and EPA's Office of Enforcement and Compliance Assurance pertaining to enforcement of violations discovered by the Field Services Program
- Special projects as assigned (only those projects related to Title V issues are included here)
- Responding to inquiries from citizens, EPA, local and state officials, and the regulated community regarding Title V sources
- Responding to emergency response incidents at Title V facilities
- Participation in public meetings and hearings
- Maintenance of reports, records, and other correspondence
- Attendance at training sessions to stay knowledgeable about federal and state requirements, and remain familiar with source types and new emission control devices
- Management of the field offices to ensure that the field services program operates efficiently

Workload supports 13.5 FTEs of Title V work for this program.

**CALCULATION BASIS**

The number of Title V inspections is based on the current Compliance Monitoring Strategy Plan. Title V facilities are generally inspected on a biennial basis unless the division receives a complaint on the facility, the facility is categorized as a "mega-site," or the facility had compliance issues during the previous on-site inspection. Total inspection workload is based on the number of planned inspections and average inspection time. Average inspection time is based on the actual time from federal FY2024 (October 1, 2023, through September 30, 2024). Report reviews is the estimated time for Title V Semi-Annual Report and Annual Compliance Certification reviews, Title V NESHAP report reviews and 62% of the NSPS report reviews. Workload associated with the ambient monitoring network is based on planned workload for FY2026 and a 2020 study of the ambient monitoring cost allocation (see Ambient Monitoring Quality Assurance section of this workload analysis). Meetings and Administrative activities are based on the default funding split for all Division general activities (52% Title V/48% non-Title V). The remaining time is based on actual activity during FY2024.

**ASSUMPTIONS**

It is assumed that on-site inspections of Title V sources will generally be conducted on a biennial basis unless the division receives a complaint on the facility, the facility is categorized

as a “mega-site”, or the facility had compliance issues during the previous on-site inspection. It is assumed that the average time for each inspection, report review time, and the percentage of complaints related to Title V sources will be similar to historical levels.

**Table 6 - Field Services Title V Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Title V Inspections | 4716 | 2.94 |
| Report Reviews | 2590 | 1.62 |
| Complaint Investigations | 383 | 0.24 |
| Ambient Monitoring | 3050 | 1.90 |
| Training | 1885 | 1.18 |
| Review of Draft Permits | 180 | 0.11 |
| Special Projects | 1186 | 0.74 |
| Program Management | 3081 | 1.92 |
| Meetings | 1716 | 1.07 |
| Administrative Activities | 2756 | 1.72 |
| Environmental Assistance | 153 | 0.10 |
| **TOTAL** | **21,696** | **13.54** |

# PERMITTING

Permitting staff are based in the Nashville Central Office and the Knoxville Environmental Field Office. The permitting program consists of four sector-based permitting sections. Each section consists of one Environmental Manager 3, one Environmental Consultant 3, and five or six permit writers. A Deputy Director oversees the entire program with the technical assistance of a TDEC-Environmental Consultant 4 (EC4) and a TDEC Environmental Consultant (EC3) that handles complex permitting issues. The Deputy Director's time is included in the Director's office.

**Responsibilities**:

The Permitting program has the following responsibilities:

- Issuance of Title V operating permits and permit renewals
- Issuance of conditional major permits for facilities that are currently Title V sources
- Issuance of construction permits to Title V facilities
- Issuance of administrative amendments, minor modifications, and significant modifications to Title V operating permits, as well as operational flexibility determinations
- Issuance of Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR) construction permits
- Issuance of initial and renewal plantwide applicability limit (PAL) permits
- Planning and participation in public meetings and hearings regarding specific permit applications and draft permits
- Review of most MACT and NSPS reports, some Title V semi-annual reports (SARs), some annual compliance certifications (ACCs), and review of plans required by MACT and GACT standards (the remaining MACT and NSPS reports, SARs, and ACCs are reviewed by the Field Services Program)
- Issuance of Notices of Violation, assistance to the Enforcement Program, TDEC's Office of General Counsel, and EPA's Office of Enforcement and Compliance Assurance pertaining to enforcement of violations discovered by the Permit Program
- Review of Title V fee Actual Emissions Analysis Required report (AEAR) calculations
- Special projects as assigned (only those projects related to Title V issues are included here)
- Attendance at training sessions to stay knowledgeable about federal and state requirements, and remain familiar with source types and new emission control devices
- Management of the sections to ensure that the permitting program operates efficiently

Table 7 below shows the number of applications, modifications and reports in the system as of March 11, 2025, as well as the number expected in FY2026. Information in the "Currently in System…" column shows a significant backlog of initial and renewal Title V permits, Title V significant and modifications, and conditional major permits for sources that are currently Title V sources (CM(TV)). Table 8 is a projection of the hours that will be necessary to review and complete current and new submittals, conduct report reviews, perform Title V related fee duties, enforcement, special projects, and for necessary technical training.

**Table 7- Current and Anticipated New Applications, TV Sources Only**

| APPLICATION TYPE | CURRENTLY IN SYSTEM AS OF MARCH 11, 2025 | EXPECTED NEW SUBMITTALS IN FY2026 |
|---|---|---|
| Title V Sources – Initial | 16 | 6 |
| Title V Sources – Renewal | 144 | 27 |
| Significant Modifications | 21 | 12 |
| Re-opening for Cause | 0 | 0 |
| Minor Modifications | 70 | 49 |
| Administrative Amendments | 10 | 40 |
| Operational Flexibility and 502(b)(10) Changes | 12 | 26 |
| TV Insignificant Activity Requests | 11 | 18 |
| Title V General Permit NOIs | 0 | 0 |
| Conditional Major Permits for Sources that are Currently Title V (CM(T5)) | 10 | 3 |
| TV Construction Permits - Non-Major NSR | 14 | 24 |
| TV Construction Permits - Major NSR (PSD) | 2 | 2 |
| Construction Permit Amendment for Title V Source | 23 | 23 |
| TV Construction Permits - Major NSR (Non-Attainment) | 0 | 0 |
| Initial Major NSR Plant Wide Applicability Limit (PAL) Permits | 1 | 0 |
| PAL renewals | 2 | 0 |
| CAIR and Acid Rain Permits | 9 | 1 |
| TV Semi-annual Reports and Annual Compliance Certifications* | 53 | 84 |
| TV MACT, NSPS, and Miscellaneous Reports* | 57 | 406 |
| TV AEAR Reports | 6 | 122 |

*This is the number of reports expected to be reviewed by Permit Program staff. The majority of Title V semiannual reports and compliance certifications will be reviewed by Field Services staff.

Workload supports 17.7 FTEs of Title V work for this program.

**CALCULATION BASIS**

Title V operating permit and CM(TV) workload (initial and renewal) is based on the number of non-backlogged applications with regulatory deadlines in FY2026 plus intentionally backlogged applications that are due to be issued in FY2026 in accordance with the intentional backlogging procedures. Title V significant modifications, administrative amendments, insignificant activity determination requests, and operational flexibility/502(b)(10) changes, NSR permits (major and minor), and amendments to construction permits are based on historical data from 2020 through 2024. Title V minor modifications (minor mods) and insignificant activity requests are not covered by the intentional backlogging procedures.

Therefore, workload is estimated by assuming that half of the current minor mod backlog and all the insignificant activity requests are issued in FY2026 in addition to the estimated number to be received in FY2026 (based on historical data). One Title V reopening for cause and one initial PAL are include in the estimate for FY2026. No PAL renewal applications will be due in FY2025. Since the deadline for PAL renewal permits is 365 days, no PAL renewals are required in FY2026. No CAIR/Acid Rain permits are due for renewal in FY2026. The number of reports projected to be reviewed is based on the number that are currently due over the course of a year that will be reviewed by permit staff.

Workload for each permitting activity is calculated by multiplying the estimated number of each activity by the average estimated time for each type of activity. The time it takes to complete each permitting activity is based on actual activity data for the past three to five years. (Some processes have changed in recent years necessitating a shorter time period in the estimates.) The Title V portion of program management, training, special projects, and other permitting time is based on the default funding split for all Division general activities (52% Title V/48% non-Title V).

**ASSUMPTIONS**

It is assumed that the number and complexity of NSR permits (major and minor), insignificant activity requests, operational flexibility/502(b)(10) changes, minor NSR amendment applications, Title V significant modification, minor modification, and administrative amendments, are consistent with historical averages. It is assumed that additional staff will be hired and trained such that sufficient resources are available to 1) issue intentionally backlogged Title V and CM(TV) permits in accordance with the Division's intentional backlogging procedures and 2) issue half of the Title V minor mod backlog and all the insignificant activity request backlog. It is assumed that the number of reports required to be reviewed by the permit program will remain unchanged. It is assumed that one new PAL application will be received in FY2026. It is assumed that this will contain PALs for 4 pollutants (the average for all existing and pending PAL permits). It is assumed that one Title V re-opening for cause will be issued in FY2026. It is assumed that the time to complete permitting activities is the same as historical averages. The EC4 assigned to the Permitting, Regulatory Development, and Emissions Inventory/Fee Programs, conducts work for all three programs as well as for the Division as a whole. For the sake of this workload analysis, and since most regulatory development, fee-related, and Division support work involves permitting issues, all EC4 workload is included with the permitting program. EC4 work that is not included in one of the specific permitting categories is included in the special projects total.

### Table 8 - Projected Permitting Title V Workload

| ACTIVITIES | ESTIMATED PERMITTING ACTIONS | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|---|
| Title V Permits – new sources | 5 | 782 | 0.42 |
| Title V Permits – renewals | 68 | 9073 | 5.73 |
| Significant Modifications | 16 | 778 | 0.49 |
| Re-opening for Cause | 1 | 49 | 0.03 |
| Minor Modifications | 45 | 1296 | 0.81 |
| Administrative Amendments | 30 | 468 | 0.29 |
| Operational Flexibility and 502(b)(10) Changes | 24 | 82 | 0.05 |
| Title V Insignificant Activity Determinations | 21 | 181 | 0.11 |
| Title V General Permit Notices of Coverage | 0 | 0 | 0.00 |
| Conditional Major Permits for Sources that are Currently Title V (CM(T5)) | 4 | 1296 | 0.81 |
| Non-major NSR construction permits | 28 | 1602 | 1.00 |
| Major NSR permits | 3 | 994 | 0.62 |
| Amendments to construction permits for Title V sources | 25 | 273 | 0.17 |
| Initial PAL permits | 1 | 350 | 0.22 |
| PAL Renewals | 0 | 0 | 0.00 |
| CAIR and Acid Rain Permits | 0 | 0 | 0.00 |
| Semiannual Report and Annual Compliance Certification Review | 84 | 252 | 0.16 |
| MACT, NSPS, and Miscellaneous Report Review | 406 | 513 | 0.32 |
| AEAR Report Review | 122 | 232 | 0.14 |
| Program Management | - | 3120 | 1.95 |
| Training | - | 2600 | 1.62 |
| Special Projects | - | 1560 | 0.97 |
| Other Title V Permitting Time[3] | - | 2912 | 1.82 |
| **TOTAL** | | **28,413** | **17.73** |

[3] Other Permitting time includes assisting with complaint investigations, corresponding with EPA, work with multi-jurisdictional organizations, corresponding/assisting the public, enforcement activity, fee support, and administrative activity.

## REGULATORY DEVELOPMENT

The Regulatory Development program has the following responsibilities[4]:

- Development of revisions to Tennessee's air quality rules
- Development of revisions to Tennessee's State Implementation Plan (SIP)
- Computer modeling (dispersion modeling) to support the Division's permitting program
- Photochemical computer modeling to support the development of SIPs and special projects
- Policy analysis and development to assist the Division's Environmental Fellow and TDEC's Policy Office or to address air quality-specific issues Special projects as assigned
- Attendance at training sessions to stay knowledgeable of federal and state regulatory and SIP requirements, and technical training related to air pollution sources and controls
- Local program coordination with the four local air programs (Nashville/Davidson, Memphis/Shelby, Chattanooga/Hamilton, and Knoxville/Knox) to ensure local air regulations are as stringent as State requirements, as well as other oversight and coordination duties
- Management of the program to ensure it operates efficiently

Workload supports 4.3 FTEs of Title V work for this program.

**CALCULATION BASIS**

For most program activities, it is assumed that the Title V portion is the same as historical Title V workload for the regulatory development program following elimination of the motor vehicle emission inspection program in FY2022. Data from FY2023 and FY2024 indicates that 52% of all activity is Title V-related. Permit modeling (which mostly involves PSD permitting) is assumed to be 90% Title V-related based on historical data.

**ASSUMPTIONS**

Time is based on upcoming federal requirements and activities as well as projected permit modeling workload.

**Table 9 - Regulatory Development Title V Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Rule and SIP Development | 2748 | 1.72 |
| Photochemical Modeling | 500 | 0.31 |
| Permit Modeling | 1441 | 0.90 |
| Local Program Support | 416 | 0.26 |
| Special Projects | 833 | 0.52 |
| Project Management | 333 | 0.21 |
| Training and Interaction with EPA and Multi-Jurisdictional Organizations | 416 | 0.26 |
| Other Activities[5] | 250 | 0.16 |
| **TOTAL** | **6937** | **4.34** |

[5] Other activities include Air Pollution Control Board support, corresponding/assisting the public, and administrative activity.

# EMISSIONS INVENTORY, FEES, AND SPECIAL PROJECTS

The Emissions Inventory, Fees, and Special Projects program has the following responsibilities:

- Collecting, quality assuring, and reporting annual and triennial[6] emissions inventories from stationary sources
- Developing and submitting triennial emissions inventories for on-road mobile, non-road mobile and area source inventories (non-Title V work not included in this analysis)
- Managing the Division's Air Emission Inventory databases and updating EPA's databases
- Management of the Division's online system (SLEIS) for collecting annual and triennial emissions inventories including training of regulated sources
- Implementation of the MYTDEC Forms system for on-line Title V fee AEAR reports. (Development of this system was completed and implemented during FY2025)
- Requesting and collecting (SIP-required) annual NOx and VOC emission statements from sources in applicable counties and providing technical assistance to those sources
- Providing technical support to the Department's Division of Fiscal Services pertaining to air permit-related fee invoicing and tracking of fee payment
- Delinquent Title V fee collection
- Title V fee AEAR tracking, review, data management, and, when necessary, enforcement
- Annual Title V fee invoicing
- Revisions to Title V fee system
- Special projects as assigned (only those projects related to Title V issues are included here)
- Attendance at training sessions to stay knowledgeable about federal and state emissions inventory requirements and technical training related air pollution sources and controls
- Management of the program to ensure it operates efficiently

In addition to the above listed activities, the program has started work to migrate from the current SLEIS emissions inventory system to EPA's CAERS system since SLEIS will not be supported in the near future.

Workload supports 2.4 FTEs of Title V work for this program.

**CALCULATION BASIS**

Workload for each task is estimated based on actual time and activity data for upcoming requirements. The percent of the program's existing work that is Title V related is based on billing data from FY2020 through FY2024 indicating that 61% of the Emissions Inventory, Fees, and Special Projects program work was Title V related.

**ASSUMPTIONS**

It is assumed that the percentage of work related to Title V is consistent with historical workload plus upcoming federal requirements and activities. It is assumed that the SLEIS replacement work will be handled using existing manpower.

[6] On July 25, 2023, U.S. EPA proposed revisions to the federal emissions reporting rule. Among other things, this proposed rule includes mandatory reporting of Hazardous Air Pollutants and increased the reporting frequency for all point sources from triennially to annually. In the "Overview Fact Sheet Proposed Updates to the AERR", EPA states "For states, local, and certain tribal air agencies, estimated annual costs are $335,000 per agency, on average, from 2024 to 2026, and $326,000 per agency, on average, beginning in 2027, the year the proposed rule would be fully implemented."

**Table 10 - Emissions Inventory and Special Projects Title V Workload**

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Emission Inventory | 1953 | 1.22 |
| Fee Collection and Support | 977 | 0.61 |
| Special Projects | 98 | 0.06 |
| Training | 195 | 0.12 |
| Administration | 98 | 0.06 |
| Program Management | 586 | 0.37 |
| **TOTAL** | **3907** | **2.44** |

# AMBIENT MONITORING QUALITY CONTROL

There are two programs that are responsible for the Division's Ambient Monitoring Network, the Quality Control program and the Quality Assurance program. The primary responsibility of the Quality Control program is to monitor ambient air quality across the state to assess compliance with national ambient air quality standards. This is accomplished by working with Field Services staff to operate and maintain a network of air monitoring stations throughout the state that record air quality data that is subsequently stored in EPA's national database. The work requires on-going evaluation of all monitoring sites to ensure that each site conforms to federal ambient air quality monitoring site criteria and remedying or relocating the sites to the extent necessary to render the site compliant. Monitors require bench and field servicing to ensure all components of the monitors are in compliance with manufacturer specifications and EPA requirements and are calibrated to assure they give a true reading of air quality. Shelter maintenance is also required to make certain the internal shelter temperatures meet federal requirements, that the shelters have no air/water intrusion leaks, that periodic theft and vandalism damages are rectified, and that the electrical/data communication lines are properly connected. In the event of a lightning strike or other weather-related incidences, significant effort must be undertaken to restore the site's operability. While the ambient air monitors measure the emissions impact of all types of air contaminant sources, a portion of the sources are Title V facilities which pay a portion of monitoring expenses.

Workload supports 2.8 FTEs of Title V work for this program.

**CALCULATION BASIS**

Projected workload is estimated based on actual time and activity data. The Division receives CAA section 103 grant funds each year to partially fund the Quality Control program's personnel costs. As a result, approximately 12.5% of the Ambient Monitoring program's personnel costs is paid using section 103 funds. Upon request of the Air Pollution Control Board, the Division determined the proper cost allocation for the ambient monitoring network (which includes both the Quality Control program and the Quality Assurance program as well as a portion of the Field Services program) based on the sources of air pollutants and precursors in Tennessee. The findings of this analysis were presented to the board on June 10, 2020, and showed, that after subtracting the portion of the PM2.5 network funded by section 103 funds, the proper cost allocation is 52% Title V and 48% non-Title V. When combining these percentages, the projected Quality Control workload is estimated to be 45.5% Title V, 42% non-Title V, and 12.5% section 103.

**ASSUMPTIONS**

It is assumed that there will be no significant changes to the network as the result of federal or state requirements.

### Table 11 - Quality Control Title V Workload

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Data Management – Input | 21 | 0.01 |
| Data Verification | 1570 | 0.98 |
| Document Development | 91 | 0.06 |
| Equipment Repair, Calibration, and Certification | 1251 | 0.78 |
| Monitoring Site Evaluation and Documentation | 100 | 0.06 |
| EPA Technical Systems Audit | 0 | 0.00 |
| Personnel Activities | 364 | 0.23 |
| Program Management | 642 | 0.40 |
| Special Projects | 182 | 0.11 |
| Training | 182 | 0.11 |
| **TOTAL** | **4403** | **2.74** |

# AMBIENT MONITORING QUALITY ASSURANCE

There are two programs that are responsible for the Division's Ambient Monitoring Network, the Quality Control program and the Quality Assurance program. The Quality Assurance program provides an independent review of ambient air quality monitoring measurements and data reduction/reporting of those measurements prior to uploading the data to EPA's national ambient air database. This process is referred to as data validation. The program is also responsible for the coordination, development, and review of standard operating procedures (SOPs) for each type of ambient air monitor used, Quality Assurance Project Plans (QAPPs), and any other documents that may be necessary to ensure that quality procedures have been developed and are being followed by operators of ambient air monitors in Tennessee for regulatory purposes. Having data that is trusted to be accurate is essential for compliance with federal requirements, regulatory decision making, and for the public to know, with assurance, the quality of the air they breathe.

In addition to developing quality assurance documents and making certain that they are followed, the program staff periodically audits monitoring sites operated within Tennessee's State or Local Air Monitoring Stations (SLAMs) network and sites at industrial facilities and within the Great Smoky Mountains National Park. The purpose of these audits is to ensure that ambient data being collected for evaluating regulatory compliance meet quality standards. If issues arise during these performance audits, staff are responsible for coordinating a corrective action plan with the monitoring site operation personnel to minimize data loss.

The meteorology staff members are responsible for air quality forecasting. These staff members use meteorological parameters and current air quality conditions to predict future air quality. The forecast information is provided to the public so informed decisions can be made to protect health and to plan activities that lessen impact on air quality during high pollution days.

Workload supports 2.7 FTEs of Title V work for this program.

**CALCULATION BASIS**

Projected workload is based on time and activity data similar to information presented in the Quality Control section of this workload analysis. The Division receives CAA section 103 grant funds to partially fund the Quality Assurance's personnel cost. Using the same calculations as described in that section, projected Quality Assurance program workload is assumed to be 12.5% section 103, 45.5% Title V, and 42% non-Title V.

**ASSUMPTIONS**

It is assumed that there will be no significant changes to the network as the result of federal or state requirements.

### Table 12 - Quality Assurance Title V Workload

| ACTIVITIES | ESTIMATED TITLE V HOURS/YR | ESTIMATED TITLE V FTE/YR |
|---|---|---|
| Air Quality Forecasting | 683 | 0.43 |
| AQS Data Validation | 455 | 0.28 |
| Field Auditing | 387 | 0.24 |
| Local Program Field Auditing | 455 | 0.28 |
| Audit Equipment Repair, Calibration, and Certification | 273 | 0.17 |
| Certification and Calibration for Local Programs | 68 | 0.04 |
| EPA Technical Systems Audit | 0 | 0.00 |
| Personnel Activities | 319 | 0.20 |
| Program Management | 592 | 0.37 |
| Document Development | 319 | 0.20 |
| SOP Development | 46 | 0.03 |
| Training | 410 | 0.26 |
| Special Projects | 387 | 0.24 |
| **TOTAL** | **4394** | **2.74** |

## SUMMARY OF FTEs BY FUNCTIONAL UNIT

The following table shows the projected FY2026 FTEs needed to complete all Title V activities as indicated in this workload analysis. In addition, the actual Title V FTEs for the past four fiscal years (FY2020 through FY2024) and projected Title V FTEs for FY2025 from the FY2025 Title V Workload Analysis are presented below.

**Table 13 - Summary of FTEs by Functional Unit**

| Functional Unit | FY2020 Actual FTEs | FY2021 Actual FTEs | FY2022 Actual FTEs | FY2023 Actual FTEs | FY2024 Actual FTEs | Projected FY2025 FTEs | Projected FY2026 FTEs |
|---|---|---|---|---|---|---|---|
| Administrative Services | 3.2 | 3.5 | 3.7 | 3.0 | 2.9 | 4.0 | 4.1 |
| Director's Office | 3.4 | 2.6 | 3.1 | 2.3 | 2.7 | 3.0 | 2.9 |
| Small Business Assistance | 1.9 | 1.5 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| Compliance Validation | 3.9 | 3.7 | 3.9 | 4.4 | 4.1 | 4.8 | 4.6 |
| Enforcement | 2.7 | 2.4 | 2.2 | 2.4 | 2.5 | 2.5 | 2.5 |
| Field Services | 14.5 | 12.7 | 12.6 | 13.7 | 13.7 | 12.6 | 13.5 |
| Permitting | 12.1 | 12.6 | 13.6 | 11.9 | 13.7 | 15.1 | 17.7 |
| Regulatory Development | 2.4 | 2.6 | 2.2 | 2.9 | 3.2 | 4.4 | 4.3 |
| Emissions Inventory and Special Projects | 2.5 | 2.8 | 2.5 | 1.7 | 1.8 | 3.4 | 2.4 |
| Quality Control | 2.6 | 2.6 | 2.5 | 2.7 | 2.8 | 2.5 | 2.7 |
| Quality Assurance | 1.9 | 2.1 | 2.1 | 2.7 | 2.4 | 2.1 | 2.7 |
| **Total Title V FTEs** | **49.2** | **48.0** | **48.4** | **47.7** | **51.8** | **56.4** | **59.4** |

# TDEC GENERAL AND ADMINISTRATIVE EXPENSES

In addition to Title V eligible costs incurred directly by the Division, the Division is assessed charges by the BOE and TDEC for a number of activities provided by the other areas of the Department to support the activities of the Division. Some of the Title V related support activities and the offices that provide them are listed below.

- Commissioner, Bureau of Environment Deputy Commissioner and staff, and the Deputy Commissioners of the Bureau of Operations, Strategy, & Engagement and their staff – management and organizational support, legislative services
- Communications Office – media relations, website management, strategic messaging, video production, and social media engagement
- Division of Stakeholder Engagement – outreach and communication to department stakeholders, including local government, other government agencies, the regulated community, public interest groups, and citizens; public meeting and hearing support; sustainable practices, and management of the Small Business Environmental Assistance Program
- Division of People and Organizational Development – all personnel related services including human resources, talent management, employee relations, workplace safety & risk management, and continuous process improvement
- Office of General Counsel – rulemaking and SIP development support, enforcement activity, administrative legal services, policy and guidance interpretation and development, emergency response, risk and safety planning
- Division of Internal Audit - facilitates the promotion of good governance by performing audit, assurance, and consulting services that address key risks central to TDEC's strategies and objectives and helps improve internal controls, transparency, and accountability of operations.
- Office of Policy & Planning – support with rule, SIP, and policy development that require in-depth research, strategic planning, NEPA review coordination, comparison to other state or national programs, and coordination with other state agencies or entities
- Division of Fiscal Services – budget development and management as coordinated with the overall department budget, fee collections, and centralized accounting
- Operational Administrative Services – procurement of all necessary equipment and supplies, including monitoring network assets and field and office supplies, equipment inventory and asset management, grants and contracts, and vehicle management
- Business & IT Solutions Office – physical and digital records management, data governance, and information technology strategy & support
- Field Office administrative support staff – support APC Field Services, Compliance Validation, Permitting, and Technical Services staff in seven field offices

G&A expenses are charged to the Division according to formulae based on the percentage of the Division's budget in proportion to that of other BOE division budgets and special reserve funds and the Division's headcount. The Division's G&A expenses are charged to Title V funds, non-Title V funds, and federal grants.

# TITLE V EXPENSE ESTIMATES

An important step in developing a Title V fee system is to estimate future expenses to determine if projected revenue, together with the available reserve balance, is sufficient to fund the Title V permitting program. As mentioned earlier, federal regulations preclude the use of non-Title V funds for funding Title V activities. Thus, a failure to collect sufficient funds through the Title V fee system would have significant ramifications on the efficacy of Tennessee's Title V Program and economic development within the state and could eventually lead to federal intervention. Therefore, when designing a Title V fee system, the Division plans for a reserve at year-end to account for unexpected expenses and unanticipated reductions in fee revenue.

Historical and projected expenses are broken down into four categories: 1) salaries, longevity, and bonuses, 2) benefits, 3) APC G&A Expenses, and 4) TDEC G&A Expenses. APC G&A expenses include expenses such as travel, rent and utility costs for ambient monitoring sites, shipping costs, maintenance and repair costs, third-party professional and administrative expenses, office supplies, field and laboratory supplies, equipment purchases, and charges from other state agencies for services such as telephone and computer services, office rent, liability insurance, general accounting, purchasing, human resources, and legal services. TDEC G&A expenses are described earlier in this document.

**Personnel costs:** Personnel costs include salaries, benefits, longevity[7] and bonus pay[8]. Personnel costs are based on the number of positions for each functional unit for FY2026 based on demonstrated workload. Longevity and bonus costs are added to regular salaries based on historical levels. Benefit costs are approximately 45% of salary costs.

**APC G&A Expenses:** APC G&A expenses are forecasted based on historical trends.

**TDEC G&A expenses:** Not-to-exceed TDEC G&A expenses are provided by TDEC's Budget and Financial Planning Division.

[7] Longevity pay is based on years of service once an employee has been in state service a certain number of years. Staff hired July 1, 2015, or later are not eligible for this benefit.
[8] Bonus pay is a feature of the Tennessee TEAM Act's Pay-for-Performance system that awards employees for advanced and outstanding performance.

**Table 14 - Historical and Projected Title V Expenses**

| Expense Description | FY2018 | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 | FY2024 | Projected FY2025 | Projected FY2026 |
|---|---|---|---|---|---|---|---|---|---|
| Regular Salaries, Longevity, & Bonus | $3,377,781 | $3,546,448 | $3,485,437 | $3,449,044 | $3,693,953 | $3,809,843 | $4,342,793 | $4,200,000 | $5,100,000 |
| Benefits | $1,494,311 | $1,503,257 | $1,463,404 | $1,429,963 | $1,611,779 | $1,691,175 | $1,906 ,703 | $1,800,000 | $2,200,000 |
| APC General & Administrative Expenses | $919,969 | $653,654 | $628,698 | $529,628 | $638,178 | $630,020 | $744,956 | $1,070,000 | $900,000 |
| TDEC General & Administrative expenses | $1,014,803 | $0[9] | $0[9] | $850,291 | $891,375 | $750,201 | $916,289 | $1,100,000 | $1,300,000 |
| Grand Total | $6,806,864 | $5,703,359 | $5,577,539 | $6,321,925 | $6,835,285 | $6,881,239 | $7,910,741 | $8,170,000 | $9,500,000 |

[9] No TDEC G&A expenses were charged to the Division in FY2019 or FY2020.

# FISCAL MANAGEMENT

The Division has established an accurate financial accounting structure and work practices such that Division and Department expenses can be monitored and properly allocated. This system has been institutionalized within the Division and will continue in FY2026.

The Division will continue, in FY2026, to use travel and training resources efficiently and utilize video conferencing tools effectively.

## HISTORICAL TITLE V FEE AND EXPENSE DATA

Tables 15 and 16 on the next two pages show historical Title V information. Table 15 is based on income and expenses during each fiscal year, which runs from July 1 through June 30. Table 16 provides emissions and financial information for each year of the Title V fee program since 2002. Each row in Table 16 contains information about the Title V fees that were due in a particular year based on that year's fee rates. In each year, the fees for a particular year are due in two different fiscal years. This table is intended to illustrate the trends in emissions and fee collections for each year's Title V fee system.

The two tables present information in slightly different time periods. Historically, Title V fees were based on allowable or actual emissions from July 1 of one year to June 30 of the next (i.e., the state fiscal year) and due on July 1. Since it was usually impossible for a company to determine and report actual emissions on June 30, fees based on actual emissions were usually received after July 1, which is the next fiscal year. Since interest and late penalties don't apply until a fee is 15 days late, a large portion of Title V fees were received between July 1 and July 15. There is also a provision in the fee rules that allow some companies (those paying on an actual or mixed emissions basis) to apply for a 90-day extension on reporting and paying fees. Thus, facilities that could not submit payments by July 15 could, and frequently did, request extensions until September 29 each year without incurring penalties. Both of these situations resulted in a significant amount of Title V fees being collected in the fiscal year following the year in which the fees are based. This is reflected in fiscal year 2015-2016 during which the financial practice of allowing payments received between July 1 and July 15 to be credited for the previous fiscal year ended.

In 2018, the Title V fee deadlines changed with calendar year-based fees (which became an option to fiscal year-based fees) due on April 1 of each year. For fiscal year-based fees, an estimated 60% of a facility's fees were due on April 1 with the remainder due July 1. In 2024, the deadline for final payment of fiscal year-based fees was changed to August 1 (eliminating the need for 90-day extensions for most fiscal year-based fee payers). Fees based on allowable emissions are also due April 1. Ninety-day extensions are still available for facilities who determine fees based on actual emissions. However, with these changes, a much larger percentage (approximately 95%) of Title V fees are now collected in the year in which the fees are based.

Note that the projected and collected tons indicated in Table 16 excludes allowable and reported actual tons for facilities that paid the minimum fee. Also note that the Division did not present any projections for 2024 Title V fees. Thus, there is no projected information for 2024 shown in Table 16.

**Table 15 - Historical Title V Collections and Expenses**

| Fiscal Year | Fees | Interest, penalties, and internet processing fees | Transfer In | Expenditures | Balance |
|---|---|---|---|---|---|
| 2002-2003 | | | | | $1,387,223.12 |
| 2003-2004 | $5,780,573.30 | $17,261.10 | | $5,299,426.96 | $1,885,630.56 |
| 2004-2005 | $5,773,095.32 | $33,124.15 | | $6,289,281.06 | $1,402,568.97 |
| 2005-2006 | $6,806,903.33 | $62,547.16 | | $6,604,384.65 | $1,667,634.81 |
| 2006-2007 | $6,170,217.54 | $67,707.22 | | $6,993,064.19 | $912,495.38 |
| 2007-2008 | $7,116,004.10 | $35,456.47 | | $7,254,796.79 | $809,159.16 |
| 2008-2009 | $7,939,773.17 | $21,518.17 | | $6,613,669.61 | $2,156,780.89 |
| 2009-2010 | $7,587,853.93 | $9317.34 | | $6,415,182.16 | $3,338,770.00 |
| 2010-2011 | $5,800,630.50 | $5527.40 | | $7,261,266.44 | $1,883,661.46 |
| 2011-2012 | $6,336,163.20 | $1636.87 | | $7,463,530.81 | $757,930.72 |
| 2012-2013 | $6,891,980.16 | $1113.83 | | $6,844,668.87 | $806,355.84 |
| 2013-2014 | $6,844,856.89 | $9484.30 | | $6,543,335.07 | $1,117,361.96 |
| 2014-2015 | $7,040,610.80 | $1129.83 | | $6,694,005.01 | $1,465,097.58 |
| 2015-2016 | $5,321,521.83 | $2108.31 | $1,919,777.74[10] | $6,094,831.92 | $2,613,673.54 |
| 2016-2017 | $4,617,895.15 | $9697.10 | | $5,687,186.70 | $1,554,079.09 |
| 2017-2018 | $6,293,711.88 | $945.29 | | $6,818,383.34 | $1,030,352.92 |
| 2018-2019 | $6,347,961.86 | $5268.62 | | $5,703,359.09 | $1,591,187.35 |
| 2019-2020 | $5,774,457.15 | $7320.71 | | $5,577,539.13 | $1,795,426.09 |
| 2020-2021 | $6,088,563.08 | $1355.56 | | $6,321,925.04 | $1,589,911.20 |
| 2021-2022 | $6,204,515.21 | $114.00 | | $6,835,285.12 | $1,277,400.69 |

[10] During fiscal year 2015-2016, the Division determined that $1,919,777.74 in non-Title V expenses had been charged to Title V fees over a several year period. This was corrected at the end of FY2015-2016, resulting in an increased Title V fee balance at the beginning of FY2016-2017.

| | | | | | |
|---|---|---|---|---|---|
| 2022-2023 | $7,365,769.12[11] | $4756.93 | | $6,881,239.32 | $1,942,272.68 |
| 2023-2024 | $6,980,140.77 | $52,195.25[12] | | $7,912,579.16 | $1,015,594.93 |

[11] Includes construction application fees for Title V sources starting with FY2022-2023.
[12] Includes interest earned on funds in Title V Environmental Protection Fund account as well as interest paid by fee payers for late payments.

## Table 16 - Historical Tonnage Projections & Collections and Historical Fees

| Year Fees Due | Number Companies/Facilities | $/Ton Allowable Emissions | $/Ton Actual Emissions | Minimum /Base Fee* | Projected Total Tons | Total Tons Collected | Projected Allowable Tons | Allowable Tons Collected | Projected Actual Tons | Actual Tons Collected | Projected Companies Paying Min./Base | Companies Actually Paying Min./Base | $ Amount Billed | $ Amount Collected |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2024 Non-EGU | 201 | $48.50 | $70.50 | $10,000/ $6000 | - | 77,899 | - | 59,116 | - | 18,783 | - | 42 | $5,154,503 | $5,154,503 |
| 2024 EGU | 9 | $68.00 | $98.50 | $10,000/ $6000 | - | 16,864 | - | 8849 | - | 8015 | - | 0 | $1,470,679 | $1,470,679 |
| 2023 Non-EGU | 198 | $48.50 | $70.50 | $10,000/ $6000 | 87,035 | 83,382 | 66,415 | 62,876 | 20,620 | 20,506 | 41 | 40 | $5,747,760 | $5,783,309 |
| 2023 EGU | 9 | $68.00 | $98.50 | $10,000/ $6,000 | 17,573 | 18,922 | 8015 | 8015 | 9578 | 10,907 | 0 | 0 | $1,673,366 | 1,673,376 |
| 2022 non-EGU | 200 | $40.20 | $64.20 | $9000/ $5000 | 96,985 | 87,035 | 76,901 | 66,415 | 20,084 | 20,620 | 46 | 46 | $5,095,923 | $5,095,923 |
| 2022 EGU | 9 | $57.00 | $90.00 | $9000/ $5000 | 19,850 | 17,593 | 6535 | 8015 | 13,315 | 9578 | 0 | 0 | $1,363,867 | $1,363,867 |
| 2021 non-EGU | 198 | $40.20 | $64.20 | $9000/ $5000 | 93,258 | 86,598 | 73,246 | 66,363 | 20,0013 | 20,235 | 56 | 55 | $5,176,865 | $5,134,053 |
| 2021 EGU | 9 | $57.00 | $90.00 | $9000/ $5000 | 19,850 | 14,313 | 6535 | 8015 | 13,315 | 6298 | 0 | 0 | $1,068,698 | $1,068,698 |
| 2020 non-EGU | 202 | $33.50 | $53.50 | $7500/ $4000 | 92,783 | 96,985 | 71,943 | 76,901 | 20,840 | 20,084 | 49 | 55 | $4,361,916.31 | $4,383,491.96 |
| 2020 EGU | 9 | $47.00 | $75.00 | $7500/ $4000 | 17,724 | 19,850 | 4264 | 6535 | 13,460 | 13,315 | 0 | 0 | $1,341,788,20 | $1,341,788.20 |
| 2019 non-EGU | 204 | $33.50 | $53.50 | $7500/ $4000 | 90,255 | 93,206 | 70,769 | 73,181 | 19,486 | 20,024 | 57 | 59 | $4,413,431.57 | $4,386,631.42 |
| 2019 EGU | 9 | $47.00 | $75.00 | $7500/ $4000 | 19,675 | 20,420 | 4323 | 8264 | 15,352 | 12,156 | 0 | 0 | $1,336,098.20 | $1,336,098.20 |
| 2018 non-EGU | 201 | $32.50 | $43.00 | $7500 | 78,116 | 86,627 | 58,114 | 63,343 | 20,002 | 19,284 | 109 | 107 | $3,787,675.97 | $3,780,175.97 |
| 2018 EGU | 9 | $39.00 | $49.50 | $7500 | 27,994 | 26,737 | 16,642 | 12,323 | 11,352 | 14,414 | 2 | 1 | 1,201,499.94 | 1,201,499.94 |
| 2017 non-EGU | 205 | $32.50 | $43.00 | $7500 | 83,580 | 108,057 | 65,071 | 76,008 | 18,509 | 21.292 | 108 | 98 | $4,083,515.65 | $3,916,319.73 |
| 2017 EGU | 9 | $39.00 | $49.50 | $7500 | 27,994 | 28,235 | 16,642 | 16,532 | 11,352 | 11,719 | 2 | 0 | $1,224,857.24 | $1,224,857.24 |
| 2016 non-EGU | 205 | $32.50 | $43.00 | $7500 | 124,500 | 100,365 | 104,000 | 81,260 | 20,500 | 19,105 | 105 | 97 | $4,215,224.16 | $4,059,712.98 |
| 2016 EGU | 11 | $39.00 | $49.50 | $7500 | 43,000 | 41,259 | 39,500 | 36,603 | 3500 | 4656 | 3 | 4 | $1,691,011.45 | $1,691,011.45 |
| 2015 non-EGU | 205 | $28.50 | $39.00 | $7500 | 119,500 | 114,977 | 102,000 | 99,567 | 17,500 | 15,410 | 201 | 200 (83 only paid base) | $4,739,853.72 | $4,692,656.26 |
| 2015 EGU | 10 | $45.50 | $56.00 | $7500 | 48,000 | 49,781 | 46,000 | 47,616 | 2000 | 2165 | 10 | 10 (1 only paid base) | $2,362,785.29 | $2,362,785.29 |
| *2014 non-EGU | 201 | $28.50 | $39.00 | $7500 | 118,000 | 121,396 | 101,000 | 103,650 | 17,000 | 17,746 | 201 | 200 | $4,712,238.32 | $4,646,138.70 |
| *2014 EGU | 10 | $45.50 | $56.00 | $7500 | 57,000 | 48,802 | 55,000 | 46,648 | 2000 | 2154 | 10 | 10 | $2,318,133.81 | $2,318,133.81 |
| 2013 non-EGU | 211 | $29.50 | $40.00 | $7500 | 184,000 | 125,576 | 160,000 | 105,256 | 24,000 | 20,320 | 105 | 102 | $4,403,500 | $4,096,563.73 |
| 2013 EGU | 9 | $45.50 | $56.00 | $7500 | 65,000 | 60,425 | 62,500 | 58,110 | 2500 | 2315 | 3 | 3 | $2,795,416.43 | $2,795,416.43 |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2012 | 214 | $28.50 | $39.00 | $7500 | 200,000 | 190,232 | 175,000 | 165,782 | 25,000 | 24,450 | 105 | 108 | $5,973,274.94 | $6,167,959.21 |
| 2011 | 220 | $24.50 | $35.00 | $6500 | 210,000 | 204,961 | 190,000 | 179,953 | 20,000 | 25,008 | 110 | 106 | $5,682,497 | 5,800,630.50 |
| 2010 | 221 | $28.50 | $39.00 | $7500 | 217,064 | 211,344.7 | 195,801 | 191,346 | 21,263 | 19,999 | 105 | 111 | $7,298,632.70 | $7,587,853.93 |
| 2009 | 239 | $28.50 | $39.00 | $7500 | 217,064 | 232,996 | 195,801 | 206,725.8 | 21,263 | 26,271 | 115 | 110 | $7,835,606.93 | $7,939,773.17 |
| 2008 | 243 | $26.50 | $37.00 | $7500 | 230,489 | 234,615.4 | 213,772 | 207,541.6 | 16,717 | 27,073.8 | 88 | 119 | $7,394,083.80 | $7,317,445.36 |
| 2007 | 244 | $22.50 | $33.00 | $5000 | 257,989 | 236,936.8 | 238,232 | 214,385.8 | 19,757 | 22,551 | 100 | 96 | $6,093,539.15 | $6,095,634.93 |
| 2006 | 250 | $21.50 | $32.00 | $4500 | 284,639 | 259,420 | 256,578 | 232,764 | 28,061 | 26,656 | 100 | 92 | $5,976,181.77 | $6,000,240.56 |
| 2005 | 264 | $19.50 | $30.00 | $3500 | 324,896 | 290,030.7 | 294,836 | 262,405.1 | 30,050 | 27,625.6 | 80 | 80 | $5,869,607.39 | $5,874,970.52 |
| 2004 | 267 | $19.50 | $30.00 | $2500 | 330,731 | 287,381.9 | 309,213 | 258,052.4 | 21,519 | 29,329.5 | 72 | 56 | $6,024,377.47 | $6,032,675.99 |
| 2003 | | $17.50 | $28.00 | | 321,279 | | | | | | | | $ | $ |
| 2002 | | $13.00 | $21.70 | | 382,476 | | | | | | | | $ | $ |

*For FY 2013-2014, the Division replaced the minimum fee of $7500 with a base fee of $7500. All sources with total allowable emissions (excluding CO) of 250 TPY or less paid only the base fee. All sources with total allowable emissions (excluding CO) greater than 250 TPY paid the base fee plus their total tonnage (excluding CO) times the applicable $/ton value (actual, allowable, or mixed basis). This is also the case for 2014-2015. In 2015-2016, the base fee was replaced with the minimum fee. A base fee was re-instated in 2018-2019 and the minimum fee was retained. Starting with 2025, the minimum fee was eliminated, and the flat base fee was replaced with a staggered base fee that is determined by the number of applicable federal requirements.

### Table 17 - Historical Federal Presumptive Minimum and Part 71 Fees

| Presumptive Minimum | | | Part 71 | |
|---|---|---|---|---|
| **Effective** | **Fee Rate** | | **Effective** | **Fee Rate** |
| Sept 1989 – Aug 1990 | $ 25.00 | | | |
| Sept 1990 – Aug 1991 | $ 26.21 | | | |
| Sept 1991 – Aug 1992 | $ 27.59 | | | |
| Sept 1992 – Aug 1993 | $ 28.43 | | | |
| Sept 1993 – Aug 1994 | $ 29.30 | | | |
| Sept 1994 – Aug 1995 | $ 30.07 | | | |
| Sept 1995 – Aug 1996 | $ 30.93 | | Calendar Year 1996 | $ 32.00 |
| Sept 1996 – Aug 1997 | $ 31.78 | | Calendar Year 1997 | $ 32.88 |
| Sept 1997 – Aug 1998 | $ 32.65 | | Calendar Year 1998 | $ 33.78 |
| Sept 1998 – Aug 1999 | $ 33.21 | | Calendar Year 1999 | $ 34.35 |
| Sept 1999 – Aug 2000 | $ 33.82 | | Calendar Year 2000 | $ 34.98 |
| Sept 2000 – Aug 2001 | $ 34.87 | | Calendar Year 2001 | $ 36.07 |
| Sept 2001 – Aug 2002 | $ 36.03 | | Calendar Year 2002 | $ 37.27 |
| Sept 2002 – Aug 2003 | $ 36.60 | | Calendar Year 2003 | $ 37.86 |
| Sept 2003 – Aug 2004 | $ 37.43 | | Calendar Year 2004 | $ 38.72 |
| Sept 2004 – Aug 2005 | $ 38.29 | | Calendar Year 2005 | $ 39.61 |
| Sept 2005 – Aug 2006 | $ 39.48 | | Calendar Year 2006 | $ 40.84 |
| Sept 2006 – Aug 2007 | $ 41.02 | | Calendar Year 2007 | $ 42.43 |
| Sept 2007 – Aug 2008 | $ 41.96 | | Calendar Year 2008 | $ 43.40 |
| Sept 2008 – Aug 2009 | $ 43.75 | | Calendar Year 2009 | $ 45.25 |
| Sept 2009 – Aug 2010 | $ 43.83 | | Calendar Year 2010 | $ 45.33 |
| Sept 2010 – Aug 2011 | $ 44.48 | | Calendar Year 2011 | $ 46.00 |
| Sept 2011 – Aug 2012 | $ 45.55 | | Calendar Year 2012 | $ 47.11 |
| Sept 2012 – Aug 2013 | $ 46.73 | | Calendar Year 2013 | $ 48.33 |
| Sept 2013 – Aug 2014 | $ 47.52 | | Calendar Year 2014 | $ 49.15 |
| Sept 2014 – Aug 2015 | $ 48.27 | | Calendar Year 2015 | $ 49.93 |
| Sept 2015 – Aug 2016 | $ 48.49 | | Calendar Year 2016 | $ 50.16 |
| Sept 2016 – Aug 2017 | $ 48.88 | | Calendar Year 2017 | $ 50.56 |
| Sept 2017 – Aug 2018 | $ 49.85 | | Calendar Year 2018 | $ 51.56 |
| Sept 2018- Aug 2019 | $ 51.06 | | Calendar Year 2019 | $ 52.81 |
| Sept 2019 – Aug 2020 | $ 52.03 | | Calendar Year 2020 | $ 53.81 |
| Sept 2020 – Aug 2021 | $ 52.79 | | Calendar Year 2021 | $ 54.60 |
| Sept 2021 – Aug 2022 | $ 54.37 | | Calendar Year 2022 | $ 56.23 |
| Sept 2022 – Aug 2023 | $ 58.55 | | Calendar Year 2023 | $ 60.56 |
| Sept 2023 – Aug 2024 | $ 61.73 | | Calendar Year 2024 | $ 63.85 |
| Sept 2024 – Aug 2025 | $ 63.69 | | Calendar Year 2025 | $ 65.88 |

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL

| | | |
|---|---|---|
| IN THE MATTER OF | ) | |
| | ) | |
| | ) | |
| 2026 Title V Workload Analysis | ) | Order Number: 25-013 |
| | ) | |
| | ) | |
| | ) | |
| | ) | |
| | ) | |

BOARD ORDER

The 2025-2026 Workload Analysis, as prepared by the Division of Air Pollution Control, was approved by the following Board Members on June 11, 2025. The Workload Analysis is the mechanism used by the Division of Air Pollution Control to determine the Title V annual fees needed to operate the Title V operating permit program in compliance with federal law for recommendation to the Air Pollution Control Board. This Workload Analysis provides an estimate of the manpower and funding needed to support the Title V program in state fiscal year 2025-2026 to ensure compliance with federal law.

This Workload Analysis projects that 59.4 full-time employee hours and $9,500,000 will be needed to conduct Title V-related work in fiscal year 2025-2026.

| Category | Projected FY26 Title V Expenses |
|---|---|
| Regular Salaries, Longevity, and Bonuses | $5,100,000 |
| Benefits | $2,200,000 |
| Air Pollution Control General and Administrative Expenses | $900,000 |
| TDEC General and Administrative Expenses | $1,300,000 |
| Total | $9,500,000 |

| Board Member | Aye | No | Abstain | Absent | Signature (if required) |
|---|---|---|---|---|---|
| **Dr. John Benitez** Licensed Physician with experience in health effects of air pollutants | | | | | |
| **Kyle Etheridge** Working for Industry | | | | | |
| **Dr. Joshua Fu** Involved with Institution of Higher Learning on air pollution evaluation and control | | | | | |
| **Michael Haverstick** Working in management in Private Manufacturing | | | | | |
| **Dr. Shawn A. Hawkins** Working in field related to Agriculture or Conservation | | | | | |
| **Caitlin Roberts Jennings** Small Generator of Air Pollution representing Automotive Interests | | | | | |
| **Dr. Chunrong Jia** Environmental Interests | | | | | |
| **Ken Moore** Working in Municipal Government | | | | | |
| **Stephen Moore** Working for Industry with technical experience | | | | | |
| **Tara Pedraza** Commissioner's Designee, Dept. of Environment and Conservation | | | | | |
| **Nicholas Ramos** Conservation Interests | | | | | |
| **Amy Spann, PE** Registered Professional Engineer | | | | | |
| **Larry Waters** County Mayor | | | | | |
| **Jimmy West** Commissioner's Designee, Dept. of Economic and Community Development | | | | | |

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File Date: _____
Effective Date: _____

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

| | |
|---|---|
| **Agency/Board/Commission:** | Air Pollution Control Board |
| **Division:** | Air Pollution Control |
| **Contact Person:** | Mark A. Reynolds |
| **Address:** | Davy Crockett Tower, 7th Floor<br>500 James Robertson Parkway<br>Nashville, Tennessee |
| **Zip:** | 37243 |
| **Phone:** | (615) 708-0760 |
| **Email:** | mark.a.reynolds@tn.gov |

**Revision Type (check all that apply):**

X Amendment
___ New
___ Repeal

___ Content based on previous emergency rule filed on _____
___ Content is identical to the emergency rule

**Rule(s)** (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

| **Chapter Number** | **Chapter Title** |
|---|---|
| 0400-30-38 | Emission Standards for Hazardous Air Pollutants |
| **Rule Number** | **Rule Title** |
| 0400-30-38-.01 | Federal Standards Incorporated by Reference |

| **Chapter Number** | **Chapter Title** |
|---|---|
| 0400-30-39 | Standards of Performance for New Stationary Sources |
| **Rule Number** | **Rule Title** |
| 0400-30-39-.01 | Federal Standards of Performance for New Stationary Sources |

| **Chapter Number** | **Chapter Title** |
|---|---|
| 1200-03-09 | Construction and Operating Permits |
| **Rule Number** | **Rule Title** |
| 1200-03-09-.07 | Permits-by-Rule |

| **Chapter Number** | **Chapter Title** |
|---|---|
| 1200-03-18 | Volatile Organic Compounds |
| **Rule Number** | **Rule Title** |
| 1200-03-18-.24 | Gasoline Dispensing Facilities |

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to https://sos.tn.gov/publications/services/rulemaking-guidelines.

Chapter 0400-30-38
Emission Standards for Hazardous Air Pollutants

Amendments

The introductory text to paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety without impacting its subparagraphs and substituting instead the following:

(1) The provisions of the subparts and appendices of 40 C.F.R. Part 63 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, 2023, edition of the Code of Federal Regulations (C.F.R.), except as provided in subparagraph (a) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety without impacting its parts and substituting instead the following:

(a) Any reference contained in 40 C.F.R. Part 63 (as published in the July 1, 2023, edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary of the Tennessee Air Pollution Control Board, except for specific authorities that have not been delegated to the State of Tennessee; and

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following without impacting its subparagraphs:

(2) The provisions of the subparts and appendices of 40 C.F.R. Part 61 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, 2023, edition of the Code of Federal Regulations (C.F.R.), except as provided in subparagraph (a) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following without impacting its parts:

(a) Any reference contained in 40 C.F.R. Part 61 (as published in the July 1, 2023, edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary, except for specific authorities that have not been delegated to the State of Tennessee; and

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 13 of subparagraph (b) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

13. 40 C.F.R. Part 61 Subpart M: National Emission Standard for Asbestos, except:

(i) The following definitions of “facility” and “visible emissions” shall replace the definitions “facility” and “visible emissions” in 40 C.F.R. § 61.141:

> “Facility” means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units under the same roof); any public bridge; any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this rule is not excluded, regardless of its current use or function.
>
> “Visible emissions” mean any emissions that are visually detectable without the aid of instruments, coming from RACM, asbestos-containing waste material, a regulated area, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor. The definition of “regulated area” contained in 29 C.F.R. § 1910.1001(b) is hereby incorporated by reference as published in the July 1, 2023 edition of the Code of Federal Regulations.

(ii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.145(a) without impacting the remainder of 40 C.F.R. § 61.145(a):

> Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity, and prior to the commencement of the demolition or renovation, an asbestos inspector or an asbestos management planner, accredited in accordance with Chapter 1200-01-20, shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The accredited inspector or management planner shall inspect all areas of the facility that will be affected by the demolition or renovation operation to identify the locations of all suspect ACM. For a pre-demolition inspection, destructive sampling techniques shall be utilized. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

(iii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(1):

> Provide the Technical Secretary with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

(iv) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(2):

> Update/revise the notice when any previously notified information changes, including but not limited to, when the amount of asbestos affected increases or decreases more than twenty percent, when the start or completion date changes, when the disposal site changes, or the project

has been cancelled.

(v) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(A)(2):

> Provide the Technical Secretary with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

(vi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(B)(2):

> For demolitions covered by paragraph (a)(2) of this section, provide the Technical Secretary written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

(vii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(C):

> In no event shall an operation covered by this paragraph begin on a date other than the date contained in the original written notice or the new start date contained in a revised written notice.

(viii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(ii):

> Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator. Printed name and signature of the facility owner and operator (or their representative) certifying that the notification information is correct.

(ix) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(iii):

> Type of operation: demolition or renovation. An indication of whether asbestos is present.

(x) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(5):

> The information required in paragraph (b)(4) of this section must be reported using a form available from the Technical Secretary.

(xi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(c)(8):

> Effective one year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every two years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Technical Secretary at the demolition or renovation site. Accreditation as

an accredited supervisor in accordance with Chapter 1200-01-20 shall satisfy the requirement of this paragraph.

(xii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.149(e)(1) without impacting the remainder of 40 C.F.R. § 61.149(e)(1):

Maintain asbestos waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

(xiii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.150(a)(1)(v):

For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated prior to being placed into the waste transport vehicle.

(xiv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.150(d)(1) without impacting the remainder of 40 C.F.R. § 61.150(d)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

(xv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.154(e)(1) without impacting the remainder of 40 C.F.R. § 61.154(e)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Amendments

The introductory text to paragraph (1) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety without impacting its subparagraphs and substituting instead the following:

(1) The provisions of the subparts and appendices of 40 C.F.R. Part 60 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, 2023, edition of the Code of Federal Regulations, except as provided in subparagraph (a) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (1) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety without impacting its parts and substituting instead the following:

(a) Any reference contained in 40 C.F.R. Part 60 (as published in the July 1, 2023, edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 53 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

53. 40 C.F.R. Part 60 Subpart GG: Standards of Performance for Stationary Gas Turbines;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 54 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

54. 40 C.F.R. Part 60 Subpart HH: Standards of Performance for Lime Manufacturing Plants;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 55 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

55. 40 C.F.R. Part 60 Subpart KK: Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 56 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

56. 40 C.F.R. Part 60 Subpart KKa: Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 58 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

58. 40 C.F.R. Part 60 Subpart MM: Standards of Performance for Automobile and Light Duty

Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 59 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

59. 40 C.F.R Part 60 Subpart MMa: Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 93 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

93. 40 C.F.R. Part 60 Subpart TTTa: Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Amendments

Subparagraph (b) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

(b) Emergency stationary reciprocating internal combustion engines subject to the provisions of part (1)(b)102 of Rule 0400-30-38-.01.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Subparagraph (e) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

(e) Auto body refinishing operations, which includes paint stripping and surface coating of motor vehicles and mobile equipment, subject to the provisions of part (1)(b)136 of Rule 0400-30-38-.01. However, no emission source subject to a rule in Chapter 1200-03-18 shall qualify for permit-by-rule.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Amendments

The introductory text to paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following without impacting its subparagraphs:

(1) The provisions of 40 C.F.R. Part 63 Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities) are hereby adopted by reference as published in the July 1, 2023 edition of the Code of Federal Regulations (C.F.R.), except as provided in subparagraphs (a) through (d) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary of the Tennessee Air Pollution Control Board, except for specific authorities that have not been delegated to the State of Tennessee;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

| Board Member | Aye | No | Abstain | Absent | Signature (if required) |
|---|---|---|---|---|---|
| **Dr. John Benitez** Licensed Physician with experience in health effects of air pollutants | | | | | |
| **Kyle Etheridge** Representative of Tennessee Industry | | | | | |
| **Dr. Joshua Fu** Involved with Institution of Higher Learning on air pollution evaluation and control | | | | | |
| **Mike Haverstick** Working in management in Private Manufacturing | | | | | |
| **Dr. Shawn A. Hawkins** Working in field related to Agriculture or Conservation | | | | | |
| **Caitlin Roberts Jennings** Small Generator of Air Pollution representing Automotive Interests | | | | | |
| **Dr. Chunrong Jia** Environmental Interests | | | | | |
| **Ken Moore** Working in Municipal Government | | | | | |
| **Stephen Moore** Working for Industry with technical experience | | | | | |
| **Tara Pedraza** Commissioner's Designee, Dept. of Environment and Conservation | | | | | |
| **Nicholas Ramos** Conservation Interest | | | | | |
| **Amy Spann, PE** Registered Professional Engineer | | | | | |
| **Larry Waters** County Mayor | | | | | |
| **Jimmy West** Commissioner's Designee, Dept. of Economic and Community Development | | | | | |

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 05/14/2025, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 01/06/2025

Rulemaking Hearing(s) Conducted on: (add more dates). 03/26/2025

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

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Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 0400-30-38, 0400-30-39, 1200-03-09, and 1200-03-18

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

_____
Jonathan Skrmetti
Attorney General and Reporter

_____
Date

**Department of State Use Only**

Filed with the Department of State on: _____

Effective on: _____

_____
Tre Hargett
Secretary of State

**Public Hearing Comments**

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no public comments received during the comment period.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

Small businesses are already subject to the federal New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP) that the Board is incorporating by reference. It is estimated that less than 250 small businesses per year are subject to the more current NSPS and NESHAP and likewise subject to this rulemaking.

(2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

This rulemaking does not add any additional reporting, recordkeeping, or other administrative costs. The federal NSPS and NESHAP standards already require reporting and recordkeeping for affected businesses. There is some skill necessary for preparing reports and records. An employee at a small business with a degree in engineering or environmental studies would generally prepare the reports or records; however, a college degree is not necessary to prepare required reports and records.

(3) A statement of the probable effect on impacted small businesses and consumers.

This rulemaking will not impose any additional requirements on small businesses currently subject to the NSPS and NESHAP.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

The Division of Air Pollution Control on behalf of the Board evaluated how the other states in EPA Region IV were enforcing the NSPS and NESHAP. All states in EPA Region IV other than Tennessee have incorporated the NSPS and NESHAP regulations by reference. Also, the EPA has recommended adoption by reference.

(5) A comparison of the proposed rule with any federal or state counterparts.

The other seven states in EPA Region IV have adopted NSPS and NESHAP regulations by reference. This rulemaking will have no impact on attracting or detracting economic activity in Tennessee.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Under applicable federal law, there is no exemption available for small businesses from the requirements of the NSPS and NESHAP since these regulations are based on the type and amount of air pollutants emitted from a source. The only way for a small business to no longer be subject to the requirements of the NSPS and NESHAP would be to eliminate the emission of air pollutants from the source that are subject to the NSPS or NESHAP standards.

**Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, “On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues.”

This rulemaking will not result in an increase in expenditures or decrease in revenues for local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

**(A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed amendments will update state rules to identify a more current version of the Code of Federal Regulations used in these chapters to adopt by reference the specified federal National Emission Standards for Hazardous Air Pollutants (NESHAP) from 40 C.F.R. parts 61 and 63 and the federal Standards of Performance for New Stationary Sources (NSPS) from 40 C.F.R. part 60. A cross reference in Chapter 1200-03-09 is being updated as well. The 2023 version was the most current at the time this rulemaking was open to comments from the public. By making these amendments, the Board will be able to keep state regulations in line with federal regulations and will be able to enforce the federal regulations directly. The Board is also making minor changes to the asbestos NESHAP such as allowing electronic submittals and the use of state forms. Additional minor changes include clarifying asbestos inspection procedures, who can perform an asbestos inspection, when a notification and waste generator labels are needed, and the definitions for “facility” and “visible emissions.”

**(B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Pursuant to Clean Air Act section 112, Tennessee is required to enforce the NESHAP as part of its federally authorized air program and updating state rules to identify a more current version of the Code of Federal Regulations used in Chapter 0400-30-38 will streamline permitting and compliance-related evaluations. Pursuant to Clean Air Act section 111, Tennessee is required to enforce the NSPS as part of its federally authorized air program and updating state rules to identify a more current version of the Code of Federal Regulations used in Chapter 0400-30-39 will streamline permitting and compliance-related evaluations. According to Tennessee Code Annotated section 68-201-103 the intent and purpose of Tennessee Code Annotated Title 68, Chapter 201, Part 1 is to maintain purity of the air resources of the state consistent with the protection of normal health, general welfare, and physical property of the people, maximum employment and the full industrial development of the state and for the Board to do so through the prevention, abatement, and control of air pollution by all practical and economically feasible methods.

**(C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Persons, organizations, corporations, or governmental entities most directly affected by this rule are regulated facilities that are subject to the NSPS and NESHAP. The Air Pollution Control Board has not received any indication from these persons that they object to this rulemaking. The U.S. Environmental Protection Agency is a proponent of this rulemaking.

**(D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

The Board is not aware of any opinions of the Attorney General and Reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule.

**(E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

This rule will not result in an increase in expenditures or a decrease in revenues for state or local governments.

**(F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Mark A. Reynolds
Division of Air Pollution Control
Davy Crockett Tower, Floor 7

500 James Robertson Parkway
Nashville, Tennessee 37243
mark.a.reynolds@tn.gov

**(G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Alli F. Williamson
Legislative Director
Commissioner's Office

**(H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Commissioner's Office
Tennessee Department of Environment and Conservation
Davy Crockett Tower, Floor 5
500 James Robertson Parkway
Nashville, Tennessee 37243
(629) 401-9485
Alli.F.Williamson@tn.gov

**(I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

(1) A description of the action proposed, the purpose of the action, the legal authority for the action and the plan for implementing the action.

The action proposed is to update state rules to identify a more current version of the Code of Federal Regulations used in these chapters to adopt by reference the specified federal National Emission Standards for Hazardous Air Pollutants (NESHAP) from 40 C.F.R. parts 61 and 63 and the federal Standards of Performance for New Stationary Sources (NSPS) from 40 C.F.R. part 60. By making these amendments, the Board will be able to keep the state regulations in line with the federal regulations and will be able to enforce the federal regulations directly. The Board is also making minor changes to the asbestos NESHAP such as allowing electronic submittals and the use of state forms. Additional minor changes include clarifying asbestos inspection procedures, who can perform an asbestos inspection, when a notification and waste generator labels are needed, and the definitions for "facility" and "visible emissions." The statutory authority for this rulemaking is Tennessee Code Annotated Title 68, Chapter 201, Part 1. The NSPS and NESHAP regulations protect public health by limiting the emissions of air pollution. These rules effectuate the intent of Tennessee Code Annotated section 68-201-103 "to maintain purity of the air resources of the state consistent with the protection of normal health, general welfare and physical property of the people, maximum employment and the full industrial development of the state" and for the board to do so "through the prevention, abatement and control of air pollution by all practical and economically feasible methods."

(2) A determination that the action is the least-cost method for achieving the stated purpose.

This rulemaking is believed to be the least-cost method for the State to enforce the NSPS and NESHAP regulations. The Division of Air Pollution Control (Division) evaluated how the other states in EPA Region IV were enforcing the NSPS and NESHAP regulations. The other seven states in EPA Region IV have incorporated the NSPS and NESHAP regulations by reference. Also, the EPA has recommended adoption by reference.

(3) A comparison of the cost-benefit relation of the action to nonaction.

This rulemaking updates state rules to identify a more current version of the Code of Federal Regulations used in these chapters to adopt by reference the specified federal NSPS and NESHAP and authorizes the Technical Secretary to enforce these regulations directly. There will be no additional costs associated with the proposed rule. Regulated facilities are already required to comply with the most current version of the NSPS and NESHAP regardless of whether they are incorporated in a permit, because EPA has authority under Clean Air Act sections 111 and 112 to enforce the federal NSPS and NESHAP regulations in states. If the rules are not promulgated, the Technical Secretary will not be able to enforce

the NSPS and NESHAP directly if a permit for a regulated source has not yet been issued or must be revised to incorporate the relevant NSPS and NESHAP provisions. Based on this comparison, the benefits of moving forward with this rulemaking outweigh the costs.

(4) A determination that the action represents the most efficient allocation of public and private resources.

This action represents the most efficient allocation of public and private resources. The NSPS and NESHAP regulations help protect public health by limiting the emissions of air pollution. By making these changes, the Board will fully incorporate the federal regulations so that they can be directly enforced by the Technical Secretary.

(5) A determination of the effect of the action on competition.

This rulemaking will not affect competition.

(6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

Cost of living in the geographical area in which the action would occur will not be affected.

(7) A determination of the effect of the action on employment in the geographical area in which the action would occur.

It is not anticipated that the action will affect employment.

(8) The source of revenue to be used for the action.

The action can be accommodated with existing resources.

(9) A conclusion as to the economic impact upon all persons substantially affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.

There will be no additional costs associated with this rulemaking. Regulated facilities are already required to comply with the most current version of the NSPS and NESHAP regulations regardless of whether they are incorporated in a permit, because EPA has authority under Clean Air Act sections 111 and 112 to enforce the NSPS and NESHAP regulations in states. However, this rule will allow the Technical Secretary to enforce the most current version of the federal requirements even if the provisions of the current version have not been incorporated into a permit.

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**Division of Publications**
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Email: publications.information@tnsos.gov

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Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

| | |
|---|---|
| **Agency/Board/Commission:** | Air Pollution Control Board |
| **Division:** | Air Pollution Control |
| **Contact Person:** | Mark A. Reynolds |
| **Address:** | Davy Crockett Tower, 7th Floor<br>500 James Robertson Parkway<br>Nashville, Tennessee |
| **Zip:** | 37243 |
| **Phone:** | (615) 708-0760 |
| **Email:** | mark.a.reynolds@tn.gov |

**Revision Type (check all that apply):**

X Amendment
___ New
___ Repeal

___ Content based on previous emergency rule filed on _____
___ Content is identical to the emergency rule

**Rule(s)** (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

| **Chapter Number** | **Chapter Title** |
|---|---|
| 0400-30-38 | Emission Standards for Hazardous Air Pollutants |
| **Rule Number** | **Rule Title** |
| 0400-30-38-.01 | Federal Standards Incorporated by Reference |

| **Chapter Number** | **Chapter Title** |
|---|---|
| 0400-30-39 | Standards of Performance for New Stationary Sources |
| **Rule Number** | **Rule Title** |
| 0400-30-39-.01 | Federal Standards of Performance for New Stationary Sources |

| **Chapter Number** | **Chapter Title** |
|---|---|
| 1200-03-09 | Construction and Operating Permits |
| **Rule Number** | **Rule Title** |
| 1200-03-09-.07 | Permits-by-Rule |

| **Chapter Number** | **Chapter Title** |
|---|---|
| 1200-03-18 | Volatile Organic Compounds |
| **Rule Number** | **Rule Title** |
| 1200-03-18-.24 | Gasoline Dispensing Facilities |

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to https://sos.tn.gov/publications/services/rulemaking-guidelines.

Chapter 0400-30-38
Emission Standards for Hazardous Air Pollutants

Amendments

The introductory text to paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety without impacting its subparagraphs and substituting instead the following:

(1) The provisions of the subparts and appendices of 40 ~~CFR~~ C.F.R. Part 63 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the ~~July 1, 2020~~ July 1, 2023, edition of the Code of Federal Regulations ~~(CFR)~~ (C.F.R.), except as provided in subparagraph (a) of this paragraph. ~~In certain cases, a different version of the federal regulation is incorporated by reference which will be specified in subparagraph (b) of this paragraph.~~

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety without impacting its parts and substituting instead the following:

(a) Any reference contained in 40 ~~CFR~~ C.F.R. Part 63 (as published ~~July 1, 2020~~ in the July 1, 2023, edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (1) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary of the Tennessee Air Pollution Control Board, except for specific authorities that have not been delegated to the State of Tennessee; and

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following without impacting its subparagraphs:

(2) The provisions of the subparts and appendices of 40 ~~CFR Part~~ C.F.R. Part 61 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the ~~July 1, 2020~~ July 1, 2023, edition of the Code of Federal Regulations ~~(CFR)~~ (C.F.R.), except as provided in subparagraph (a) of this paragraph. ~~In certain cases, a different version of the federal regulation is incorporated by reference which will be specified in subparagraph (b) of this paragraph.~~

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following without impacting its parts:

(a) Any reference contained in 40 ~~CFR Part~~ C.F.R. Part 61 (as published ~~July 1, 2020~~ in the July 1, 2023, edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary, except for specific authorities that have not been delegated to the State of Tennessee; and

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 13 of subparagraph (b) of paragraph (2) of Rule 0400-30-38-.01 Federal Standards for Hazardous Air Pollutants is amended by deleting it in its entirety and substituting instead the following:

13. 40 ~~CFR Part~~ C.F.R. Part 61 Subpart M: National Emission Standard for Asbestos, except:

(i) The following definitions of "facility" and "visible emissions" shall replace the definitions "facility" and "visible emissions" in 40 C.F.R. § 61.141:

"Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units under the same roof); any public bridge; any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this rule is not excluded, regardless of its current use or function.

"Visible emissions" mean any emissions that are visually detectable without the aid of instruments, coming from RACM, asbestos-containing waste material, a regulated area, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor. The definition of "regulated area" contained in 29 C.F.R. § 1910.1001(b) is hereby incorporated by reference as published in the July 1, 2023 edition of the Code of Federal Regulations.

(ii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.145(a) without impacting the remainder of 40 C.F.R. § 61.145(a):

Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity, and prior to the commencement of the demolition or renovation, an asbestos inspector or an asbestos management planner, accredited in accordance with Chapter 1200-01-20, shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The accredited inspector or management planner shall inspect all areas of the facility that will be affected by the demolition or renovation operation to identify the locations of all suspect ACM. For a pre-demolition inspection, destructive sampling techniques shall be utilized. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

(iii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(1):

Provide the Technical Secretary with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

(iv) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(2):

Update/revise the notice when any previously notified information changes, including but not limited to, when the amount of asbestos affected increases or decreases more than twenty percent, when the start or completion date changes, when the disposal site changes, or the project has been cancelled.

(v) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(A)(2):

Provide the Technical Secretary with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

(vi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(B)(2):

For demolitions covered by paragraph (a)(2) of this section, provide the Technical Secretary written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

(vii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(C):

In no event shall an operation covered by this paragraph begin on a date other than the date contained in the original written notice or the new start date contained in a revised written notice.

(viii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(ii):

Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator. Printed name and signature of the facility owner and operator (or their representative) certifying that the notification information is correct.

(ix) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(iii):

Type of operation: demolition or renovation. An indication of whether asbestos is present.

(x) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(5):

The information required in paragraph (b)(4) of this section must be reported using a form available from the Technical Secretary.

(xi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(c)(8):

Effective one year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every two years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste

disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Technical Secretary at the demolition or renovation site. Accreditation as an accredited supervisor in accordance with Chapter 1200-01-20 shall satisfy the requirement of this paragraph.

(xii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.149(e)(1) without impacting the remainder of 40 C.F.R. § 61.149(e)(1):

Maintain asbestos waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

(xiii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.150(a)(1)(v):

For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated prior to being placed into the waste transport vehicle.

(xiv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.150(d)(1) without impacting the remainder of 40 C.F.R. § 61.150(d)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

(xv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.154(e)(1) without impacting the remainder of 40 C.F.R. § 61.154(e)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Amendments

The introductory text to paragraph (1) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety without impacting its subparagraphs and substituting instead the following:

(1) The provisions of the subparts and appendices of 40 C.F.R. Part 60 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, ~~2022~~ 2023, edition of the Code of Federal Regulations, except as provided in subparagraph (a) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

The introductory text of subparagraph (a) of paragraph (1) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety without impacting its parts and substituting instead the following:

(a) Any reference contained in 40 C.F.R. Part 60 (as published in the July 1, 2023, edition of the Code of Federal Regulations) to the:

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 53 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

53. ~~Reserved~~ 40 C.F.R. Part 60 Subpart GG: Standards of Performance for Stationary Gas Turbines;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 54 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

54. ~~40 C.F.R. Part 60 Subpart GG: Standards of Performance for Stationary Gas Turbines~~ 40 C.F.R. Part 60 Subpart HH: Standards of Performance for Lime Manufacturing Plants;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 55 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

55. ~~40 C.F.R. Part 60 Subpart HH: Standards of Performance for Lime Manufacturing Plants~~ 40 C.F.R. Part 60 Subpart KK: Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 56 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

56. 40 C.F.R. Part 60 Subpart KKa: Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 58 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New

Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

58. 40 C.F.R. Part 60 Subpart MM: Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 59 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

59. ~~Reserved~~ 40 C.F.R Part 60 Subpart MMa: Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 93 of subparagraph (b) of paragraph (2) of Rule 0400-30-39-.01 Federal Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

93. ~~Reserved~~ 40 C.F.R. Part 60 Subpart TTTa: Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Amendments

Subparagraph (b) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

(b) Emergency stationary reciprocating internal combustion engines subject to the provisions of part (1)(b)102 of Rule 0400-30-38-.01.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Subparagraph (e) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

(e) Auto body refinishing operations, which includes paint stripping and surface coating of motor vehicles and mobile equipment, subject to the provisions of ~~Rule 0400-30-38-.02~~ part (1)(b)136 of Rule 0400-30-38-.01. However, no emission source subject to a rule in Chapter 1200-03-18 shall qualify for permit-by-rule.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Chapter 1200-03-18
Volatile Organic Compounds

Amendments

The introductory text to paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following without impacting its subparagraphs:

(1) The provisions of 40 ~~CFR~~ C.F.R. Part 63 Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities) are hereby adopted by reference as published in the ~~July 1, 2014~~ July 1, 2023 edition of the Code of Federal Regulations ~~(CFR)~~ (C.F.R.), except as provided in subparagraphs (a) through (d) of this paragraph.

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

Part 1 of subparagraph (a) of paragraph (1) of Rule 1200-03-18-.24 Gasoline Dispensing Facilities is amended by deleting it in its entirety and substituting instead the following:

1. Administrator shall instead be a reference to the Technical Secretary of the Tennessee Air Pollution Control Board, except for specific authorities that have not been delegated to the State of Tennessee;

Authority: T.C.A. §§ 68-201-101, et seq. and 4-5-201, et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

| Board Member | Aye | No | Abstain | Absent | Signature (if required) |
|---|---|---|---|---|---|
| **Dr. John Benitez** Licensed Physician with experience in health effects of air pollutants | | | | | |
| **Kyle Etheridge** Representative of Tennessee Industry | | | | | |
| **Dr. Joshua Fu** Involved with Institution of Higher Learning on air pollution evaluation and control | | | | | |
| **Mike Haverstick** Working in management in Private Manufacturing | | | | | |
| **Dr. Shawn A. Hawkins** Working in field related to Agriculture or Conservation | | | | | |
| **Caitlin Roberts Jennings** Small Generator of Air Pollution representing Automotive Interests | | | | | |
| **Dr. Chunrong Jia** Environmental Interests | | | | | |
| **Ken Moore** Working in Municipal Government | | | | | |
| **Stephen Moore** Working for Industry with technical experience | | | | | |
| **Tara Pedraza** Commissioner's Designee, Dept. of Environment and Conservation | | | | | |
| **Nicholas Ramos** Conservation Interest | | | | | |
| **Amy Spann, PE** Registered Professional Engineer | | | | | |
| **Larry Waters** County Mayor | | | | | |
| **Jimmy West** Commissioner's Designee, Dept. of Economic and Community Development | | | | | |

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 05/14/2025, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 01/06/2025

Rulemaking Hearing(s) Conducted on: (add more dates). 03/26/2025

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

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Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 0400-30-38, 0400-30-39, 1200-03-09, and 1200-03-18

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

_____
Jonathan Skrmetti
Attorney General and Reporter

_____
Date

**Department of State Use Only**

Filed with the Department of State on: _____

Effective on: _____

_____
Tre Hargett
Secretary of State

**Public Hearing Comments**

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no public comments received during the comment period.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

Small businesses are already subject to the federal New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP) that the Board is incorporating by reference. It is estimated that less than 250 small businesses per year are subject to the more current NSPS and NESHAP and likewise subject to this rulemaking.

(2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

This rulemaking does not add any additional reporting, recordkeeping, or other administrative costs. The federal NSPS and NESHAP standards already require reporting and recordkeeping for affected businesses. There is some skill necessary for preparing reports and records. An employee at a small business with a degree in engineering or environmental studies would generally prepare the reports or records; however, a college degree is not necessary to prepare required reports and records.

(3) A statement of the probable effect on impacted small businesses and consumers.

This rulemaking will not impose any additional requirements on small businesses currently subject to the NSPS and NESHAP.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

The Division of Air Pollution Control on behalf of the Board evaluated how the other states in EPA Region IV were enforcing the NSPS and NESHAP. All states in EPA Region IV other than Tennessee have incorporated the NSPS and NESHAP regulations by reference. Also, the EPA has recommended adoption by reference.

(5) A comparison of the proposed rule with any federal or state counterparts.

The other seven states in EPA Region IV have adopted NSPS and NESHAP regulations by reference. This rulemaking will have no impact on attracting or detracting economic activity in Tennessee.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Under applicable federal law, there is no exemption available for small businesses from the requirements of the NSPS and NESHAP since these regulations are based on the type and amount of air pollutants emitted from a source. The only way for a small business to no longer be subject to the requirements of the NSPS and NESHAP would be to eliminate the emission of air pollutants from the source that are subject to the NSPS or NESHAP standards.

**Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, “On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues.”

This rulemaking will not result in an increase in expenditures or decrease in revenues for local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

**(A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed amendments will update state rules to identify a more current version of the Code of Federal Regulations used in these chapters to adopt by reference the specified federal National Emission Standards for Hazardous Air Pollutants (NESHAP) from 40 C.F.R. parts 61 and 63 and the federal Standards of Performance for New Stationary Sources (NSPS) from 40 C.F.R. part 60. A cross reference in Chapter 1200-03-09 is being updated as well. The 2023 version was the most current at the time this rulemaking was open to comments from the public. By making these amendments, the Board will be able to keep state regulations in line with federal regulations and will be able to enforce the federal regulations directly. The Board is also making minor changes to the asbestos NESHAP such as allowing electronic submittals and the use of state forms. Additional minor changes include clarifying asbestos inspection procedures, who can perform an asbestos inspection, when a notification and waste generator labels are needed, and the definitions for “facility” and “visible emissions.”

**(B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Pursuant to Clean Air Act section 112, Tennessee is required to enforce the NESHAP as part of its federally authorized air program and updating state rules to identify a more current version of the Code of Federal Regulations used in Chapter 0400-30-38 will streamline permitting and compliance-related evaluations. Pursuant to Clean Air Act section 111, Tennessee is required to enforce the NSPS as part of its federally authorized air program and updating state rules to identify a more current version of the Code of Federal Regulations used in Chapter 0400-30-39 will streamline permitting and compliance-related evaluations. According to Tennessee Code Annotated section 68-201-103 the intent and purpose of Tennessee Code Annotated Title 68, Chapter 201, Part 1 is to maintain purity of the air resources of the state consistent with the protection of normal health, general welfare, and physical property of the people, maximum employment and the full industrial development of the state and for the Board to do so through the prevention, abatement, and control of air pollution by all practical and economically feasible methods.

**(C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Persons, organizations, corporations, or governmental entities most directly affected by this rule are regulated facilities that are subject to the NSPS and NESHAP. The Air Pollution Control Board has not received any indication from these persons that they object to this rulemaking. The U.S. Environmental Protection Agency is a proponent of this rulemaking.

**(D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

The Board is not aware of any opinions of the Attorney General and Reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule.

**(E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

This rule will not result in an increase in expenditures or a decrease in revenues for state or local governments.

**(F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Mark A. Reynolds
Division of Air Pollution Control
Davy Crockett Tower, Floor 7

500 James Robertson Parkway
Nashville, Tennessee 37243
mark.a.reynolds@tn.gov

**(G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Alli F. Williamson
Legislative Director
Commissioner's Office

**(H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Commissioner's Office
Tennessee Department of Environment and Conservation
Davy Crockett Tower, Floor 5
500 James Robertson Parkway
Nashville, Tennessee 37243
(629) 401-9485
Alli.F.Williamson@tn.gov

**(I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

(1) A description of the action proposed, the purpose of the action, the legal authority for the action and the plan for implementing the action.

The action proposed is to update state rules to identify a more current version of the Code of Federal Regulations used in these chapters to adopt by reference the specified federal National Emission Standards for Hazardous Air Pollutants (NESHAP) from 40 C.F.R. parts 61 and 63 and the federal Standards of Performance for New Stationary Sources (NSPS) from 40 C.F.R. part 60. By making these amendments, the Board will be able to keep the state regulations in line with the federal regulations and will be able to enforce the federal regulations directly. The Board is also making minor changes to the asbestos NESHAP such as allowing electronic submittals and the use of state forms. Additional minor changes include clarifying asbestos inspection procedures, who can perform an asbestos inspection, when a notification and waste generator labels are needed, and the definitions for "facility" and "visible emissions." The statutory authority for this rulemaking is Tennessee Code Annotated Title 68, Chapter 201, Part 1. The NSPS and NESHAP regulations protect public health by limiting the emissions of air pollution. These rules effectuate the intent of Tennessee Code Annotated section 68-201-103 "to maintain purity of the air resources of the state consistent with the protection of normal health, general welfare and physical property of the people, maximum employment and the full industrial development of the state" and for the board to do so "through the prevention, abatement and control of air pollution by all practical and economically feasible methods."

(2) A determination that the action is the least-cost method for achieving the stated purpose.

This rulemaking is believed to be the least-cost method for the State to enforce the NSPS and NESHAP regulations. The Division of Air Pollution Control (Division) evaluated how the other states in EPA Region IV were enforcing the NSPS and NESHAP regulations. The other seven states in EPA Region IV have incorporated the NSPS and NESHAP regulations by reference. Also, the EPA has recommended adoption by reference.

(3) A comparison of the cost-benefit relation of the action to nonaction.

This rulemaking updates state rules to identify a more current version of the Code of Federal Regulations used in these chapters to adopt by reference the specified federal NSPS and NESHAP and authorizes the Technical Secretary to enforce these regulations directly. There will be no additional costs associated with the proposed rule. Regulated facilities are already required to comply with the most current version of the NSPS and NESHAP regardless of whether they are incorporated in a permit, because EPA has authority under Clean Air Act sections 111 and 112 to enforce the federal NSPS and NESHAP regulations in states. If the rules are not promulgated, the Technical Secretary will not be able to enforce

the NSPS and NESHAP directly if a permit for a regulated source has not yet been issued or must be revised to incorporate the relevant NSPS and NESHAP provisions. Based on this comparison, the benefits of moving forward with this rulemaking outweigh the costs.

(4) A determination that the action represents the most efficient allocation of public and private resources.

This action represents the most efficient allocation of public and private resources. The NSPS and NESHAP regulations help protect public health by limiting the emissions of air pollution. By making these changes, the Board will fully incorporate the federal regulations so that they can be directly enforced by the Technical Secretary.

(5) A determination of the effect of the action on competition.

This rulemaking will not affect competition.

(6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

Cost of living in the geographical area in which the action would occur will not be affected.

(7) A determination of the effect of the action on employment in the geographical area in which the action would occur.

It is not anticipated that the action will affect employment.

(8) The source of revenue to be used for the action.

The action can be accommodated with existing resources.

(9) A conclusion as to the economic impact upon all persons substantially affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.

There will be no additional costs associated with this rulemaking. Regulated facilities are already required to comply with the most current version of the NSPS and NESHAP regulations regardless of whether they are incorporated in a permit, because EPA has authority under Clean Air Act sections 111 and 112 to enforce the NSPS and NESHAP regulations in states. However, this rule will allow the Technical Secretary to enforce the most current version of the federal requirements even if the provisions of the current version have not been incorporated into a permit.