### AGENDA

**STATE OF TENNESSEE**  
**REGULAR MEETING**  
**AIR POLLUTION CONTROL BOARD**  
Nashville Room, 3rd Floor Tennessee Tower  
312 Rosa L. Parks Avenue  
In Person and  
Remote Access Via WebEx link

**Wednesday January 12, 2022**  
**9:30 A.M.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Presenter</th>
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<tr>
<td>1. Elect Vice-Chair for 2022</td>
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<td>2. Roll Call</td>
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<td>3. Conflict of Interest</td>
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<td>4. Approval of the November 10, 2021 Board Meeting Minutes</td>
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<td>5. Amendments to TAPCR 1200-03-27-.12 (NOx SIP Call Requirements for Stationary Boilers and Combustion Turbines)</td>
<td>Travis Blake</td>
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<td>6. Source-Specific SIP for Domtar Paper Company, LLC Board Order 21-0148</td>
<td>Travis Blake</td>
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<td>7. Shelby County SSM SIP Board Order 22-001</td>
<td>Marc Corrigan</td>
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</table>

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.
Pursuant to the terms of Tenn. Code Ann. § 68-201-105(e) and Tenn. Comp. R. & Regs. 0400-30-17-.05(2), the undersigned member of the Air Pollution Control Board ("Board") discloses financial interests as of the date below that are or have the potential to become a conflict of interest (in terms of "significant portion of income") in handling a matter that may arise before the Board. The undersigned also discloses any other potential conflicts of interest (as of the date below) with regard to matters that may come before the Board.

DIRECTIONS: Check the appropriate response(s), provide any required explanation(s) in the lines below, and sign and date.

( ) The undersigned member has none of the financial interests listed below that are or could have the potential to be a conflict of interest.

( ) The undersigned member falls into one or more of the following financial categories that does or could pose a conflict of interest with a particular source because the member derives a "significant portion of income" from a particular source, as defined in rule 0400-30-17-.02(b).

Please identify all of the following which are applicable and in the space below identify the name of the source(s) in which there is financial interest. Note the exception for mutual funds and other diversified investments.*

( ) Receives 10% or more of gross personal income for a calendar year, including retirement benefits, consultant fees, and stock dividends, from persons subject to Division of Air Pollution Control permits or enforcement orders (or 50% or more of gross personal income for a calendar year if the recipient is over 60 years of age and receiving such portion pursuant to retirement, pension, or similar arrangement).

( ) Receives more than $5,000 annually in investment income from a source. Said investment is limited to those that arise from the purchase of shares of stock in the source that were purchased on the open market and generally available to any person at that price.

( ) Receives more than $100 annually due to a private investment made in a source. Said private investment is one where the purchase of stock or interest in a partnership was made directly with the source and such opportunity was not generally available to the public as a whole.
( ) Receives a salary in any amount from a source for services rendered.

( ) Sells or is about to sell property or equipment to a source. For the purposes of this part, equipment does not include consumer goods that are offered to the public at the same price offered to the source.

( ) Buys or is about to buy property or equipment from a source. For the purposes of this part, equipment does not include consumer goods that can be purchased by the public at the same price the source offered to the Technical Secretary or Board Member.

( ) Has taken out a loan from a source in any amount unless:

(i) The loan is from a financial institution whose deposits are insured by an entity of the federal government, or such loan is made in accordance with existing law and is made in the ordinary course of business. A loan is made in the ordinary course of business if the lender is in the business of making loans, and the loan bears the usual and customary interest rate of the lender for the category of loan involved is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule;

(ii) The loan is secured by a recorded security interest in collateral, bears the usual and customary interest rate of the lender for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.

*For purpose of the categories above, income derived from mutual-fund payments, or from other diversified investments as to which the recipient does not know the identity of the primary sources of income, shall be considered part of the recipient's gross personal income but shall not be treated as income derived from persons subject to permits or enforcement orders under this rule division 0400-30 or rule division 1200-03 (i.e., shall not be treated as a “significant portion of income”). Tenn. Comp. R. & Regs. 0400-30-17-.02(b).

Name of Source(s): ____________________________________________________________

( ) The undersigned has the following other potential conflicts of interest:

____________________________________________________________________________

____________________________________________________________________________
( ) The undersigned has no other potential conflicts of interest.

_________________________________________    ____________________________
Signature of Board Member                        Date

____________________________________________
Please Print Name
TENNESSEE AIR POLLUTION CONTROL BOARD

Acknowledgement -

Policy of Ethics and Conflicts of Interest Rule

Pursuant to Tenn. Code Ann. § 68-201-105(e) and Tenn. Comp. R. & Regs. 0400-30-17-.05(2), the undersigned member of the Air Pollution Control Board ("Board") acknowledges that, as of the date below, he or she has read and understands all aspects of the Board's Policy of Ethics and the Avoidance of Conflicts of Interest rule, found at Tenn. Comp. R. & Regs. 0400-30-17-.05 (the "Rule"). The undersigned also states, as a condition to serving on the Board, that he or she is not in conflict with the conditions of the Rule.

________________________________________
Signature of Board Member

________________________________________
Please Print Name

________________________________________
Date
TENNESSEE AIR POLLUTION CONTROL BOARD

Board Member Determination - Representing the Public Interest

To enable the Air Pollution Control Board ("Board") to determine whether a majority of Board members "represent the public interest", as required by Tenn. Comp. R. & Regs. 0400-30-17-.02(1), the undersigned board member indicates whether, as of the date below, he or she "represents the public interest."

DIRECTIONS: Check the appropriate response and sign and date below.

I do ( ) / I do not ( ):

Own a controlling interest in;

Have 5% or more of capital invested in;

Serve as an attorney for;

Act as a consultant for;

Serve as an officer or director of; or

Hold any other official or contractual relationship with:

(1) Either a person subject to permits or enforcement orders under this rule division, 0400-30- or rule division 1200-03**; or

(2) Any trade or business association of which such person is a member.

__________________________________________  ________________________
Signature of Board Member                           Date

______________________________________________
Please Print Name
*“Represent the public interest” means not owning a controlling interest in, having 5% or more of his or her capital invested in, serve as attorney for, act as a consultant for, serve as officer or director of, or hold any other official or contractual relationship with, either a person subject to permits or enforcement orders under this rule division, 0400-30 or rule division 1200-03, or a trade or business association of which such a person is a member. Tenn. Comp. R. & Regs. 0400-30-17-.02(2)(a)

**“Persons subject to permits or enforcement orders under this rule division, 0400-30 or rule division 1200-03” or a “source,” as used in this chapter, includes any individual, corporation, partnership, or association who holds, is an applicant for, or is subject to any permit, or who is or may become subject to any enforcement order under this rule division, 0400-30 or rule division 1200-03, except that it does not include:

1. An individual who is or may become subject to an enforcement order by reason of his or her ownership or operation of a motor vehicle,
2. Any department or agency of a state, local, or regional government; or
3. Any individual who is involved in the program of an institute of higher learning whose duties do not include the institute's compliance with this rule division, 0400-30 or rule division 1200-03. Tenn. Comp. R. & Regs. 0400-30-17-.02(2)(c).
On Wednesday November 10, 2021 at 9:30 A.M., the Air Pollution Control Board of the State of Tennessee, (hereinafter, referred to as the “Board”), began its meeting on the 3rd Floor of the Tennessee Tower in the Nashville Room. The following Board members were physically present.

Dr. Ronnè Adkins  
Dr. John Benitez  
Joshua Fu  
Mr. Richard Holland  
Mayor Ken Moore  
Ms. Caitlin Jennings  
Mayor Larry Waters  
Mr. Jimmy West

The following Board member joined the meeting via WebEx

Mr. Mike Haverstick  
Dr. Shawn Hawkins  
Dr. Churnong Jia  
Mr. Greer Tidwell

The following Board members did not attend the meeting

Ms. Amy Spann

Ms. Michelle Owenby, Director of Air Pollution Control, welcomed Board members and those attending via WebEx.

The Vice-Chair asked for a Roll Call and the response was as follows:

Dr. Adkins present  
Dr. Benitez present
The next item on the agenda was the approval of the minutes from the August 11, 2021 Board meeting. Mayor Moore made the motion to approve the minutes and Dr. Fu seconded the motion. The minutes were approved as written.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins  yes  Dr. Benitez  yes
Dr. Fu  yes  Mr. Holland  yes
Ms. Jennings  yes  Mayor Moore  yes
Mayor Waters  yes  Mr. West  yes

The motion carried with eight (8) affirmative votes.

The next item on the agenda was the approval of the minutes from the October 13, 2021 Board meeting. Mayor Moore made the motion to approve the minutes and Dr. Fu seconded the motion. The minutes were approved as written.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins  yes  Dr. Benitez  yes
Dr. Fu  yes  Mr. Holland  yes
Ms. Jennings  yes  Mayor Moore  yes
Mayor Waters  yes  Mr. West  yes  

The motion carried with eight (8) affirmative votes.

Deputy Director Jimmy Johnston with the division presented the Board with a power point presentation on the final workload analysis Board Order 21-134 and changes made to the draft workload analysis. Mr. Johnston answered questions from the Board. After discussion Mayor Moore made a motion to approve and Mr. West seconded the motion.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins  yes  Dr. Benitez  yes
Dr. Fu  yes  Mr. Holland  yes
Ms. Jennings  yes  Mayor Moore  yes
Mayor Waters  yes  Mr. West  yes

The motion carried with eight (8) affirmative votes.

Deputy Director Jimmy Johnston gave a power point presentation on the proposed changes to the Title V fee rules. The presentation included a brief summary of the statutory and regulatory requirements regarding fees in general and Title V fees specifically, the proposed changes to the Title V fee rules, information about the webinar held October 6, 2021, and the public hearing held October 18, 2021. Mr. Johnston provided a summary of the comments received on the proposed rule revisions and the Division’s responses to those comments. Mr. Johnston answered questions from the Board and recommended approval of the Title V fee rule revisions as proposed. After discussion Mayor Moore made a motion to approve and Mr. West seconded the motion.

The Vice-Chair called for a roll call and the votes were as follows:

Dr. Adkins  yes  Dr. Benitez  yes
Dr. Fu  yes  Mr. Holland  abstained
Ms. Jennings  yes  Mayor Moore  yes
Mr. Travis Blake with the division presented the Board with a power point presentation on the 2021-0110 APC Board Update on the Landfill Rule. Mr. Blake stated the Division has revised and updated the 2017 State plan, which incorporates 40 CFR 60 Subpart XXX by reference and requested stakeholder input for the rule in 2017 and again in 2020. The EPA proposed a set of technical corrections to Subpart XXX in May 2021, and the division is waiting for these corrections to be finalized before proceeding with rulemaking (since we are adopting the rule by reference, we need the most recent version). Technical corrections to Subpart XXX were expected September 2021 but have not been published. 40 CFR 62 Subpart OOO generally matches 40 CFR 60 Subparts XXX and Cf, but there are additional provisions for “legacy controlled landfills.” The federal plan does not require submittal of certain information (e.g., design capacity reports, NMOC emission rate reports) required under previous regulations. The Division has received positive comments from the regulated community on the Federal plan, but Tennessee currently does not have authority to implement and enforce 40 CFR 62 Subpart OOO. One facility has suggested that Tennessee request delegation authority from EPA in lieu of developing a state plan. Any delegation request would require public participation, Board approval, and a submittal to EPA but would not require rulemaking. Tennessee also has the option of adopting a state plan that incorporates provisions of the federal plan, such as the provisions for legacy controlled landfills. The Division is planning a third round of stakeholder input to consider a delegation request in lieu of rulemaking. The third round of stakeholder input will take comments on A) adopting state plan based on Cf, B) adopting a state plan based on Cf with some provisions from federal plan, and C) seeking delegation of the federal plan. Mr. Blake answered questions from the Board.

There being no further business to discuss Mr. Holland made a motion to adjourn and Dr. Fu seconded the motion. The meeting was adjourned at 11:06.
Revisions to TAPCR 1200-03-27-.12
Signature Copy
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).

<table>
<thead>
<tr>
<th>Agency/Board/Commission:</th>
<th>Air Pollution Control Board</th>
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<tbody>
<tr>
<td>Division:</td>
<td>Air Pollution Control</td>
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<tr>
<td>Contact Person:</td>
<td>Travis Blake</td>
</tr>
<tr>
<td>Address:</td>
<td>William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, Tennessee</td>
</tr>
<tr>
<td>Zip:</td>
<td>37243</td>
</tr>
<tr>
<td>Phone:</td>
<td>(615) 532-0617</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:travis.blake@tn.gov">travis.blake@tn.gov</a></td>
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</table>

Revision Type (check all that apply):

- [X] Amendment
- [ ] New
- [ ] Repeal

**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.)*

<table>
<thead>
<tr>
<th>Chapter Number</th>
<th>Chapter Title</th>
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<tr>
<td>1200-03-27</td>
<td>Nitrogen Oxides</td>
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<tr>
<th>Rule Number</th>
<th>Rule Title</th>
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<tr>
<td>1200-03-27-.12</td>
<td>NOx SIP Call Requirements for Stationary Boilers and Combustion Turbines</td>
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Chapter 1200-03-27
Nitrogen Oxides

Amendments

Paragraph (11) of Rule 1200-03-27-.12 NOx SIP Call Requirements for Stationary Boilers and Combustion Turbines is amended by deleting it in its entirety and substituting instead the following:

(11) Monitoring and Reporting

(a) Owners, operators, and Responsible Officials of affected units shall implement a monitoring and reporting system sufficient to attribute ozone season NOx mass emissions to each unit. The applicable monitoring, recordkeeping, and reporting requirements set out in 40 CFR Part 75 Subpart H, shall be the required monitoring method for all affected units unless and until an approved alternative monitoring method is incorporated into a federally enforceable construction or operating permit issued for the affected unit, at which time that approved monitoring method shall be the required monitoring method for the unit. NOx mass emissions measurements recorded and reported in accordance with an approved monitoring method implemented pursuant to this subparagraph shall be used to determine compliance with the NOx budgets allocated in accordance with paragraph (6) of this rule. For sources that monitor in accordance with 40 CFR Part 75 Subpart H, a monitoring alternative for which EPA authorizes direct reporting to EPA pursuant to 40 CFR Part 75, the Responsible Official shall be authorized as provided in, and shall certify each submission and may delegate the Responsible Official’s authority in accordance with, 40 CFR 72 subpart B. The approved alternative monitoring methods are:

1. 40 CFR 60 Subpart D to determine NOx emission rate in lb/MBBtu, multiplied by measured fuel consumption in MMBtu to determine NOx mass emissions;
2. 40 CFR 60 Subpart Db to determine NOx emission rate in lb/MBBtu, multiplied by measured fuel consumption in MMBtu to determine NOx mass emissions; or
3. An alternative monitoring method approved by EPA in a revision to the State Implementation Plan. Alternative methodologies must address monitoring, recordkeeping, and reporting procedures, including direct reporting of NOx emissions to the Technical Secretary for each control period.

(b) Reserved.

(c) An application submitted to the Technical Secretary for a construction or operating permit requesting to use an alternative monitoring method listed in part (a)1 or 2 of this paragraph shall include a description of the overall monitoring program for conducting continuous in-stack monitoring for NOx mass emissions. To be approvable, the program must address the following:

1. Specifications demonstrating that the proposed monitoring instruments will meet the requirements of 40 CFR 60, Appendix B;
2. Specifications for the proposed fuel flow meter and a discussion of how the fuel Btu content will be determined;
3. Proposed location(s) of the monitoring instruments in the effluent gas stream;
4. Proposed procedures for conducting performance specification testing of the monitoring instruments in units of the applicable standard;
5. Proposed ongoing monitoring instrument quality assurance procedures;
6. Procedures for addressing missing data; and

7. Proposed format for the reporting of data.

(d) An affected facility or affected unit monitoring in accordance with parts (a)1, (a)2, or (a)3 of this paragraph must directly report NOx emissions to the Technical Secretary for each control period and may not report directly to EPA under 40 CFR Part 75 unless EPA expressly authorizes such reporting when approving a source-specific SIP revision.

(e) For each control period, the approved monitoring method in effect at midnight on the first day (May 1) of a control period shall be used for the entire control period.

(f) No later than January 31 following the end of each control period, the Technical Secretary will report to the Administrator the total NOx mass emissions (in tons) from affected units subject to this rule and certify compliance with the NOx budget established by paragraph (5) of this rule and the allowances allocated to each affected unit as specified in paragraph (6) of this rule.

(g) References to the Code of Federal Regulations in this paragraph (11) are to be regulations as published in the July 1, 2020, edition of the Code of Federal Regulations.

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:

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Aye</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Signature (if required)</th>
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<tbody>
<tr>
<td>Dr. Ronné Adkins</td>
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<td>Commissioner’s Designee, Dept. of Environment and Conservation</td>
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<td>Dr. John Benitez</td>
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<td>Licensed Physician with experience in health effects of air pollutants</td>
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<td>Dr. Chunrong Jia</td>
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<td>Environmental Interests</td>
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<td>Dr. Shawn A. Hawkins</td>
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<td>Working in field related to Agriculture or Conservation</td>
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<td>Richard Holland</td>
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<td>Working for Industry with technical experience</td>
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<td>Caitlin Roberts Jennings</td>
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<td>Small Generator of Air Pollution representing Automotive Interests</td>
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<td>Ken Moore</td>
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<td>Working in Municipal Government</td>
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<td>Dr. Joshua Fu</td>
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<td>Involved with Institution of Higher Learning on air pollution evaluation and control</td>
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<td>Mike Haverstick</td>
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<td>Working in management in Private Manufacturing</td>
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<td>Amy Spann, PE</td>
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<td>Registered Professional Engineer</td>
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<td>Greer Tidwell, Jr.</td>
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<td>Conservation Interest</td>
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<td>Larry Waters</td>
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<td>County Mayor</td>
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<td>Jimmy West</td>
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<td>Commissioner’s Designee, Dept. of Economic and Community Development</td>
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<td>Stephen Moore</td>
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<td>Working for Industry with technical experience</td>
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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 ____________ 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: 08/24/2021

Rulemaking Hearing(s) Conducted on: (add more dates) 11/02/2021

Date: _____________________
Signature: _____________________
Name of Officer: Michelle W. Owenby
Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board
Rule Chapter Number(s): 1200-03-27

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.

Herbert H. Slatery III
Attorney General and Reporter

Department of State Use Only

Filed with the Department of State on: _
Effective on: _

Tre Hargett
Secretary of State
Public Hearing Comments

The public hearing for this permit was held on November 2, 2021. The following comments were received during the public comment period.

The following comments were submitted by U. S. EPA:

1. Comment: TAPCR 1200-03-27-.12(11) Proposed SIP Amendment – Pursuant to 40 CFR 51.122(c)(1)(i), Tennessee has an obligation to report ozone season NOx mass emissions to the EPA. When sources are reporting under [40 CFR] Part 75 monitoring and reporting, states do not have to report emissions data to the EPA because the sources are doing so directly. However, if [40 CFR] Part 75 monitoring and reporting is replaced with an alternative monitoring methodology, the State should report to the EPA the total ozone season NOx mass emissions data and verify compliance with the NOx budget rather than the source.

   Therefore, the EPA requests Tennessee establish either a SIP provision at 1200-03-27-.12(11)(d) or a commitment in the final SIP revision package that the Technical Secretary shall report to the EPA by January 31st (following the end of the control period), the total NOx mass emissions (in tons) from affected units subject to 1200-03-27-12 and verify compliance with the NOx budget at 1200-03-27-.12(5) and allowances allocated to each affected unit specified at 1200-03-27-.12(6). The emission report should be in tabular form and include a certification statement of compliance with the state NOx Budget. Alternatively, the EPA Region is available for further discussion on an alternative reporting consideration.

   Response: The Board added a subparagraph (1200-03-27-.12(11)(f)) to the final rule, which addresses EPA's comment.

2. Comment: The EPA recommends Tennessee include an “or” at the end of Rule 1200-03-27-.12(11)(a2).

   Response: The Board updated the rule to make the recommended correction.
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.

The Air Pollution Control Board (“Board”) anticipates that no small businesses will bear the cost of, or directly benefit from, these amended rules. None of the existing facilities subject to the amended rules are small businesses. Because this rule affects large emission sources in capital intensive industries (chemical plants, paper mills, and similar industries), the Board believes that any new source subject to this rulemaking would not be owned or operated by small businesses.

(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.

With respect to small businesses, the Board anticipates that there would be no 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.

(3) A statement of the probable effect on impacted small businesses and consumers.

This rulemaking applies to large industrial sources only and is not expected to have any economic impact on small businesses.

(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.

This rulemaking is less burdensome than the existing rule. If a specific facility does not wish to comply with the proposed rule change, it may continue to comply with their existing requirements by monitoring NOₓ emissions in accordance with 40 CFR Part 75 (as published in the July 1, 2020, edition of the Code of Federal Regulations). This rulemaking is not projected to impact small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts.

At least one state (South Carolina) has adopted similar provisions (S.C. Code Regs. 61-62.96). South Carolina’s rule contains similar provisions to this rulemaking (use of 40 CFR Part 60 as alternative monitoring provisions) but does not include a general provision that allows other alternatives to be adopted in the State Implementation Plan.

(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.

The proposed rule is not projected to impact small businesses because the NOₓ SIP Call affects large emission sources in capital intensive industries.
Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly.)

The Board does not believe that these amended rules will have a projected financial impact on 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;

This rulemaking amends Tennessee Air Pollution Control Rule 1200-03-27-.12(11) to include additional monitoring methods for nitrogen oxides (NO\textsubscript{x}), including the current versions of 40 CFR 60 Subpart D, 40 CFR 60 Subpart Db, and a source-specific alternative approved as a revision to the State Implementation Plan (SIP). Currently, all facilities subject to this regulation are required to monitor NO\textsubscript{x} emissions using the methods specified in 40 CFR Part 75, and the changes allow facilities to monitor NO\textsubscript{x} emissions at a lower cost. This rule change also removes the petition requirements of Rule 1200-03-27-.12(11)(b).

(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;

The rulemaking is not required to comply with current state or federal law. 40 CFR § 51.121 (NO\textsubscript{x} SIP Call) requires SIPs to prohibit sources and other activities from emitting NO\textsubscript{x} in amounts that will contribute significantly to nonattainment in one or more other states with respect to the one-hour ozone NAAQS. The federal rule also specifies control measures for states that elect to meet those requirements by controlling emissions from boilers, combustion turbines, or combined cycle units with a maximum design heat input greater than 250 MMBtu/hr. Prior to September 27, 2018, the federal regulation included a requirement to monitor NO\textsubscript{x} emissions in accordance with 40 CFR Part 75. On September 27, 2018, EPA amended the NO\textsubscript{x} SIP Call regulation to allow NO\textsubscript{x} emissions monitoring using alternatives to 40 CFR Part 75.

(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 rulemaking are fossil fuel-fired boilers and combustion turbines which do not produce electricity for retail sale, including the following facilities:

- Packaging Corporation of America
- Tate & Lyle, Loudon
- Resolute FP, US, Inc.
- Eastman Chemical Company
- The Valero Refining Company - Tennessee, LLC
- Tennessee Valley Authority, Cumberland Fossil Plant (startup boilers only)
- Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)

The Division of Air Pollution Control has not received any indication from these persons that they object to 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 rulemaking is unlikely to lead to an increase or decrease in state and local revenues and expenditures.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

This rulemaking amends Tennessee Air Pollution Control Rule 1200-03-27-.12(11) to include additional monitoring methods for nitrogen oxides (NO\textsubscript{x}), including the current versions of 40 CFR 60 Subpart D, 40 CFR 60 Subpart Db, and a source-specific alternative approved as a revision to the State Implementation Plan (SIP). Currently, all facilities subject to this regulation are required to monitor NO\textsubscript{x} emissions using the methods specified in 40 CFR Part 75, and the changes allow facilities to monitor NO\textsubscript{x} emissions at a lower cost. This rule change also removes the petition requirements of Rule 1200-03-27-.12(11)(b).

(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;

The rulemaking is not required to comply with current state or federal law. 40 CFR § 51.121 (NO\textsubscript{x} SIP Call) requires SIPs to prohibit sources and other activities from emitting NO\textsubscript{x} in amounts that will contribute significantly to nonattainment in one or more other states with respect to the one-hour ozone NAAQS. The federal rule also specifies control measures for states that elect to meet those requirements by controlling emissions from boilers, combustion turbines, or combined cycle units with a maximum design heat input greater than 250 MMBtu/hr. Prior to September 27, 2018, the federal regulation included a requirement to monitor NO\textsubscript{x} emissions in accordance with 40 CFR Part 75. On September 27, 2018, EPA amended the NO\textsubscript{x} SIP Call regulation to allow NO\textsubscript{x} emissions monitoring using alternatives to 40 CFR Part 75.

(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 rulemaking are fossil fuel-fired boilers and combustion turbines which do not produce electricity for retail sale, including the following facilities:

- Packaging Corporation of America
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The Division of Air Pollution Control has not received any indication from these persons that they object to 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 rulemaking is unlikely to lead to an increase or decrease in state and local revenues and expenditures.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;
(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Horace Tipton
Legislative Liaison
Office of General Counsel

(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

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-5339
Horace.Tipton@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 the adoption of the rules contained herein on the NOX SIP Call (TAPCR 1200-03-27-.12) to revise the monitoring requirements of the existing regulation. These rules are implemented pursuant to Tennessee Code Annotated, Title 68, Chapter 201 and the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

(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 to monitor NOX emissions from fossil fuel-fired boilers and combustion turbines.

(3) A comparison of the cost-benefit relation of the action to nonaction.

This rulemaking is being promulgated to revise the NOX monitoring requirements for large boilers and combustion turbines. The annual savings associated with this amendment are estimated to be between $21,500 and $60,000 for each affected boiler, based on discussions with two facilities subject to the rule. 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 because the change will provide savings to the regulated community with minimal additional cost to the Division of Air Pollution Control.

(5) A determination of the effect of the action on competition.

This rulemaking would have minimal or no impact on competition in the marketplace. For large industrial operations, the barriers to entry are substantial for reasons that are unrelated to this rulemaking (e.g., high capital and operating costs).
(6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

The cost of living in the geographical area(s) 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.

This action will allow sources subject to the NO\textsubscript{X} SIP Call to monitor NO\textsubscript{X} emissions using alternative monitoring methods that may be implemented at a lower cost compared to the existing rules. The facilities listed below will directly or indirectly benefit from this action by saving on NO\textsubscript{X} monitoring costs.

- Packaging Corporation of America
- Tate & Lyle, Loudon
- Resolute FP, US, Inc.
- Eastman Chemical Company
- The Valero Refining Company - Tennessee, LLC
- Tennessee Valley Authority, Cumberland Fossil Plant (startup boilers only)
- Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)
Revisions to TAPCR 1200-03-27-.12
Redline/Strikeout
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: Travis Blake
Address: William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee
Zip: 37243
Phone: (615) 532-0617
Email: travis.blake@tn.gov

Revision Type (check all that apply):

☒ Amendment

___ New

___ Repeal

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.)

<table>
<thead>
<tr>
<th>Chapter Number</th>
<th>Chapter Title</th>
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<tr>
<td>1200-03-27</td>
<td>Nitrogen Oxides</td>
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<td></td>
<td>NOx SIP Call Requirements for Stationary Boilers and Combustion Turbines</td>
<td>1200-03-27-.12</td>
<td>NOx SIP Call Requirements for Stationary Boilers and Combustion Turbines</td>
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</table>
Paragraph (11) of Rule 1200-03-27-.12 NOx SIP Call Requirements for Stationary Boilers and Combustion Turbines is amended by deleting it in its entirety and substituting instead the following:

(11) Monitoring and Reporting

(a) Except as otherwise allowed in subparagraph (b) of this paragraph, the owners and operators, and to the extent applicable, the Owners, operators, and Responsible Official—Officials of an affected unit shall comply with the applicable monitoring, recordkeeping, and reporting requirements provided in 40 CFR part 75 for each control period: implement a monitoring and reporting system sufficient to attribute ozone season NOx mass emissions to each unit. The applicable monitoring, recordkeeping, and reporting requirements set out in 40 CFR Part 75 Subpart H, shall be the required monitoring method for all affected units unless and until an approved alternative monitoring method is incorporated into a federally enforceable construction or operating permit issued for the affected unit, at which time that approved monitoring method shall be the required monitoring method for the unit. NOx mass emissions measurements recorded and reported in accordance with an approved monitoring method implemented pursuant to this subparagraph shall be used to determine compliance with the NOx budgets allocated in accordance with paragraph (6) of this rule. For sources that monitor in accordance with 40 CFR Part 75 Subpart H, or a monitoring alternative for which EPA authorizes direct reporting to EPA pursuant to 40 CFR Part 75, the Responsible Official shall be authorized as provided in, and shall certify each submission and may delegate his or her the Responsible Official's authority in accordance with, 40 CFR 72 subpart B. The approved alternative monitoring methods are:

1. 40 CFR 60 Subpart D to determine NOx emission rate in lb/MMBtu, multiplied by measured fuel consumption in MMBtu to determine NOx mass emissions;

2. 40 CFR 60 Subpart Db to determine NOx emission rate in lb/MMBtu, multiplied by 
measured fuel consumption in MMBtu to determine NOx mass emissions; or

3. An alternative monitoring method approved by EPA in a revision to the State Implementation Plan. Alternative methodologies must address monitoring, recordkeeping, and reporting procedures, including direct reporting of NOx emissions to the Technical Secretary for each control period.

(b) Reserved. Petitions. The Responsible Official of an affected unit may submit a petition to the Technical Secretary and the Administrator requesting approval of an alternative to any requirement of this paragraph. The application of any alternative to any requirement of this paragraph is granted only to the extent that the petition is approved in writing by both the Technical Secretary and the Administrator.

(c) An application submitted to the Technical Secretary for a construction or operating permit requesting to use an alternative monitoring method listed in part (a)1 or 2 of this paragraph shall include a program for conducting continuous in-stack monitoring for NOx mass emissions. To be approvable, the program must address the following:

1. A description of the overall monitoring program;

2. Specifications demonstrating that the proposed monitoring instruments will meet the requirements of 40 CFR 60, Appendix B;
3. Specifications for the proposed fuel flow meter and a discussion of how the fuel Btu content will be determined;

4. Proposed location(s) of the monitoring instruments in the effluent gas stream;

5. Proposed procedures for conducting performance specification testing of the monitoring instruments in units of the applicable standard;

6. Proposed ongoing monitoring instrument quality assurance procedures;

7. Procedures for addressing missing data; and

8. Proposed format for the reporting of data.

(d) An affected facility or affected unit monitoring in accordance with parts (a)1, (a)2, or (a)3 of this paragraph must directly report NO\textsubscript{X} emissions to the Technical Secretary for each control period and may not report directly to EPA under 40 CFR Part 75 unless EPA expressly authorizes such reporting when approving a source-specific SIP revision.

(e) For each control period, the approved monitoring method in effect at midnight on the first day (May 1) of a control period shall be used for the entire control period.

(f) No later than January 31 following the end of each control period, the Technical Secretary will report to the Administrator the total NO\textsubscript{X} mass emissions (in tons) from affected units subject to this rule and certify compliance with the NO\textsubscript{X} budget by paragraph (5) of this rule the allowances allocated to each affected unit specified in paragraph (6) of this rule.

(g) References to the Code of Federal Regulations in this paragraph (11) are to be regulations as published in the July 1, 2020, edition of the Code of Federal Regulations.

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:

<table>
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<tr>
<th>Board Member</th>
<th>Aye</th>
<th>No</th>
<th>Abstain</th>
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<th>Signature (if required)</th>
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<td>Dr. Ronné Adkins</td>
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<td>Commissioner’s Designee, Dept. of Environment and Conservation</td>
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<td>Dr. John Benitez</td>
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<td>Licensed Physician with experience in health effects of air pollutants</td>
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<td>Dr. Chunrong Jia</td>
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<td>Environmental Interests</td>
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<td>Dr. Shawn A. Hawkins</td>
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<td>Richard Holland</td>
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<td>Working for Industry with technical experience</td>
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<td>Caitlin Roberts Jennings</td>
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<td>Small Generator of Air Pollution representing Automotive Interests</td>
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<td>Ken Moore</td>
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<td>Working in Municipal Government</td>
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<td>Dr. Joshua Fu</td>
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<td>Involved with Institution of Higher Learning on air pollution evaluation and control</td>
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<td>Mike Haverstick</td>
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<td>Working in management in Private Manufacturing</td>
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<td>Amy Spann, PE</td>
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<td>Registered Professional Engineer</td>
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<td>Greer Tidwell, Jr.</td>
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<td>Conservation Interest</td>
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<td>Larry Waters</td>
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<td>Jimmy West</td>
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<td>Commissioner’s Designee, Dept. of Economic and Community Development</td>
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<td>Vacant</td>
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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 ____________ 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: 08/24/2021

Rulemaking Hearing(s) Conducted on: (add more dates) 11/02/2021

Date: ______________________

Signature: ____________________

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 1200-03-27

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.

__________________________
Herbert H. Slatery III
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

The public hearing for this permit was held on November 2, 2021. The following comments were received during the public comment period.

The following comments were submitted by U. S. EPA:

1. Comment: TAPCR 1200-03-27-.12(11) Proposed SIP Amendment – Pursuant to 40 CFR 51.122(c)(1)(i), Tennessee has an obligation to report ozone season NO\textsubscript{X} mass emissions to the EPA. When sources are reporting under [40 CFR] Part 75 monitoring and reporting, states do not have to report emissions data to the EPA because the sources are doing so directly. However, if [40 CFR] Part 75 monitoring and reporting is replaced with an alternative monitoring methodology, the State should report to the EPA the total ozone season NO\textsubscript{X} mass emissions data and verify compliance with the NOx budget rather than the source.

Therefore, the EPA requests Tennessee establish either a SIP provision at 1200-03-27-.12(11)(d) or a commitment in the final SIP revision package that the Technical Secretary shall report to the EPA by January 31st (following the end of the control period), the total NO\textsubscript{X} mass emissions (in tons) from affected units subject to 1200-03-27-.12 and verify compliance with the NO\textsubscript{X} budget at 1200-03-27-.12(5) and allowances allocated to each affected unit specified at 1200-03-27-.12(6). The emission report should be in tabular form and include a certification statement of compliance with the state NO\textsubscript{X} Budget. Alternatively, the EPA Region is available for further discussion on an alternative reporting consideration.

Response: The Board added a subparagraph (1200-03-27-.12(11)(f)) to the final rule, which addresses EPA's comment.

2. Comment: The EPA recommends Tennessee include an "or" at the end of Rule 1200-03-27-.12(11)(a2).

Response: The Board updated the rule to make the recommended correction.
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.

The Air Pollution Control Board ("Board") anticipates that no small businesses will bear the cost of, or directly benefit from, these amended rules. None of the existing facilities subject to the amended rules are small businesses. Because this rule affects large emission sources in capital intensive industries (chemical plants, paper mills, and similar industries), the Board believes that any new source subject to this rulemaking would not be owned or operated by small businesses.

(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.

With respect to small businesses, the Board anticipates that there would be no 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.

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This rulemaking is less burdensome than the existing rule. If a specific facility does not wish to comply with the proposed rule change, it may continue to comply with their existing requirements by monitoring NOx emissions in accordance with 40 CFR Part 75 (as published in the July 1, 2020, edition of the Code of Federal Regulations). This rulemaking is not projected to impact small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts.

At least one state (South Carolina) has adopted similar provisions (S.C. Code Regs. 61-62.96). South Carolina’s rule contains similar provisions to this rulemaking (use of 40 CFR Part 60 as alternative monitoring provisions) but does not include a general provision that allows other alternatives to be adopted in the State Implementation Plan.

(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.

The proposed rule is not projected to impact small businesses because the NOx SIP Call affects large emission sources in capital intensive industries.
Impact on Local Governments

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The Board does not believe that these amended rules will have a projected financial impact on 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;

This rulemaking amends Tennessee Air Pollution Control Rule 1200-03-27-.12(11) to include additional monitoring methods for nitrogen oxides (NO\textsubscript{x}), including the current versions of 40 CFR 60 Subpart D, 40 CFR 60 Subpart Db, and a source-specific alternative approved as a revision to the State Implementation Plan (SIP). Currently, all facilities subject to this regulation are required to monitor NO\textsubscript{x} emissions using the methods specified in 40 CFR Part 75, and the changes allow facilities to monitor NO\textsubscript{x} emissions at a lower cost. This rule change also removes the petition requirements of Rule 1200-03-27-.12(11)(b).

(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;

The rulemaking is not required to comply with current state or federal law. 40 CFR § 51.121 (NO\textsubscript{x} SIP Call) requires SIPs to prohibit sources and other activities from emitting NO\textsubscript{x} in amounts that will contribute significantly to nonattainment in one or more other states with respect to the one-hour ozone NAAQS. The federal rule also specifies control measures for states that elect to meet those requirements by controlling emissions from boilers, combustion turbines, or combined cycle units with a maximum design heat input greater than 250 MMBtu/hr. Prior to September 27, 2018, the federal regulation included a requirement to monitor NO\textsubscript{x} emissions in accordance with 40 CFR Part 75. On September 27, 2018, EPA amended the NO\textsubscript{x} SIP Call regulation to allow NO\textsubscript{x} emissions monitoring using alternatives to 40 CFR Part 75.

(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 rulemaking are fossil fuel-fired boilers and combustion turbines which do not produce electricity for retail sale, including the following facilities:

- Packaging Corporation of America
- Tate & Lyle, Loudon
- Resolute FP, US, Inc.
- Eastman Chemical Company
- The Valero Refining Company - Tennessee, LLC
- Tennessee Valley Authority, Cumberland Fossil Plant (startup boilers only)
- Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)

The Division of Air Pollution Control has not received any indication from these persons that they object to 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 rulemaking is unlikely to lead to an increase or decrease in state and local revenues and expenditures.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;
(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Horace Tipton
Legislative Liaison
Office of General Counsel

(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

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-5339
Horace.Tipton@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 the adoption of the rules contained herein on the NOX SIP Call (TAPCR 1200-03-27-.12) to revise the monitoring requirements of the existing regulation. These rules are implemented pursuant to Tennessee Code Annotated, Title 68, Chapter 201 and the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

(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 to monitor NOX emissions from fossil fuel-fired boilers and combustion turbines.

(3) A comparison of the cost-benefit relation of the action to nonaction.

This rulemaking is being promulgated to revise the NOX monitoring requirements for large boilers and combustion turbines. The annual savings associated with this amendment are estimated to be between $21,500 and $60,000 for each affected boiler, based on discussions with two facilities subject to the rule. 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 because the change will provide savings to the regulated community with minimal additional cost to the Division of Air Pollution Control.

(5) A determination of the effect of the action on competition.

This rulemaking would have minimal or no impact on competition in the marketplace. For large industrial operations, the barriers to entry are substantial for reasons that are unrelated to this rulemaking (e.g., high capital and operating costs).
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<table>
<thead>
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<tbody>
<tr>
<td>(6)</td>
<td>A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.</td>
</tr>
<tr>
<td></td>
<td>The cost of living in the geographical area(s) in which the action would occur will not be affected.</td>
</tr>
<tr>
<td>(7)</td>
<td>A determination of the effect of the action on employment in the geographical area in which the action would occur.</td>
</tr>
<tr>
<td></td>
<td>It is not anticipated that the action will affect employment.</td>
</tr>
<tr>
<td>(8)</td>
<td>The source of revenue to be used for the action.</td>
</tr>
<tr>
<td></td>
<td>The action can be accommodated with existing resources.</td>
</tr>
<tr>
<td>(9)</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>This action will allow sources subject to the NOx SIP Call to monitor NOx emissions using alternative monitoring methods that may be implemented at a lower cost compared to the existing rules. The facilities listed below will directly or indirectly benefit from this action by saving on NOx monitoring costs.</td>
</tr>
<tr>
<td></td>
<td>• Packaging Corporation of America</td>
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<td>• Tate &amp; Lyle, Loudon</td>
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<td>• Tennessee Valley Authority, Johnsonville Cogeneration (auxiliary boilers only)</td>
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</tbody>
</table>
Domtar Paper Company, LLC

NOx SIP Call Permit 079291
Board Order 21-148
Clean Air Act §110(l) Demonstration
Response to EPA Comments
### OPERATING PERMIT Issued Pursuant to Tennessee Air Quality Act

<table>
<thead>
<tr>
<th>Issue Date:</th>
<th>Permit Number: 079291</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issued To:</td>
<td>Facility ID: 82-0022</td>
</tr>
<tr>
<td>Domtar Paper Company, LLC dba Kingsport Mill</td>
<td>Installation Address</td>
</tr>
<tr>
<td>100 Clinchfield Street</td>
<td>Kingsport</td>
</tr>
<tr>
<td>Installation Description</td>
<td>Emission Source Reference No.</td>
</tr>
<tr>
<td>No. 2 Power Boiler</td>
<td>82-0022-34</td>
</tr>
<tr>
<td>SIP</td>
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</tbody>
</table>

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).

**CONDITIONS:**

1. Pursuant to 40 CFR §51.121(i)(1), upon issuance of this permit, approval of this permit into Tennessee’s State Implementation Plan by U. S. EPA, and approval of the monitoring program specified in **Condition 3** of this permit, the permittee may demonstrate compliance with TAPCR 1200-03-27-.12 by monitoring nitrogen oxides (NO\textsubscript{X}) emissions from the No. 2 Power Boiler using the alternative NO\textsubscript{X} monitoring provisions contained in **Conditions 2 through 5** of this permit in lieu of the requirements established by TAPCR 1200-03-27-.12(11)(a).

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

______________________________
TECHNICAL SECRETARY

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.

**POST AT INSTALLATION ADDRESS**
2. Pursuant to 40 CFR §51.121(i)(1), upon issuance of this permit and approval of this permit into Tennessee’s State Implementation Plan by U.S. EPA, the permittee may demonstrate compliance with TAPCR 1200-03-27-.12 by monitoring NO\textsubscript{X} emissions from the No. 2 Power Boiler using the monitoring methodologies for NO\textsubscript{X} emission rate set forth in 40 CFR Part 60, Appendix B in combination with monitoring of heat input. The permittee must continue to monitor NO\textsubscript{X} emissions in accordance with TAPCR 1200-03-27-.12(11)(a) and 40 CFR Part 75 until the monitoring plan required by **Condition 3** is approved and all required certification testing is performed and approved by the Technical Secretary.

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

3. The permittee shall submit a program for conducting continuous in-stack monitoring for NO\textsubscript{X} mass emissions for approval. To be approvable the program shall address the following:

(a) A description of the overall monitoring program;

(b) Specifications demonstrating that the proposed monitoring instruments will meet the requirements of 40 CFR 60, Appendix B;

(c) Specifications for the proposed fuel flow meter and a discussion of how the fuel Btu content will be determined;

(d) Proposed location(s) of the monitoring instruments on the boiler effluent gas stream;

(e) Proposed procedures for conducting performance specification testing of the monitoring instruments in units of the applicable standard (i.e., NO\textsubscript{X} mass emissions);

(f) Proposed ongoing monitoring instrument quality assurance procedures (40 CFR 60, Appendix F or approved alternative);

(g) Procedures for addressing missing data (40 CFR 75, Appendix D or approved alternative); and

(h) Proposed format for the reporting of data.

The report shall be submitted to the Technical Secretary at the following address:

Division of Air Pollution Control  
Attn: Compliance Validation Program  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 15th Floor  
Nashville, TN 37243  
e-mail (PDF): Air.Pollution.Control@tn.gov

**Note:** The permittee has previously submitted documentation for paragraphs (b), (d), and (e) of this condition, and no further action is required for these items as long as the currently certified monitoring system continues to be used as previously approved.

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

4. The permittee shall calculate NO\textsubscript{X} mass emissions (in tons) for each control period and report the total to the Technical Secretary no later than December 31 following the end of the control period. NO\textsubscript{X} emission rates shall be calculated from continuous emissions monitoring system (CEMS) measurements using Method 19 in Appendix A-7 to 40 CFR Part 60.
(a) For each hour in the control period:

(i) Calculate the \( NO_X \) emission rate in lb/MMBtu;

(ii) Measure fuel flow rate and calculate the heat input in MMBtu; and

(iii) Calculate \( NO_X \) emissions as the \( NO_X \) emission rate in lb/MMBtu multiplied by the heat input in MMBtu.

(b) At the end of the control period, calculate the total \( NO_X \) emissions as the sum of the hourly \( NO_X \) emissions for each hour. Divide the total \( NO_X \) emissions by 2,000 to calculate the total \( NO_X \) emissions in tons, and report the total \( NO_X \) emissions to the Technical Secretary at the following address:

Division of Air Pollution Control
Attn: Emissions Inventory and Special Projects
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243
E-mail (PDF): Air.Pollution.Control@tn.gov

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)

5. The permittee shall maintain records of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. These records shall be retained for at least five years following the end of the control period in which such measurements, maintenance, reports, and records were collected.

TAPCR 1200-03-09-.03(8), 40 CFR §51.121(i)(1)
The following matter came before the Tennessee Air Pollution Control Board on January 12, 2022.

On June 21, 2021, the Division of Air Pollution Control issued PSD construction permit 978656, which allowed Domtar Paper Company, LLC (Domtar) to convert an idled soda pulp and paper mill to produce containerboard from 100% recycled material. This project included the conversion of Domtar’s existing soda recovery furnace (redesignated as the No. 2 Power Boiler) to burn only natural gas and ultra-low sulfur diesel. The repowered boiler meets the definition of an “affected unit” pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combusts, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

On August 13, 2021, Domtar submitted a petition for a source-specific revision to the Tennessee State Implementation Plan (SIP) for the NOX SIP Call monitoring requirements for the No. 2 Power Boiler at Domtar’s Kingsport Mill. The requested revision allows Domtar to comply with the monitoring requirements established by 40 CFR Part 60 in lieu of the requirements established by 40 CFR Part 75.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-27-.12 (NOX SIP Call Requirements for Stationary Boilers and Combustion Turbines) limits emissions of nitrogen oxides (NOX) during the regulatory ozone season (May 1 through September 30 of each year) and TAPCR 1200-03-27-.12(11)(a) requires the owners and operators of an affected unit to comply with the applicable monitoring, recordkeeping, and reporting requirements provided in 40 CFR part 75 for each ozone season. TAPCR 1200-03-27-.12(11)(b) allows the Responsible Official of an affected unit to petition the Technical Secretary for approval of monitoring alternatives.

On March 8, 2019, EPA published a final rule (84 FR 8422) allowing states to amend their SIPs to establish emissions monitoring alternatives to Part 75 for units subject to the NOX SIP Call. SIPs that approve alternatives to Part 75 must continue to include some form of emissions monitoring requirements for these types of sources, consistent with the NOX SIP Call’s general enforceability and monitoring requirements at § 51.121(f)(1) and (i)(1).

Domtar’s petition requests approval to use 40 CFR Part 60 Appendix B (Performance Specification 2—Specifications and Test Procedures for SO2 and NOX Continuous Emission Monitoring Systems in Stationary Sources) as an alternative to the CEMS requirements of Part 75. The petition states that another
boiler, which is not subject to the NO\textsubscript{X} SIP Call, operates CEMS in accordance with 40 CFR Part 60, and Domtar wishes to comply with the same monitoring requirements for both boilers.

The Technical Secretary has reviewed Domtar’s petition and recommended that the Board approve Domtar’s request for alternative monitoring. In reviewing Domtar’s petition, the Technical Secretary determined that: (1) Domtar’s NO\textsubscript{X} emissions are expected to decline as a result of the boiler modification; (2) collectively, NO\textsubscript{X} SIP Call affected facilities in Tennessee are operating well below the state’s NO\textsubscript{X} budget; (3) the alternative monitoring requirements would be permanent, enforceable and sufficient to determine whether the source is in compliance with the NO\textsubscript{X} SIP Call emissions requirements; and (4) the work practice requirements of 40 CFR 63 Subpart DDDDD (periodic tune-ups) will provide additional assurance that the boiler is operating properly.

The Tennessee Air Pollution Control Board finds that the specific monitoring, recordkeeping and reporting requirements/conditions associated with Domtar’s No. 2 Power Boiler, as identified in conditions 1 through 5 of operating permit 079291, are acceptable alternatives to the provisions of TAPCR 1200-03-27-.12(11)(a). The Board approves the submittal of operating permit 079291 to U.S. EPA for adoption into Tennessee’s State Implementation Plan.

Entered and approved by the following Board members on January 12, 2022.
Proposed Approval of Alternative Monitoring and Clean Air Act §110(l) Demonstration

Domtar Paper Company, LLC, No. 2 Power Boiler
Tennessee Air Pollution Control Regulations 1200-03-27-.12(11)

On August 13, 2021, Domtar Paper Company, LLC (Domtar) submitted a petition to request approval of alternative monitoring, recordkeeping, and reporting requirements for one boiler subject to the NOX SIP Call (No. 2 Power Boiler) at Domtar's Kingsport Mill. The Tennessee Department of Environment and Conservation, Division of Air Pollution Control, is proposing to approve Domtar's petition, subject to the limitations and exceptions identified herein.

The specific monitoring requirements for the No. 2 Power Boiler will be implemented via operating permit 079291. The Division proposes to issue this permit after appropriate notice and comment and to submit the final permit to U. S. EPA for adoption into Tennessee’s State Implementation Plan.

I. Background

On October 27, 1998 (63 FR 57356), EPA adopted the Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone (NOX SIP Call), which required 22 States and the District of Columbia to submit State Implementation Plan (SIP) revisions to prohibit specified amounts of NOX emissions for the purpose of reducing NOX and ozone transport across State boundaries in the eastern half of the United States. This rule also established the NOX Budget Trading Program, which allowed States to comply with the required emissions reductions via an interstate cap-and-trade program for electric generating units (EGUs) and for large industrial boilers and combustion turbines (i.e., non-EGUs). Tennessee implemented the NOX Budget Trading Program between 2003 and 2008, when the program was superseded by the Clean Air Interstate Rule (CAIR) Ozone Season NOX Trading Program.

EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR) NOX trading programs on January 1, 2015. The applicability provisions of the CSAPR ozone season trading programs cover EGUs only, and non-EGU boilers are not covered under CSAPR. To preserve the NOX reductions established by the NOX SIP Call, the Tennessee Air Pollution Control Board approved Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-27-.12 (NOX SIP Call Requirements for Stationary Boilers and Combustion Turbines). Tennessee submitted the rule to EPA’s Region 4 office on February 27, 2017 and requested that EPA approve the rule into Tennessee’s SIP.

TAPCR 1200-03-27-.12(11)(a) requires the owners and operators of an affected unit to comply with the applicable monitoring, recordkeeping, and reporting requirements provided in 40 CFR part 75 for each control period. On March 8, 2019, EPA published a final rule revising the emissions monitoring provisions required under the NOX SIP Call (84 FR 8422). This rule allows States to amend their SIPs to establish emissions monitoring alternatives to Part 75 for units subject to the NOX SIP Call. In approving this rule, EPA stated that the Part 75 monitoring requirements were applied to non-EGU sources in the context of regional emission trading programs, including the NOX Budget Trading Program and the CAIR NOX Ozone Season Trading

1 This revision does not include EGUs or other units subject to the Acid Rain Program or the CSAPR emission trading programs.
Program, which have been discontinued². EPA also noted the substantial margins by which NOX SIP Call States are complying with their emissions budgets – overall seasonal NOX emissions from NOX SIP Call States are less than 40% of the States’ NOX budgets, and no State reported NOX emissions exceeding 71% of its budget³. SIPs that approve alternatives to Part 75 must continue to include some form of emissions monitoring requirements for these types of sources, consistent with the NOX SIP Call’s general enforceability and monitoring requirements at § 51.121(f)(1) and (i)(1).

On June 21, 2021, the Tennessee Department of Environment and Conservation, Division of Air Pollution Control, issued PSD construction permit 978656, which allows Domtar to convert the idled soda pulp and paper mill, which manufactured fine paper from hardwood chips and market pulp, to produce containerboard from 100% recycled material. This project includes the conversion of Domtar’s existing soda recovery furnace (redesignated as the No. 2 Power Boiler) to burn only natural gas and ultra-low sulfur diesel. The repowered boiler will meet the definition of an “affected unit” pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combusts, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

II. Current Monitoring Requirements

§75.10 requires affected sources to install, certify, operate, and maintain, in accordance with all the requirements of Part 75, a NOX-diluent continuous emission monitoring system (CEMS), consisting of a NOX pollutant concentration monitor and an O₂ or CO₂ diluent gas monitor, with an automated data acquisition and handling system for measuring and recording NOX concentration (in ppm), O₂ or CO₂ concentration (in percent O₂ or CO₂) and NOX emission rate (in lb/MMBtu) discharged to the atmosphere, except as provided in §§75.12 and 75.17 and Subpart E of Part 75. Pursuant to §75.12(c), hourly, quarterly, and annual NOX emission rates must be calculated from the NOX concentration, diluent concentration, and percent moisture (if applicable) measurements using the procedures established in Appendix F to Part 75.

III. Requested Alternative Monitoring

The petition requests approval to use 40 CFR Part 60 Appendix B (Performance Specification 2—Specifications and Test Procedures for SO₂ and NOX Continuous Emission Monitoring Systems in Stationary Sources) as an alternative to the CEMS requirements of Part 75. The requested alternative is the method used to demonstrate compliance with the NOX emission limit established by permit 978656 (0.10 lb/MMBtu) and 40 CFR 60 Subpart Db.

² EPA notes that Part 75 monitoring is necessary for emission trading programs, because these programs can function only with timely reporting of consistent, quality-assured mass emissions data by all participating units.

³ For Tennessee, EPA reported the following numbers for 2020:

| 2020 Ozone Season non-EGU NOX Emissions (tons) |
|---------------|-----------------|-------------------|
| NOX Emissions (tons) | NOX Budget | Total Emissions (% of Budget) |
| 1,623 | 5,666 (3,928*) | 29% (41%*) |

* The non-EGU portion of Tennessee's NOX budget is 5,666 tons. Of this total, 1,738 tons are set aside for new source growth, leaving 3,928 tons of NOX emissions allocated to existing units. The 2020 non-EGU NOX emissions, as a percentage of Tennessee’s NOX budget, were calculated using both numbers.
IV. Justification for Alternative Monitoring

The petition states that Condition S2-4.F of PSD construction permit 978656 requires Domtar to monitor NO\textsubscript{X} emissions from the No. 2 Power Boiler in accordance with 40 CFR Part 60. The petition also states that Domtar's Bubbling Fluidized Bed Biomass Boiler\textsuperscript{4} is required to monitor NO\textsubscript{X} emissions in accordance with Part 60, and Domtar wishes to use the same monitoring method for both boilers.

V. Review of Domtar's Alternative Monitoring Request, Clean Air Act §110(l) Requirements

The Division of Air Pollution Control reviewed Domtar's alternative monitoring request, giving consideration to emissions from the affected unit and the adequacy of the proposed monitoring method.

Attainment and maintenance plans in Tennessee rely upon control of NO\textsubscript{X} emissions. Section 110(l) of the Clean Air Act (CAA)\textsuperscript{5} prohibits revision of a SIP that would interfere with attainment or maintenance of a NAAQS, reasonable further progress toward attainment of a NAAQS, or any other applicable requirement of the CAA. Because this rule is part of Tennessee's SIP, the requirements of CAA §110(l) must be satisfied before changing the existing monitoring requirements.

The Division proposes to approve Domtar's request. The proposed revision would not interfere with any applicable requirement concerning attainment or maintenance of a NAAQS or reasonable further progress toward attainment of a NAAQS.

- Tennessee's NO\textsubscript{X} emissions from affected sources remain well below the statewide budget established by the NO\textsubscript{X} SIP Call, and NO\textsubscript{X} emissions from Domtar's Kingsport mill are expected to decrease as a result of the repowering project.

- The alternate monitoring requirements will be permanent, enforceable and sufficient to determine whether the source is in compliance with the NO\textsubscript{X} SIP Call emissions requirements.

- The work practice requirements of 40 CFR 63 Subpart DDDDD (periodic tune-ups) will provide additional assurance of proper boiler operation.

V.1. Emissions

EPA's proposed approval of NO\textsubscript{X} SIP Call monitoring alternatives (83 FR 48751) notes the substantial margin by which NO\textsubscript{X} SIP Call states are complying with the portions of their statewide emissions budgets assigned

\textsuperscript{4} Domtar's biomass boiler has a design heat input of 544 MMBtu/hr, but Condition E6-10 of Title Operating Permit 573622 limits the annual capacity factor for other fuels (natural gas and fuel oils) to 10%. The biomass boiler does not meet the definition of an "affected unit" pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combusts, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

\textsuperscript{5} "Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter."
to large EGUs and large non-EGU boilers and turbines, averaging less than 40% of the statewide NO\textsubscript{X} budgets in 2017.

Domtar’s No. 2 Power Boiler was not subject to the NO\textsubscript{X} SIP Call prior to the current modification (repower the boiler from a soda recover furnace combusting black liquor solids to a power boiler with a design heat input capacity of 872 MMBtu/hr and burning only natural gas and ULSD). The No. 2 Power Boiler will meet the definition of an “affected unit” pursuant to TAPCR 1200-03-27-.12(1)(c)1 (a unit with a maximum design heat input greater than 250 MMBtu/hr that combests, or will combust during any year, fossil fuel alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis).

For new affected units, TAPCR 1200-03-27-.12(6) allows the Responsible Official of the unit to request NO\textsubscript{X} allowances not exceeding: (1) The allowable NOx emission rate under any applicable provision of 40 CFR part 60; (2) The allowable emission rate under any state or federal construction or operating permit; and (3) The allowable emission rate under any provision in Tennessee’s State Implementation Plan. The heat input used for calculating NO\textsubscript{X} allowance allocations is determined in accordance with 40 CFR part 75 or based on the best available data for the unit. At a design heat input of 872 MMBtu/hr and an allowable emission rate of 0.10 lb/MMBtu\textsuperscript{6}, the NO\textsubscript{X} allowance allocation for the No. 2 Power Boiler would be 160 tons per control period (May 1 through September 30 of each calendar year), as shown in \textbf{Equation 1}. Domtar's allocation would be 2.8% of Tennessee's NO\textsubscript{X} Budget of 5,666 tons.

\[
\frac{(0.10 \text{ lb/MMBtu})(872 \text{ MMBtu/hr})(3.672 \text{ hr/period})}{(2,000 \text{ lb/ton})} = 160 \text{ tons/control period}
\]

\textbf{Equation 1}

\textbf{Table 1} shows Tennessee's NO\textsubscript{X} emissions for all affected non-EGU sources subject to the NO\textsubscript{X} Budget Trading Program (2003 – 2008), CAIR NO\textsubscript{X} Ozone Season Trading Program (2009 – 2014), and State NO\textsubscript{X} SIP Call regulation (2015 – 2019). Since the implementation of the NO\textsubscript{X} Budget Trading Program in 2004, Tennessee's ozone season NO\textsubscript{X} emissions from these affected sources have decreased from 59.8% of Tennessee's non-EGU NO\textsubscript{X} Budget in 2004 to 28.6% of Tennessee's non-EGU NO\textsubscript{X} Budget in 2020.

\begin{center}
\begin{tabular}{|c|c|c|c|}
\hline
Year & Total NO\textsubscript{X} Emissions (tons) & Non-EGU NO\textsubscript{X} Budget (tons) & \% of NO\textsubscript{X} Budget \\
\hline
2003 & 5,804 & 5,666 & 102.4\% \\
2004 & 3,389 & 5,666 & 59.8\% \\
2005 & 3,879 & 5,666 & 68.5\% \\
2006 & 3,833 & 5,666 & 67.6\% \\
2007 & 3,737 & 5,666 & 66.0\% \\
2008 & 3,661 & 5,666 & 64.6\% \\
2009 & 3,524 & 5,666 & 62.2\% \\
\hline
\end{tabular}
\end{center}

\textsuperscript{6} PSD construction permit 978656, Condition S2-1.F.
Table 1: Statewide Non-EGU NO\textsubscript{X} Emissions, 2003 – 2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Total NO\textsubscript{X} Emissions (tons)</th>
<th>Non-EGU NO\textsubscript{X} Budget (tons)</th>
<th>% of NO\textsubscript{X} Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>3,454</td>
<td>5,666</td>
<td>61.0%</td>
</tr>
<tr>
<td>2011</td>
<td>3,476</td>
<td>5,666</td>
<td>61.4%</td>
</tr>
<tr>
<td>2012</td>
<td>3,305</td>
<td>5,666</td>
<td>58.3%</td>
</tr>
<tr>
<td>2013</td>
<td>3,222</td>
<td>5,666</td>
<td>56.9%</td>
</tr>
<tr>
<td>2014</td>
<td>3,241</td>
<td>5,666</td>
<td>57.2%</td>
</tr>
<tr>
<td>2015</td>
<td>3,298</td>
<td>5,666</td>
<td>58.2%</td>
</tr>
<tr>
<td>2016</td>
<td>3,134</td>
<td>5,666</td>
<td>55.3%</td>
</tr>
<tr>
<td>2017</td>
<td>2,350</td>
<td>5,666</td>
<td>41.5%</td>
</tr>
<tr>
<td>2018</td>
<td>2,286</td>
<td>5,666</td>
<td>40.4%</td>
</tr>
<tr>
<td>2019</td>
<td>1,870</td>
<td>5,666</td>
<td>33.0%</td>
</tr>
<tr>
<td>2020</td>
<td>1,623</td>
<td>5,666</td>
<td>28.6%</td>
</tr>
</tbody>
</table>

Data source: U. S. EPA Air Markets Program Database (https://ampd.epa.gov/ampd/)

Table 2 shows the emissions from specific facilities subject to the NO\textsubscript{X} SIP Call since 2003. Of the twelve facilities identified in Table 2, four facilities (Cargill, DOE Oak Ridge, DuPont Old Hickory, and Liberty Fibers) shut down their NO\textsubscript{X} SIP Call units and three facilities (TVA Cumberland\textsuperscript{7}, TVA Johnsonville\textsuperscript{8}, and Valero) added NO\textsubscript{X} SIP Call units. Domtar is identified as an affected facility in EPA’s Clean Air Markets database but has never been granted an allowance allocation or otherwise subjected to the NO\textsubscript{X} SIP Call\textsuperscript{9}. Of the remaining facilities, Eastman Chemical, Resolute Forest Products, and Tate & Lyle had significant decreases in NO\textsubscript{X} emissions due to full or partial conversions from coal to natural gas operation.

Table 2: Change in NO\textsubscript{X} Emissions by Facility

<table>
<thead>
<tr>
<th>Facility Name</th>
<th>Years Subject to the NO\textsubscript{X} SIP Call</th>
<th>NO\textsubscript{X} Emissions (tons)</th>
<th>NO\textsubscript{X} Emission Rate (lb/MMBtu)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First Year</td>
<td>Last Year</td>
<td>First Year</td>
</tr>
<tr>
<td>Cargill Corn Milling</td>
<td>2003</td>
<td>2014</td>
<td>5</td>
</tr>
<tr>
<td>TVA Cumberland (non-EGU Boiler)</td>
<td>2015</td>
<td>2020</td>
<td>2</td>
</tr>
<tr>
<td>DOE Oak Ridge Y-12</td>
<td>2003</td>
<td>2009</td>
<td>126</td>
</tr>
<tr>
<td>Domtar Paper Co., LLC</td>
<td>2003</td>
<td>2003</td>
<td>177</td>
</tr>
<tr>
<td>DuPont Old Hickory</td>
<td>2003</td>
<td>2011</td>
<td>366</td>
</tr>
<tr>
<td>Eastman Chemical Company</td>
<td>2003</td>
<td>2020</td>
<td>2,931</td>
</tr>
<tr>
<td>TVA Johnsonville (non-EGU Boiler)</td>
<td>2018</td>
<td>2019</td>
<td>1</td>
</tr>
</tbody>
</table>

\textsuperscript{7} TVA’s Cumberland Fossil Plant includes one non-EGU auxiliary boiler. This boiler was operating prior to 2015 but appears to have been counted with TVA’s EGU emissions.

\textsuperscript{8} TVA’s Johnsonville cogeneration facility includes two non-EGU boilers that began operation in 2018.

\textsuperscript{9} As noted previously, Domtar’s biomass boiler has a design heat input of 544 MMBtu/hr but does not meet the definition of an affected unit under the NO\textsubscript{X} SIP Call.
### Table 2: Change in NO<sub>X</sub> Emissions by Facility

<table>
<thead>
<tr>
<th>Facility Name</th>
<th>Years Subject to the NO&lt;sub&gt;X&lt;/sub&gt; SIP Call</th>
<th>NO&lt;sub&gt;X&lt;/sub&gt; Emissions (tons)</th>
<th>NO&lt;sub&gt;X&lt;/sub&gt; Emission Rate (lb/MMBtu)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First Year</td>
<td>Last Year</td>
<td>First Year</td>
</tr>
<tr>
<td>Liberty Fibers Corporation</td>
<td>2004</td>
<td>2005</td>
<td>250</td>
</tr>
<tr>
<td>Packaging Corporation of America</td>
<td>2003</td>
<td>2020</td>
<td>14</td>
</tr>
<tr>
<td>Resolute Forest Products</td>
<td>2003</td>
<td>2019</td>
<td>1,304</td>
</tr>
<tr>
<td>Tate &amp; Lyle-Loudon</td>
<td>2003</td>
<td>2020</td>
<td>881</td>
</tr>
<tr>
<td>Valero Refining Company</td>
<td>2013</td>
<td>2020</td>
<td>18</td>
</tr>
</tbody>
</table>

Tables 1 and 2 demonstrate that even if Domtar emits 100% of its allowance allocation, Tennessee will remain substantially below its NO<sub>X</sub> budget for 2021 and beyond.

Tennessee also notes that NOX emissions from the No. 2 Power Boiler are likely to decline following conversion of the soda recovery furnace.

Condition E7-11 of Title V permit 573622 limits NO<sub>X</sub> emissions from the soda recovery furnace to 553 tons during any period of 12 consecutive months. The permit states that a performance test conducted on August 10, 2004 measured NO<sub>X</sub> emissions at 104.61 lb/hr at an operating rate of 115,000 lb/hr of black liquor solids. At the allowable material input rate of 125,000 lb/hr (12-month moving average) of black liquor solids and ultra-low sulfur diesel<sup>10</sup>, NO<sub>X</sub> emissions from the soda recovery furnace would be 113.7 lb/hr. The allowable emission rate for the repowered source (No. 2 Power Boiler) will be 87.2 lb/hr based on an emission limit of 0.1 lb/MMBtu for natural gas or No. 2 oil combustion.

### V.2. Alternative Monitoring Requirements

Upon approval of the requested alternative into the SIP, Domtar would be allowed to demonstrate compliance with TAPCR 1200-03-27-.12 by monitoring NO<sub>X</sub> emissions from the No. 2 Power Boiler using the monitoring methodologies set forth in 40 CFR Part 60, Appendix B. Tennessee will require Domtar to calculate NO<sub>X</sub> mass emissions (in tons) for each ozone season using NO<sub>X</sub> emission rate data obtained in accordance with the applicable NSPS subpart and to report the total to the Division of Air Pollution Control no later than December 31 following that ozone season. The NO<sub>X</sub> emission rate will be calculated from Part 60 CEMS measurements using Method 19 in Appendix A to 40 CFR Part 60.

Following receipt of Domtar's report, Tennessee will review Domtar's total emissions and the emissions from other affected units in the state, including any emissions from new affected units, to verify that Tennessee's ozone-season NO<sub>X</sub> budget has not been exceeded. Should the total emissions from any affected unit (at Domtar or any other facility) exceed its allowance allocation, Tennessee will pursue appropriate action in accordance with TAPCR 1200-03-27-.12(7)(c), including the deduction of allowances for the following control period and the assessment of civil penalties or other remedies.

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<sup>10</sup> Condition E7-1 of permit 573622.
V.3. Periodic Tune-Up Requirements

The No. 2 Power Boiler is subject to 40 CFR 63 Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters). Subpart DDDDD requires boilers and process heaters with a heat input capacity of 10 MMBtu/hr or greater that do not use a continuous oxygen trim system to maintain an optimum air-to-fuel ratio to perform an annual tune-up of the boiler or process heater as specified in §63.7540(a)(10)(i) through (vi). Boilers and process heaters that use a continuous oxygen trim system to maintain an optimum air-to-fuel ratio must perform tune-ups every five years.

Tune-ups must be performed while burning the fuel(s) that provided the majority of the heat input to the boiler or process heater over the 12 months prior to the tune-up. The tune-ups must include, as applicable, inspection, cleaning, and replacement of burner components; inspection and optimization of the flame pattern; inspection and calibration of the system controlling the air-to-fuel ratio; and optimizing total CO emissions, consistent with any NO\textsubscript{X} requirement to which the unit is subject.

VI. Conclusion

The proposed change would not increase NO\textsubscript{X} emissions from Domtar's No. 2 Power Boiler, and NO\textsubscript{X} emissions from all affected sources in Tennessee would remain substantially below the statewide NO\textsubscript{X} budget established pursuant to 1200-03-27-.12. The alternative monitoring requirements would be permanent, enforceable and sufficient to determine whether the source is in compliance with the NO\textsubscript{X} SIP Call emissions requirements, and the work practice requirements of 40 CFR 63 Subpart DDDDD (periodic tune-ups) will provide additional assurance that the boiler is operating properly.

Tennessee requests that EPA adopt the specific monitoring, recordkeeping and reporting requirements/conditions associated with Domtar's No. 2 Power Boiler as identified in Conditions 1 through 5 of operating permit 079291. In a separate action, Tennessee is proposing to amend the monitoring requirements TAPCR 1200-03-27-.12(11) by allowing affected units to monitor NO\textsubscript{X} emissions in accordance with 40 CFR 60 Subpart D, 40 CFR 60 Subpart Db, or an alternative method approved by the Technical Secretary in a revision to the State Implementation Plan in lieu of the existing requirement to monitor NO\textsubscript{X} emissions in accordance with 40 CFR Part 75. Therefore, Tennessee requests conditional approval of the source-specific SIP revision and commits to completion of the amendments to TAPCR 1200-03-27-.12(11) not later than one year after the date of approval of the plan revision. Tennessee understands that any such conditional approval shall be treated as a disapproval if the State fails to comply with such commitment.
Response to U. S. EPA Comments  
NO\textsubscript{X} SIP Call Alternative Monitoring Source-Specific SIP for Domtar Paper Company, LLC

<table>
<thead>
<tr>
<th>EPA Comment</th>
<th>TDEC-APC Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conditional Approval Request</strong>  – To request conditional approval, Tennessee’s final state implementation plan (SIP) package transmittal letter should request that the EPA conditionally approve the source specific SIP (i.e., the incorporation of the non-Part 75 title V permit conditions into the SIP for Domtar Paper Company, LLC (Domtar) based on the State’s commitment to modify the provisions at Chapter 1200-3-27.12(11) to specify permissible non-part 75 monitoring and reporting methodologies as allowed under 40 CFR 51.121(i)(1). Additionally, please provide in the transmittal letter a regulatory schedule for the subsequent SIP revision for Chapter 1200-3-27.12(11). The corrective SIP revision would be required one year after the effective date of the final conditional approval.</td>
<td>Tennessee’s final source-specific SIP transmittal letter will request that EPA conditionally approve the source specific SIP and will provide a commitment and schedule to modify the provisions at Chapter 1200-3-27.12(11) to specify permissible non-part 75 monitoring and reporting methodologies as allowed under 40 CFR 51.121(i)(1).</td>
</tr>
<tr>
<td><strong>General Comment</strong> – The conversion of the recovery furnace (No. 2 Power Boiler) to burn only natural gas and ultra-low sulfur diesel establishes the unit as an “affected unit” under Chapter 1200-03-27-.12(1)(c)1 and “new affected unit” at 1200-03-27-.12(1)(n) which also triggers a requirement for Domtar to monitor ozone season NOx emissions pursuant to 40 CFR part 75 (at 1200-03-27-.12(1)(c)11). The EPA requests that Tennessee coordinate with Region 4 regarding the completion of the No. 2 Power Boiler conversion to assess which monitoring requirements Domtar will be subject to by the 2022 control period. Specifically, the EPA recommends Tennessee clarify in the final SIP package the expected completion of the recovery furnace conversion that triggers the applicability at Chapter 1200-03-27-.12 and the expected NOx emissions monitoring methodology for Domtar for the 2022 control period.</td>
<td>The No. 2 Power Boiler is expected to begin operating in the summer of 2022, and the applicable monitoring method for the 2022 control period will be the default methods established by 40 CFR 75 Subpart H. Tennessee has communicated with Domtar about the need to install the appropriate monitoring equipment and to set up a compliance account with EPA’s Clean Air Markets Division.</td>
</tr>
</tbody>
</table>
Air Pollution Control Board Summary: Shelby County SSM SIP Call Response

On May 22, 2015, EPA issued a final rule to ensure states have plans in place that require sources across the country to follow air pollution rules during times when the facility is starting up or shutting down, or when a malfunction occurs (or "SSM"). This required response from states is termed the “SSM SIP Call”.

The Tennessee Department of Environment and Conservation revised the Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” to resolve the issues that prompted EPA’s SSM SIP Call. On July 13, 2016, that regulatory revision was presented to the Tennessee Air Control Board and approved as Tennessee’s response to EPA’s SSM SIP Call. These changes to Chapter 20 became effective for “State” Counties November 16, 2016.

Shelby County and the included municipalities began rulemaking to revise their local ordinances that incorporate Tennessee’s Chapter 20 into its local ordinances.

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Adoption Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Arlington</td>
<td>November 2, 2020</td>
</tr>
<tr>
<td>City of Bartlett</td>
<td>December 8, 2020</td>
</tr>
<tr>
<td>Town of Collierville</td>
<td>November 23, 2020</td>
</tr>
<tr>
<td>City of Germantown</td>
<td>July 12, 2021</td>
</tr>
<tr>
<td>City of Lakeland</td>
<td>Scheduled 1st reading: January 6, 2022</td>
</tr>
<tr>
<td>City of Memphis</td>
<td>Added to Agenda of next meeting of City Council</td>
</tr>
<tr>
<td>Town of Millington</td>
<td>October 12, 2020</td>
</tr>
<tr>
<td>Shelby County</td>
<td>January 13, 2020</td>
</tr>
</tbody>
</table>

Adoption by six of the eight jurisdictions in Shelby County has occurred. Final adoption is still pending for the City of Lakeland and the City of Memphis.

U.S. EPA posted on their website a Notice of Intent (NOI) to sue on May 10, 2021; the complaint claims 1) EPA failed to issue findings of failure to submit for areas that had not yet made submissions in response to the 2015 SSM SIP Call, e.g., Memphis/Shelby County, and 2) EPA failed to act on submissions made in response to the SIP Call, e.g., Tennessee. Plaintiffs include the Sierra Club, Environmental Integrity Project, and Natural Resources Defense Council.

A State Implementation Plan (SIP) revision was developed to revise the Shelby County portion of the SIP concerning SSM provisions and respond to EPA’s SSM SIP Call. A public hearing was held on November 15, 2021 regarding the use of the incorporation of Tennessee’s Chapter 1200-03-20 in Shelby County (and all included municipalities) as the response to EPA’s SSM SIP Call for Shelby County.
Two comments were received from EPA. The first regarded the evidence of adoption of Chapter 1200-03-20 into the air codes of the City of Memphis and the City of Lakeland. Shelby County has committed to seek approval of the ordinance update in those two remaining municipalities. The second comment regards section 1200-3-20-.06(5) in the State’s rule as being inconsistent with and presents the same deficiencies noted in the proposed SSM SIP Call response from Tennessee. The Pollution Control Section proposes to request approval of the adoption by reference of Tennessee’s Chapter 1200-3-20 into the SIP for Shelby County and the included municipalities, with the exception of 1200-3-20-.06(5). No other comments were received.

The Tennessee Air Pollution Control Board is being asked to conditionally approve this response by Shelby County for submission to EPA as the Shelby County SSM SIP Call response provided that the two remaining areas (the City of Lakeland and the City of Memphis) submit the final adoption of Chapter 20 to TDEC APC as an amendment to be added to the SSM SIP Call response.

If approved by the Tennessee Air Pollution Control Board, the Shelby County SSM SIP revision will be submitted to EPA for inclusion into the Shelby County portion of Tennessee’s SIP. The submission will be amended when the necessary remaining documents are received.
The following matter came before the Tennessee Air Pollution Control Board on January 12, 2022.

On December 22, 2021, the Shelby County Department of Health, Pollution Control Section submitted notification to the Division of regulatory changes to the ordinances in Shelby County and included municipalities. The Shelby County Department of Health, Pollution Control Section is requesting these regulatory changes be submitted to EPA as Shelby County’s response to EPA’s SSM SIP Call. Details of the revisions are contained in Attachment 1.

A public hearing notice of the proposed SSM SIP Call response was published in the November 2, 2021 issue of The Daily News. The various municipalities in Shelby County have adopted revisions to Chapter 1200-03-20, with two exceptions. Shelby County is requesting provisional approval of the SSM submittal contingent upon TDEC receiving documentation to supplement the submission to EPA demonstrating adoption in the remaining two municipalities (the City of Memphis and the City of Lakeland). Additional information is available in Attachment 1.

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

Following the Board’s approval, the Shelby County portion of the State Implementation Plan shall be amended, and the regulatory amendment outlined in Attachment 1 incorporated, including additional amendments as indicated above.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee, and entered on the 12th day of January 2022.

_______________________________________       ____________________________________
_______________________________________       ____________________________________
_______________________________________       ____________________________________
_______________________________________       ____________________________________
_______________________________________       ____________________________________
_______________________________________       ____________________________________
_______________________________________       ____________________________________
_______________________________________       ____________________________________

Board Order No. 22-001
STARTUPS, SHUTDOWNS, AND MALFUNCTIONS

STATE IMPLEMENTATION PLAN (SIP)

REVISION

for

SHELBY COUNTY, TENNESSEE

Submitted to the
Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243-1531

By the
Shelby County Health Department
Pollution Control Section
1826 Sycamore View
Memphis, TN 38134

January 3, 2022
SIP Submittal Documents

Startup, Shutdown, and Malfunction SIP Revision for Shelby County, TN

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Summary
Letter of Submittal – Shelby County, Tennessee Startup, Shutdown, and Malfunction (SSM) SIP Revision

Attachments

ATTACHMENT A  Powers of the Tennessee Air Pollution Control Board
A1. TCA § 68-201-105 Powers of the Board
A2. Tennessee Air Pollution Control Board Order (placeholder)

ATTACHMENT B  Evidence of Adoption –
B1. Town of Arlington, Tennessee Ordinance 2020-12
B2. Shelby County, Tennessee Ordinance No. 507
   a. Shelby County Air Code Section 3-9 Rule Revision_Redline Copy
   b. Shelby County Air Code Section 3-9 Rule Revision_Clean Copy
B3. City of Millington, Tennessee Ordinance 2020-15
B4. Town of Collierville, Tennessee Ordinance 2020-12
B5. City of Bartlett, Tennessee Ordinance (ID#2866)
B6. City of Germantown, Tennessee Ordinance 2021-10
B7. City of Memphis, Tennessee Ordinance (placeholder)
   a. City of Memphis Air Code Section 9-12-24 (formerly Section 16-87) Rule Revision_Redline Copy
   b. City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy (placeholder)
B8. City of Lakeland, Tennessee Ordinance (placeholder)
B9. TDEC-APC Rule 1200-03-20.20130619 Rule Revision_Redline Copy
B10. TDEC-APC Rule 1200-03-20.20161116 Rule Revision_Clean Copy

ATTACHMENT C  Evidence of Legal Authority
C1. Tennessee Code Annotated § 68-201-115
C2. Certificate of Exemption

ATTACHMENT D  Public Notice – Startup, Shutdown, and Malfunction
(Daily News publication number Mqd83146)

ATTACHMENT E  Public Hearing held on November 15, 2021
ATTACHMENT F  Public Participation
F1. Response to Public Comments on Pre-Hearing SIP Notice
F2. EPA Comments on Prehearing SIP Submittal
F3. SCHD-PCS Response to Comments

a. A strikethrough copy of Memphis Air Pollution Code Section 9-12-24 (formerly 16-87) is displayed her to show the changes to Chapter 1200-3-20 that have been adopted by Memphis during the 1989-2016 time period
SUMMARY

The information below highlights the some of the events associated with the EPA’s Startup, Shutdown, and Malfunction State Implementation Plan (SSM SIP) Call as published in Federal Register on June 12, 2015 (80 FR 33840). In addition, it highlights the Department’s efforts to adopt by reference Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns”, as effective on December 5, 2018, into the air codes of the municipalities within Shelby County, Tennessee. With the adoption of the regulatory changes to Tennessee’s Chapter 1200-3-20, the Department was required to revise the Shelby County portion of the Tennessee State Implementation Plan to address the SSM issue.

The events are as follows:

1. On June 30 2011, the Sierra Club petitioned the U.S. Environmental Protection Agency (EPA) for a rulemaking to find inadequate and correct provisions within State Implementation Plans of a number of states due to inconsistencies with Section 110 of the Clean Air Act pertaining to Startup, Shutdown, Malfunction, and/or Maintenance provisions.

2. On June 12, 2015, the EPA took final action on the Sierra Club petition and issued a Startup, Shutdown, and Malfunction State Implementation Plan (SSM SIP) Call for a number of states, as published in Federal Register on June 12, 2015 (80 FR 33840).

3. The Tennessee Department of Environment and Conservation revised the Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” to resolve the issues that prompted EPA’s SSM SIP Call. Subsequently, that regulatory revision was presented to the Tennessee Air Control Board on July 13, 2016 and became effective on November 16, 2016.

4. On November 2, 2020, the Town of Arlington, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” as an amendment to Town of Arlington, Section 20-101. This was done to address the issues that prompted EPA’s SSM SIP Call relating to Town of Arlington Air Code, Section 20-101.

5. On January 13, 2020, the Board of Commissioners of Shelby County, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” as an amendment to Shelby County Air Code, Section 3-9. This was done to address the issues that prompted EPA’s SSM SIP Call relating to Shelby County Air Code, 3-9

6. On October 12, 2020, the City of Millington, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” as an amendment to City of Millington Air Code, Section 20-101. This was done to address the issues that prompted
7. On November 23, 2020, the Town of Collierville, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” as an amendment to Town of Collierville Air Code, Section 96.02. This was done to address the issues that prompted EPA’s SSM SIP Call relating to Town of Collierville Air Code, Section 96.02.

8. On December 8, 2020, the City of Bartlett, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” as an amendment to City of Bartlett, Section 20-101. This was done to address the issues that prompted EPA’s SSM SIP Call relating to City of Bartlett Air Code, Section 20-101.

9. On July 12, 2020, the City of Germantown, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns” as an amendment to City of Germantown, Section 9-21(24). This was done to address the issues that prompted EPA’s SSM SIP Call relating to City of Germantown Air Code, Section 9-21(24).

10. On December 8, 2021, the City of Lakeland notified the Department that the SSM ordinance to adopt by reference Tennessee’s Chapter 1200-3-20 will go to committee on January 6, 2021 for the first reading. Although this item is pending the Department expects approval to occur very soon.

11. On December 13, 2021, the City of Memphis notified the Department that the SSM ordinance to adopt by reference Tennessee’s Chapter 1200-3-20 has been placed on the City Council’s agenda and is recommended for approval. Although this item is pending the Department expects approval to occur very soon.

13. A State Implementation Plan was developed to revise the Shelby County portion of the Tennessee State Implementation Plan concerning Startup, Shutdown, and Malfunction (SSM) provisions. Upon approval of the Tennessee Air Control Board, the Shelby County SSM SIP revision will be submitted to EPA for a rulemaking.


In summary, this revision to the Shelby County portion of the Tennessee State Implementation Plan was undertaken to update air codes in Shelby County and the included municipalities of Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington. In addition, it was done to address the issues outlined in EPA’s SSM SIP Call as published in Federal Register on June 12, 2015 (80 FR 33840). This revision removes provisions within local air codes that conflict with sections of the Clean Air Act that address recordkeeping and information available for citizen suits.
LETTER OF SUBMITTAL – Shelby County, Tennessee Startup, Shutdown, and Malfunction (SSM) SIP Revision
December 21, 2021

Ms. Michelle Owenby, Division Director
Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower 312
Rosa L. Parks Avenue, 15th Floor Nashville,
Tennessee 37243

Re: Request to Incorporate a Revision of the Air Codes of Shelby County and the included Municipalities into the Federally Approved SIP for Tennessee

Dear Ms. Owenby,

The Shelby County Health Department (Department) respectfully requests that the Tennessee Air Pollution Control Board approve a revision to the Shelby County portion of the Tennessee State Implementation Plan (SIP). This revision amends the air codes of Shelby County and the included municipalities of Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington through the incorporation by reference (IBR) of Tennessee's Rules and Regulations, Chapter 1200-03-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns”, as effective on December 5, 2018. However, to avoid the issues and concerns that EPA has expressed to TDEC concerning Tennessee's Chapter 1200-3-20, at this time the Department proposes to adopt everything except 1200-3-20-.06(5). This revision will update local air codes and should address EPA's Startup, Shutdown and Malfunction (SSM) SIP Call published in the Federal Register on June 12, 2015 (80 FR 33840), as it removes provisions within local air codes that conflict with sections of the Clean Air Act that address recordkeeping and information available for citizen suits.

In accordance with Title 40 CFR Part 51, §51.103 and Appendix V, the Department submits the following administrative materials:

1. Powers of the Tennessee Air Pollution Control Board –
   A copy of Tennessee Code Annotated §68-201-115, Powers and Duties of the Board... included in Attachment A. Upon approval, the Department respectfully request that the Board Order is put in the “placeholder” in this attachment.

2. Evidence of Adoption -
   Copies of the ordinance revisions adopted by each jurisdiction are included in this submittal in Attachment B titled “Evidence of Adoption”. The ordinance numbers, adoption dates, and effective dates are provided in the table below.

Mission
To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Ordinance #</th>
<th>Adoption Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelby County</td>
<td>Ordinance No. 507</td>
<td>1/13/2020</td>
<td>1/13/2020</td>
</tr>
<tr>
<td>City of Memphis</td>
<td>underway</td>
<td>underway</td>
<td>underway</td>
</tr>
<tr>
<td>Town of Arlington</td>
<td>Ordinance 2020-12</td>
<td>11/2/2020</td>
<td>11/2/2020</td>
</tr>
<tr>
<td>City of Bartlett</td>
<td>Ordinance 20-08</td>
<td>12/8/2020</td>
<td>12/8/2020</td>
</tr>
<tr>
<td>City of Germantown</td>
<td>Ordinance 2021-19</td>
<td>7/12/2021</td>
<td>7/12/2021</td>
</tr>
<tr>
<td>City of Lakeland</td>
<td>underway</td>
<td>underway</td>
<td>underway</td>
</tr>
<tr>
<td>City of Millington</td>
<td>Ordinance 2020-15</td>
<td>10/12/2020</td>
<td>10/12/2020</td>
</tr>
</tbody>
</table>

As the table indicates, the adoption of Tennessee’s Chapter 1200-03-20, as effective on December 5, 2018, in the City of Memphis and City of Lakeland is currently “underway”. On December 13, 2021, the Department received notification from the City of Memphis that the ordinance to adopt Tennessee’s Rules and Regulations, Chapter 1200-03-20 has been placed on the City Council’s agenda and is recommended for approval. A “Draft” of that ordinance is included in this submittal. According to Memphis City Council “Rules of Procedures”, the council meets on the first and the third Tuesday of every month and three reading are required to adopt an ordinance. Considering this timeframe, we anticipate adoption of this ordinance no sooner than late January or early February of 2022.

In the City of Lakeland, the Board of Commissioners meet on the first and second Thursday of each month. According to the Lakeland Municipal Code, the ordinance approval process requires only two readings and can be completed in as little as two to three weeks. On December 8, 2021, the Department received notification from the City of Lakeland, that the ordinance to adopt Tennessee’s Rules and Regulations, Chapter 1200-03-20, as effective on December 5, 2018, will go to committee on January 6, 2021 for the first reading. The Department anticipates that the City of Lakeland could adopt this ordinance by late January or early February of 2022.

All and all, the Department continues to work vigorously to promote the adoption of this version of Tennessee’s Chapter 1200-03-30, as effective on December 5, 2018, into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon.

3. Evidence of Legal Authority -

Pursuant to Tennessee Code Annotated §68-201-115, the Shelby County Health Department administers a local air pollution program under a Certificate of Exemption. Copies of Tennessee Code Annotated §68-201-115 and the Certificate of Exemption are included in this submittal in Attachment C titled “Evidence of Legal Authority”.

4. Redline Strikethrough and Clean Copy –

In general, unless locally developed regulations are as stringent or more stringent than either federal or state air regulations, Shelby County, Tennessee and all included municipalities incorporate by reference air codes taken from Tennessee’s Rules and Regulations. The same is true for Tennessee’s Chapter 1200-03-20, as effective December 5, 2018. This regulation was uniformly adopted by each municipality within Shelby County. Thus, a redline strikethrough
and clean copy of Tennessee’s Chapter 1200-03-20 and Shelby County Section 3-9 are provided to demonstrate what was deleted and what was added is included in this submittal in the “Evidence of Adoption - Redline Strikethrough and Clean Copy”. Additionally, a redline strikethrough of City of Memphis Section 9-12-24 is also displayed, however, as ordinance adoption in that jurisdiction is still underway, the clean version is not displayed.

5. Public Notice –

In accordance with 40 CFR 51.102, the Department offered the public 30 days to comment on the proposed SIP revision. A public hearing was held on November 15, 2021. The public hearing notice is included this submittal in Attachment D and the meeting minutes are included in Attachment E.

The Department has submitted the above referenced plan to your office for distribution to the Tennessee State Air Pollution Control Board. It is anticipated that the Board will approve the plan in the Governor's name for submission to the United States Environmental Protection Agency (EPA), Region IV Headquarters in Atlanta. In keeping with procedural requirements found in 40 CFR 51.103, on approval, we request that you submit the plan to EPA using the State Planning Electronic Collaboration System (SPECS) for SIPs web-based interface.

The Department appreciates TDEC's assistance in preparing and submitting this important Plan to EPA. If you require anything further, please contact Larry Smith at (901) 222-9578 or by email at larry.smith@shelbycountytn.gov.

Respectfully,

[Signature]

Karen Cook-Pryor
Deputy Administrator
Pollution Control
ATTACHMENT A

Powers of the Tennessee Air Pollution Control Board
A1. TCA § 68-201-105 Powers of the Board

(a) (1) The board has the power and duty to:

(A) Promulgate rules and regulations to effect the intent and purpose of this part, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Such rules and regulations may include, but are not necessarily limited to, those defining: ambient air quality standards; emission standards; general policies or plans; a system of permits; and a schedule of fees for review of plans and specifications, issuance or renewal of permits or inspection of air contaminant sources. Emission standards for stationary sources adopted by the board shall include regulations based on the weight of materials entering the process causing the emission as an optional alternative to regulations previously adopted;

(B) Promulgate rules that authorize the technical secretary to issue permits that contain all provisions applicable to sources that are necessary under the federal Clean Air Act, compiled in 42 U.S.C. § 7401 et seq., and the effective regulations pursuant to such act, and that are necessary under this chapter and the effective rules of the board. The issuance of a permit by the technical secretary under the rules authorized by this subsection (a) shall not repeal by implication any rules of the board. The board shall monitor regulations under the Clean Air Act that are proposed by the United States environmental protection agency. If the environmental protection agency promulgates a rule that would roll back federal requirements under the Clean Air Act, the board shall initiate rulemaking on that subject and determine whether Tennessee should have a more restrictive rule than the federal rule on that subject;

(2) Hold hearings and issue such orders and determinations as may be necessary to effect the intent and purpose of this part;

(3) Establish, modify, or amend, without hearing, policies, practices, rules or regulations with respect to procedural aspects of board activities; and

(4) Cause legal proceedings to be instituted in a court of competent jurisdiction, to compel compliance with any order issued by the board, requirement of this part, or rule or regulation adopted pursuant to this part.
(b) The department has the power and duty to:

(1) Develop and recommend to the board plans for a comprehensive air pollution control program for the state, to review such plans from time to time and recommend to the board such changes as may be deemed appropriate;

(2) Require that any person furnish the department information required by it in discharge of its duties under this part, if the department has reason to believe such person is, or may be about to, causing or contributing to air pollution; provided, that no such person shall be required to disclose any secret formulae, processes or methods used in any manufacturing operation carried on by such person or under such person's direction. The composition of air contaminants shall not be considered secret unless so declared by the department, and the department shall have the power to issue protection orders to prevent public dissemination;

(3) Enter at all reasonable times in or upon any private or public property except private residences for the purpose of inspecting and investigating any condition which the department shall have reasonable cause to believe to be an air contaminant source;

(4) Provide such technical, scientific and other services as may be required for carrying out this part. The basic personnel for such purposes shall be those employed by the department; however, the department, may, by agreement, secure these or other services from any other agency, and within budgetary limitations may arrange compensation for such services;

(5) Receive, budget, receipt for and administer such moneys as are duly appropriated or granted for the purpose of this part; provided, that all such moneys shall be deposited with the state treasurer;

(6) Represent the state in matters pertaining to plans, procedures or negotiations for interstate compacts relative to air pollution or in matters pertaining to air quality control regions;

(7) Collect and disseminate information relative to air pollution; encourage voluntary cooperation of affected persons or groups in preserving and restoring a reasonable degree of air purity; advise, consult and cooperate with other agencies, persons or groups in matters pertaining to air pollution; and encourage authorized air pollution agencies of political subdivisions to handle air pollution problems within their respective jurisdictions to the greatest extent possible and to provide technical assistance to political subdivisions requesting same; and

(8) Cause to be instituted in a court of competent jurisdiction legal proceedings to compel compliance with any order issued by the board.

(c) In exercising their powers and duties relative to major energy projects, as defined in § 13-18-102, the board and the departments shall participate in the joint review process and expedited review process provided for by the Major Energy Project Act of 1981, compiled in title 13, chapter 18.

(d) (1) If the board incurs a vacancy, it shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the board, other than ex officio members, shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If sufficient information has been provided and the board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration, the board shall report to the government operations committees of the house of representatives and the senate as to why such vacancies have not been filled.

(2) If more than one half (1/2) of the positions on the board are vacant for more than one
hundred eighty (180) consecutive days, the board shall terminate; provided, that the board shall wind up its affairs pursuant to § 4-29-112. If the board is terminated pursuant to subdivision (d)(1) it shall be reviewed by the evaluation committees pursuant to the Uniform Administrative Procedures Act before ceasing all its activities. Nothing in subdivision (d)(1) shall prohibit the general assembly from continuing, restructuring, or re-establishing the board.

(e) The board shall adopt and implement rules and regulations to create a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the board to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

A2.
Tennessee Air Pollution Control Board Order (Place Holder)
ATTACHMENT B

Evidence of Adoption
B1. Town of Arlington, Tennessee Ordinance 2020-12
ORDINANCE 2020–12

AN ORDINANCE TO AMEND TITLE 20, CHAPTER 1, AIR POLLUTION CONTROL CODE OF THE TOWN OF ARLINGTON, TENNESSEE MUNICIPAL CODE.

WHEREAS, On June 30, 1969, the operation of the local air pollution program was established and has served to continuously protect air quality in Arlington and Shelby County and efficiently meet the needs of those regulated by air pollution control laws; and

WHEREAS, the Pollution Control Section of the Shelby County Health Department is responsible for administration and enforcement of the Tennessee Air Quality Act, as contained in T.CA § 68-201-101 et seq.; and

WHEREAS, The State of Tennessee Air Pollution Control Board on May 14, 2014 approved a certificate of exemption (COE) for Unincorporated Shelby County and all its municipalities to allow for local authority to enforce air pollution regulations in lieu of state control of this environmental program throughout Shelby County; and

WHEREAS, The COE stipulated that the local open burning regulations provide and expedited process to grant waivers in order for it to comply with recent legislation amending the Tennessee Code Annotated Section 68-201-115(e) to provide for such expedited approval in limited situations; and

WHEREAS, the Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws, which has also been adopted in unincorporated Shelby County and all other municipalities in Shelby County; and

WHEREAS, it is necessary to amend the Municipal Code to coincide with Shelby County Air Code in its entirety for the code to be enforced. The Town of Arlington has determined that this can best be accomplished by removing the current adopted language and adopting Shelby County Air Pollution Code.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Mayor and Alderman of the Town of Arlington, Tennessee, that all sections of Title 20, Chapter 1 of the Arlington Municipal Code are repealed in their entirety.

BE IT FURTHER ORDAINED, that a new Section 20-101 is adopted to read:

20-101: Shelby County Air Code effective within the Town. The Shelby County Air Code in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that a new Section 20-102 is adopted to read:
20-102: **Fees for Services.** The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health Department.

**BE IT FURTHER ORDAINED,** that this Ordinance shall take effect upon its final reading and publication in a newspaper of general circulation, the public health, safety and welfare requiring it.

First Reading: **October 5th, 2020**

Publication Date: **October 13th, 2020**

Second Reading: **November 2nd, 2020**

Public Hearing: **November 2nd, 2020**

Mayor

Attest: **Brittney Owen**

Town Recorder
October 9, 2020

To: The Commercial Appeal
From: Brittney Owens, Town Recorder/Treasurer

Please publish on Tuesday October 13, 2020 to read as follows:

PUBLIC NOTICE

The Town of Arlington Board of Mayor and Aldermen will hold a Public Hearing and Second and Final reading on Monday November 2, 2020 at Town Hall, 5854 Airline Road, Arlington, Tennessee, at 6:30 PM for the following:

Second and Final Reading of Ordinance 2020-10 to amend the Arlington Zoning Ordinance, Chapter 4 to remove self-storage uses as a Conditional Use in B-2: General Commercial Zones.

Second and Final Reading of Ordinance 2020-11 to amend the Town of Arlington Zoning Map by rezoning a 61.2-acre lot on the East side of Chester Street, roughly 740 feet South of Pinckley Rd, From E: Estate to RS-22: Low Density Residential.

Second and Final Reading of Ordinance 2020-12 to amend Title 20, Chapter 1, Air Pollution Control Code of the Town of Arlington, Tennessee Municipal Code.
B2. Shelby County, Tennessee Ordinance No. 507
Item #: 45

Moved by: BRADFORD
Seconded by: BROOKS
Prepared by: Larry J. Smith
Reviewed by: Esther Sykes-Wood

ORDINANCE NO. 507

ORDINANCE BY THE BOARD OF COMMISSIONERS FOR SHELBY COUNTY, TENNESSEE, TO AMEND THE SHELBY COUNTY AIR CODE BY INCORPORATING BY REFERENCE SPECIFIED STATE EMISSION STANDARDS. SPONSORED BY COMMISSIONER VAN D. TURNER, JR.

WHEREAS, The operation of a local air pollution control program by the Shelby County Health Department, which was established in the Shelby County Air Code ("County Air Code"), adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meet the needs of those regulated by air pollution control laws to the present; and

WHEREAS, In order to maintain the Certificate of Exemption from State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board, it is necessary to adopt regulations no less stringent than State standards; and

WHEREAS, Tennessee Code Annotated, Section 68-201-115(a), provides that any municipality or county may adopt an Ordinance or Resolution which incorporates by reference any federal or state regulations when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk for public use, inspection and examination for a period of thirty
(30) days before adoption of the Ordinance or Resolution incorporating regulations by reference; and

WHEREAS, Shelby County Health Department has caused to be published on October 24, 2018, in a newspaper having general circulation in Shelby County, Tennessee, notice of the availability for public use, inspection, and examination at the office of the Clerk of the Shelby County Commission three (3) copies of State regulations to be incorporated by reference, as well as the date and time of public hearing regarding the adoption of such Ordinance; and

WHEREAS, It is the intent of Shelby County to qualify for receipt of federal funds available for air pollution control programs and to that end, this Ordinance shall be construed to give the authority to so qualify and maintain such qualification; and

WHEREAS, Maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation for the control of air pollution prevents the need for State control of Shelby County air pollution sources subject to these controls, specifically certain provisions found in the State Rules and Regulations Chapter 1200-03, as effective on December 5, 2018; and

WHEREAS, The adoption of this Ordinance will require the affirmative vote of the majority of the Shelby County Board of Commissioners as no new fine is established by this adoption and update.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the following sections of the State Rules and Regulations, as effective on December 5, 2018, are incorporated herein by reference and shall be adopted and approved as requirements of this
jurisdiction: Chapter 1200-03-02 titled Definitions, Chapter 1200-03-03 titled Ambient Air Quality Standards, Chapter 1200-03-05 titled Visible Emission Regulations, Chapter 1200-03-06 titled Non-Process Emission Standards, Chapter 1200-03-07 titled Process Emission Standards, Chapter 1200-03-09 titled Construction and Operating Permits, Chapter 1200-03-10 titled Required Sampling, Recording and Reporting, Chapter 1200-03-11 titled Hazardous Air Contaminants, Chapter 1200-3-12 titled Methods of Sampling and Analysis, Chapter 1200-03-14 titled Control of Sulfur Dioxide Emissions, Chapter 1200-03-15 titled Emergency Episode Plan, Chapter 1200-03-16 titled New Source Performance Standards, Chapter 1200-03-18 titled Volatile Organic Compounds, Chapter 1200-03-20 titled Limits on Emissions Malfunctions, Startups and Shutdowns, Chapter, 1200-03-21 titled General Alternate Emission Standards, Chapter 1200-03-22 titled Lead Emission Standards, Chapter 1200-03-24 titled Good Engineering Practices Stack Height Regulations, Chapter 1200-03-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-03-30 titled Acid Precipitation Control, Chapter 1200-03-31 titled Case by Case Determinations of Hazardous Air Pollutant Control Requirements, Chapter 1200-03-32 titled Prevention of Accidental Releases, and Chapter 1200-03-34 titled Conformity.

BE IT FURTHER ORDAINED, That the State Rules and Regulations that had been previously adopted by reference into the County Air Code and are referenced in the second column of this table are deleted and substituted instead with the State Rules and Regulations, effective as of December 5, 2018, that are adopted by this Ordinance and also described in this table:

<table>
<thead>
<tr>
<th>County Air Code Section</th>
<th>Previously Adopted State Rules and Regulations to Be Deleted in County Air</th>
<th>State Rules and Regulations, Effective as of December 5, 2018, to Be Adopted and Substituted into Corresponding County Air Code Section</th>
</tr>
</thead>
</table>
phrases, words, or parts be held unconstitutional or void, the remaining portions shall continue in full force and effect.

BE IT FURTHER ORDAINED, That except as amended by this Ordinance, the County Air Code shall remain in full force and effect as previously adopted.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect in unincorporated areas of Shelby County in accordance with Shelby County Charter, Article II, Section 2.06(C).

Lee Harris  
County Mayor  

Date: 12/2/2020  

ATTEST:  
Clerk of County Commission  

FIRST READING:  November 18, 2019  
SECOND READING:  December 9, 2019  
ADOPTED  
THIRD READING:  January 13, 2020
SUMMARY SHEET

I. **Description of Item**

Request approval of ordinance to adopt by reference pursuant to T.C.A. 68-201-115 the following Tennessee code sections of the Clean Air Act so as to update and align with current State and Federal regulations:

Tennessee Chapter 1200-3-2 titled **Definitions**, Chapter 1200-3-3 titled **Ambient Air Quality Regulations**, Chapter 1200-3-5 titled **Visible Emissions**, Chapter 1200-3-6 titled **Non process Emission Standards**, Chapter 1200-3-7 titled **Process Emissions Standards**, Chapter 1200-3-9 titled **Construction and Operating Permits**, Chapter 1200-3-10 titled **Required Sampling, Recording and Reporting**, Chapter 1200-3-11 titled **Hazardous Air Contaminants**, Chapter 1200-3-12 titled **Methods of Sampling and Analysis**, Chapter 1200-3-14 titled **Control of Sulfur Dioxide Emissions**, Chapter 1200-3-15 titled **Emergency Episode Plan**, Chapter 1200-3-16 titled **New Source Performance Standards**, Chapter 1200-3-18 titled **Volatile Organic Compounds**, Chapter 1200-3-20 titled **Limits on Emissions due to Malfunctions, Startups and Shutdowns**, Chapter 1200-3-21 titled **General Alternate Emission Standards**, Chapter 1200-3-22 titled **Lead Emission Standards**, Chapter 1200-3-24 titled **Good Engineering Practices Stack Height Regulations**, Chapter 1200-3-25 titled **Standards for Infectious Waste Incinerators**, Chapter 1200-3-30 titled **Acid Precipitation Standard**, Chapter 1200-3-31 titled **National Emission Standards for Hazardous Air Pollutants for Source Categories**, Chapter 1200-3-32 titled **Prevention of Accidental Releases**, Chapter 1200-3-34 titled **Conformity**.

II. **Source and Amount of Funding**

None.

III. **Contract Items**

None. See Certificate of Exemption from the State of TN that allows Shelby County to carry out the administration and enforcement of the TN Clean Air Act. T.C.A. 68-201-115.

IV. **Additional Information Relevant to Approval of this Item**

Administration recommends approval of this Resolution.
AGENDA

Monday, January 13, 2020

COMMISSION CONvenes

CALL TO ORDER
Chairman Mark Billingsley

OPENING OF THE COMMISSION
Deputy Sheriff Sammie Jones

INVOCATION
Reverend James A. Jones,
Associate Minister
Prosperity Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTED
Approval of Minutes of Previous Session
AS AMENDED
December 9, 2019
RECONSIDERATION – ITEM 47 – DECEMBER 9, 2019
Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $5,000.00 to Thistle & Bee Enterprises, a charitable organization. Sponsored by Commissioner Edmund Ford, Jr.

Announcement for Appearance Cards for Public Speaking/Public Comment Pursuant to Rule # 14(b)

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Introduction of Mr. John Brown, the newly appointed Executive Director of the Mid-South Chapter of the American Red Cross by Commissioner Tami Sawyer.


ZONING AND SUBDIVISIONS

REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEES

3. Resolution approving a contract with CenturyLink Communications, LLC for Information Technology Services West Data Center internet connection for an amount not to exceed $119,736.00, commencing upon the execution of contract through June 30, 2023, with the option to renew for two (2) additional one (1) year periods. This item requires an annual expenditure of FY 2020 Information Technology Services Internal Service Funds not to exceed $19,956.00 annually. Sponsored by Commissioner Eddie S. Jones, Jr.

4. Resolution to receive and file the Actuary Reports of the Shelby County Retirement System and the Shelby...
<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>4.</td>
<td>Resolution to receive and file the Actuary Reports of the Shelby County Retirement System and the Shelby County other Post Employment Benefits (OPEB) Trust for the year ending June 30, 2019. Sponsored by Commissioner Eddie S. Jones, Jr.</td>
</tr>
<tr>
<td>5.</td>
<td>Resolution approving the issuance of Purchase Orders by Shelby County Government to Southern Tire Mart, LLC and Steepleton Tire Company for the purchase of vehicle tire replacement for the Fiscal Year 2020. This item requires the expenditure of Internal Service Funds (Fleet Services) in an amount not to exceed $146,624.30 and the expenditure of County General Funds (Sheriff) in an amount not to exceed $110,000.00, for a total expenditure not to exceed $256,624.30, commencing upon issuance through June 30, 2020, with the option to renew for two (2) additional one-year periods. Sponsored by Commissioner David C. Bradford, Jr.</td>
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<tr>
<td>6.</td>
<td>Resolution approving a contract with Standard Construction Company in the amount of $3,622,810.00 for the FY 2020 Asphalt Paving Project for the North Section of Unincorporated Shelby County and amending the FY 2020 General Operating Budget and appropriating said funds. This item requires an expenditure of FY 2020 Roads and Bridges Special Revenue Funds in the amount of $3,622,810.00. Sponsored by Commissioner David Bradford.</td>
</tr>
<tr>
<td>7.</td>
<td>Resolution approving a contract with Standard Construction Company in the amount of $3,484,473.60 for the FY 2020 Asphalt Paving Project for the south section of Unincorporated Shelby County and amending the FY 2020 General Operating Budget and appropriating said funds. This item requires an expenditure of FY 2020 Roads and Bridges Special Revenue Funds in the amount of $3,484,473.60. Sponsored by Commissioner David Bradford.</td>
</tr>
</tbody>
</table>
8. Resolution approving a contract with Sol Engineering Services, LLC in the amount of $240,000.00 for Construction Engineering Inspection (CEI) Services of the Wolf River Greenway Phase 10A segment of the National Resilience Disaster Grant. This item requires an expenditure of FY 2020 Resilience Grant Funds in the amount of $240,000.00. Sponsored by Commissioner David Bradford.

9. Resolution to grant a twenty foot wide permanent water utility easement, totaling 400 square feet (0.01 ACRES) in size, across a portion of County owned real property, designated for Shelby County Health Department use, to the City of Memphis, for the use and benefit of the Memphis Light, Gas and Water Division, for nominal consideration, for its installation of a permanent water service to the new Health Department Complex, now under construction at 814 Jefferson Avenue. Sponsored by Commissioner David Bradford.

10. Resolution approving a three month contract extension with Wellpath, LLC for the provision of juvenile detainee medical care at the Juvenile Detention Center for the period beginning January 1, 2020 through March 31, 2020, with a 2.1% cost increase over the FY 2019 cost. This item requires the expenditure of FY 2020 General Operating Funds in an amount not to exceed $225,952.24 for this extension term. Sponsored by Commissioner Van D. Turner, Jr.

11. Resolution approving a three month contract extension with Wellpath, LLC for the provision of inmate medical care at the Shelby County Jails and the Department of Corrections for the period beginning January 1, 2020 through March 31, 2020, with a 2.1% cost increase over the FY 2019 cost. This item requires the expenditure of FY 2020 General Funds in an amount of $3,103,068.57 and Enterprise Funds in an amount not to exceed $1,822,437.09 for a total contract amount not to exceed $4,925,505.66 for this extension term. Sponsored by Commissioner Van D. Turner, Jr.
12. Resolution awarding County Funds from the Fiscal Year 2020 Capital Improvement Plan (CIP) budget in the amount of $20,000.00 to the City of Lakeland for purposes of installing neighborhood security cameras and appropriating funds for County Commission District #3. This item requires the appropriation and expenditure of FY 2020 CIP Pay-As-You-Go Fund Balance in the amount of $20,000.00. Sponsored by Commissioner Mick Wright.

13. Resolution to approve an amendment to the current contract with Tyler Technologies, Inc., in the amount not to exceed $305,082.12 for Odyssey maintenance and support services of the Case Management System for General Sessions Criminal Court Clerk, Criminal Court Clerk, and Pretrial Services. This item requires expenditure of FY 2020 General Funds in an amount not to exceed $235,600.12 and General Sessions Criminal Court Clerk Special Revenue Funds in an amount not to exceed $69,482.00. Sponsored by Commissioner Amber Mills.

14. Resolution to amend the FY 2020 Operating Budget in the amount of $35,000.00 for the purpose of approving a contract with Avenue Government Systems, LLC in an amount not to exceed $35,000.00 for Probate Court to acquire and implement Tybera E-Filing. This item requires expenditure of FY 2020 General Funds in an amount not to exceed $17,500.00 from Information Technology Services General Fund and expenditure and appropriation in an amount not to exceed $17,500.00 from Probate Court Planned use of Fund Balance. Sponsored by Commissioner Amber Mills.

15. Resolution awarding County Funds from the FY 2020 Capital Improvement Plan (CIP) budget in the amount of $125,000.00 Shelby County Sheriff’s Office ($25,000.00), the City of Memphis ($25,000.00) and the City of Collierville ($75,000.00) for the purposes of installing neighborhood security cameras and appropriating funds
for County Commission District 2. This item requires the appropriation and expenditure of FY 2020 CIP Pay-As-You-Go Fund Balance in the amount of $125,000.00. Sponsored by Commissioner David Bradford.

16. Resolution ratifying amendments by the Shelby County Board of Education increasing their Operating Budget for Fiscal Year 2020 in the amount of $4,522,469.00, as adopted by the Shelby County Board of Education on December 3, 2019. This Resolution does not increase the approved FY 2020 Funding Level from Shelby County Government. Sponsored by Commissioner Michael Whaley.

17. Resolution to amend the FY 2020 Operating Budget in the amount of $37,200.00 and to appropriate said funds, and to amend the Position Control Budget to increase the position count by 1.0 FTE for the period of February 1, 2020 through June 30, 2020, to expend grant funds from the Tennessee Department of Health for the Shelby County Crime Victims & Rape Crisis Center to coordinate a Rape Prevention and Education Training Program. This item requires the appropriation and expenditure of FY 2020 Federal thru State Grant Funds in the amount of $37,200.00. Sponsored by Commissioner Tami Sawyer.
SAWYER ADOPTED

18. Resolution amending the FY 2020 Operating Budget to expend unused grant funds from prior contract year in the amount of $300,823.00 for the period of July 1, 2019 through June 30, 2020, from the United States Department of Justice and to approve two (2) service provider contracts (University of Tennessee Health Science Center, Center for Addiction Science in the amount of $475,604.00 and the Public Safety Institute of University of Memphis in the amount of $140,500.00) from the date of execution through June 30, 2020, with the option to renew for two (2) additional one-year periods beginning July 1st through June 30th to provide professional services to support the county’s comprehensive opioid site-based program. This item requires the appropriation of FY 2020 Federal Grant Funds in the amount of $300,823.00 and expenditure of FY 2020 Federal Grant Funds in the amount not to exceed $616,104.00. Sponsored by Commissioner Tami Sawyer.

BILLINGSLEY ADOPTED

19. Resolution approving the election of Notaries Public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner Mark Billingsley.

JONES (REMOVED TO REGULAR AGENDA) ADOPTED AS AMENDED

20. Resolution to approve a grant contract with Riverfront Development Corporation in an amount not to exceed $3,300,000.00. This grant aligns with the Shelby County Board of Commissioners’ Strategic Priorities and directly serves the citizens of Shelby County. This item requires the appropriation and expenditure of FY 2020 Capital Improvement Plan (CIP) Fund in an amount not to exceed $3,300,000.00. Sponsored by Commissioner Van D. Turner, Jr., Chairman Mark Billingsley, Commissioner Mickell Lowery, Commissioner Brandon Morrison, Commissioner Eddie S. Jones, Jr., and Commissioner Willie F. Brooks, Jr.

MILLS ADOPTED

21. Resolution approving the sale of ONE HUNDRED TWENTY-NINE County-owned Delinquent Tax Parcels acquired from various Shelby County tax sales to identified purchasers at various prices collectively totaling $268,725.00, pursuant to the sale provisions of
Tennessee Code Annotated, Section 67-5-2507, and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Eddie F. Jones, Jr.

22. Resolution approving a contract in the amount not to exceed $214,201.90 between Shelby County Government and Nickson General Contractors, Inc., for construction services for HVAC Replacement at 6449 Haley Road. This item requires an expenditure of FY 2020 Roads & Bridges Funds in the amount of $214,201.90. Sponsored by Commissioner Michael Whaley.

23. Resolution approving a lease agreement between Shelby County Government and Mary Mitchell, d/b/a Orange Mound Arts Council, for the Operation of a Neighborhood Community Center located at 2471 Park Avenue, Memphis, Tennessee. The sum of said lease is $1.00 per annum, beginning immediately upon execution of the lease and continuing for twenty-five (25) years, with the option to renew for one (1) additional twenty-five year period, and to authorize the Shelby County Mayor to execute the lease. Sponsored by Commissioner Michael Whaley.

24. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $10,000.00 to Room In the Inn-Memphis, a charitable organization. Sponsored by Chairman Mark Billingsley.

25. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $5,050.00 to Madonna Learning Center, a charitable organization. Sponsored by Commissioner Mark Billingsley.
<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>26.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $5,000.00 to Nation Enrichment Projects, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.</td>
</tr>
<tr>
<td>27.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $2,500.00 to Brian Callies Foundation, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.</td>
</tr>
<tr>
<td>28.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $25,000.00 to Schoolseed Foundation for White Station Community Court Project, Inc., a charitable organization. Sponsored by Commissioner Brandon Morrison.</td>
</tr>
<tr>
<td>29.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $2,500.00 to Abundant Earth Global CDC, a charitable organization. Sponsored by Commissioner Tami Sawyer.</td>
</tr>
<tr>
<td>30.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $25,000.00 to Heights CDC, a charitable organization. Sponsored by Commissioner Michael Whaley.</td>
</tr>
<tr>
<td>31.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $25,000.00 to Partners in Education, a charitable organization. Sponsored by Commissioner David Bradford.</td>
</tr>
<tr>
<td>32.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $10,000.00 to Memphis Jewish Community Center, a charitable organization. Sponsored by Commissioner Brandon Morrison.</td>
</tr>
<tr>
<td>Resolution Number</td>
<td>Description</td>
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<td>33.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $5,000.00 to Developing Youth for the Future, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.</td>
</tr>
<tr>
<td>34.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $5,000.00 to The Blues Foundation, a charitable organization. Sponsored by Commissioner Tami Sawyer and Chairman Mark Billingsley.</td>
</tr>
<tr>
<td>35.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $2,500.00 to Circuit Playhouse, Inc., a charitable organization. Sponsored by Commissioner Tami Sawyer.</td>
</tr>
<tr>
<td>36.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $10,000.00 to Rotary-FYI, Inc., a charitable organization. Sponsored by Commissioner Tami Sawyer.</td>
</tr>
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<td>37.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $12,000.00 to Collierville Education Foundation, a charitable organization. Sponsored by Commissioner David Bradford.</td>
</tr>
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<td>38.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $6,000.00 to Memphis Urban League, a Charitable Organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner Eddie S. Jones, Jr.</td>
</tr>
<tr>
<td>39.</td>
<td>Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $8,000.00 to Young Actors Guild, a charitable organization. Sponsored by Commissioner Eddie S. Jones, Jr.</td>
</tr>
</tbody>
</table>
SAWYER ADOPTED

40. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $3,000.00 to Couture Cares, a charitable organization. Sponsored by Commissioner Eddie S. Jones, Jr.

JONES (REMOVED TO REGULAR AGENDA) ADOPTED AS AMENDED

41. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $5,000.00 to Sidney's Friends, a charitable organization. Sponsored by Commissioner Van D. Turner, Jr., and Commissioner Eddie S. Jones.

BRADFORD (REMOVED TO REGULAR AGENDA) ADOPTED

42. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $2,500.00 to Promise Development Corporation, a charitable organization. Sponsored by Commissioner Tami Sawyer.

SAWYER ADOPTED

43. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $4,000.00 to Academy for Youth Empowerment, a charitable organization. Sponsored by Commissioner Reginald Milton and Commissioner Van D. Turner, Jr.

MORRISON ADOPTED

44. Resolution amending the FY 2020 Operating Budget to expend unused funds from a multi-year grant award in the amount $6,653.00 and to strengthen the Workforce Development System through innovation, alignment and improvement of employment training and education programs for the Greater Memphis Area Workforce Investment Network (WIN) for the period of October 1, 2018 through September 30, 2019. This item requires the appropriation and expenditure of FY 2020 Federal through State grant funds in the amount of $6,653.00. Sponsored by Commissioner Brandon Morrison.

MILLS ADOPTED

APPROVAL OF CONSENT AGENDA
REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

BRADFORD ADOPTED
45. ORDINANCE -- THIRD READING -- Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend the Shelby County Air Code by incorporating by reference specified State Emission Standards. Sponsored by Commissioner Van D. Turner, Jr.

TURNER APPROVED
46. ORDINANCE -- FIRST READING -- Ordinance to create a dedicated capital investment in transportation to support environmentally sustainable, clean energy and hybrid energy capital projects. Sponsored by Commissioner Van D. Turner, Jr., Commission Chairman Mark Billingsley, Commissioner Willie F. Brooks, Jr., Commissioner Mickell Lowery, Commissioner Tami Sawyer, Commissioner Brandon Morrison and Commissioner Michael Whaley.

LOWERY APPROVED
47. ORDINANCE -- SECOND READING -- Ordinance to rescind Ordinance No. 113 entitled “Ordinance to adopt Supplement No. 1 to the Code of Shelby County, Tennessee”, adopted on November 23, 1992, solely as it pertains to Chapter 19, Article II, Music Commission. Sponsored by Commissioner Mickell Lowery.

Zoning and Subdivisions

WHALEY ADOPTED
48. Resolution pursuant to Chapter 9.8 of the Unified Development Code of the County of Shelby and the City of Memphis, Tennessee, accepting the physical closure of McCalla Road Public Right-Of-Way from its intersection with Austin Peay Highway (TN Hwy 14) at the Northwest side of Austin Peay Highway (TN Hwy 14) and McCalla Road, known as Case No. S.A.C. 19-09 CO. Sponsored by Commissioner Edmund Ford, Jr.
Reports and/or Resolutions for Standing Committees

BRADFORD ADOPTED

49. Resolution amending the Fiscal Year (FY) 2020 Capital Improvement and Operating Budgets and approving the purchase of modular furniture and installation services from Spaces, Inc., in an amount not to exceed $273,568.00 for the relocation of the Criminal Court Clerk’s Office from 201 Poplar Avenue, Suite 4-01 Memphis, Tennessee, to 201 Poplar Avenue, Suite 3-01 Memphis, Tennessee, with an expected move of January 2020. This item requires the transfer, appropriation and expenditure of one-time, non-recurring Pay-As-You-Go Fund Balance in an amount not to exceed $273,568.00. Sponsored by Commissioner Mickell Lowery.

BRADFORD ADOPTED

50. Resolution approving a contract with Wagner General Contractors, Inc., in the amount of $119,271.80 and $10,000.00 for an extra work allowance, for a total amount not to exceed $129,271.80, for construction of fencing along the Wolf River Greenway Trail Phase 8 from the National Disaster Resilience Grant. This item requires an expenditure of FY 2020 Resilience Block Grant Funds in the amount of $129,271.80. Sponsored by Commissioner David Bradford.

BROOKS ADOPTED AS AMENDED

51. Resolution to amend Rule 6 of the Board of Commissioners’ Permanent Rules of Order to include language regarding the County’s commitment to sustainable Living Wage. Sponsored by Commissioner Van D. Turner, Jr., Commissioner Willie F. Brooks, Jr., Commissioner Tami Sawyer, and Commissioner Eddie S. Jones, Jr.

JONES ADOPTED

52. Resolution to approve a one-time, non-recurring grant contract with Life Together Inc., grant in an amount not to exceed $100,000.00. This grant aligns with the Shelby County Board of Commissioners’ Strategic Priorities and directly serves the citizens of Shelby County. This item requires the expenditure of FY 2020 General Funds in an amount not to exceed $100,000.00. Sponsored by Commissioner Mickell Lowery.
53. Resolution amending Resolution No. 40, adopted on August 27, 2001, to increase the County-Wide Motor Vehicle Tax by $20.00 and amending Resolution No. 4 adopted on June 29, 2016, designating revenue generated by the $20.00 increase to the benefit of Memphis Area Transit Authority (MATA) and such other public causes as approved by the Shelby County Commission. Sponsored by Commissioner Willie F. Brooks, Jr., Commissioner Tami Sawyer and Commissioner Van D. Turner, Jr.

54. Resolution approving program guidelines for the Board of County Commissioners ("Commission") Summer Youth Program 2020. Sponsored by Chairman Mark Billingsley and Commissioner Willie F. Brooks, Jr.

55. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $7,000.00 to Tennessee Masonic Foundation, a Charitable Organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner David Bradford.

56. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $20,000.00 to Women's Foundation for a Greater Memphis, a charitable organization. Sponsored by Commissioner Mick Wright, Commissioner Willie F. Brooks, Jr., Commissioner Mickell Lowery, Commissioner Eddie S. Jones, Jr., and Commissioner Michael Whaley.

57. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $27,000.00 to Schoolseed, a charitable organization. Sponsored by Commissioner Edmund Ford, Jr. and Commissioner David Bradford.
BRADFORD
ADOPTED
58. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $10,000.00 to RegionSmart, a charitable organization. Sponsored by Commissioner David Bradford.

BRADFORD
ADOPTED
59. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $1,000.00 to South Side Wildcats Organization, a charitable organization. Sponsored by Commissioner Mickell Lowery and Commissioner Amber Mills.

BRADFORD
ADOPTED
60. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of $10,000.00 to Community Project, Inc., a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner Eddie S. Jones, Jr.

Announcements/Statements

Adjournment

61. Adjournment to Monday, January 27, 2020; at 3:00 p.m.
a. Shelby County Air Code Section 3-9 Rule Revision_Redline Copy
Shelby County Air Code Section 3-9       Malfunctions, Startups and Shutdowns

REDLINE STRIKEOUT

For the purpose of enforcement of malfunction, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Control Regulations, as effective on June 30, 2003 December 5, 2018, is hereby adopted by reference as a portion of this Code. Such regulations shall become a part of this Code and shall have the same effect as if set out in full herein.

b. Shelby County Air Code Section 3-9 Rule Revision_Clean Copy
Shelby County Air Code Section 3-9 Malfunctions, Startups and Shutdowns

For the purpose of enforcement of malfunction, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Control Regulations, as effective on December 5, 2018, is hereby adopted by reference as a portion of this Code. Such regulations shall become a part of this Code and shall have the same effect as if set out in full herein.

B3. City of Millington, Tennessee Ordinance 2021-15
ORDINANCE 2020-15

ORDINANCE AMENDING CHAPTER 1 OF TITLE 20 OF THE MILLINGTON MUNICIPAL CODE TO ADOPT THE SHELBY COUNTY AIR CODE

WHEREAS, The Board of Mayor and Aldermen have previously adopted various air pollution control requirements, which are codified in Chapters 1 of Title 20 of the Millington Municipal Code; and

WHEREAS, The Pollution Control Section of the Shelby County Health Department is responsible for administration and enforcement of the Tennessee Air Quality Act, as contained in T.C.A § 68-201-101 et seq.; and

WHEREAS, The Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws; and

WHEREAS, In order to enforce the Shelby County Air Code in local municipalities, each local municipality must adopt the Code into its City Code; and

WHEREAS, It has been determined that this can best be accomplished by adopting whatever Code is effective for Shelby County is effective in Millington; and

WHEREAS, It is necessary to amend the Millington Municipal Code to accomplish this change.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that all sections of Chapter 1 of Title 20 of the Millington Municipal Code are repealed in their entirety.

BE IT FURTHER ORDAINED, that a new Section 20-101 is adopted to read:

20-101. Shelby County Air Code effective within City. The Shelby County Air Code in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that a new Section 20-102 is adopted to read:

20-102. Fees for Services. The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that all previous ordinances or portions thereof that are in conflict with this Ordinance are hereby repealed.

BE IF FURTHER ORDAINED, that this Ordinance shall take effect upon its adoption, the public welfare requiring it.

Public Hearing: October 12, 2020
First Reading: September 14, 2020
Second Reading: October 12, 2020

[Terry Jones, Mayor]

Karen Findley, City Clerk
B4. Town of Collierville, Tennessee Ordinance 2020-12
ORDINANCE 2020 - 12

AN ORDINANCE TO AMEND SECTION 96.02 OF THE CODE OF ORDINANCES OF THE TOWN OF COLLIERVILLE.

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established by the Shelby County Air Code, adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meets the needs of those regulated by air pollution control laws to the present; and,

WHEREAS, in order to maintain the Certificate of Exemption from the State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board on June 10, 2020, it is necessary for Shelby County and its municipalities, including the Town of Collierville, to adopt regulations no less stringent than State standards; and,

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation ("TDEC") for the control of air pollution prevents the need for State control of Shelby County and Town air pollution sources subject to these controls, specifically certain provisions found in the State/TDEC Rules and Regulations, Chapter 1200-03; and,

WHEREAS, Tenn. Code Ann. § 68-201-115(a) provides that any Tennessee municipality or county may, inter alia, enact either an ordinance or resolution that adopts and incorporates by reference any applicable federal or state air pollution control regulations, when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk and there kept for public use, inspection, and examination for a period of thirty (30) days before the adoption of the ordinance or resolution incorporating such regulations by reference; and,

WHEREAS, Tenn. Code Ann. § 6-54-502(a) provides that any Tennessee municipality is authorized and empowered to adopt by reference the provisions of any public records, including State rules or regulation, provided that one (1) copy of such public records are kept on file in the office of the clerk of the municipality for a period of fifteen (15) days prior to adoption of the ordinance that incorporates such public records by reference; and,

WHEREAS, the Town has complied with the filing requirements of Tenn. Code Ann. §§ 6-54-502(a) and 68-201-115(a); and,

WHEREAS, the Town has caused to be published on October 29, 2020, in a newspaper having a general circulation in the Town a copy of this Ordinance, as well as notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by reference and the date and time of public hearing regarding the adoption of this Ordinance; and,

WHEREAS, it is the intent of the Town to qualify for receipt of federal funds available for air pollution control programs and, to that end, this Ordinance shall be construed to provide the authority to so qualify and maintain such qualification; and,

WHEREAS, it is deemed in the public interest to amend the Collierville Code of Ordinances from time to time to ensure that they comport with applicable State and federal law; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on November 9, 2020, pursuant to notice thereof being published in a newspaper of general circulation within the Town of Collierville on October 29, 2020.
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE, THAT THE TOWN CODE BE AMENDED IN THE FOLLOWING RESPECTS:

Section 1. The Town Code is amended by deleting the existing provisions of Town Code § 96.02 and inserting the following:

The following chapters of the State of Tennessee/TDEC Compilation of Rules and Regulations, as effective on December 5, 2018, are adopted and incorporated herein by reference as if set out in their entirety and approved as part of the Town Air Pollution Control Code:

Chapter 1200-03-02 Definitions
Chapter 1200-03-03 Ambient Air Quality Standards
Chapter 1200-03-05 Visible Emissions Regulations
Chapter 1200-03-06 Non-Process Emission Standards
Chapter 1200-03-07 Process Emission Standards
Chapter 1200-03-09 Construction and Operating Permits
Chapter 1200-03-10 Required Sampling, Recording, and Reporting
Chapter 1200-03-11 Hazardous Air Contaminants
Chapter 1200-03-12 Methods of Sampling and Analysis
Chapter 1200-03-14 Control of Sulfur Dioxide Emissions
Chapter 1200-03-15 Emergency Episode Plan
Chapter 1200-03-16 New Source Performance Standards
Chapter 1200-03-18 Volatile Organic Compounds
Chapter 1200-03-20 Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
Chapter 1200-03-21 General Alternate Emission Standards
Chapter 1200-03-22 Lead Emission Standards
Chapter 1200-03-24 Good Engineering Practice Stack Height Regulations
Chapter 1200-03-25 Standards for Infectious Waste Incinerators
Chapter 1200-03-30 Acid Precipitation Control
Chapter 1200-03-31 Case by Case Determinations of Hazardous Air Pollutant Control Requirements
Chapter 1200-03-32 Prevention of Accidental Releases
Chapter 1200-03-34 Conformity

Section 2. BE IT FURTHER ORDAINED that, except as amended by this Ordinance, the remaining provisions of Chapter 96 of the Town Code shall remain undisturbed and in full force and effect.
Section 3. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately on its passage on third and final reading, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

Passed First Reading: October 26, 2020
Passed Second Reading: November 9, 2020
Passed Third Reading: November 23, 2020

Stan Joyner, Mayor

Lynn Carmack, Town Clerk
B5. City of Bartlett, Tennessee Ordinance (ID#2866)
Ordinance 20-08, an ordinance amending Title 20, Chapter 1, Section 20-101, Air Pollution Control Code, of the Code of Ordinances of the City of Bartlett, Tennessee.

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established in the Shelby County Air Code ("County Air Code"), adopted on June 30, 1969 by the then Shelby County Quarterly Court, as amended, and as adopted by the Board of Mayor and Aldermen of the City of Bartlett on April 22, 2003, has served to protect the air quality in the City of Bartlett and efficiently meet the needs of those regulated by air pollution control laws to the present; and

WHEREAS, in order to maintain the Certificate of Exemption from State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board, it is necessary to adopt regulations no less stringent that State standards; and

WHEREAS, Tennessee Code Annotated, Section 68-201-115(a) provides that any municipality or county may adopt an Ordinance or Resolution which incorporates by reference any federal or state regulations when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk for public use, inspection and examination for a period of thirty (30) days before adoption of the Ordinance or Resolution incorporating regulations by reference; and

WHEREAS, Shelby County Health Department has caused to be published on October 24, 2018, in a newspaper having general circulation in Shelby County, Tennessee, notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by reference and has filed three (3) copies of such State regulations in the office of the Shelby County Clerk more than thirty (30) days before the adoption of this Ordinance which incorporates such regulations by reference; and

WHEREAS, the Bartlett City Clerk has caused to be published, in a newspaper having a general circulation in Shelby County, Tennessee, a copy of this Ordinance at least thirty (30) days before the adoption of this Ordinance; and

WHEREAS, it is the intent of the City of Bartlett to qualify for receipt of federal funds available for air pollution control programs and to that end, this Ordinance shall be construed to give the authority to so qualify and maintain such qualification; and

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation for the control of air pollution prevents the need for State Control of Shelby County air pollution sources subject to these controls,
specifically certain provisions found in State Rules and Regulations Chapter 1200-03, as effective on December 5, 2018; and

WHEREAS, the Board of Mayor and Aldermen for the City of Bartlett, Tennessee wishes to amend Title 20, Chapter 1, Section 20-101, of the Code of Ordinances of the City of Bartlett, to incorporate therein by reference specific sections of the State Rules and Regulations, as effective on December 5, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE that Title 20, Chapter 1, Section 20-101, Words and phrases substituted in state regulations adopted by reference, shall be amended as follows:

SECTION 1. That Section 20-101, formerly Subsection 05(1), of the Code of Ordinances of the City of Bartlett, Words and phrases substituted in state regulations adopted by reference, be amended to add a new subsection (j) to read as follows:

20-1-101(j). That Rules and Regulations of Tennessee Chapter 1200-03-02 titled Definitions; Chapter 1200-03-03 titled Ambient Air Quality Regulations; Chapter 1200-03-05 titled Visible Emission Regulations; Chapter 1200-03-06 titled Nonprocess Emission Standards; Chapter 1200-03-07 titled Process Emission Standards; Chapter 1200-03-09 titled Construction and Operating Permits; Chapter 1200-03-10 titled Required Sampling, Recording and Reporting, Chapter 1200-3-11 titled Hazardous Air Contaminants; Chapter 1200-03-12 titled Methods of Sampling and Analysis; Chapter 1200-03-14 titled Control of Sulfur Dioxide Emissions; Chapter 1200-03-15 titled Emergency Episode Plan; Chapter 1200-03-15 titled Emergency Episode Plan; Chapter 1200-03-16 titled New Source Performance Standards; Chapter 1200-03-18 titled Volatile Organic Compounds; Chapter 1200-03-20 titled Limits on Emissions due to Malfunctions, Startups and Shutdowns; Chapter 1200-03-
21 titled **General Alternate Emission Standards**; Chapter 1200-3-22 titled **Lead Emission Standards**; Chapter 1200-03-24 titled **Good Engineering Practices Stack Height Regulations**; Chapter 1200-03-25 titled **Standards for Infectious Waste Incinerators**; Chapter 1200-03-30 titled **Acid Precipitation Standard**; Chapter 1200-03-31 titled **National Emission Standards for Hazardous Air Pollutants for Source Categories**; Chapter 1200-03-32 titled **Prevention of Accidental Releases**; Chapter 1200-03-34 titled **Conformity**, are incorporated herein by reference as if set out in their entirety and shall be approved as requirements of this jurisdiction upon adoption by the Board of Aldermen. Section nomenclature for these regulations is identified in accordance with the table located in Section 2 of this ordinance. (Ord. #03-06, April 22, 2003).

**SECTION 2.** That the State Rules and Regulations that had previously been adopted by reference into the Bartlett Air Pollution Control Code and are referenced in the second column of this table are deleted and substituted instead with the State Rules and Regulations, effective as of December 5, 2018, that are adopted by this Ordinance and described in the fourth column of this table:

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<th>Bartlett Air Pollution Control Code Section</th>
<th>Previously adopted State Rules and Regulations to be deleted in Bartlett Air Pollution Control Code</th>
<th>State Rules and Regulations Effective as of December 5, 2018 and substituted in Bartlett Air Pollution Control Code Section</th>
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<td>1200-3-2</td>
<td>Definitions</td>
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<td>1200-3-16</td>
<td>New Source Performance Standards</td>
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<td>1200-3-18</td>
<td>Volatile Organic Compounds</td>
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<td>Previously adopted State Rules and Regulations to be deleted in Bartlett Air Pollution Control Code</td>
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<td>05(121)</td>
<td>1200-3-20</td>
<td>Limits on Emissions Malfunctions, Startups &amp; Shutdowns</td>
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<td>05(122)</td>
<td>1200-3-21</td>
<td>General Alternate Emission Standards</td>
<td>1200-03-21</td>
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<tr>
<td>05(124)</td>
<td>1200-3-22</td>
<td>Lead Emissions Standards</td>
<td>1200-03-22</td>
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<tr>
<td>05(125)</td>
<td>1200-3-24</td>
<td>Good Engineering Practice Stack Height Regulations</td>
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<tr>
<td>05(130)</td>
<td>1200-3-25</td>
<td>Standards for Infectious Waste Incinerators</td>
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<td>05(131)</td>
<td>1200-3-30</td>
<td>Acid Precipitation Control</td>
<td>1200-03-30</td>
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<tr>
<td></td>
<td>1200-3-31</td>
<td>Case by Case Determinations</td>
<td>1200-03-31</td>
</tr>
</tbody>
</table>

State Rules and Regulations Effective as of December 5, 2018 and substituted in Bartlett Air Pollution Control Code Section.
SECTION 3. Severability

Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Effective Date. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.
Chief Administrative Officer, Mark Brown, stated that the State of Tennessee and Shelby County had made changes to their Air Quality Ordinance and our ordinance cannot be less stringent. These changes make us compliant.

RESULT: APPROVED [5 TO 0]
MOVER: Emily Elliott, Alderman
SECONDER: Jack Young, Vice Mayor
AYES: Pleasant, Elliott, Parsons, Young, Sedgwick
ABSTAIN: Bobby Simmons
B6. City of Germantown, Tennessee Ordinance 2020-10
ORDINANCE 2021-10

AN ORDINANCE TO AMEND SECTION 9-21 OF THE CODE OF ORDINANCES OF THE CITY OF GERMANTOWN:

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established by the Shelby County Air Code, adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meets the needs of those regulated by air pollution control laws to the present; and,

WHEREAS, in order to maintain the Certificate of Exemption from the State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board on June 10, 2020, it is necessary for Shelby County and its municipalities, including the City of Germantown ("City"), to adopt regulations no less stringent than State standards; and,

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation ("TDEC") for the control of air pollution prevents the need for State control of Shelby County and City air pollution sources subject to these controls, specifically certain provisions set forth below and found in the State/TDEC Rules and Regulations; and,

WHEREAS, Tenn. Code Ann. § 68-201-115(a) provides that any Tennessee municipality or county may, inter alia, enact either an ordinance or resolution that adopts and incorporates by reference any applicable federal or state air pollution control regulations, when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk and there kept for public use, inspection, and examination for a period of thirty (30) days before the adoption of the ordinance or resolution incorporating such regulations by reference; and,

WHEREAS, Tenn. Code Ann. § 6-54-502(a) provides that any Tennessee municipality is authorized and empowered to adopt by reference the provisions of any public records, including State rules or regulations, provided that one (1) copy of such public records are kept on file in the office of the clerk of the municipality for public use, inspection, and examination for a period of fifteen (15) days prior to adoption of the ordinance that incorporates such public records by reference; and,

WHEREAS, the City has complied with the filing requirements of Tenn. Code Ann. §§ 6-54-502(a) and 68-201-115(a); and,

WHEREAS, the City has caused to be published on June 4, 2021, in a newspaper having a general circulation in the City a copy of this Ordinance, as well as notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by
reference and the date and time of public hearing regarding the adoption of this Ordinance; and,

WHEREAS, it is the intent of the City to qualify for receipt of federal funds available for air pollution control programs and, to that end, this Ordinance shall be construed to provide the authority to so qualify and maintain such qualification; and,

WHEREAS, it is deemed in the public interest to amend the Germantown Code of Ordinances from time to time to ensure that they comport with applicable State and federal law; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on June 28, 2021, pursuant to notice thereof being published in a newspaper of general circulation within the City of Germantown on June 4, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF GERMANTOWN, TENNESSEE, THAT THE CITY CODE BE AMENDED IN THE FOLLOWING RESPECTS:

Section 1. The City Code is amended by deleting the existing provisions of City Code § 9-21(24)(a) and inserting the following:

(24) State technical standards.

(a) Rules and regulations adopted. The following chapters of the State of Tennessee/TDEC Compilation of Rules and Regulations, as effective on December 5, 2018, are adopted and incorporated herein by reference as if set out in their entirety and approved as part of the City Air Pollution Control Code:

Chapter 1200-03-02 Definitions
Chapter 1200-03-03 Ambient Air Quality Standards
Chapter 1200-03-05 Visible Emissions Regulations
Chapter 1200-03-06 Non-Process Emission Standards
Chapter 1200-03-07 Process Emission Standards
Chapter 1200-03-09 Construction and Operating Permits
Chapter 1200-03-10 Required Sampling, Recording, and Reporting
Chapter 1200-03-11 Hazardous Air Contaminants
Chapter 1200-03-12 Methods of Sampling and Analysis
Chapter 1200-03-14 Control of Sulfur Dioxide Emissions
Chapter 1200-03-15  Emergency Episode Plan

Chapter 1200-03-16  New Source Performance Standards

Chapter 1200-03-18  Volatile Organic Compounds

Chapter 1200-03-20  Limits on Emissions Due to Malfunctions, Startups, and Shutdowns

Chapter 1200-03-21  General Alternate Emission Standards

Chapter 1200-03-22  Lead Emission Standards

Chapter 1200-03-24  Good Engineering Practice Stack Height Regulations

Chapter 1200-03-25  Standards for Infectious Waste Incinerators

Chapter 1200-03-30  Acid Precipitation Control

Chapter 1200-03-31  Case by Case Determinations of Hazardous Air Pollutant Control Requirements

Chapter 1200-03-32  Prevention of Accidental Releases

Chapter 1200-03-34  Conformity

Section nomenclature is identified in accordance with the following table:

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<th>State/TDEC Rules and Regulations</th>
<th>Title</th>
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<tr>
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<td>1200-03-20</td>
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<td>9-21(121)</td>
<td>1200-03-21</td>
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<td>General Alternate Emission Standards</td>
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<td>Prevention of Accidental Releases</td>
</tr>
<tr>
<td>9-21(134)</td>
<td>1200-03-34</td>
<td>Conformity</td>
</tr>
</tbody>
</table>

Section 2. BE IT FURTHER ORDAINED that, except as amended by this Ordinance, the remaining provisions of City Code § 9-21, including all subsections, shall remain undisturbed and in full force and effect.

Section 3. THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED to be severable. Should any of the above sections, provisions, sentences, clauses, words, phrases, or parts be held unconstitutional, void, unenforceable, or of no effect, the remaining portions shall continue in full force and effect.

Section 4. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately on its passage on third and final reading, in accordance with the Charter of the City of Germantown, the public welfare requiring it.

Passed First Reading
Passed Second Reading
Passed Third Reading

May 24, 2021
June 28, 2021
July 12, 2021

Mike Palazzolo, Mayor

ATTEST: Michele Betty, City Clerk

apc-board_packet_Jan-12-2022
B7. City of Memphis Ordinance (placeholder)
a. City of Memphis Air Code Section 16-87 Rule Revision_Redline Copy (placeholder)
Section 16-87, Sec. 9-12-24 Malfunctions, Startups and Shutdowns

For the purpose of enforcement of the control of the emissions that occur during malfunctions, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Regulations, as effective December 31, 2000 December 6, 2018, is hereby adopted as portion of this Code by reference as a portion of this code. Such regulations and/or all such additions, deletions, changes and amendments as may subsequently be made shall become a part of this Code of Ordinances and shall have the same effect as if set out in full herein.

b. City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy (placeholder)
B8. City of Lakeland Ordinance (placeholder)


**RULES OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

**BUREAU OF ENVIRONMENT**

**DIVISION OF AIR POLLUTION CONTROL**

**CHAPTER 1200-03-20**

**LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS**

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**1200-03-20-.01 PURPOSE.**

(1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

**Authority:** T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

**1200-03-20-.02 REASONABLE MEASURES REQUIRED.**

(1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.


**1200-03-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.**

(1) When any air contaminant source malfunctions in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-3 or any permit issued thereto, or of sufficient duration to cause damage to property or public health, the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such malfunction and provide a statement giving all pertinent facts, including the estimated duration of the malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-3-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the malfunction has been corrected. In attainment and unclassified areas if
emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.


1200-03-20-.04 LOGS AND REPORTS.

(1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions excess of the standards in Division 1200-3 or any permit issued thereto must be kept at the plant. This log must record at least the following:

1. Stack or emission point involved.
2. Time malfunction, startup, or shutdown began and/or when first noticed.
3. Type of malfunction and/or reason for shutdown.
4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.
5. The company employee making entry on the log must sign, date, and indicate the time of each log entry.

(b) The information under parts (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.

(c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.

(d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.

(2) Reserved.


1200-03-20-.05 COPIES OF LOG REQUIRED.

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

1200-03-20-.06 REPORT REQUIRED UPON THE ISSUANCE OF A NOTICE OF VIOLATION.

(1) In the event excess emissions are emitted from any air contaminant source, a notice of violation shall automatically be issued except for visible emission levels included as a startup and/or shutdown permit condition under Paragraph 1200-3-5-.02(1) or determined to be de minimis under Rule 1200-03-20-.06.

(2) The owner or operator of the violating air contaminant source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) to assist the Technical Secretary in deciding whether to excuse or validate the violation of this rule. If the data required in 1200-03-20-.06 paragraph (3) of this rule has previously been available to the Technical Secretary or the Technical Secretary's representative prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this shall be submitted within the twenty (20) day time period.

(3) Each report required in paragraph 1200-03-20-.06(2) shall include as a minimum:

(a) The identity of the stack and/or other emission point where the excess emission(s) occurred;

(b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(c) The time and duration of the emissions;

(d) The nature and cause of such emissions;

(e) For malfunctions. The steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;

(f) The steps taken to limit the excess emissions during the occurrence reported, and

(g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all time maintained and operated in a manner consistent with good operating practices for minimizing emissions.

(4) Failure to submit the report required in paragraph (3) of this rule within the twenty (20) day period specified in Paragraph paragraph (2) of this rule shall preclude the admissibility of the data for consideration of excuse for malfunctions determination of potential enforcement actions, and for any air contaminant source not having startup or shutdown levels as a permit condition.

(5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violation(s) will be automatically issued unless the specified de minimis levels are exceeded:
(Rule 1200-03-20-.06, continued)

<table>
<thead>
<tr>
<th>Source Type</th>
<th>Pollutant</th>
<th>De Minimis Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Fuel Burning</td>
<td>Opacity</td>
<td>Two (2) percent of the time during calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place</td>
</tr>
<tr>
<td>Installations subject to Rule 1200-3-5-.01 or Rule 1200-3-5-.05 and having fuel burning equipment of input capacity greater than 600 x 106 Btu/hr.</td>
<td>Sulfur Dioxide</td>
<td>One (1) 24-hour exceedance per calendar year</td>
</tr>
<tr>
<td>(b) Fuel Burning</td>
<td>Opacity</td>
<td>One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place</td>
</tr>
<tr>
<td>Installations subject to Rule 1200-3-5-.05, Rule 1200-3-5-.10, or Rule 1200-3-6-.05.</td>
<td>Sulfur Dioxide</td>
<td>One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only)</td>
</tr>
<tr>
<td>(c) Fuel Burning</td>
<td>Opacity</td>
<td>One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place</td>
</tr>
<tr>
<td>Equipment subject to Rule 1200-3-16-.02 or Rule 1200-3-16-.59.</td>
<td>Sulfur Dioxide</td>
<td>One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only)</td>
</tr>
<tr>
<td>(d) Kraft Recovery</td>
<td>Opacity</td>
<td>Six (6) percent of the time (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place</td>
</tr>
<tr>
<td>Furnaces subject to either Rule 1200-3-5-.09 or Rule 1200-3-16.29.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(Rule 1200-03-20-.06, continued)

(e) Kraft Recovery Furnaces subject to either Rule 1200-3-7-.07 or Rule 1200-3-16-.29. Total Reduced Sulfur One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).

(f) Lime Kilns subject to Rule 1200-3-7-.07(4). Total Reduced Sulfur Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).

(g) Sulfuric Acid Plants subject to Rule 1200-3-16-.06 and Liquid Sulfur Dioxide Plants subject to Rule 1200-3-19-.19. Sulfur Dioxide One (1) exceedance greater than 3 hours duration per year (Excluding periods of excused malfunctions).

(h) Primary Zinc Smelters subject to Rule 1200-3-16-.24. Sulfur Dioxide One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (Excluding periods of startup, shutdown, or excused malfunction).

(i) Electric Arc Furnaces subject to Rule 1200-3-16-.26. Opacity One (1) percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.

(j) Sulfur Dioxide Abatement System Serving Facilities Producing Organophosphate Compounds. Sulfur Dioxide One (1) exceedance of greater than 3 hours duration per calendar year (Excluding periods of excused malfunctions).

(k) Secondary Lead Furnaces subject to Rule 1200-3-16-.12. Opacity One half (1/2) percent of the time during a calendar quarter (Excluding time periods of startup,
LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS

Chapter 1200-03-20

(Rule 1200-03-20-.06, continued)

shut down, or excused malfunction).

(l) Any source type utilizing a thirty day rolling average.

Nitrogen Oxides

None (Excluding periods of startup, shutdown, or excused malfunction).

For purposes of this Paragraph, the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

(6) Irrespective of the startup and shutdown exemptions set forth on the operating permit of any air contaminant source, no emission during periods of malfunction, start-up, or shutdown that are in excess of the standards in Division 1200-03 or any permit issued thereto shall be allowed which can be proved by the Technical Secretary to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-3 or the National Ambient Air Quality Standards.


1200-03-20-.07 SPECIAL REPORTS REQUIRED.

(1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:

(a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-3.

(b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.

(c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.

(d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shut downs.

(e) Information to determine if the excess emissions truly result from a malfunction.

(f) Information to evaluate the impact of the emissions on the surrounding area.


1200-03-20-.08 RIGHTS RESERVED.

(1) Nothing in this chapter shall be construed to limit the obligation of the air contaminant source to attain and maintain the ambient air quality standards nor the authority of the Technical Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.
1200-03-20-.09 ADDITIONAL SOURCES COVERED.

(1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirement of this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason (for purposes of this rule) to believe a standard may be violated if a value not to be exceeded more than once in a year is equalled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modelling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

1200-03-20-.01 PURPOSE.

(1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.


1200-03-20-.02 REASONABLE MEASURES REQUIRED.

(1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.


1200-03-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

(1) When any air contaminant source malfunctions in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-03 or any permit issued thereto, or of sufficient duration to cause damage to property or public health, the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such malfunction and provide a statement giving all pertinent facts, including the estimated duration of the malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-03-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the malfunction has been corrected. In attainment and unclassified areas if
emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.


1200-03-20-.04 LOGS AND REPORTS.

(1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions excess of the standards in Division 1200-03 or any permit issued thereto must be kept at the plant. This log must record at least the following:

1. Stack or emission point involved.
2. Time malfunction, startup, or shutdown began and/or when first noticed.
3. Type of malfunction and/or reason for shutdown.
4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.
5. The company employee making entry on the log must sign, date, and indicate the time of each log entry.

(b) The information under parts (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.

(c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.

(d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.

(2) Reserved.


1200-03-20-.05 COPIES OF LOG REQUIRED.

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

1200-03-20-.06 REPORT REQUIRED UPON THE ISSUANCE OF A NOTICE OF VIOLATION.

(1) In the event excess emissions are emitted from any air contaminant source, a notice of violation shall automatically be issued except for visible emission levels included as a startup and/or shutdown permit condition under Paragraph 1200-03-05-.02(1) or determined to be de minimis under Rule 1200-03-20-.06.

(2) The owner or operator of the violating air contaminant source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) of this rule. If the data required in paragraph (3) of this rule has previously been available to the Technical Secretary or the Technical Secretary's representative prior to the issuance of the notice of violation no further action is required of the violating source. However, if the owner or operator of the source desires to submit additional information, then the additional information must be submitted within the twenty (20) day time period.

(3) Each report required in paragraph 1200-03-20-.06(2) shall include as a minimum:

(a) The identity of the stack and/or other emission point where the excess emission(s) occurred;

(b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(c) The time and duration of the emissions;

(d) The nature and cause of such emissions;

(e) For malfunctions. The steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;

(f) The steps taken to limit the excess emissions during the occurrence reported, and

(g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all time maintained and operated in a manner consistent with good operating practices for minimizing emissions.

(4) Failure to submit the report required in paragraph (3) of this rule within the twenty (20) day period specified in paragraph (2) of this rule shall preclude the admissibility of the data for determination of potential enforcement actions.

(5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violation(s) will be automatically issued unless the specified de minimis levels are exceeded.
### Limits on Emissions Due to Malfunctions, Startups, and Shutdowns

(Rule 1200-03-20-.06, continued)

<table>
<thead>
<tr>
<th>Source Type</th>
<th>De Minimis Pollutant Monitored</th>
<th>De Minimis Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Fuel Burning Installations subject to Rule 1200-03-05-.01 or Rule 1200-03-05-.05 and having fuel burning equipment of input capacity greater than 600 x 106 Btu/hr.</td>
<td>Opacity</td>
<td>Two (2) percent of the time during calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place</td>
</tr>
<tr>
<td></td>
<td>Sulfur Dioxide</td>
<td>One (1) 24-hour exceedance per calendar year</td>
</tr>
<tr>
<td>(b) Fuel Burning Installations subject to Rule 1200-03-05-.05, Rule 1200-03-05-.10, or Rule 1200-03-06-.05.</td>
<td>Opacity</td>
<td>One (1) percent of the time during a calendar quarter (Excluding period of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place</td>
</tr>
<tr>
<td>(c) Fuel Burning Equipment subject to Rule 1200-03-16-.02 or Rule 1200-03-16-.59.</td>
<td>Opacity</td>
<td>One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place</td>
</tr>
<tr>
<td></td>
<td>Sulfur Dioxide</td>
<td>One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only)</td>
</tr>
<tr>
<td>(d) Kraft Recovery Furnaces subject to either Rule 1200-03-05-.09 or Rule 1200-03-16-.29.</td>
<td>Opacity</td>
<td>Six (6) percent of the time (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.</td>
</tr>
</tbody>
</table>
### Limits on Emissions Due to Malfunctions, Startups, and Shutdowns

**Rule 1200-03-20**

#### (e) Kraft Recovery Furnaces subject to either Rule 1200-03-07-.07 or Rule 1200-03-16-.29.

| Total Reduced | Sulfur | One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions). |

#### (f) Lime Kilns subject to Rule 1200-03-07-.07(4).

| Total Reduced | Sulfur | Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions). |

#### (g) Sulfuric Acid Plants subject to Rule 1200-03-16-.06 and Liquid Sulfur Dioxide Plants subject to Rule 1200-03-19-.19.

| Total Reduced | Sulfur Dioxide | One (1) exceedance greater than 3 hours duration per year (Excluding periods of excused malfunctions). |

#### (h) Primary Zinc Smelters subject to Rule 1200-03-16-.24.

| Total Reduced | Sulfur Dioxide | One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (Excluding periods of startup, shutdown, or excused malfunction). |

#### (i) Electric Arc Furnaces subject to Rule 1200-03-16-.26.

| Total Reduced | Opacity | One (1) percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place. |

#### (j) Sulfur Dioxide Abatement System Serving Facilities Producing Organophosphate Compounds.

| Total Reduced | Sulfur Dioxide | One (1) exceedance of greater than 3 hours duration per calendar year (Excluding periods of excused malfunctions). |

#### (k) Secondary Lead Furnaces subject to Rule 1200-03-16-.12.

| Total Reduced | Opacity | One half (1/2) percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction). |
LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS

CHAPTER 1200-03-20

(Rule 1200-03-20-.06, continued)

any source type utilizing a thirty day rolling average.

Any source type Nitrogen Oxides None (Excluding periods of startup, shutdown, or excused malfunction).

For purposes of this Paragraph, the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

(6) No emission during periods of malfunction, startup, or shutdown that is in excess of the standards in Division 1200-03 or any permit issued thereto shall be allowed which can be proved to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-03-03 or the National Ambient Air Quality Standards.


1200-03-20-.07 SPECIAL REPORTS REQUIRED.

(1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:

(a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-03.

(b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.

(c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.

(d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shutdowns.

(e) Information to determine if the excess emissions truly result from a malfunction.

(f) Information to evaluate the impact of the emissions on the surrounding area.


1200-03-20-.08 RIGHTS RESERVED.

(1) Nothing in this chapter shall be construed to limit the obligation of the air contaminant source to attain and maintain the ambient air quality standards nor the authority of the Technical
(Rule 1200-03-20-.08, continued)
Secretary and/or Board to institute actions under other Chapters of these rules and the
Tennessee Air Quality Act.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. Administrative History: Original rule filed
February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective
September 26, 1994.

1200-03-20-.09 ADDITIONAL SOURCES COVERED.

(1) The Technical Secretary may order the owner or operator of other air contaminant sources to
report in accordance with the requirement of this chapter for those sources in nonattainment
areas or significantly impacting on nonattainment areas when he has reason to believe that
an ambient air quality standard may be violated in the general vicinity where the source is
located. There is sufficient reason (for purposes of this rule) to believe a standard may be
violated if a value not to be exceeded more than once in a year is equalled or exceeded once
and/or if individual readings have a mean excess of ninety per cent of a standard set for any
given averaging interval regardless of the acceptability of the monitoring site, calibration of
the monitor, and other similar matters. Even if there are no monitors in an area, if
mathematical modelling and/or physical damage in the area indicate the standards may be
violated, he may order such reporting.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. Administrative History: Original rule filed
February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective
September 26, 1994.
ATTACHMENT C

Evidence of Legal Authority
C1. Tennessee Code Annotated § 68-201-115
68-201-115. Local pollution control programs — Exemption from state supervision — Applicability of part to air contaminant sources burning wood waste — Open burning of wood waste.

(a) Any municipality or county in this state may enact, by ordinance or resolution respectively, air pollution control regulations not less stringent than the standards adopted for the state pursuant to this part, or any such municipality or county may also adopt or repeal an ordinance or resolution which incorporates by reference any or all of the regulations of the board, or any federal regulations including any changes in such regulations, when such regulations are properly identified as to date and source. Copies of air pollution regulations shall be made available to any interested party, and the city or municipality may charge reasonable compensatory fees for providing such copies. At least three (3) copies of such regulations that are incorporated by reference shall be filed in the office of the county clerk and there kept for public use, inspection and examination. The filing requirements shall not be deemed to be complied with, unless the required copies of such regulations are filed with the clerk for a period of thirty (30) days before the adoption of the ordinance or resolution which incorporated such regulations by reference. No ordinance or resolution incorporating regulations by reference shall be effective until published in a newspaper having a general circulation in the municipality or county.

(b) Before such ordinances or resolutions enacting air pollution control regulations becomes effective, such municipality or county must apply for and receive from the board a certificate of exemption by the following procedure:

(1) Any political subdivision desiring to be exempted from this part may file a petition for certificate of exemption with the technical secretary. The technical secretary shall promptly investigate such petition and make recommendation to the board as to its disposition;

(2) Upon receiving the recommendation of the technical secretary, the board may, if such recommendation is for the granting of the petition, do so without hearing. If the recommendation of the technical secretary is against the granting of the petition or the board, in its discretion, concludes
that a hearing would be advisable, then a hearing shall be held not later than sixty (60) days after receipt of recommendation of the technical secretary by the board;

(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;

(4) The board may grant a certificate of exemption, in whole or in part, may prescribe a time schedule for various parts of an exemption to become effective, and may make a certificate of exemption conditional or provisional as is deemed appropriate;

(5) In granting any certificate of exemption, there is reserved to the state the right to initiate proceedings to enforce any applicable resolution, ordinance or regulation of the municipality or county should it fail to obtain compliance with the resolution, ordinance or regulation. Such proceedings shall be the same as for enforcement of any duly promulgated rule or regulation of the board;

(6) In granting any certificate of exemption, the exemption is to be strictly construed as limited to the language of the exemption. No power or authority that is not expressly stated in the certificate of exemption may be implied. The municipality or county may further petition the board for such power or authority; and

(7) The department shall frequently determine whether or not any exempted municipality or county meets the terms of the exemption granted and continues to comply with this section. If a determination is made that the municipality or county does not meet the terms of the exemption granted or does not comply with this section, the department shall so notify the board, and the board, upon reasonable notice to the municipality, may suspend the exemption in whole or in part until such time as the municipality or county complies with the state standards.

(c)

(1) All new certificates of exemption shall be for a fixed term not to exceed two (2) years. This part does not apply to emissions from any air contaminant source, as defined in this part, which burns wood waste solely for the disposition of such wood waste; provided, however, that open burning of wood waste within two hundred feet (200′) of an occupied building by any person other than an occupant of the building shall only be conducted as follows:

(A) At least one (1) person shall be constantly present at the burning during the entire time of the burn;

(B) Each burn shall not exceed forty-eight (48) hours in duration;
(C) Burning shall not occur more than twice in any thirty-day period; and

(D) If the burning occurs within one hundred feet (100′) of an occupied building, it may only occur if an adult occupant of the building gives written authorization for the burn to occur and has not rescinded the authorization in writing.

(2) Provided further, however, that, if a local government has enacted or enacts more stringent requirements concerning such open burning of wood waste, those provisions shall control over the requirements of this subsection (c).

(d) Local government actions taken in accordance with this section shall be conducted in accordance with the Major Energy Project Act of 1981, compiled in title 13, chapter 18, when the action includes a major energy project, as defined in § 13-18-102.

(e)

(1) If a municipality or county has received a certificate of exemption pursuant to this section, then the municipality or county shall offer a process to grant waivers from its open burning regulations.

(2) Open burning waivers may be approved by the director of the municipal or county air pollution program, if there is no other practical, safe, and lawful method of disposal; provided, that the burning is conducted in a manner to protect public health and the environment.

(3) Nothing in this subsection (e) shall be construed as eliminating or limiting the sanctions or obligations imposed by title 39, chapter 14, part 3.

(f) No municipality or county shall include land use or zoning requirements in its air pollution control regulations or the municipality's or county's certificate of exemption granting the municipality or county the authority to enact the regulations.

(g) No municipality or county shall request that the board include land use or zoning requirements in the state implementation plan submitted to the United States environmental protection agency pursuant to 42 U.S.C. § 7410.

History

C2. Certificate of Exemption
June 18, 2020

Bob Rogers, Technical Manager
Air Pollution Control Program
Shelby County Health Department
814 Jefferson Avenue
Memphis, TN 38105

Dear Bob Rogers,

Enclosed is the Certificate of Exemption and a copy of the associated Board Order approved by the Tennessee Air Pollution Control Board on June 10th, 2020. The certificate is effective July 1, 2020 and expires on June 30, 2022 as authorized by TCA 68-201-115.

In our review, we noticed that some of the local program websites that have multiple jurisdictions do not have a copy of the ordinances/regulations for each local jurisdiction. As this could potentially complicate your enforcement efforts, we encourage having the local ordinances/regulations for all jurisdictions accessible from your website (or links to those jurisdictions’ ordinances/regulations). Keeping easy access to applicable local ordinances/regulations, and keeping those current, is an important aspect to achieving compliance with your local air ordinances/regulations.

Also, we would like to request that you include Marc Corrigan with a copy to Paul LaRock as recipients of all public notices for any air related rule-making your agency undertakes. We generally prefer to provide any comments during the public comment period, or before, rather than at some point later, if possible.

A copy of these documents will be forwarded to the Environmental Protection Agency, Region 4, for informational purposes. If you have any questions or if you need further assistance, please contact Marc Corrigan (marc.corrigan@tn.gov or 615.532.0616).

Sincerely,

Michelle W. Avery
Technical Secretary

Enclosures (2)
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL

CERTIFICATE OF EXEMPTION

By authority of Tennessee Code Annotated Section 68-201-115, the Tennessee Air Pollution Control Board declares that

Memphis and Shelby 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. 20-019, passed
by the Board on this the 10th day of June 2020

Air Pollution Control Board Members of the State of Tennessee

Dr. Ronel Adkins, Ph.D.
Dr. John Godley, MD, MPH
Dr. John Benitez
Karen Cizlar
Joshua Fu
Stephen R. Gossett
Mike Havenstick
Michael Hawkins
Dr. Shawn A. Hawkins

Richard Holland
John A. Bonheur, MD, MPH
Dr. John Benitez
Karen Cizlar
Joshua Fu, Ph.D.
Stephen R. Gossett
Mike Havenstick
Michael Hawkins
Dr. Shawn A. Hawkins

Expiration Date: June 30, 2022
IN THE MATTER OF:  
Shelby County, Tennessee  
City of Memphis, Tennessee  
Town of Arlington, Tennessee  
City of Bartlett, Tennessee  
Town of Collierville, Tennessee  
City of Lakeland, Tennessee  
City of Germantown, Tennessee  
City of Millington, Tennessee

CERTIFICATE OF EXEMPTION

BOARD ORDER

1. Under the authority of Tennessee Code Annotated, Section 68-201-115(a), a petition to renew the Shelby County Certificate of Exemption was filed on August 27, 2019, with the Tennessee Division of Air Pollution Control by the Shelby County Health Department Air Pollution Control Program for the City of Memphis, the County of Shelby and all included municipalities.

The terms in T.C.A. 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 Section 68-201-115(b)(3), the Shelby County Air Pollution Control Program 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 Shelby County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2020**, and expires on **June 30, 2022** as authorized by T.C.A. Section 68-201-115(c). During this period, Shelby 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 regulations;
3. Visible emission standards;
4. Non-process emission limitations;
5. Process emission limitations;
6. Fugitive dust regulations;
7. Permitting requirements:
   A. Construction Permits:
      (1) New Source Review -- Growth Policy
      (2) PSD authority
      (3) Minor Source Permits
   B. Operating Permits:
      (1) Initial and Renewal
      (2) Federally Enforceable
   C. Part 70 Operating Permits
D. Asbestos Demolition and Renovation Projects

8. All National Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards and other standards and regulations for hazardous air pollutants (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;

9. Methods of sampling and analysis;

10. Enforcement and Compliance provisions:

   • Determining that any decision of the local Board or of any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or of her designated representative, or of any included governmental entity, where applicable, 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, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;

   • Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any decision of the local Board or with any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or her designated representative, or of any included governmental entity where applicable;

   • 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;

   • Providing for appellate review by the local air board of decisions, rulings, determinations, failure to act, or to act within a reasonable timeframe, by the Shelby County Health Department;

11. Control of emissions of particulate matter including PM10, and PM2.5 and precursors;

12. Control of emissions of carbon monoxide;
13. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;

14. Control of emissions of sulfur oxides, emissions of sulfuric acid and sulfur trioxide (combined);

15. Control of emissions of lead;

16. Emergency episode regulations including emergency stop orders;

17. New Source Performance Standards (NSPS) as set forth in Chapter 1200-3-16 and 40 CFR Part 60 and Emission Guidelines as set forth in 40 CFR Part 60, after adoption as local laws, as listed below:

   - General Provisions;

   - Fossil fuel-fired steam generating units of more than 250 million Btu/hr heat input rate which commenced construction after August 17, 1971;

   - Fuel-fired steam generators for which construction commenced after April 3, 1972;

   - Electric utility steam generating units for which construction commenced after September 18, 1978;

   - Incinerators;

   - Municipal waste combustors;

   - Portland cement plants;

   - Sulfuric acid plants;

   - Nitric acid plants;

   - Asphalt concrete plants (hot mix asphalt facilities);

   - Petroleum refineries;

   - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973 and prior to May 19, 1978;

   - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978 and prior to July 23, 1984;

   - Secondary lead smelters;
- Secondary brass and bronze ingot production plants;

- Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

- Sewage treatment plants, incinerators;

- Phosphate fertilizer industry for:
  - Wet process phosphoric acid plants;
  - Super phosphoric acid plants;
  - Diammonium phosphate plants;
  - Triple superphosphate plants;

- Granular triple superphosphate storage facilities;

- Primary aluminum reduction plants;

- Coal preparation plants;

- Primary copper smelters;

- Primary zinc smelters;

- Primary lead smelters;

- Steel plant electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

- Ferroalloy production;

- Lime Manufacturing plants;

- Kraft pulp mills;

- Grain elevators;

- Stationary gas turbines;

- Ammonium sulfate manufacture;

- Glass manufacturing plants;
- Automobile and Light-duty truck surface coating operations;
- Asphalt processing and asphalt roofing manufacture;
- Industrial surface coating: large appliances;
- Surface coating of metal furniture;
- Metal coil surface coating;
- Graphic arts industry: Publication Rotogravure Printing;
- Beverage can surface coating industry;
- Metallic mineral processing plants;
- Pressure sensitive tape & label surface coating operations;
- Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- Bulk-gasoline terminals;
- Synthetic fiber production facilities;
- Lead-acid battery manufacturing plants;
- Equipment leaks of VOC in petroleum refineries;
- Flexible vinyl & urethane coating and printing;
- Petroleum dry cleaners;
- Phosphate rock plants;
- Equipment leaks of VOC from onshore natural gas processing plants;
- Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;
- Onshore natural gas processing: SO2 emissions;
- Non-metallic mineral processing plants;
- Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

- Wool fiberglass insulation manufacturing plants;

- Industrial Surface Coating: plastic parts for business machines;

- Industrial-commercial-institutional steam generating units;

- Rubber Tire Manufacturing Industry;

- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed on or after July 23, 1984;

- Calciners and Dryers in Mineral Industries;

- Municipal Solid Waste Landfills;

- Small industrial-commercial-institutional steam generating units;

- Hospital/medical/infectious waste incineration;

- Volatile organic compound (VOC) emissions from the polymer manufacturing industry;

- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;

- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations;

- Volatile organic compound (VOC) emissions from petroleum refinery wastewater systems;

- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

- Magnetic tape coating facilities;

- Polymeric coating of supporting substrates facilities;

- Commercial and industrial solid waste incineration units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001;

18. Emission limitations for hospital/medical/infectious waste incineration;
19. Administrative procedures including emissions credit banking and emissions trading policy statements;

20. Emissions limitations and monitoring;

21. Regulation of malfunctions, start-ups, and shutdowns;

22. Alternate emissions limitations;

23. General policies or plans; [Ozone Attainment and Maintenance Plans (SIP); * Program Operating Procedures; Carbon Monoxide Maintenance Plan (SIP); Lead Maintenance Plan (SIP); Particulate Matter Control Plan (PM2.5)];

24. System of permits and/or certificates and emission fees to include the Title V Permit Program;

25. Scheduling and collecting of fees for review of plans and specifications, issuance or renewal of permits or certificates (including Title V permit fees), inspection of air pollutant sources, including building demolition and renovation, and computer and research time;

26. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending changes as may be deemed appropriate;

27. Requiring the furnishing of information from persons causing, or who may be about to cause air pollution;

28. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;

29. Receiving, budgeting, receipting for and administering such monies as are appropriated or granted for carrying out the program of the local Board;

30. 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;

31. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;

32. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;
33. Regulation of Infectious Waste Incinerators;
34. Regulation of good engineering practice stack height requirements;
35. Abatement of air contaminants, uncombined water, or a combination which reduces visibility across any road to cause a hazard;
36. Transportation Conformity Rule requirements;
37. Confidentiality determinations.
Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of June, 2020.

Dr. Ronne Adkins, Ph.D.

John G. Benitez, M.D., MPH

Dr. John Benitez

Karen Cisler

Joshua Fu

Dr. Joshua Fu, Ph.D.

Stephen P. Gossett

Stephen R. Gossett

Mike Haverstick

Michael Haverstick

Shawn Hawkins

Dr. Shawn A. Hawkins

Richard Holland

Richard Holland

Caitlin Roberts Jennings

The Honorable Ken Moore, City of Franklin

Amy Spann, P.E.

Greer Tidwell

Greer Tidwell Jr.

Larry Waters

The Honorable Larry Waters, Sevier County

Jimmy West

Jim West

Board Order 20_019 Shelby COE 2020 a.docx
ATTACHMENT D

Public Notice – Startup, Shutdown, and Malfunction

(The Daily News, Nov. 2, 2021, publication number Mqd83146)
LEGAL NOTICE TO BIDDERS
Sealed bids (or Requests for proposals, where indicated as RFP) will be received at the Office of the City of Memphis Purchasing Agent, Room 354, City Hall, 125 N. Main St., Memphis, TN 38103, until 12:00 noon Wednesday, on the dates indicated below, for furnishing the City of Memphis with the following products and/or services:

**DUE NOVEMBER 17, 2021**

<table>
<thead>
<tr>
<th>RFP #52463</th>
<th>Biomedical Waste Management and Recycling Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP #52464</td>
<td>Brick, Paving, Topsoil, and Landscaping Services</td>
</tr>
<tr>
<td>RFP #52465</td>
<td>Scheduling and Contract Management Services</td>
</tr>
<tr>
<td>RFP #52466</td>
<td>External Project Network Renewal</td>
</tr>
</tbody>
</table>

Proposals will be publicly opened and read at the Office of the City of Memphis Purchasing Agent, Room 354, City Hall, 125 N. Main St., Memphis, TN 38103, on the dates indicated below:

**DUE DECEMBER 1, 2021**

- **RFP #52470**  SEMI TRUCKS FOR THE NEW WHITENHEIM BANQUET FACILITY
- **RFP #52471**  CMOR FOR THE NEW WHITENHEIM BANQUET FACILITY

**REQUEST FOR PROPOSALS**

- **RFP #52472**  CMOR FOR THE NEW WHITENHEIM BANQUET FACILITY
- **RFP #52473**  VEGETATION MANAGEMENT PROGRAM

**NOTICE OF SALE**

- **NOTE:** The property is located at 1516 Old Highway 12 North, Memphis, TN 38128.
- **NOTICE:** The property is located at 4505 Old Highway 12 North, Memphis, TN 38128. The property is subject to the Uniform Relocation Act and the Tennessee Relocation Assistance Act. Individuals who wish to receive copies of the Uniform Relocation Act and the Tennessee Relocation Assistance Act should contact the Shelby County Health Department at 901-729-8000. The property is subject to the Uniform Relocation Act and the Tennessee Relocation Assistance Act. Individuals who wish to receive copies of the Uniform Relocation Act and the Tennessee Relocation Assistance Act should contact the Shelby County Health Department at 901-729-8000.

**PUBLIC NOTICE**

- **PUBLIC NOTICE**
- **PUBLIC NOTICE**

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PUBLIC NOTICE

The Shelby County Health Department – Pollution Control Section (SCHD-PCS) is requesting public comments on a revision to Tennessee’s State Implementation Plan (SIP) specific to Shelby County, Tennessee. This SIP revision requests EPA approval for the incorporation by reference of Tennessee Comprehensive Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions due to Malfunctions, Startups, and Shutdowns” into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.

A copy of the revised SIP is available for public inspection at the Pollution Control Section office noted below during normal business hours (8:00 am – 4:30 pm). It can also be found at the following web sites: https://www.shelbytnhealth.com/310/Air-Pollution-Control-Public-Notices or at www.shelbycountytn.gov. Interested parties are invited to review these materials and provide written comments. Anyone desiring to make oral comments at the public hearing is requested to prepare a written copy of these comments to be submitted to the hearing officer. All comments received during the public comment period will be distributed to members of the Tennessee Air Pollution Control Board for their review prior to submission to the EPA. The public comment period will end at the close of business 30 days from the date of this publication. Written comments not submitted at the public hearings will be included in the hearing record only if received by the end of the public comment period and must be addressed to:

Larry Smith, Technical Manager
Pollution Control Section
Shelby County Health Department
1826 Sycamore View Road
Memphis, TN 38134
(e-mail larry.smith@shelbycountytn.gov)

A public hearing to receive oral or written comments has been scheduled at the respective date and location below:

November 15, 2021
Shelby County Health Department
Meeting Room 2, 2:00 PM
1826 Sycamore View Road
Memphis, TN 38134

Individuals with disabilities who wish to review this information should contact the SCHD, Pollution Control Section, to discuss any auxiliary aids, accommodations or services needed to facilitate such review. Contact may be in person, writing, telephone or other means, and should be made no less than ten (10) days prior to the end of the public comment period to allow time to provide such aid or services.

Questions concerning these documents may be addressed to Larry Smith at the above referenced address or by calling (901) 222-9575.
ATTACHMENT E

Public Hearing held on November 15, 2021
A public hearing was held on November 15, 2021 at the Shelby County Health Department located at 1826 Sycamore View Road, Memphis, Tennessee 38134 in Meeting Room 2 from 2:00 pm until 3:00 pm. With the exception of staff members, Larry Smith, Jeff Grill, and Chris Boyd, there were no representatives from the public in attendance. By the conclusion of the hearing, the Department had not received any comments pertaining to the proposed SSM SIP revision from the general public.

On December 2, 2021, the EPA submitted comments pertaining to the proposed SSM SIP revision. Those comments and the Department's response are provided in Attachment F.
# Shelby County Startups, Shutdowns, and Malfunctions SIP Revisions Public Participation Log

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/15/21</td>
<td>JEFF GILL</td>
<td>1807 CYCLAMORE VIEW 2020 MEMP 38134</td>
<td></td>
</tr>
<tr>
<td>11/15/21</td>
<td>CARY J SMITH</td>
<td>785 COTY 29104</td>
<td></td>
</tr>
<tr>
<td>11/15/21</td>
<td>CHRISTOPHER BOYD</td>
<td>7698 OCTOBER ROSE 38111</td>
<td>NONE</td>
</tr>
</tbody>
</table>

Note: As the "Comments" column may not provide enough space to express detailed comments, you are invited to submit a written comment and have it posted with this copy of the SSM SIP Revision Packet.
ATTACHMENT F

Public Participation
F1. Response to Public Comments on Pre-Hearing SIP Notice

The Shelby County Health Department – Pollution Control Section did not receive any comments from the general public pertaining to the proposed Startup, Shutdown, and Malfunction SIP revision submittal. However, on December 2, 2021, the EPA provided comments regarding the proposed Shelby County SSM SIP revision. Those comments and the Department's response are provided in Attachment F.
F2. EPA Comments on Prehearing SIP Submittal

On December 2, 2021, the Department received EPA's comments regarding Shelby County, Tennessee's proposed SSM SIP revision. The comments are displayed here, as follows:
December 2, 2021

Karen Cook-Pryor, Deputy Administrator
Pollution Control
Shelby County Health Department
814 Jefferson Avenue
Memphis, Tennessee 38105-5041

Dear Ms. Cook-Pryor:

The Region 4 Office of the U.S. Environmental Protection Agency received the Shelby County Health Department (SCHD), Pollution Control’s November 2, 2021, Pre-Hearing State Implementation Plan (SIP) revision proposing to respond to the EPA’s June 12, 2015, final SIP Call and finding of substantial inadequacy with respect to the treatment of excess emissions during periods of startup, shutdown, and malfunction. We have completed our preliminary review and have enclosed our comments for your consideration.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Pepa Sassin, Chief of the Air Regulatory Management Section at 404-562-9075, or have your staff contact Mr. Joel Huey at (404) 562-9104.

Sincerely,

Lynorae Benjamin,
Chief, Air Planning and Implementation Branch

Enclosures

cc:
Larry Smith, Pollution Control, SCHD
Chris Boyd, Pollution Control, SCHD
Paul LaRock, Tennessee Department of Environment and Conservation
The U.S. Environmental Protection Agency (EPA) Comments on Tennessee Prehearing Submittal Regarding the Memphis-Shelby County portion of the Tennessee State Implementation Plan (SIP) concerning Startup, Shutdown, and Malfunction (SSM) provisions.

Key Comment

1. The public notice posted November 2, 2021, notes that the pending SIP revision will request the EPA approval “for the incorporation by reference of Tennessee Comprehensive Rules and Regulations, Chapter 1200-3-20 titled ‘Limits on Emissions due to Malfunctions, Startups, and Shutdowns’ into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.” In the final package to support a SIP revision, please include evidence of adoption of this version of Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the included municipalities in addition to the already-provided Shelby County information.

2. The EPA notes that the last approval of the Memphis-Shelby County adoption of Tennessee’s Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986. See 54 FR 25456. Therefore, the Memphis-Shelby County adoption of 1200-3-20 as of 2018 includes other intervening changes between the 1989 SIP approval and the 2016 rulemaking effort to respond to EPA’s 2015 SSM SIP Call. For example, Tennessee’s 1993 revision to Chapter 1200-3-20 recodifies certain rules within the Chapter and adopts 1200-3-20-.06(5), consisting of de minimis exemptions for periods of SSM. The EPA previously commented on 1200-3-20-.06(5) in response to Tennessee’s June 20, 2016, prehearing submission regarding the State’s response to the 2015 SSM SIP Call in a letter to Michelle Owenby dated June 21, 2016. The EPA is providing those comments here as a second attachment for your reference, as those related to Chapter 1200-3-20 would equally apply to this pending submission. Tennessee withdrew its original adoption of 1200-3-20-.06(5) from the EPA consideration on July 20, 2016.
F3. SCHD-PCS Response to EPA Comments
SCHD-PCS Response to EPA Comments – Shelby County Startup, Shutdown, Malfunction SIP Revision

On December 2, 2021, the EPA submitted comments to the Shelby County Health Department – Pollution Control Section pertaining to the proposed Startup, Shutdown, and Malfunction SIP revision. A listing of those comments and the Department’s response (in italics) follows.

**EPA Comment 1:**
EPA made a comment noting that “to support a SIP revision, please include evidence of adoption of this version Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the included municipalities in addition to already provided Shelby County information”.

**Shelby County Response to EPA Comment 1:**
The Department acknowledges EPA’s comment that evidence of adoption of this version Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the surrounding municipalities within Shelby County should have been included in the prehearing SSM SIP revision submittal. In response, in support of the SSM SIP revision, the Department will make sure to include copies of ordinances adopted by each jurisdiction as evidence of adoption of Tennessee’s Chapter 1200-3-20 into the air codes of all municipalities within Shelby County, with the exception of the City of Memphis and City of Lakeland. Although, each of these municipalities has received an SSM ordinance revision packet and are aware of the Department’s intention to have this regulation incorporated into their air codes, this version of Tennessee’s Chapter 1200-3-20 has not been adopted by these municipalities yet.

In the City of Memphis, the ordinance approval process requires three readings by the members of the Memphis City Council. Typically, this process involves a two-three month timespan. Eight-months ago, the Department conveyed an SSM ordinance revision packet to the office of the City Attorney and the Memphis City Council; however, it was not put on the agenda and never voted on. Subsequently, on November 18, 2021, the Department initiated another effort to get this version of Tennessee’s Chapter 1200-3-20 adopted into the City of Memphis air codes. An SSM ordinance revision packet was again provided to the City of Memphis through the same channels. On December 13, 2021, the Department received notification from the City of Memphis that the ordinance has been placed on the City Council’s agenda and is recommended for approval.

On the other hand, according to the Lakeland Municipal Code, the ordinance approval process in the City of Lakeland requires only two readings by the Board of Commissioners and the ordinance adoption process can be completed in as little as two to three weeks. Approximately one year ago, the Department conveyed an SSM ordinance revision packet to the office of the Lakeland City Manager. At that time, the SSM ordinance revision packet did not make it to committee, and thus, was not put on the agenda and never voted on. On November 19, 2021, the Department met with the Lakeland City Manager to initiate another effort to promote the adoption of this version of Tennessee’s Chapter 1200-3-20 into the City of Lakeland air codes. On December 8, 2021, the Department received notification from the City of Lakeland that the ordinance will go to committee on January 6, 2021 for the first reading by the Board of
Commissioners of City of Lakeland.

Finally, the Department continues to work vigorously to promote the adoption of this version of Tennessee’s Chapter 1200-3-20 into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon.

EPA Comment 2:
EPA commented on that the last approval of the Memphis-Shelby County adoption of Tennessee’s Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986 and that there have been intervening changes between the 1989 SIP approval and the 2016 rulemaking.

Additionally, EPA made a comment noting that “EPA previously commented on 1200-3-20-.06(5) in response to the 2015 SSM SIP Call in a letter to Michelle Owenby”. In this comment, specific concerns were outlined to illustrate how 1200-3-20-.06(5) was regarded to be inconsistent with and presents the same deficiencies noted in the proposed and final SSM SIP Call.

Shelby County Response to EPA Comment 2:
The Department acknowledges EPA’s comment “that the last approval of the Memphis-Shelby County adoption of Tennessee’s Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986” and “that there have been intervening changes between the 1989 SIP approval and the 2016 rulemaking”. In response, the Department submits a strikeout of the Memphis Air Code Section 9-12-24 (formerly Section 16-87) to show the incorporation by reference of Tennessee’s Chapter 1200-3-20 in the Memphis Air Codes during the time period from 1989 through 2016 is displayed below. To make Section 9-12-24 easier to read, deletions are red and additions are blue.

Additionally, the Department acknowledges EPA’s comment that 1200-3-20-.06(5) is inconsistent with and presents the same deficiencies noted in the proposed and final SSM SIP Call. The Department proposes to request approval of the adoption by reference of Tennessee’s Chapter 1200-3-20 into the air codes Shelby County and the included municipalities, with the exception of 1200-3-20-.06(5). When Tennessee amends this part of the regulation, the Department will request a SIP revision to adopt by reference the future version 1200-3-20-.06(5).
a. A strikethrough copy of the City of Memphis Air Pollution Code Section 9-12-24 (formerly Section 16-87) is displayed here to show the changes to Chapter 1200-3-20 that have been adopted by Memphis during the 1989 through 2016 time period
Section 16-87, Sec. 9-12-24  Malfunctions, Startups and Shutdowns

For the purpose of enforcement of the **control of the emissions that occur during** malfunctions, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Regulations, as effective December 31, 2000 **December 6, 2018**, is hereby adopted as portion of this Code by reference as a portion of this code. Such regulations and/or all such additions, deletions, changes and amendments as may subsequently be made shall become a part of this Code of Ordinances and shall have the same effect as if set out in full herein.

RULES
OF
THE TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT AND
CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL

CHAPTER 1200-3-20

LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, START-UPS, AND SHUTDOWNS

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1200-3-20-.02 Reasonable Measures Required
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1200-3-20-.06 Scheduled Maintenance
1200-3-20-.07 Report Required Upon the Issuance of a Notice of Violation
1200-3-20-.08 Special Reports Required
1200-3-20-.09 Rights Reserved
1200-3-20-.10 Additional Sources Covered

1200-3-20-.01 PURPOSE

(1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source (incinerator, fuel burning installation, wood fire boiler or process emission source) can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.


1200-3-20-.02 REASONABLE MEASURES REQUIRED

(1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. For sources identified by the Technical Secretary as being in or significantly affecting a nonattainment area (as defined in Rule 1200-3-2-.01(f)) failures that are caused by
poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions, and shall be considered in violation of the emission standard exceeded and this rule.


1200-3-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

(1) When any emission air contaminant source malfunctions, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in these regulations in Division 1200-3 or any permit issued thereto, or of sufficient duration to cause damage to property or public health, the person responsible for such equipment the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such failure or breakdown malfunction and provide a statement giving all pertinent facts, including the estimated duration of the breakdown malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-3-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation malfunction has been corrected. In attainment and unclassified areas if emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.


1200-3-20-.04 LOGS AND REPORTS

(1) A log of all malfunctions, startups, and shutdowns resulting in emissions in excess of the standards in Division 1200-3 or any permit issued thereto must be kept at the plant. This log must record at least the following:

1. Stack or emission point involved.

2. Time malfunction, startup, or shutdown and/or when first noticed.

3. Type of malfunction and/or reason for shutdown.
4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.

5. The company employee making entry on the log must sign, date and indicate the time of each log entry.

(b) The information under item (a)1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.

(c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.

(d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.

(2) The owner or operator of all sources located in non-attainment areas or having a significant impact on air quality in a nonattainment area (for the pollutant designated by the Technical Secretary) must submit a report to the Technical Secretary within thirty (30) days after the end of each calendar quarter listing the times at which malfunctions, startups and/or shutdowns, which resulted in emissions greater than any applicable emission limits and the estimated amount of emissions discharged during such times. This report should also include total emissions during the quarter and be reported in a format specified by the Technical Secretary. If these emissions are required to be reported under rule 1200-3-10-.02 or under rules of Chapter 1200-3-16 then the report required by this paragraph is waived. Reserved.


1200-3-20-.05 COPIES OF LOG REQUIRED

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.


1200-3-20-.06 SCHEDULED MAINTENANCE

(1) GENERAL

In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Technical Secretary at least twenty-four
hours prior to the planned shutdown where such equipment will result in the discharge of emissions in excess of the standards in this Division 1200-3. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific source (permit unit) to be taken out of service, as well as its location and permit number.

(b) The length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the emissions during the shutdown period.

(2) EXCEPTIONS TO SHUTDOWN REPORTING REQUIREMENTS

When shutdowns referred to in paragraph (1)(a) of this rule are on a routine schedule, the report to the Technical Secretary may be furnished on an annual basis and shall list the dates and times of the routine scheduled shutdowns during the upcoming year, with the other information required in paragraph (1) of this rule.


1200-3-20-.076 REPORT REQUIRED UPON THE ISSUANCE OF NOTICE OF VIOLATION

(1) In the event excess emissions are emitted from any air contaminant source (permit unit) subject to the rules and regulations, a notice of violation shall automatically be issued except for visible emissions levels included as a startup and/or shutdown permit condition under Paragraph 1200-3-5-.02(1) or determined to be de minimis under Rule 1200-3-20-.076.

(2) The owner or operator of the violating source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) to assist the Technical Secretary in deciding whether to excuse or validate the violation. If the data required in 1200-3-20-.076(3) has previously been available to the Technical Secretary prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this shall be submitted within the twenty (20) day time period.

(3) Each report required in 1200-3-20-.076(2) shall include as a minimum:

(a) The identity of the stack and/or other emission point where the excess emission(s) occurred;

(b) The magnitude of the excess emissions expressed in pounds per hour and the units of the
applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(c) The time and duration of the emissions;

(d) The nature and cause of such emissions;

(e) For malfunctions the steps taken to correct the situation and the action planned to prevent the recurrence of such malfunctions;

(f) The steps taken to limit the excess emissions on the occurrence reported, and

(g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions.

(4) Failure to submit this the report required in paragraph (3) within the twenty (20) day period specified in paragraph (2) shall preclude the admissibility of the data for consideration of excusal for malfunctions, and for any air contaminant source (permit unit) not having startup or shutdown levels as a permit condition.

(5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violations(s) will be automatically issued unless the specified de minimis are violated:

<table>
<thead>
<tr>
<th>Source Type</th>
<th>De Minimis Pollutant</th>
<th>Monitored</th>
<th>De Minimis Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Fuel Burning Installations subject to Rule 1200-3-5-.01 or Rule 1200-3-5-.05 and having fuel burning equipment of input capacity greater than 600 x 10^6 Btu/hr.</td>
<td>Opacity</td>
<td>Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.</td>
<td></td>
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<tr>
<td>(b) Fuel Burning Installations subject to Rule 1200-3-5-.05 or Rule 1200-3-5-.10, or Rule 1200-3-6-.05</td>
<td>Sulfur Dioxide</td>
<td>One (1) 24-hour exceedance per calendar year.</td>
<td></td>
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<td></td>
<td>Opacity</td>
<td>One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Equipment</td>
<td>Opacity</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
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</tr>
<tr>
<td>(c)</td>
<td>Fuel Burning Equipment Installations</td>
<td>One (1) percent of the time during a calendar quarter (excluding periods of permitted startup or shutdown and excused malfunctions) as so long as no more than one (1) 24-hour exceedance per calendar year takes place.</td>
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<td></td>
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<tr>
<td></td>
<td>Sulfur</td>
<td>One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only).</td>
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</tr>
<tr>
<td></td>
<td>Dioxide</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td>Kraft Recovery Furnaces subject to either Rule 1200-3-5-.09 or 1200-3-16-.29</td>
<td>Six (6) percent of the time (excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.</td>
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</tr>
<tr>
<td>Source Type</td>
<td>Pollutant Monitored</td>
<td>De Minimis Level</td>
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</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>(e) Kraft Recovery Furnaces subject to either Rule 1200-3-7-.07 or</td>
<td>Total, Reduced, Sulfur</td>
<td>One (1) percent of the time during a calendar quarter (excluding periods of permitted startup or shutdown and excused malfunctions).</td>
<td></td>
</tr>
<tr>
<td>1200-3-16-.29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) Lime Kilns subject to Rule 1200-3-7-.07(4).</td>
<td>Total, Reduced, Sulfur</td>
<td>Two (2) percent of the time during a calendar quarter (excluding periods of permitted startup or shutdown and excused malfunctions).</td>
<td></td>
</tr>
<tr>
<td>(g) Sulfuric Acid Plants subject to Rule 1200-3-16-.06 and Liquid Sulfur</td>
<td>Sulfur, Dioxide</td>
<td>One (1) exceedance greater than 3 hours duration per year (excluding periods of excused malfunctions).</td>
<td></td>
</tr>
<tr>
<td>Dioxide Plants subject To Rule 1200-3-19-.19.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(h) Primary Zinc Smelters subject to Rule 1200-3-16-.24.</td>
<td>Sulfur, Dioxide</td>
<td>One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (excluding periods of startup, shutdown, or excused malfunction).</td>
<td></td>
</tr>
<tr>
<td>(i) Electric Arc Furnaces subject to Rule 1200-3-16-.26.</td>
<td>Opacity</td>
<td>One (1) percent of the time during a calendar quarter (excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.</td>
<td></td>
</tr>
<tr>
<td>(j) Sulfur Dioxide Abatement Systems Serving Facilities Producing Organophosphate Compounds.</td>
<td>Sulfur, Dioxide</td>
<td>One (1) exceedance of greater than 3 hours duration per calendar year (excluding periods of excused malfunctions).</td>
<td></td>
</tr>
</tbody>
</table>
(k) Secondary Lead Furnaces
subject to Rule 1200-3-16-12
Opacity
One half (1/2) percent
of the time during a
calendar quarter
(Excluding time periods
of startup, shutdown or
excused malfunction).

(l) Any source type
utilizing a thirty day
rolling average
Nitrogen Oxides
None (Excluding periods
of startup, shutdown, or
excused malfunction).

For purposes of this Paragraph the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

(6) Irrespective of the startup and shutdown exemptions set forth on the operating permit of any air contaminant source, no emission shall be allowed which can be proved by the Technical Secretary to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-3-3.


1200-3-20-.087 SPECIAL REPORTS REQUIRED

(1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:

   (a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-3.

   (b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.

   (c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.

   (d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shutdowns.

   (e) Information to determine if the excess emissions truly result from a malfunction.

   (f) Information to evaluate the impact of the emissions on the surrounding area.
1200-3-20-.098   RIGHTS RESERVED

(1) Nothing in this chapter shall be construed to limit the obligation of the source to attain and maintain the ambient air quality standards not the authority of the Technical Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.


1200-3-20-.109   ADDITIONAL SOURCES COVERED

(1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirements in this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason for (purposes of this rule) to believe a standard may be violated if a value not to be exceeded more than once in a year is equaled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modeling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.


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