

TENTATIVE AGENDA
STATE OF TENNESSEE
REGULAR MEETING
AIR POLLUTION CONTROL BOARD
DAVY CROCKETT TOWER, FIRST FLOOR
CONFERENCE ROOM 1-B
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0582

IN-PERSON AND REMOTE ACCESS VIA WEBEX LINK

(Webex Webinar Options Available-Details on the following page).

Wednesday, June 10, 2026
9:30 A.M.

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

AGENDA:

1. **Welcome.**

2. **Roll Call.**

3. **Approval of May 13, 2026, board minutes.**

4. **John Bregger Jr.:** Accidental Release Plans Rulemaking and Board Vote

Comments from the Public or Online Participants

5. **Lacey Hardin:** General Permits Rulemaking and Board Vote

Comments from the Public or Online Participants

6. **Marc Corrigan:** Renewal of the Certificate of Exemption for Davidson County Board Order # 26-003

Comments from the Public or Online Participants

7. **Marc Corrigan:** Renewal of the Certificate of Exemption for Hamilton County Board Order # 26-004

****Comments from the Public or Online Participants****

8. Marc Corrigan: Renewal of the Certificate of Exemption for Knox County Board Order # 26-005

****Comments from the Public or Online Participants****

9. Marc Corrigan: Renewal of the Certificate of Exemption for Shelby County Board Order # 26-006

****Comments from the Public or Online Participants****

General Business:

10. Mark Reynolds: Non-Title V Fee Rule Revision

****Comments from the Public or Online Participants****

11. Grant Ruhl: Uniform Administrative Procedures Act

****Comments from the Public or Online Participants****

Final Remarks

Adjourn

The meeting will be held in compliance with Tennessee Code Annotated Section 8-44-108, as amended by Chapter 490 of the 1999 Public Acts of the Tennessee General Assembly. The meeting will be conducted permitting participation by electronic or other means of communication. Consequently, some members of the Tennessee Air Pollution Control Board are allowed to and may participate by electronic or other means of communication and may not be physically present at the announced location of the meeting.

This agenda is subject to change. For the latest board agenda, please contact: Donna F. Brown (615) 981-3436 or donna.f.brown@tn.gov (Email is preferred for prompt reply)

Webinar topic:
Air Pollution Control Board Meeting

Date and time:
Wednesday, June 10, 2026, 9:30 AM | (UTC-05:00) Central Time (US & Canada)

Join link:
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2314 633 9494

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Access code: 231 463 39494

Air Pollution Control Board of the State of Tennessee
Regular Meeting Minutes
May 13, 2026

Call to Order and Attendance

On Wednesday, May 13, 2026, at 9:32 A.M., the Air Pollution Control Board of the State of Tennessee (hereinafter referred to as the “Board”) began its meeting on the 1st Floor of the Davy Crockett Tower, Conference Room 1-B.

Mr. Alvin Pratt, Division of Air Pollution Control, served as the Technical Secretary. Mr. Pratt welcomed Board members and those in attendance.

The Vice-Chairman, Mayor Larry Waters, called the meeting to order and asked for a roll call.

Members Present (In Person)

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

Members Present (via WebEx)

- Dr. Joshua Fu

Members Absent

- Ms. Caitlin Roberts
- Mayor Ken Moore
- Ms. Amy Spann

Roll Call

Board Member	Attendance
Ms. Pedraza	Present
Dr. Benitez	Present
Mr. Etheridge	Present
Dr. Fu	Present (via WebEx)
Mr. Haverstick	Present
Mr. Moore (Stephen)	Present
Ms. Roberts	Absent
Mayor Moore (Ken)	Absent
Ms. Spann	Absent
Mr. Ramos	Present
Mayor Waters	Present
Mr. West	Present

Eight (8) Board members were present in person, one (1) participated via WebEx, and three (3) were absent.

Approval of Minutes from March 11, 2026

The next item on the agenda was the approval of the minutes from the March 11, 2026 Board meeting. The Vice-Chairman requested a motion to approve the minutes.

Mr. Kyle Etheridge made a motion to approve the minutes, and Dr. John Benitez seconded the motion. The Vice-Chairman asked if there were any additions or corrections. Hearing none, the Vice-Chairman asked for a roll call.

Vote on March 11, 2026 Minutes

Board Member	Vote
Ms. Pedraza	Yes
Dr. Benitez	Yes
Mr. Etheridge	Yes

Board Member	Vote
Dr. Fu	Yes
Mr. Haverstick	Yes
Mr. Moore (Stephen)	Yes
Ms. Roberts	Absent
Mayor Moore (Ken)	Absent
Ms. Spann	Absent
Mr. Ramos	Yes
Mayor Waters	Yes
Mr. West	Yes

Result: The motion carried with nine (9) affirmative votes. The minutes were approved as presented.

Board Order #26-007: Amended State Implementation Plan Permit 082237 and Sullivan County Redesignation Request Update

The Vice-Chairman called on Mr. Travis Blake to present the Amended State Implementation Plan Permit 082237 and the update to the Sullivan County Redesignation Request (Board Order #26-007).

Mr. Travis Blake presented an amendment to the Board for approval which updates the State Implementation Plan for the Sullivan County sulfur dioxide nonattainment area. The amendment corrects an error in the emission limit for Eastman Chemical Company's coal gasification flare and makes other minor corrections and clarifications requested by the U.S. EPA.

The Vice-Chairman requested a motion to approve the Amended State Implementation Plan Permit 082237 and the Sullivan County Redesignation Request update (Board Order #26-007). Mr. Kyle Etheridge made a motion to approve the Board Order, and Dr. John Benitez seconded the motion. The Vice-Chair asked for a roll call.

Vote on Board Order #26-007

Board Member	Vote
Ms. Pedraza	Yes
Dr. Benitez	Yes
Mr. Etheridge	Yes
Dr. Fu	Yes
Mr. Haverstick	Yes
Mayor Moore (Ken)	Absent
Ms. Roberts	Absent
Mr. Moore (Stephen)	Abstained
Ms. Spann	Absent
Mr. Ramos	Yes
Mayor Waters	Yes
Mr. West	Yes

Result: The motion carried with eight (8) affirmative votes and one (1) abstention. Board Order #26-007 was approved as presented.

Board Order #26-008: Hankook PSD Construction Permit Extension

The Vice-Chairman called on Ms. Chelsea Materi to present the Hankook PSD Construction Permit Extension (Board Order #26-008).

Ms. Chelsea Materi presented Board Order #26-008 for Hankook Tire Manufacturing, LP regarding their request to extend the expiration date of their PSD construction permit, along with corrections and clarifications to the SO₂ Redesignation Request.

The Vice-Chairman requested a motion to approve the Hankook PSD Construction Permit Extension (Board Order #26-008). Mr. Stephen Moore made a motion to approve the Board Order, and Mr. Kyle Etheridge seconded the motion. The Vice-Chair asked for a roll call.

Vote on Board Order #26-008

Board Member	Vote
Ms. Pedraza	Yes
Dr. Benitez	Yes
Mr. Etheridge	Yes
Dr. Fu	Yes
Mr. Haverstick	Yes
Mayor Moore (Ken)	Absent
Ms. Roberts	Absent
Mr. Moore (Stephen)	Yes
Ms. Spann	Absent
Mr. Ramos	Yes
Mayor Waters	Yes
Mr. West	Yes

Result: The motion carried with nine (9) affirmative votes. Board Order #26-008 was approved as presented.

Adjournment

There being no further business to discuss before the Board, nor members of the public wishing to address the Board, the meeting was adjourned at 9:57 A.M.

Approvals and Signatures

Approved at Nashville, Tennessee on _____, 2026.

Michelle Owenby, Technical Secretary
Tennessee Air Pollution Control Board

Mayor Larry Waters, Vice-Chairman

Tennessee Air Pollution Control Board

David Salyers, Chairman
Tennessee Air Pollution Control Board

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 Email: publications.information@tnsos.gov

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Sequence Number: _____
 Rule ID(s): _____
 File Date: _____
 Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Air Pollution Control Board
Division:	Air Pollution Control
Contact Person:	Lacey J. Hardin
Address:	Davy Crockett Tower, 7 th Floor 500 James Robertson Parkway Nashville, Tennessee
Zip:	37243
Phone:	(615) 917-8948
Email:	Lacey.Hardin@tn.gov

Revision Type (check all that apply):

Amendment
 New
 Repeal
 Content based on previous emergency rule filed on _____
 Content is identical to the emergency rule

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.02	Operating Permits

Chapter Number	Chapter Title
1200-03-32	Prevention of Accidental Releases
Rule Number	Rule Title
1200-03-32-.01	Purpose and Intent
1200-03-32-.02	Definitions
1200-03-32-.03	Duty to File Accidental Release Plans

Chapter Number	Chapter Title
0400-30-32	Prevention of Accidental Releases
Rule Number	Rule Title
0400-30-32-.01	Purpose and Intent
0400-30-32-.02	Definitions
0400-30-32-.03	Duty to File Risk Management Plans

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/publications/services/rulemaking-guidelines>.

Chapter 1200-03-09
Construction and Operating Permits

Amendments

The introductory text of subparagraph (b) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting new introductory text, without impacting its parts, to read as follows:

Definitions - The following terms are defined as they uniquely apply to this paragraph. All other terms shall have the meaning given to them in Chapter 1200-03-02, Chapter 0400-30-38, Chapter 1200-03-30, Chapter 1200-03-31, Chapter ~~1200-03-32~~ 0400-30-32, and Chapter 1200-03-20.

NOTICE- (Notice to subparagraph (b) of this paragraph: ~~THE READER IS CAUTIONED THAT ADDITIONAL DEFINITIONS HAVE BEEN ADDED TO SUBPARAGRAPH 1200-03-09-.02(11)(B) DURING RULEMAKING. AS A RESULT, NOT ALL DEFINITIONS ARE ALPHABETIZED.~~ The reader is cautioned that additional definitions have been added to this subparagraph (b). As a result, not all definitions are alphabetized.)

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Subpart (iii) of part 1 of subparagraph (c) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting the following:

- (iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the Federal Clean Air Act, Chapter 0400-30-38, or Chapter 1200-03-31 except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Federal Clean Air Act or Chapter ~~1200-03-32~~ 0400-30-32;

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Chapter 1200-03-32
Prevention of Accidental Releases

Repeal

Chapter 1200-03-32 Prevention of Accidental Releases is repealed.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

Chapter 0400-30-32
Prevention of Accidental Releases

New Rules

Table of Contents

~~1200-03-32-.01~~ 0400-30-32-.01 Purpose and Intent
~~1200-03-32-.02~~ 0400-30-32-.02 Definitions
~~1200-03-32-.03~~ 0400-30-32-.03 Duty to File Accidental Release Risk Management Plans

~~1200-03-32-.01~~ 0400-30-32-.01 Purpose and Intent.

It is the objective of this chapter to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to this chapter. These substances have been determined by the Board to be potentially hazardous to the public if accidentally released into the ambient air. The general intent of these rules is to correspond to the federal regulations promulgated under Section section 112(r) of the Clean Air Act, ~~(42 U.S.C. 7404 7412(r)-et seq.)~~

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

~~1200-03-32-.02~~ 0400-30-32-.02 Definitions.

“Federal Clean Air Act” means the Clean Air Act, as amended, 42 U.S.C. §§ 7401 to -7671q, ~~et seq. as amended by Public Law No. 101-549 (November 15, 1990).~~

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

~~1200-03-32-.03~~ 0400-30-32-.03 Duty to File Accidental Release Risk Management Plans.

- (1) Sources ~~which that~~ are subject to the provisions of Section section 112(r) of the federal Clean Air Act or any federal regulations promulgated thereunder, must file a ~~copy of any plan or submittal required therein with the Technical Secretary~~ risk management plan with the United States Environmental Protection Agency (EPA) in the method and format specified by the EPA. Sources must keep a copy of the risk management plan and written confirmation of EPA's receipt of the plan, and provide these documents to the Technical Secretary upon request. If ~~such~~ a source is subject to the permitting requirements of Paragraph paragraph (11) of Rule 1200-03-09-.02(11) and has failed to timely file ~~their~~ its risk management plan with the United States Environmental Protection Agency EPA, the Technical Secretary shall place ~~them~~ the source on a schedule of compliance to develop and file the risk management plan. The schedule of compliance shall be placed ~~on~~ in the source's operating permit consistent with the provisions of Subpart subpart (11)(e)3(iii) of Rule 1200-03-09-.02(11)(e)3(iii).
- (2) The Technical Secretary is specifically authorized to request information from sources for the purpose of determining whether or not they are subject to Section section 112(r) of the federal Clean Air Act or any federal regulations promulgated thereunder.
- (3) Sources subject to the permitting requirements of paragraph (11) of Rule 1200-03-09-.02 that have filed an accidental release risk management plan with the EPA shall annually certify, ~~in writing to the Technical Secretary that they are properly following their accidental release plan~~ each annual compliance certification required by paragraph (11) of Rule 1200-03-09-.02, that the source properly followed its risk management plan during the period covered by the certification. The annual certification is due in the office of the Technical Secretary no later than January 31 of each year. Said certification will be for the preceding calendar year.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Kyle Etheridge Representative of Tennessee Industry					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Dr. Chunrong Jia Environmental Interests					
Ken Moore Working in Municipal Government					
Stephen Moore Working for Industry with technical experience					
Tara Pedraza Commissioner's Designee, Dept. of Environment and Conservation					
Nicholas Ramos Conservation Interest					
Caitlin Roberts Small Generator of Air Pollution representing Automotive Interests					
Amy Spann, PE Registered Professional Engineer					
Larry Waters County Mayor					
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 06/10/2026, 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: 03/13/2026

Rulemaking Hearing(s) Conducted on: (add more dates). 05/06/2026

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 0400-30-32, 1200-03-09, and 1200-03-32

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Jonathan Skrmetti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

1. Comment: The Tennessee Chamber of Commerce & Industry (Chamber) supports the proposed revisions to eliminate regulatory redundancy but objects to requiring Major Sources to submit annual Risk Management Plan (plan) compliance certifications to the state, noting that the EPA solely administers the Clean Air Act section 112(r) program in Tennessee. The Chamber appreciates the Board's efforts to streamline requirements and welcome continued dialogue to ensure the policy remains transparent, predictable, and balanced.

Response: Under 40 C.F.R. § 68.215(a), in order to retain authority to issue operating permits for major sources in lieu of the EPA, Tennessee must adopt certain federal requirements related to the prevention of accidental releases under section 112(r) of the Clean Air Act. These requirements include the annual certification of compliance with risk management plans.

2. Comment: The Tennessee Valley Authority points out that the requirement to certify compliance with the provisions of section 112(r) is already included in the Title V Annual Certification requirements issued to applicable permit holders as condition A20. This condition should meet the requirement of the proposed rulemaking, thereby eliminating the requirement to submit these certifications in separate actions.

Response: The final rule revises paragraph (3) of Rule 0400-30-32-.03 to allow annual certification of compliance with the plan through the annual compliance certification required by all Title V operating permits.

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 rule affects small businesses.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of or directly benefit from the rule being proposed.

No small businesses will be negatively impacted as a result of the proposed rule. Rather, this rule will benefit sources subject to Clean Air section 112(r) by reducing their reporting burden. Currently, Tennessee has approximately 230 sources subject to 112(r), which includes business of all sizes.

- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record.

There are no reporting, recordkeeping, or other administrative costs resulting from this rule.

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

No small businesses or consumers will be negatively impacted by this rule.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business.

This rule alleviates redundant regulatory burden on applicable sources and is the least burdensome, intrusive, and costly method of achieving compliance with federal and state air quality requirements.

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

The rule will bring the state's requirements for Risk Management Plans into alignment with the current standards required under section 112(r) of the Clean Air Act, which gives EPA authority over implementation, compliance, and enforcement of the program. Because the State does not have delegation of this program, the rule will now reflect that applicable sources are required to handle their plans in accordance with 40 C.F.R. part 68, Chemical Accident Prevention Provisions.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

No small businesses will be negatively impacted by this rulemaking.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, “On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues.”

This rule will not result in an increase in expenditures or decrease in revenues for local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Chapter 1200-03-32 currently requires the submission of risk management plans by major sources subject to the provisions of section 112(r) of the federal Clean Air Act to both the Air Pollution Control Board (Board) and EPA. However, implementation and accountability of the 112(r) program is handled entirely by the EPA because Tennessee has not been delegated authority to implement this program. Accordingly, this rule eliminates the requirement to submit the plans to the Board.

The rule also requires major sources to file an annual report certifying compliance with their plans to the Board.

In addition, the Board is moving this rule from rule division 1200-03 to rule division 0400-30.

- (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;

Chapter 1200-03-32 Prevention of Accidental Releases is a state rule based on the requirements of section 112(r) of the Clean Air Act, which mandates risk management plans to prevent accidental releases of hazardous chemicals at specific and applicable sources. EPA promulgated rules regarding the risk management plans required by the Clean Air Act section 112(r) in 40 C.F.R. part 68, Chemical Accident Prevention Provisions.

- (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;

This rulemaking will reduce redundant regulatory burden on applicable sources, while maintaining EPA delegation and authority as required under section 112(r) of the Clean Air Act. The state will still review annual 112(r) compliance certifications for Title V sources, consistent with Title V permit requirements. Therefore, the Board believes any interested parties would be proponents of adopting the proposed changes.

The Board received only two comments. Changes were made to the proposed rule, where applicable, to clarify the rule language.

- (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 this 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;

The Board does not anticipate this rulemaking will result in an increase in expenditures or decrease in revenue for state or local governments.

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

Lacey J. Hardin
Division of Air Pollution Control

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Alli F. Williamson

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Commissioner's Office
Tennessee Department of Environment and Conservation
Davy Crockett Tower, Floor 5
500 James Robertson Parkway
Nashville, Tennessee 37243
(629) 401-9485
Alli.F.Williamson@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

- (1) A description of the action proposed, the purpose of the action, the legal authority for the action and the plan for implementing the action.

The following actions are being completed under the legal authority of Tennessee Code Annotated section 68-201-103:

- 1) Chapter 1200-03-32 currently requires the submission of risk management plans by major sources subject to the provisions of section 112(r) of the federal Clean Air Act to both the Division and EPA. However, implementation and accountability of the 112(r) program is handled entirely by the EPA because Tennessee has not been delegated authority to implement this program. Accordingly, this rule eliminates the requirement to submit the plans to the Air Pollution Control Board (Board).
- 2) The rule also requires that only major sources file an annual certification of compliance with their risk management plan to the Board. All sources required to submit risk management plans are required to file such certifications with EPA, but only major sources are required to file this certification with the Board.
- 3) In addition, the Board is moving this rule from rule division 1200-03 to rule division 0400-30.

- (2) A determination that the action is the least-cost method for achieving the stated purpose.

This rule is the least-cost method for achieving the stated purpose.

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

The Board anticipates a cost neutral relation to this action. However, the reduction in redundant regulatory burden on applicable sources is a net positive outcome with this rulemaking.

- (4) A determination that the action represents the most efficient allocation of public and private resources.

This rule represents the most efficient allocation of public and private resources.

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

This rule will not negatively impact competition.

- (6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

This rule will not impact the cost of living in any geographic area.

- (7) A determination of the effect of the action on employment in the geographical area in which the action would occur.

This rule will not impact employment in Tennessee.

(8) The source of revenue to be used for the action.

This rule is being accomplished with existing revenue.

(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 rule will have no measurable economic impact on the air pollutant emitting facilities substantially affected by the action.

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Sequence Number: _____
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Agency/Board/Commission:	Air Pollution Control Board
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Contact Person:	Lacey J. Hardin
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Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.06	General Permits

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/publications/services/rulemaking-guidelines>.

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Paragraph (1) of Rule 1200-03-09-.06 General Permits is amended by deleting it in its entirety and substituting instead the following:

(1) Applicability.

- (a) This rule does not apply to sources that are subject to the provisions of paragraph (11) of Rule 1200-03-09-.02, which may be eligible for coverage under a general permit established pursuant to part (11)(e)4 of Rule 1200-03-09-.02.
- ~~(b)~~ Sources that have avoided or opted out of being subject to the provisions of paragraph (11) of Rule 1200-03-09-.02 by limiting their potential to emit such that they are below relevant applicability threshold(s) may be eligible to obtain a general permit if the general permit contains enforceable restrictions limiting the source's potential to emit to below relevant applicable thresholds, requires monitoring and reporting sufficient to document compliance with thresholds and the source is not otherwise required to be subject to the Title V operating permit program of the Federal Clean Air Act.
- ~~(b)(c)~~ Sources located in a nonattainment area are not eligible for a general permit for construction of a new or modified air contaminant source if the source emits the pollutant and/or a precursor to the pollutant for which the area has been designated nonattainment by the United States Environmental Protection Agency or the Tennessee Air Pollution Control Board.

Authority: T.C.A. §§ 4-5-201 et seq. and 68-201-101 et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Kyle Etheridge Representative of Tennessee Industry					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Dr. Chunrong Jia Environmental Interests					
Ken Moore Working in Municipal Government					
Stephen Moore Working for Industry with technical experience					
Tara Pedraza Commissioner's Designee, Dept. of Environment and Conservation					
Nicholas Ramos Conservation Interest					
Caitlin Roberts Small Generator of Air Pollution representing Automotive Interests					
Amy Spann, PE Registered Professional Engineer					
Larry Waters County Mayor					
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 06/10/2026, 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: 03/13/2026

Rulemaking Hearing(s) Conducted on: (add more dates). 05/06/2026

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): 1200-03-09

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Jonathan Skrmetti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The Board did not receive any comments during the comment period.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a rule affects small businesses.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of or directly benefit from the rule being proposed.

No small businesses will be negatively impacted by the proposed rule. The rule is expected to improve permitting efficiency for businesses of all sizes that choose to accept certain permit limits. While it is difficult to approximate the number of small businesses that could benefit from this proposed rule in the future, the Air Pollution Control Board (Board) is currently working with and aware that asphalt plants will directly benefit from general permit eligibility made possible by this rule. Currently, a total of 116 asphalt plants in Tennessee would be eligible for general permits under this rule. This rule creates additional pathways for businesses to operate within the state.

- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record.

This rule allows certain facilities that previously had to obtain general permits, which should reduce overall reporting, recordkeeping, and other administrative costs.

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

Many previously ineligible small businesses will benefit from this new permitting pathway. This new pathway provides for more efficient, streamlined permit reviews, faster issuance of air quality permits, and more statewide consistency among permits for similar facilities.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business.

This rule offers a less burdensome, less intrusive, and cost neutral method of allowing sources to permit their activities while maintaining protection of air quality in Tennessee.

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

The requirement to obtain an air permit prior to construction and operation comes from the New Source Review program of the federal Clean Air Act. Revising Chapter 1200-03-09 to allow eligible sources to obtain general permits will help Tennessee align better with other EPA Region 4 states that already issue general permits for conditional major sources, including Georgia, South Carolina, Mississippi, and Kentucky.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

The federal Clean Air Act requires permits for conditional major permits regardless of business size. This rule streamlines Tennessee's regulations to reduce the regulatory burden on all businesses to the extent possible under federal law.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, “On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues.”

This rule will not result in an increase in expenditures or decrease in revenues for local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule extends eligibility for general permit coverage to conditional major sources of air emissions, which are sources that accept permit limitations to avoid the requirement to obtain an individual major source operating permit. Specifically, sources choosing to avoid the requirements of the Title V operating permit program will be eligible for coverage under a general permit provided that the general permit includes adequate conditions to limit the facility's potential to emit and recordkeeping to prove compliance with those limits. This rule streamline permitting processes while maintaining all applicable protections of air quality in Tennessee.

- (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 requirement to obtain an air permit prior to construction and operation comes from the Federal Clean Air Act, specifically the New Source Review Program established in 42 U.S.C. sections 4701 to 7515. The proposed revisions to Chapter 1200-03-09 allowing eligible sources to obtain a general permit falls within this umbrella of permitting programs and requirements pursuant to T.C.A. section 68-201-105(a)(1).

- (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;

This rule will impact conditional major sources who need a permit prior to starting construction. Under this new general permit option, eligible sources will have a more streamlined approach to obtaining the necessary permit. The Air Pollution Control Board anticipates support for adoption of these revisions.

- (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 this rule.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This rule will not result in an increase in expenditures or decrease in revenues for local governments.

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

Lacey J. Hardin
Division of Air Pollution Control

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Alli F. Williamson
Legislative Director
Commissioner's Office

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Commissioner's Office
Tennessee Department of Environment and Conservation

(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.

This rule would extend eligibility for general permit coverage to conditional major sources of air emissions, which are sources that accept permit limitations to avoid the requirement to obtain an individual Title V major source operating permit. Specifically, sources choosing to avoid the requirements of the Title V operating permit would become eligible for coverage under a general permit provided that the general permit includes adequate conditions to limit the facility's potential to emit and recordkeeping to prove compliance with those limits. This rule will streamline permitting while continuing to protect air quality in Tennessee. This rulemaking is being completed under the legal authority of the Tennessee Code Annotated section 68-201-103.

(2) A determination that the action is the least-cost method for achieving the stated purpose.

This rulemaking is the least-cost method for achieving the stated purpose.

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

The Air Pollution Control Board anticipates that taking this action will allow for a more efficient, streamlined approach to permitting options for eligible parties.

(4) A determination that the action represents the most efficient allocation of public and private resources.

This rule is an efficient allocation of public and private resources.

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

This rule will not impact competition.

(6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

This rule will not impact the cost of living in Tennessee.

(7) A determination of the effect of the action on employment in the geographical area in which the action would occur.

This rulemaking will not impact employment in Tennessee.

(8) The source of revenue to be used for the action.

This rule is being accomplished with existing revenue.

(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.

Currently, sources requesting permits and/or permit modifications pay a fee for that work to be completed. With this rule, no new fees are being added. Eligible sources for general permits will bear the costs of obtaining the necessary permits, as is already required.

Summary of Board Orders 26-003 through 26-006: Certificate of Exemption (COE) Renewal

The Tennessee Air Quality Act (contained in Tennessee Code Annotated (TCA) §§ 68-201-115(a)) allows local governments to adopt regulations that are not less stringent than those of the State. Specifically, Tennessee Code Annotated §§ 68-201-115(a) states:

“(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...”

Additionally, Tennessee Code Annotated §§ 68-201-115(b)(3) states:

“(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;”

These provisions in the Tennessee Code Annotated allow the Tennessee Air Pollution Control Board to grant a Certificate of Exemption (COE) to local jurisdictions for exemption from State supervision.

Therefore, these petitions with supporting information are being presented to allow entities an exemption from State supervision. These entities, referred to here as “Local Programs”, are permitted through the Certificate of Exemption to conduct the regulatory requirements typically conducted by the State Air Pollution Control Division. The exemption can be for a duration up to two years (TCA §§ 68-201-115(c)(1)). Also, Tennessee Code Annotated §§ 68-201-115(b)(6) limits the exemption to the language and areas of authority specifically stated in the exemption.

There are four “Local Programs” in Tennessee:

- Davidson County
- Hamilton County
- Knox County
- Shelby County

Each of the current Certificate of Exemption expires on June 30th, 2026. The new certificates, as proposed, are effective for the period July 1, 2026 through June 30, 2028. To renew the certificates, the Local Programs have petitioned the Technical Secretary, on behalf of the Air Board, for renewal of the existing certificates. Each of the Local Programs has completed a ‘Petition’ for renewal of the certificate for the Air Board’s

consideration. Addition information for the Board's review was made available electronically in conjunction with the Board Packet for the June 10th, 2026 meeting of the Air Pollution Control Board.

The Board packet contains the following for the Certificate Of Exemption (COE) renewal for Davidson County:

- Board Order
- COE
- Petition for renewal of the COE

****Supplemental information for COE renewal packages may be obtained through a Public Records Request****

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF:)
)
Metropolitan Government of) **Board Order No. 26-003**
Nashville and Davidson County, Tennessee)

CERTIFICATE OF EXEMPTION

BOARD ORDER

I.

Under the authority of Tennessee Code Annotated, section 68-201-115(a), a petition to renew the Davidson County Certificate of Exemption was filed on November 17, 2025, with the Tennessee Division of Air Pollution Control by the Metro Public Health Department for the City of Nashville, the County of Davidson and all included municipalities.

The terms in Tennessee Code Annotated section 68-201-115(b)(3) state that:

- "(3) The certificate of exemption shall be granted if the board determines that:
- (A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;
 - (B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and
 - (C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;"

II.

In accordance with Tennessee Code Annotated section 68-201-115(b)(3), the Metro Public Health Department 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 Davidson County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2026**, and expires on **June 30, 2028** as authorized by Tennessee Code Annotated section 68-201-115(c). During this period, Davidson 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:

- Ambient air quality standards;

- Open burning regulations;

- Visible emissions standards;

- Non-process emission limitations;

- Process emission limitations;

- Fugitive dust regulations;

- Permitting requirements:

 - Construction permits:

 - New source review (Growth Policy);

 - PSD authority; and

 - Minor source permits;

 - Operating Permits:

 - Initial and renewal; and

 - Federally enforceable;

 - Part 70 operating permits;

 - Asbestos demolition and renovation projects

National Emission Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology Standards, as set forth in TN Chapters 0400-30-38 and 1200-03-31 (as adopted from 40 CFR Parts 61 and 63) 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;

Methods of sampling, testing and analysis;

Enforcement and Compliance provisions:

Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with an order, final order, determination, rule, regulation, or ordinance of the local Board, the Director of the Metro Public Health Department of Nashville and Davidson County, or of any included governmental entity;

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 providing hearings for administrative review through a local Board of civil penalties, orders and permits, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;

Determining that any order, final order, determination, rule, regulation or ordinance of the local Board, the Director of the Metro Public Health Department or Nashville and Davidson County, or of any included governmental entity has been violated, that such violation constitutes a public nuisance, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;

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

Control of emissions of carbon monoxide;

Control of emissions of the precursors of ozone, including volatile organic compounds and nitrogen oxides;

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

Control of emissions of lead;

Control of greenhouse gases;

Emergency episode regulations, including emergency stop orders;

New Source Performance Standards (NSPS) as set forth in TN Chapter 0400-30-39 and Emission Guidelines 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;

Electric utility steam generating units of more than 250 million Btu/hr heat input rate which commenced construction after September 18, 1978;

Industrial-Commercial-Institutional Steam Generating Units;

Incinerators;

Municipal Waste Combustors;

Hospital/Medical/Infectious Waste Incinerators;

Portland cement plants;

Nitric acid plants;

Sulfuric acid plants;

Asphalt concrete plants (hot mix asphalt facilities);

Petroleum refineries;

Storage vessels for petroleum liquids;

Secondary lead smelters;

Secondary brass and bronze ingot production plants;

Primary emissions from basic oxygen process furnaces for which construction is commenced after January 20, 1983;

Sewage treatment plants;

Primary copper smelters;

Primary zinc smelters;

Primary aluminum reduction plants;

Phosphate fertilizer industry for:

Wet process phosphoric acid plants;

Super phosphoric acid plants;

Diammonium phosphate plants;

Triple superphosphate plants;

Granular triple superphosphate storage facilities;

Coal preparation plants;

Ferroalloy production facilities;

Steel plants: Electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;

Kraft pulp mills;

Glass manufacturing plants;

Grain elevators;

Surface coating of metal furniture;

Stationary gas turbines;

Lime manufacturing plants;

Lead-acid battery manufacturing plants;

Metallic mineral processing plants;

Automobile and light-duty truck surface coating operations;

Phosphate rock plants;

Ammonium sulfate manufacture;

Graphic arts industry: publication rotogravure printing;

Pressure sensitive tape & label surface coating operations;

Industrial surface coating: large appliances;

Metal coil surface coating;

Asphalt processing and asphalt roofing manufacture;

Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

Beverage can surface coating industry;

Bulk-gasoline terminals;

Rubber tire manufacturing industry;

VOC emissions from the polymer manufacturing industry;

Flexible vinyl & urethane coating and printing;

Equipment leaks of VOC in petroleum refineries;

Synthetic fiber production facilities;

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

Petroleum dry cleaners;

Equipment leaks of VOC from onshore: natural gas processing plants;

Onshore natural gas processing: SO₂ emissions;

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

Non-metallic mineral processing plants;

Wool fiberglass insulation manufacturing plants;

VOC emissions from petroleum refinery wastewater systems;

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

Magnetic tape coating facilities;

Industrial surface coating: plastic parts for business machines;

Calciners and dryers in mineral industries;

Polymeric coating of supporting substrates facilities;

Municipal solid waste landfills;

Small municipal waste combustors;

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;

Commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999;

Other solid waste incineration units;

Coal-fired electric steam generating units;

Stationary compression ignition internal combustion engines;

Stationary spark ignition internal combustion engines;

Stationary combustion turbines;

Administrative procedures, including emissions credit banking and emissions trading policy statements;

Monitoring, recording and reporting of source emissions;

Regulation of malfunctions, start-ups and shutdowns;

Alternate emissions limitations;

General policies or plans:

Ozone attainment and maintenance plans (SIP);

Program operating procedures;

Carbon monoxide maintenance plan (SIP);

Particulate matter control plan (PM2.5);

System of permits and/or certificates and emission fees including the Title V permit program;

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;

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

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

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

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

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;

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

Granting and denying petitions for variances after first submitting the variance to the Metropolitan Board of Health for approval;

Regulation of infectious waste incinerators;

Good engineering practice stack height requirements;

Light duty vehicle inspection and maintenance program;

Transportation conformity rule requirements; and

Confidentiality determinations.

III.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of June, 2026.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Board Order 26_003 Davidson COE 2026 a.docx

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

CERTIFICATE OF EXEMPTION

**By authority of Tennessee Code Annotated section 68-201-115,
the Tennessee Air Pollution Control Board Declares that**

**Metropolitan Nashville and Davidson 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. 26-003, passed
by the Board on this the 10th day of June 2026

Air Pollution Control Board Members of the State of Tennessee

Expiration Date: June 30, 2028

Petition for Exemption From State Supervision of Local Air Pollution Control Programs to the Tennessee State Air Pollution Control Board

The Tennessee Air Quality Act (TCA §§ 68-201-115(a)) allows local governments to adopt regulations that are not less stringent than those of the State. Specifically, TCA §§ 68-201-115(a) states:

“(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...”

Additionally, TCA §§ 68-201-115(b)(3) states:

“(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;”

These provisions in the TCA allow the Tennessee Air Pollution Control Board to grant a certificate of exemption from State supervision to any municipality or county in Tennessee.

Therefore, this petition with supporting information is being presented to allow entities an exemption from State supervision. These entities are referred to here as “Local Programs”, and a certificate of exemption allows them to conduct the regulatory requirements typically conducted by the State Air Pollution Control Division. The certificate of exemption can be for a duration up to two years (TCA §§ 68-201-115(c)(1)).

Also, TCA §§ 68-201-115(b)(6) limits the exemption to the language and areas of authority specifically stated in the exemption. Therefore, the Local Program for Davidson County is requesting authority as per the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following (add list of provisions for which the Local Program requests exemption):

Ambient air quality standards;

Open burning regulations;

Visible emissions standards;

Non-process emission limitations;

Process emission limitations;

Fugitive dust regulations;

Permitting requirements:

Construction permits:

New source review (Growth Policy);

PSD authority; and

Minor source permits;

Operating Permits:

Initial and renewal; and

Federally enforceable;

Part 70 operating permits

Asbestos demolition and renovation projects

National Emission Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology Standards, as set forth in TN Chapters 400-30-38 & 1200-3-31 (as adopted from 40 CFR Parts 61 and 63) 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;

Methods of sampling, testing and analysis;

Enforcement and Compliance provisions:

Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with an order, final order, determination, rule, regulation, or ordinance of the local Board, the Director of the Metro Public Health Department of Nashville and Davidson County, or of any included governmental entity;

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 providing hearings for administrative review through a local Board of civil penalties, orders and permits, and including, when appropriate,

judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;

Determining that any order, final order, determination, rule, regulation or ordinance of the local Board, the Director of the Metro Public Health Department or Nashville and Davidson County, or of any included governmental entity has been violated, that such violation constitutes a public nuisance, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;

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

Control of emissions of carbon monoxide;

Control of emissions of the precursors of ozone, including volatile organic compounds and nitrogen oxides;

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

Control of emissions of lead;

Control of greenhouse gases;

Emergency episode regulations, including emergency stop orders;

New Source Performance Standards (NSPS) as set forth in TN Chapter 400-30-39 and Emission Guidelines 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;

Electric utility steam generating units of more than 250 million Btu/hr heat input rate which commenced construction after September 18, 1978;

Industrial-Commercial-Institutional Steam Generating Units;

Incinerators;

Municipal Waste Combustors;

Hospital/Medical/Infectious Waste Incinerators;

Portland cement plants;

Nitric acid plants;

Sulfuric acid plants;

Asphalt concrete plants (hot mix asphalt facilities);

Petroleum refineries;

Storage vessels for petroleum liquids;

Secondary lead smelters;

Secondary brass and bronze ingot production plants;

Primary emissions from basic oxygen process furnaces for which construction is commenced after January 20, 1983;

Sewage treatment plants;

Primary copper smelters;

Primary zinc smelters;

Primary aluminum reduction plants;

Phosphate fertilizer industry for:

Wet process phosphoric acid plants;

Super phosphoric acid plants;

Diammonium phosphate plants;

Triple superphosphate plants;

Granular triple superphosphate storage facilities;

Coal preparation plants;

Ferroalloy production facilities;

Steel plants: Electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;

Kraft pulp mills;

Glass manufacturing plants;

Grain elevators;

Surface coating of metal furniture;

Stationary gas turbines;

Lime manufacturing plants;

Lead-acid battery manufacturing plants;

Metallic mineral processing plants;

Automobile and light-duty truck surface coating operations;

Phosphate rock plants;

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Graphic arts industry: publication rotogravure printing

Pressure sensitive tape & label surface coating operations;

Industrial surface coating: large appliances;

Metal coil surface coating;

Asphalt processing and asphalt roofing manufacture;

Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

Beverage can surface coating industry;

Bulk-gasoline terminals;

Rubber tire manufacturing industry;

VOC emissions from the polymer manufacturing industry;

Flexible vinyl & urethane coating and printing;

Equipment leaks of VOC in petroleum refineries;

Synthetic fiber production facilities;

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

Petroleum dry cleaners;

Equipment leaks of VOC from onshore: natural gas processing plants;

Onshore natural gas processing: SO₂ emissions;

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

Non-metallic mineral processing plants;

Wool fiberglass insulation manufacturing plants;

VOC emissions from petroleum refinery wastewater systems;

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

Magnetic tape coating facilities;

Industrial surface coating: plastic parts for business machines;

Calciners and dryers in mineral industries;

Polymeric coating of supporting substrates facilities;

Municipal solid waste landfills;

Small municipal waste combustors;

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;

Commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999;

Other solid waste incineration units;

Coal-fired electric steam generating units;

Stationary compression ignition internal combustion engines;

Stationary spark ignition internal combustion engines;

Stationary combustion turbines;

Administrative procedures, including emissions credit banking and emissions trading policy statements;

Monitoring, recording and reporting of source emissions;

Regulation of malfunctions, start-ups and shutdowns;

Alternate emissions limitations;

General policies or plans:

Ozone attainment and maintenance plans (SIP);

Program operating procedures;

Carbon monoxide maintenance plan (SIP);

Particulate matter control plan (PM2.5);

System of permits and/or certificates and emission fees including the Title V permit program;

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;

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

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

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

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

Collecting and disseminating information relative to air pollution; encouraging voluntary cooperation in preserving and resorting a reasonable degree of air purity; and advising, consulting and cooperating with other agencies, persons or groups in matters pertaining to air pollution;

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

Granting and denying petitions for variances after first submitting the variance to the Metropolitan Board of Health for approval;

Regulation of infectious waste incinerators;

Good engineering practice stack height requirements;

Light duty vehicle inspection and maintenance program;

Transportation conformity rule requirements; and

Confidentiality determinations.

A. Demonstration of Enforcement Authority

1. Please provide the following data for enforcement activities occurring during the calendar year 2024 and to date in 2025:

Table 1. Enforcement Activities.

	CY 2024	CY 2025
Number of Notices of Violation	36	49
Number of Warning Letters	8	47
Number of Orders for Corrective Action only	30	34
Number of Civil Penalty Assessments only	3	2
Number of Civil Penalty Assessments and Orders for Corrective Action (both in the same order)	3	13
Total Amount Assessed	\$1,611.60	\$1,993.15
Total Amount Collected	\$1,561.60	\$1,993.15

2. How many notifications for asbestos/demolition activities were received in Federal FY2025?

218

3. How many asbestos compliance inspections were conducted in Federal FY2025?

112

a. How many of these inspections included entry into containment areas during active removal to observe work practices?

4

4. How many Notices of Violation for asbestos/demolition were issued?

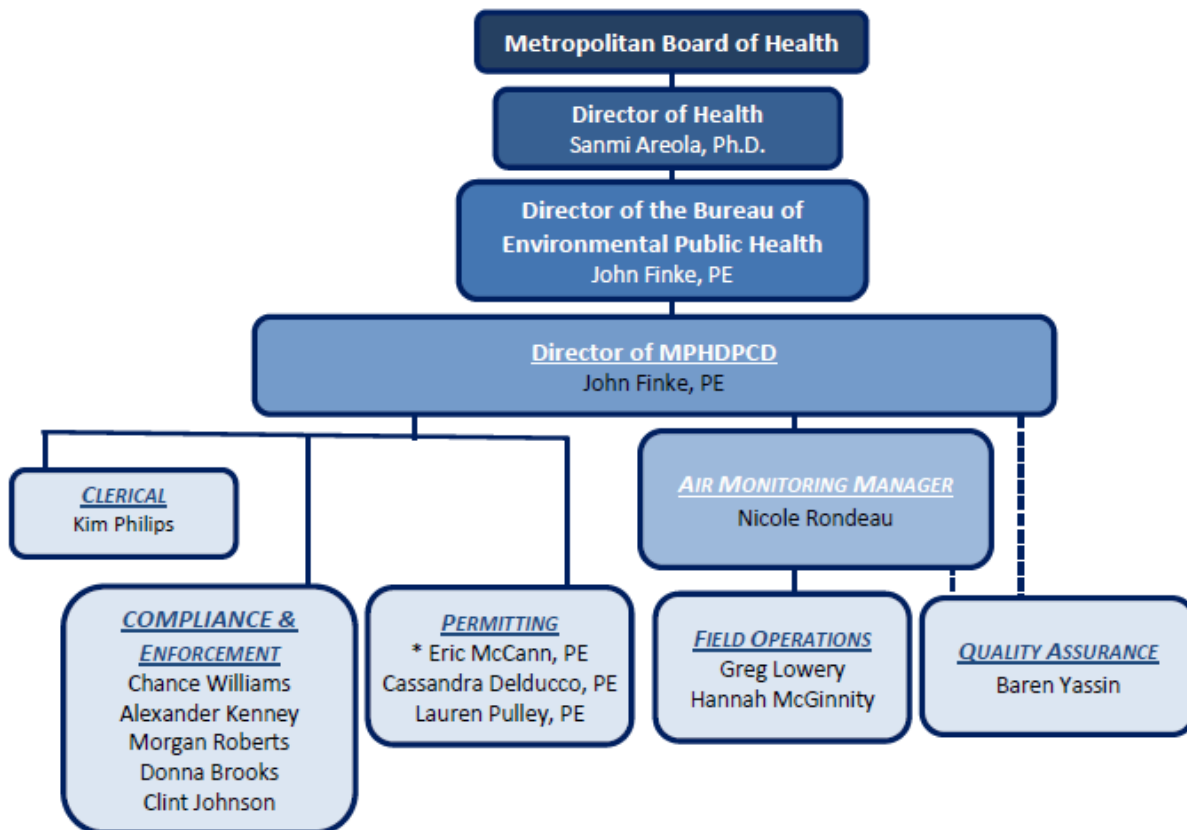
0

5. Are there any issues or concerns, regarding asbestos, with state owned facilities in your county?

No. Randall Harrison communicates with the program on all state owned facilities.

B. Staffing and Regulatory Authority

1. Please provide a current staff chart showing personnel and functions.



2. Number of budgeted positions?

13

3. Number of vacant positions?

0

4. What steps are being taken to fill vacant position(s)?

N/A

5. Are there any expected staff cuts or expansions?

Not at this time.

6. Is the State informed of regulatory changes? If so, how? If not, why not?

Yes. Most changes are in response to state or federal changes. In those cases where rulemaking originates at the local level, TDEC would be made aware during the development process and copied when MPHPCD seeks pre-draft review from EPA.

7. Are the air pollution control regulations for each jurisdiction in your county available online? If so, how current are these regulations? If not, why not?

Regulations are available online and updated as needed.

8. Do your local air pollution control provisions contain any land use or zoning requirements? If so, where, and how do you intend to address the requirements of TCA 68-201-115(f) and (g)? Please explain.

There is an ordinance, which was codified at Metro Code 10.56.020, that discusses compliance with zoning regulations as part of the air pollution analysis. However, T.C.A. 68-201-115 clearly preempts this requirement, and MPHD does not enforce this requirement. Because Metro and MPHD recognize this preemption and do not enforce this requirement, no Metro ordinances or code provisions conflict with the amended statute.

9. Are there any changes to the provisions that you've listed beginning on the first page that the local program is requesting authority to enforce as compared to the petition made in 2024? If so, what are the changes and why?

No.

C. Local Agency Air Pollution Control Board

1. Please provide a current list of the local Air Pollution Control Board members and their term expiration dates.

Marie Griffin, MD	7/9/2027
Morgan McDonald	11/1/2027
Rebecca A. Whitehead	7/9/2028
Carol C. Ziegler	7/9/2029
Tene Franklin	7/9/2029
Heather Corum Powell	5/30/2030
Jeffrey G. Stovall, MD	11/4/2030

2. Is your Air Board or Commission fully staffed?

Yes

- a. If there are vacancies, how long have they existed and when do you anticipate that they will be filled?

N/A

b. How often does your Board meet?

Monthly.

D. State Implementation Plan Revisions (Local Program)

1. Are there any EPA - requested SIP revisions that your county needs to undertake? If your county needs to undertake SIP revisions, what are they and when do you plan to submit those? Are there any other local SIP revisions in progress, if so, at what point are they in the process?

No.

2. Are there any rule revisions or updates your Local Program needs to undertake to have all necessary rules needed as compared to those of the State? If so, what are they and what is the estimated timeframe for adoption?

No.

3. Please list the local rules/ordinances that have been adopted since the last Certificate of Exemption was granted (July 1, 2024). Also include any which were not incorporated into the State Implementation Plan (please denote these). Describe why each rule revision was undertaken.

N/A

E. Permit Program Operation

1. What sources are exempt from permit requirements?

Fuel burning equipment that is fired with liquid petroleum gas, natural gas or No. 2 fuel oil with a heat input of less than 10 million Btu per hour where the combined total heat input rate at the facility does not exceed 20 million Btu per hour. This exemption does not apply to gas-fired turbines.

Equipment used exclusively to store or hold dry natural gas or liquid petroleum gas;

Laboratory equipment used exclusively for chemical and physical analysis, including ventilating and exhaust systems for laboratory hoods used for air contaminants other than carcinogenic or radioactive air pollutants;

Brazing, soldering, or welding equipment, except those which emit lead or use lead compounds.

Repairs or maintenance of a source regulated by an emission standard provided that no structural changes are involved such as replacement or installation of any new process, fuel burning, incineration or air pollution control equipment;

Alkaline/phosphate washers and associated gas-fired burners provided that no volatile organic compounds are present in the phosphatizing or wash solutions;

All gas or No. 2 fuel oil fired, infrared, or electric ovens which have no emission other than productions of fuel combustion except for those regulated by Regulation No. 5, "Standards of Performance for New Stationary Sources" (NSPS) or have a heat rate input of more than 10 million Btu per hour;

Surface coating operations which do not exceed a combined total usage of more than 45 gallons per month of coatings, thinners and cleanup solvents at one location;

Any process emitting less than 0.1 pounds per hour of any non-hazardous air pollutant except for those regulated by Regulation No. 5, "Standards of Performance for New Stationary Sources" (NSPS); and

Tank trucks and barges.

2. What is the frequency of operating permit renewal?

Title V permits are renewed every 5 years. All other operating permits are renewed annually.

3. Are the Title V fees you collect sufficient to fully fund your Title V program?

Yes.

4. Are the non-Title V fees (e.g. annual fees, application fees) together with other funding sources (e.g. EPA grants, county funds) sufficient to fund your non-Title V program?

Yes.

5. Have/are you: a) recently changed, b) in the process of changing, or c) planning to change your fee system(s)? If so, please explain what those changes are/will be.

There are no plans to change the fee system.

6. Do you have any required or optional permitting mechanisms that are alternatives to standard construction and/or operating permits (e.g. permit-by-rule, general permits)? If so, please describe what these are and the types of sources they cover.

We issue Temporary Operating Permits to construction-like activities that don't require CAA permitting but still have a high probability of complaints due to dust or smoke. (Air curtain destructors, rock crushers, etc.)

7. How do you determine which applications will receive a formal public hearing or informal public meeting?

The public may request a public hearing pertaining to the issuance of a construction permit or operating permit for a major source.

8. Do you hold public hearings or meetings for controversial applications for which a hearing or meeting is not required?

If it is anticipated that a proposed major source will ultimately have a public hearing requested during the public comment period, a public hearing may be scheduled in an effort to conserve time and resources.

9. Is a public notice required for all construction permit applications? If not, which are exempt? If so, how is notice made to the public, and for how long?

Public notice is required for all construction permit applications triggered by a new or modified source that results in an increase in emissions. Public notice is not required when a construction permit application is submitted for administrative purposes, such as a change in ownership, or to incorporate more restrictive requirements or lower emissions in a federally enforceable permit. In addition to the newspaper, notices are posted to the Metro Public Health Department's website.

10. Are draft permits available on your website for public comment before issuance of the permit? If yes, what is the time frame? If no, why not?

Notice of the draft permits and how to get copies are posted on the website. Copies of the draft permits themselves are not on the website. This process is dependent on our administrative rights and access to the website.

- How many, if any, Title V permits, permit renewals, administrative amendments, minor modifications, and significant modifications are beyond their regulatory deadline? Since July 1, 2024, how many of the above permits, amendments, and modifications were issued past the regulatory deadline?

0

F. Compliance Monitoring

- Is your agency involved in litigation with any company (if yes, explain)?

No

- Explain the main enforcement problems, if any, in your county.

The program is not facing any enforcement problems. However, the program is always looking for ways to improve compliance assistance, especially with dry cleaning and gasoline dispensing facilities.

- Does your agency have source testing capability?

No.

- Are source tests witnessed?

The agency witnesses most source tests with the exception of pressure decay tests at gasoline dispensing facilities. Only a portion of those tests are observed.

- How many of the following sources are located in your county, and how frequently are they inspected (annually, every two years, etc.)?

Table 2. Sources and Inspection Frequency.

Source Type	Number of Sources	Frequency of Inspection
Title V sources:	10	Annually
Conditional Major (synthetic minor):	83	Annually
True Minor:	538	Annually

- What procedures are employed to ensure that sources are operating within their synthetic minor or conditional major limit?

Production records are reviewed annually during the inspection. Each source is also required to submit an annual emissions inventory.

7. How many sources are required to have continuous in stack monitors (CEMS or COMS)? Please list sources and types of monitors.

Blanchard Terminal Company, LLC - Nashville Terminal – CEMS - VOC

Shell Oil Products US – CEMS - VOC

Magellan Terminals Holdings, LP (63rd Avenue) – CEMS - VOC

ExxonMobil Pipeline Corporation – CEMS - VOC

MPLX Terminals, LLC - Bordeaux Terminal – CEMS - VOC

MPLX Terminals, LLC - Nashville Terminal – CEMS - VOC

Fiberweb, Inc. (A Berry Global Company) – PEMS O2 and NOx

8. Does the local agency implement continuous emissions monitoring requirements for the NOx SIP Call, CSAPR, Acid Rain, or the Data Requirements Rule? Please explain.

N/A

G. Ambient Air Monitoring

1. Does the current monitoring network address all major source impacts? For example, are there any required Lead or SO₂ monitoring requirements, or PSD monitoring requirements, and if so, are they being met?

The Air Monitoring Program (AMP) does not have any source-specific monitors.

2. Specific to those types of source specific monitors considered in question 1, above, are all source-oriented monitoring sites identified as such in the current AMNP and in AQS?

N/A

3. Do all NCore/SLAMS monitoring sites meet siting criteria?

Yes.

4. Is the most recent annual network review completed? Please include any comments or requested corrective actions provided by EPA upon their review and approval/partial approval of the most recent AMNP. If there were recommended corrective actions by EPA, how, and by when do you plan to address those corrective actions?

Yes. No comments received.

5. Does your agency operate any Special Purpose Monitoring sites? If so, please describe.

Yes. The AMP previously received a NAAQS exclusion for the PM_{2.5} data collected by the T640x at Lockeland Elementary (0023), which has been designated as SPM solely for reporting AQI data to AirNow. This two-year exclusion is expiring this year and the AMP is in the process of reevaluating this monitor.

6. Please identify any deficiencies noted in the most recent State monitoring network audit and how and when those will be addressed.

N/A

7. Please identify any deficiencies noted during the most recent TSA performed by EPA and when those were or will be addressed (please attach the most recent TSA).

A copy of the most recent 2023 TSA has been included. To the AMP's knowledge, all findings have been addressed.

8. When is your next scheduled/anticipated EPA conducted TSA?

Was scheduled for December 8th-11th 2025, but was recently post-poned indefinitely while the Federal Government shutdown is occurring.

H. Air Quality Data Management Systems

1. How often is air quality data submitted to the EPA AQS system?

Quarterly

2. What procedure is used to document exceptional event influenced data?

To determine smoke impacts on its daily PM data, the AMP will use a PM_{2.5} 24-Hour Average defined threshold of 11.1 µg/m³ in combination with the confirmation of the presence of smoke over the site by using satellite imaging. When these criteria are met, the corresponding informational smoke Qualifier Code ("IM", "IT", "IF", or "IG") should be added to *ALL* hours of the day for the effected monitor. For filter-based data, the corresponding flag should be applied to the daily sample value.

The threshold value of 11.1 µg/m³ was selected to ensure that smoke impacts were conservatively identified, avoiding false positives, while still identifying the smoke impacted data.

3. Are quality assurance/quality control procedures being fully implemented? Please describe.

Yes. The AMP adheres to all processes laid out in its QAPP and established SOPs.

4. Are all your QMPs and QAPPs current and approved by EPA? Please provide a copy of your current QMP and any QAPPs in use by your agency.

Yes. The most recent revisions are PCD-AM-QAPP, Rev.1(D) and PCD-AM-AMP, Rev.1(C).

5. What are the expiration dates for your current QAPPs?

August 1, 2029

6. Who is the quality assurance coordinator?

Baren Yassin

7. What laboratory facilities are available? Please explain.

The AMP has laboratory facilities for testing, calibration, and repair of the monitoring equipment. It does not carry out any in-house filter analysis as this is contracted out to Pace Analytical.

I. Continued Operation of Local Air Program

1. Are there any concerns regarding program administration, staffing or funds? Has your agency analyzed the impact of reduced emissions on Title V fee collections? If yes, are you anticipating a need to increase Title V fees in order satisfy Title V program funding requirements? Is there a schedule for revising your Title V fee structure to meet any funding needs; if so, what is it?

There are no concerns at this time. There are no plans to revise the current fee structure. The current system does allow for an increase above the current fees being charged.

2. Does your agency charge non-Title V fees for any service? If yes, are you anticipating a need to increase non-Title V fees in order satisfy program funding needs? Is there a schedule for revising your fee structure to meet any funding needs; if so, what is it?

MPHD charges annual permit fees and application fees. There are no concerns at this time and no plans to revise the current fee structure.

3. Are there any concerns with your local program's ability to adequately enforce your provisions as required in TCA 68-201-115(b)(3)(B)?

No.

- Are there any air monitoring system equipment needs? If yes, what is your air monitoring equipment acquisition/replacement plan?

The current network is up to date. With an increase in grant funding and local commitments, MPHD has greatly updated our monitoring network.

- Please list any recent Local Program accomplishment and highlights.

MPHD successfully implemented SLEIS in July 2024 prior to the NEI reporting deadline in December 2024.

MPHD is working with the Nashville Fire Department to streamline and consolidate open burning regulations. This allows the fire department to extinguish open burning fires that they previously would not have.

- Are there any anticipated issues that might impede the Local Program's ability to continue to administer the Local Program during the next Certificate of Exemption (COE) cycle? If yes, please explain.

No.

J. Certification of Local Authority

Table 3. Crosswalk Between State and Local Rules.

**Crosswalk between the Rules of the
Tennessee Department of Environment and Conservation Air Pollution Control
Division and the Local Air Pollution Control Agency**

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-01</u>	General Provisions	MCL 10.56	The language in the General Provisions is mostly non-regulatory. The portion that is regulatory is covered by the Metropolitan Code of Laws (MCL) Section 10.56.100 and 10.56.310.
<u>1200-03-02</u>	Definitions	10.56.010	Definitions
<u>1200-03-03</u>	Ambient Air Quality Standards	10.56.160	Ambient Air Quality Standards
<u>1200-03-04</u>	Open Burning	10.56.250	Open Burning
<u>1200-03-05</u>	Visible Emission Regulations	10.56.270	Visible Emissions

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-06</u>	Non-process Emission Standards	10.56.200 10.56.220 10.56.230 10.56.240 Reg. No. 10 Reg. No. 12 Reg. No. 17	Sale, Use or Consumption of Solid and Liquid Fuels Fuel-burning Equipment Incinerators Internal Combustion Engines Infectious Waste Incinerators Regulations for Control of Municipal Waste Combustors Commercial and Institutional Solid Waste Incinerators
<u>1200-03-07</u>	Process Emission Standards	10.56.260	Process Emissions
<u>1200-03-08</u>	Fugitive Dust	10.56.190 Reg. No. 2	Controlling Wind-borne Materials Prevention, Abatement, and Control of Air Contaminants
<u>1200-03-09</u>	Construction and Operating Permits	10.56.020 10.56.040 10.56.050 10.56.060 10.56.070 Reg. No. 13	Construction Permits Operating Permits Exemptions Transferability of Permit Suspension or Revocation of Permit Part 70 Operating Permit Program
<u>1200-03-10</u>	Required Sampling, Recording, and Reporting	10.56.290	Measurement and Reporting of Emissions
<u>1200-03-11</u>	Repealed	N/A	N/A
<u>1200-03-12</u>	Methods of Sampling and Analysis	10.56.300	Testing Procedures
<u>1200-03-13</u>	Violation	10.56.090 10.56.120 10.56.140 10.56.150	Board – Powers and Duties Complaint Notice – Hearing Procedure Emergency Measures – Hearing Procedure Nuisance Declared – Injunctive Relief
<u>1200-03-14</u>	Control of Sulfur Dioxide Emission	10.56.200 10.56.260	Sale, Use or Consumption of Solid and Liquid Fuels Process Emissions
<u>1200-03-15</u>	Emergency Episode Plan	Reg. No. 11	Emergency Episode Regulation
<u>1200-03-16</u>	Repealed	Reg. No. 5	Standards of Performance for New Stationary Sources
<u>1200-03-17</u>	Repealed	N/A	N/A
<u>1200-03-18</u>	Volatile Organic Compounds	Reg. No. 7	Control of Volatile Organic Compounds
<u>1200-03-19</u>	Emission Standards and Monitoring Requirements for Additional Control Areas	N/A	N/A
<u>1200-03-20</u>	Limits on Emissions Due to Malfunction, Startups and Shutdowns	N/A	N/A
<u>1200-03-21</u>	General Alternate Emission Standards	N/A	N/A
<u>1200-03-22</u>	Lead Emission Standards	N/A	N/A
<u>1200-03-23</u>	Visibility Protection	Reg. No. 3	New Source Review
<u>1200-03-24</u>	Good Engineering Practice Stack Height Regulations	10.56.020 Reg. No. 3	Construction Permits New Source Review

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-25</u>	Standards for Infectious Waste Incinerators	Reg. No. 10	Infectious Waste Incinerator
<u>1200-03-26</u>	Administrative Fees Schedule	10.56.080	Permit and Annual Emission Fees
<u>1200-03-27</u>	Nitrogen Oxides	Reg. No. 14	Control of Nitrogen Oxides
<u>1200-03-28</u>	Reserved	N/A	N/A
<u>1200-03-29</u>	Light-Duty Motor Vehicle Inspection and Maintenance	10.56.240 Reg. No. 8	Internal Combustion Engines Emissions from Light-duty Motor Vehicles through Mandatory Vehicle Inspection and Maintenance Program
<u>1200-03-30</u>	Acidic Precipitation Control	Reg. No. 15	Title VI – Acid Deposition Control
<u>1200-03-31</u>	Case-By-Case Determinations of Hazardous Air Pollutant Control Requirements	Reg. No. 4	Regulation for Control of Hazardous Air Pollutants
<u>1200-03-32</u>	Prevention of Accidental Releases	Reg. No. 4	Regulation for Control of Hazardous Air Pollutants
<u>1200-03-33</u>	Repealed	N/A	N/A
<u>1200-03-34</u>	Conformity	N/A	N/A
<u>1200-03-35</u>	Reserved	N/A	N/A
<u>1200-03-36</u>	Motor Vehicle Tampering	10.56.240 Reg. No. 8	Internal Combustion Engines Emissions from Light-duty Motor Vehicles through Mandatory Vehicle Inspection and Maintenance Program
<u>1200-03-37</u>	Repealed	N/A	N/A
<u>400-30-17</u>	Conflict of Interest	MCL 2.222	Standards of Conduct, Disclosure of Interests, and Enforcement
<u>400-30-38</u>	Emission Standards for Hazardous Air Pollutants	Reg. No. 4	Regulation for Control of Hazardous Air Pollutants
<u>400-30-39</u>	Standards of Performance for New Stationary Sources	Reg. No. 5	Standards of Performance of New Stationary Sources

I hereby certify in order to support a determination pursuant to Tenn. Code Ann. § 68-201-115(b)(3) for exemption from applicability within (list County and Municipalities):

Nashville/Davidson County, Tennessee

that:

- 1) Based on information and belief formed after reasonable inquiry, that the enacted or adopted provisions of local law in effect within my jurisdiction, are not less stringent than corresponding state provisions of the Tennessee Air Quality Act (§ 68-201-101 et. seq.) and its implementing rules.

I further certify based on information and belief formed after reasonable inquiry that these local provisions will be adequately enforced.

Signature:  _____

Print Name: JOHN FINKE

Title: DIRECTOR, BUREAU of ENVIRONMENTAL HEALTH SERVICES

Date: 2/23/26

The Board packet contains the following for the Certificate Of Exemption (COE) renewal for Hamilton County:

- Board Order
- COE
- Petition for renewal of the COE

****Supplemental information for COE renewal packages may be obtained through a Public Records Request****

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF:)
)
Hamilton County, Tennessee)
City of Chattanooga, Tennessee)
City of Collegedale, Tennessee)
City of East Ridge, Tennessee) **Board Order No. 26-004**
City of Lakesite, Tennessee)
Town of Lookout Mountain, Tennessee)
City of Red Bank, Tennessee)
City of Ridgeside, Tennessee)
Town of Signal Mountain, Tennessee)
City of Soddy-Daisy, Tennessee)
Town of Walden, Tennessee)

CERTIFICATE OF EXEMPTION

BOARD ORDER

I.

Under the authority of Tennessee Code Annotated section 68-201-115(a), a petition to renew the Hamilton County Certificate of Exemption was filed on October 10, 2025, with the Tennessee Division of Air Pollution Control by the Chattanooga-Hamilton County Air Pollution Control Bureau for the City of Chattanooga, the County of Hamilton and all included municipalities.

The terms in Tennessee Code Annotated section 68-201-115(b)(3) state that:

- "(3) The certificate of exemption shall be granted if the board determines that:
- (A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;
 - (B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and

(C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;"

II.

In accordance with Tennessee Code Annotated section 68-201-115(b)(3), the Chattanooga-Hamilton County Air Pollution Control Bureau does enforce regulations and/or ordinances for the control of air pollution that are not less stringent than the State's. Therefore, the Air Pollution Control Board of the State of Tennessee does hereby grant a Certificate of Exemption to Hamilton County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2026**, and expires on **June 30, 2028** as authorized by Tennessee Code Annotated section 68-201-115(c). During this period, Hamilton County and all included municipalities shall be exempt from the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following as set forth in the ordinances, regulations or other rules where indicated below:

1. Ambient air quality standards;
2. Open burning restrictions;
3. Visible emissions limitations;
4. Non-process emission limitations (fuel burning and incinerator);
5. Process emission including process gaseous emissions limitations;
6. Fugitive dust restrictions (Transportation and Material Handling in Open Air);
7. Permitting requirements, including definitions; amendments to permits; applications; permitting fees; emissions fees; testing; practical enforceability; monitoring; record keeping and reporting;
8. Construction permits:

New Source Review - Growth Policy
PSD Authority

Installation Permits

9. Certificates of Operation:

Initial and Renewal
Federally Enforceable

10. Part 70 Operating Permits;

11. Asbestos Demolition and Renovation Project Permits

12. All National Emission Standards for Hazardous Air Pollutants, as set forth in 40 CFR Parts 61 and 63 (with the exception of 40 CFR Part 61, Subpart M, for asbestos, which is addressed in the preceding item 11) including authority to determine Maximum Achievable Control Technology Standards and authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;

13. Methods of sampling; testing and analysis;

14. Enforcement and Compliance provisions including:

Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any order, final order, determination, rule, regulation or ordinance of the local Board, the Executive Director of the local Bureau, or of any included governmental entity, including instituting legal proceedings on behalf of any included municipality or county;

Determining that any order, final order, determination, rule, regulation or ordinance of the local Board, the director of the local Bureau, or of any included governmental entity has been violated, that such violation constitutes a public nuisance, and abating such a public nuisance in the manner provided by the general law relating to the abatement of public nuisances, including instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;

Obtaining compliance with air pollution control rules and regulations by conference, conciliation, persuasion, issuance of formal notices of violation and prosecution thereof; including, when appropriate, holding hearings and issuing orders to assess civil penalties for each violation where each day of violation is a separate offense, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;

Pursuing enforcement of any ordinance or regulations, or orders made by the director or the Board pursuant to the ordinance or regulations, by injunction to enjoin any violation of any requirement of the ordinance or regulations, including conditions of a permit or

certificate of operation, or other appropriate remedy, and the Board shall have power to institute and maintain in the name of the Board any and all enforcement proceedings;

15. Control of emissions of particulates including PM_{2.5} and PM₁₀, carbon monoxide, sulfur dioxide, nitrogen oxides, volatile organic compounds, toxic air pollutants and gaseous emissions;
16. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;
17. Control of emissions of sulfur oxides, and emissions of sulfuric acid and sulfur trioxide (combined);
18. Control of emissions of lead;
19. Emergency episode regulations including emergency stop orders;
20. New Source Performance Standards (NSPS) set forth in 40 CFR Part 60 including, authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;
21. Administrative procedures including emissions credit banking and emissions trading policy statements;
22. Emissions limitations and monitoring requirements;
23. Regulation of malfunctions, start-ups, and shutdowns;
24. Alternate emissions limitations;
25. General policies or plans;
26. System of permits and/or certificates to include the Title V (Part 70) permit program;
27. Scheduling and collecting fees for review of plans and specifications, issuance or renewal of permits or certificates (including Part 70 emission fees), inspection of air pollutant sources, building demolition and renovation, and computer and research time;
28. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending such changes as may be deemed appropriate;
29. Requiring the furnishing of information from persons causing, or who may be about to cause, air pollution;

30. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;
31. Providing such technical, scientific and other services as may be necessary and charging fees for preparation, research, computer time and distribution;
32. Receiving, budgeting, receipting for and administering such moneys as are appropriated or granted for carrying out the program of the local Board;
33. Collecting and disseminating information relative to air pollution; encouraging voluntary cooperation in preserving and restoring a reasonable degree of air purity; and advising, consulting and cooperating with other agencies, persons or groups in matters pertaining to air pollution;
34. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;
35. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;
36. Regulation of infectious and medical waste incinerators;
37. Regulation of general engineering practice stack height requirements;
38. Abatement of air contaminants, water, steam, or a combination which reduce visibility across any road to cause a hazard;
39. Transportation conformity requirements;
40. Confidentiality determinations; and
41. Regulation of odors related to emissions of air contaminants and regulation of nuisances related to emissions of air contaminants.

III.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of June, 2026.

_____	_____
_____	_____
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_____	_____
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_____	_____

Board Order 26_004 Hamilton COE 2026 a.docx

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

CERTIFICATE OF EXEMPTION

**By authority of Tennessee Code Annotated section 68-201-115,
the Tennessee Air Pollution Control Board Declares that**

**Chattanooga and Hamilton County, Tennessee
and all Included Municipalities**

**are
exempt from the provisions of the
Tennessee Air Quality Act as found in
Tennessee Code Annotated Title 68, Chapter 201,
subject to such limitations as established by the Board pursuant
to Board Order No. 26-004, passed
by the Board on this the 10th day of June 2026**

Air Pollution Control Board Members of the State of Tennessee

Expiration Date: June 30, 2028

Petition for Exemption From State Supervision of Local Air Pollution Control Programs to the Tennessee State Air Pollution Control Board

The Tennessee Air Quality Act (TCA §§ 68-201-115(a)) allows local governments to adopt regulations that are not less stringent than those of the State. Specifically, TCA §§ 68-201-115(a) states:

“(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...”

Additionally, TCA §§ 68-201-115(b)(3) states:

“(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;”

These provisions in the TCA allow the Tennessee Air Pollution Control Board to grant a certificate of exemption from State supervision to any municipality or county in Tennessee.

Therefore, this petition with supporting information is being presented to allow entities an exemption from State supervision. These entities are referred to here as “Local Programs”, and a certificate of exemption allows them to conduct the regulatory requirements typically conducted by the State Air Pollution Control Division. The certificate of exemption can be for a duration up to two years (TCA §§ 68-201-115(c)(1)).

Also, TCA §§ 68-201-115(b)(6) limits the exemption to the language and areas of authority specifically stated in the exemption. Therefore, the Local Program for Hamilton County is requesting authority as per the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following (add list of provisions for which the Local Program requests exemption):

1. Ambient air quality standards;
2. Open burning restrictions;

3. Visible emissions limitations;
4. Non-process emission limitations (fuel burning and incinerator);
5. Process emission including process gaseous emissions limitations;
6. Fugitive dust restrictions (Transportation and Material Handling in Open Air);
7. Permitting requirements, including definitions; amendments to permits; applications; permitting fees; emissions fees; testing; practical enforceability; monitoring; record keeping and reporting;
8. Construction permits:

New Source Review - Growth Policy
 PSD Authority
 Installation Permits;

9. Certificates of Operation:

Initial and Renewal
 Federally Enforceable;

10. Part 70 Operating Permits;

11. Asbestos Demolition and Renovation Project Permits;

12. All National Emission Standards for Hazardous Air Pollutants, as set forth in 40 CFR Parts 61 and 63 (with the exception of 40 CFR Part 61, Subpart M, for asbestos, which is addressed in the preceding Item 11) including authority to determine Maximum Achievable Control Technology Standards and authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;

13. Methods of sampling; testing and analysis;

14. Enforcement and Compliance provisions including:

Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any order, final order, determination, rule, regulation or ordinance of the local Board, the Executive Director of the local Bureau, or of any included governmental entity, including instituting legal proceedings on behalf of any included municipality or county;

Determining that any order, final order, determination, rule, regulation or ordinance of the local Board, the director of the local Bureau, or of any included governmental entity has been violated, that such violation constitutes a public nuisance, and abating such a

public nuisance in the manner provided by the general law relating to the abatement of public nuisances, including instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;

Obtaining compliance with air pollution control rules and regulations by conference, conciliation, persuasion, issuance of formal notices of violation and prosecution thereof; including, when appropriate, holding hearings and issuing orders to assess civil penalties for each violation where each day of violation is a separate offense, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;

Pursuing enforcement of any ordinance or regulations, or orders made by the director or the Board pursuant to the ordinance or regulations, by injunction to enjoin any violation of any requirement of the ordinance or regulations, including conditions of a permit or certificate of operation, or other appropriate remedy, and the Board shall have power to institute and maintain in the name of the Board any and all enforcement proceedings. 15. Control of emissions of particulates including PM_{2.5} and PM₁₀, carbon monoxide, sulfur dioxide, nitrogen oxides, volatile organic compounds, toxic air pollutants and gaseous emissions;

15. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;
16. Control of emissions of sulfur oxides, and emissions of sulfuric acid and sulfur trioxide (combined);
17. Control of emissions of lead;
18. Emergency episode regulations including emergency stop orders;
19. New Source Performance Standards (NSPS) set forth in 40 CFR Part 60 including, authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;
20. Administrative procedures including emissions credit banking and emissions trading policy statements;
21. Emissions limitations and monitoring requirements;
22. Regulation of malfunctions, start-ups, and shutdowns;
23. Alternate emissions limitations;
24. General policies or plans;

25. System of permits and/or certificates to include the Title V (Part 70) permit program;
26. Scheduling and collecting fees for review of plans and specifications, issuance or renewal of permits or certificates (including Part 70 emission fees), inspection of air pollutant sources, building demolition and renovation, and computer and research time;
27. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending such changes as may be deemed appropriate;
28. Requiring the furnishing of information from persons causing, or who may be about to cause, air pollution;
29. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;
30. Providing such technical, scientific and other services as may be necessary and charging fees for preparation, research, computer time and distribution;
31. Receiving, budgeting, receipting for and administering such moneys as are appropriated or granted for carrying out the program of the local Board;
32. 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;
33. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;
34. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;
35. Regulation of infectious and medical waste incinerators;
36. Regulation of general engineering practice stack height requirements;
37. Abatement of air contaminants, water, steam, or a combination which reduce visibility across any road to cause a hazard;
38. Transportation conformity requirements;
39. Confidentiality determinations; and
40. Regulation of odors related to emissions of air contaminants and regulation of nuisances related to emissions of air contaminants.

We are not aware of any, however, the Chattanooga-Hamilton County Air Pollution Control Bureau does not get involved with state projects.

B. Staffing and Regulatory Authority

1. Please provide a current staff chart showing personnel and functions.

*Ronald Drumeller, Executive Director

*Amber Boles, Director of Operations (Administrative/Budget/Finances/Public Relations /Grants/Human Resources/Payroll)

*Kaitlyn Segari, Administrative Support Specialist (Invoicing/Accounts Payable)

*Michelle Reyes, Administrative Assistant II (Burn Permits/Payments/Front Desk)

*Alan Frazier, P.E., Engineering Manager

*Sydney Spencer, Engineer (Permitting and Inspections)

*Austin Terrell, Engineer (Permitting and Inspections)

*Miguel Vega, Engineer (Permitting and Inspections)

*Brandon Segari Investigator/Asbestos Coordinatoor (Permitting and Inspections)

*Tyler Cantrell, Air Monitoring Manager

*Steve Langston, Instrument Technician Air Monitoring

*James Long, Instrument Technician Air Monitoring

(vacant) Executive Assistant

(vacant) Public Relations Coordinator

(vacant) Engineer (Permitting and Inspections)

2. Number of budgeted positions?

12

3. Number of vacant positions?

Three vacant positions (Executive Assistant, Engineer 1, and Public Relations Coordinator) The Staff Attorney is vacant, but funding for it is frozen.

4. What steps are being taken to fill vacant position(s)?

Some positions are not needed at this time and some positions cannot be filled due to lack of funds.

5. Are there any expected staff cuts or expansions?

Not at this time.

6. Is the State informed of regulatory changes? If so, how? If not, why not?

Yes, they are notified via mail.

7. Are the air pollution control regulations for each jurisdiction in your county available online? If so, how current are these regulations? If not, why not?

A copy of the air pollution control regulations for each jurisdiction is available online, along with a reference table. We are in the process of updating our Ordinance so all may not be current until the changes are adopted.

8. Do your local air pollution control provisions contain any land use or zoning requirements? If so, where, and how do you intend to address the requirements of TCA 68-201-115(f) and (g)? Please explain.

No

9. Are there any changes to the provisions that you've listed beginning on the first page that the local program is requesting authority to enforce as compared to the petition made in 2024? If so, what are the changes and why?

No

C. Local Agency Air Pollution Control Board

1. Please provide a current list of the local Air Pollution Control Board members and their term expiration dates.

See next page

Air Pollution Control Board

Appointment	Member	Appointment Date	Term Expiration	Status	Notes
County	Stephen Meyer	12/1/1993	1/6/2029	Active	-
County	Leanne Morrow	3/4/2025	1/6/2029	Active	-
County	Val deOlloqui	5/1/2013	1/6/2029	Active	-
City	Roger Rupp	10/2/2024	10/1/2028	Active	
City	Mark Harrison	2/14/2023	2/13/2027	Active	
City	Rob Ellis	3/20/2024	3/19/2028	Active	
Joint City/County	John Tucker	11/1/2012	12/19/2028	Active	-
Joint City/County	Shea Cofer	8/17/2022	8/17/2026	Active	
Joint City/County	Sandra (Sandy) Koss	8/17/2022	8/7/2027	Active	
Health Department	Dawn Ford	1/23/2020	Designated by the Health Department annually July 1	Active	

2. Is your Air Board or Commission fully staffed?

Yes

a. If there are vacancies, how long have they existed and when do you anticipate that they will be filled?

N/A

b. How often does your Board meet?

As needed, with a minimum of two (2) meetings per year.

D. State Implementation Plan Revisions (Local Program)

1. Are there any EPA - requested SIP revisions that your county needs to undertake? If your county needs to undertake SIP revisions, what are they and when do you plan to submit those? Are there any other local SIP revisions in progress, if so, at what point are they in the process?

We have submitted a SIP revision to revise our local ordinances (one county and ten constituent municipalities), as requested by EPA, to remove “affirmative defense” provisions that apply to excess emissions during periods of startup, shutdown, and malfunction. This has been approved and adopted by the county and all ten municipalities, and is now awaiting EPA incorporation into the SIP. No other SIP revisions have been requested by EPA.

Several other SIP revisions to revise our local ordinances have also been approved and adopted by the county and municipalities and are awaiting EPA incorporation into the SIP. These revisions include the following:

- Incorporation by reference of all current New Source Performance Standards as set forth in 40 CFR Part 60, National Emission Standards for Hazardous Air Pollutants as set forth in 40 CFR Parts 61 and 63, and other federal regulations (in conformity with EPA and TDEC);
- Incorporation of the use of electronic notices for public notifications (in conformity with TDEC);
- Revisions to definitions for “hazardous air pollutant” and “volatile organic compound” and addition of definition for “PM_{2.5}” (in conformity with EPA);
- Revision of a national ambient air quality standard for PM_{2.5} (in conformity with EPA);
- Revisions to asbestos-related demolition and renovation regulations (local initiative);
- Revisions to procedures for requesting confidentiality (local initiative); and
- Addition of surface coating operations using hand-held, non-refillable aerosol containers as insignificant activities (local initiative).

2. Are there any rule revisions or updates your Local Program needs to undertake to have all necessary rules needed as compared to those of the State? If so, what are they and what is the estimated timeframe for adoption?

No

3. Please list the local rules/ordinances that have been adopted since the last Certificate of Exemption was granted (July 1, 2024). Also include any which were not incorporated into the State Implementation Plan (please denote these). Describe why each rule revision was undertaken.

See answer to the above Item 1.

E. Permit Program Operation

1. What sources are exempt from permit requirements?

Sources that are classified as insignificant activities, as listed in our Ordinance, are not required to obtain a permit. Furthermore, permitting is not required for fuel-burning equipment used exclusively for heating the dwellings of less than three families or equipment for burning gas or No. 1 or No. 2 fuel oil with a design heat input capacity of less than 5 MMBtu per hour. In addition, State-owned facilities are not subject to local permitting requirements after the Tennessee Attorney General declared state sovereign immunity from local permitting requirements for these facilities.

2. What is the frequency of operating permit renewal?

Five (5) years for a renewal

3. Are the Title V fees you collect sufficient to fully fund your Title V program?

Yes, but we are proposing to increase Title V fees to ensure that our program continues to be fully funded in the future.

4. Are the non-Title V fees (e.g. annual fees, application fees) together with other funding sources (e.g. EPA grants, county funds) sufficient to fund your non-Title V program?

Funding sources have been sufficient to fund our non-Title V program until recently. Since we have not historically received increased funding from the City of Chattanooga or Hamilton County, we are therefore proposing to increase non-Title V fees to ensure that our program is sufficiently funded in the future.

5. Have/are you: a) recently changed, b) in the process of changing, or c) planning to change your fee system(s)? If so, please explain what those changes are/will be.

We are currently proposing to increase fees for non-Title V permits and certificates by approximately 25 percent with a provision for possible future fee increases based on the Consumer Price Index (CPI), if necessary as determined by the Board. We are also

proposing to institute the “Part 70 presumptive minimum fee rate” for Title V sources, which is calculated annually by EPA in accordance with the CPI. In addition, we are proposing to increase the minimum annual fee charged to a Title V source from \$4,000 to \$8,000. Furthermore, we are proposing to institute a late fee of 5.0 percent, compounded monthly, with a 30-day grace period.

6. Do you have any required or optional permitting mechanisms that are alternatives to standard construction and/or operating permits (e.g. permit-by-rule, general permits)? If so, please describe what these are and the types of sources they cover.

No

7. How do you determine which applications will receive a formal public hearing or informal public meeting?

A public hearing is required for all new federally enforceable synthetic minor permits and PSD permits. A public hearing is also held if one is requested during the public comment period for any new source, modification, or initial or renewal Part 70 permit.

8. Do you hold public hearings or meetings for controversial applications for which a hearing or meeting is not required?

Yes – A public hearing is held if an application is controversial.

9. Is a public notice required for all construction permit applications? If not, which are exempt? If so, how is notice made to the public, and for how long?

Yes, notice is provided on our website for at least 30 days.

10. Are draft permits available on your website for public comment before issuance of the permit? If yes, what is the time frame? If no, why not?

Yes, draft permits are available on the Bureau’s website for at least 30 days.

11. How many, if any, Title V permits, permit renewals, administrative amendments, minor modifications, and significant modifications are beyond their regulatory deadline? Since July 1, 2024, how many of the above permits, amendments, and modifications were issued past the regulatory deadline?

One Title V permit is currently beyond its regulatory deadline, but it is in the process of being renewed.

F. Compliance Monitoring

1. Is your agency involved in litigation with any company (if yes, explain)?

Not at the present time.

2. Explain the main enforcement problems, if any, in your county.

None at the present time.

3. Does your agency have source testing capability?

No. We require source testing to be conducted by the facility using a third-party testing company at its own expense.

4. Are source tests witnessed?

Yes

5. How many of the following sources are located in your county, and how frequently are they inspected (annually, every two years, etc.)?

Table 2. Sources and Inspection Frequency.

Source Type	Number of Sources	Frequency of Inspection
Title V sources:	9	Annual
Conditional Major (synthetic minor):	63	Annual
True Minor:	308	Annual

6. What procedures are employed to ensure that sources are operating within their synthetic minor or conditional major limit?

Annual inspections and review of records. Semi-annual and annual compliance reporting, where applicable.

7. How many sources are required to have continuous in stack monitors (CEMS or COMS)? Please list sources and types of monitors.

One. Signal Mountain Cement Co. is currently required to have continuous in-stack monitors for emissions of total hydrocarbons and for emissions of mercury. They are also required to have a continuous in-stack parametric monitor for emissions of filterable particulate matter.

8. Does the local agency implement continuous emissions monitoring requirements for the NOx SIP Call, CSAPR, Acid Rain, or the Data Requirements Rule? Please explain.

Signal Mountain Cement Co. is required to submit an excess emissions and continuous monitoring system performance report for any event when continuous monitoring system data indicates that the source is not in compliance with an applicable emission limitation or operating parameter limitation.

G. Ambient Air Monitoring

1. Does the current monitoring network address all major source impacts? For example, are there any required Lead or SO₂ monitoring requirements, or PSD monitoring requirements, and if so, are they being met?

Yes, all requirements are being met for PM_{2.5} and Ozone. No monitoring requirements are needed for any other pollutants.

2. Specific to those types of source specific monitors considered in question 1, above, are all source-oriented monitoring sites identified as such in the current AMNP and in AQS?

Yes, all three monitoring sites are outlined and detailed in the Annual Monitoring Network Plan and are verified through AQS.

3. Do all NCore/SLAMS monitoring sites meet siting criteria?

Yes, all sites meet siting criteria and were designed based on the requirements established under 40 CFR; including location, proximity to sources, topography, geographic variability of ambient pollutant concentrations, meteorological conditions, and population density. Site security and logistics were also considered.

4. Is the most recent annual network review completed? Please include any comments or requested corrective actions provided by EPA upon their review and approval/partial approval of the most recent AMNP. If there were recommended corrective actions by EPA, how, and by when do you plan to address those corrective actions?

The Bureau's annual network plan has been finalized and approved by Region 4. During review of the Bureau's ANP, EPA R4 solicited a T640 NAAQS exemption request from the Bureau based on current known bias. All documentation and the finalized ANP have been provided.

5. Does your agency operate any Special Purpose Monitoring sites? If so, please describe.

The Bureau does not operate any special purpose monitors.

6. Please identify any deficiencies noted in the most recent State monitoring network audit and how and when those will be addressed.

No deficiencies were noted. The Bureau has passed all state audits in 2024 and 2025 with no recommendations made within TDEC audit reports.

7. Please identify any deficiencies noted during the most recent TSA performed by EPA and when those were or will be addressed (please attach the most recent TSA).

No major deficiencies were identified during the Bureau's TSA. Findings primarily concerned minor data corrections/additions and small-scale operational changes. All TSA documentation, corrective action plan, and closeout letter have been provided.

8. When is your next scheduled/anticipated EPA conducted TSA?

Approximately November 2027

H. Air Quality Data Management Systems

1. How often is air quality data submitted to the EPA AQS system?

The Bureau submits quarterly data, as specified in 40 CFR Part 58, to EPA's national database AQS. Continuous data is converted to AQS format by the Airvision software and Null Value Codes are added.

2. What procedure is used to document exceptional event influenced data?

The Bureau investigates, documents, and flags data affected by exceptional events in AQS and provides an explanation.

3. Are quality assurance/quality control procedures being fully implemented? Please describe.

Yes, the Bureau institutes a level 3 QA/QC approach for all air monitoring data governed by federal grants and/or data used in regulatory decisions. The Bureau has adopted the graded approach to quality management systems and adheres to the Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Appendix C guidelines, particularly relating to non-regulatory data. A general outline of the Bureau's QA/QC procedures from least technical to most technical can be found in the Bureau's QMP, QAPP, and SOPs, respectively.

4. Are all your QMPs and QAPPs current and approved by EPA? Please provide a copy of your current QMP and any QAPPs in use by your agency.

the Bureau's QA/QC procedures from least technical to most technical can be found in the Bureau's QMP, QAPP, and SOPs, respectively.

4. Are all your QMPs and QAPPs current and approved by EPA? Please provide a copy of your current QMP and any QAPPs in use by your agency.

Yes, all are current. Copies are provided.

5. What are the expiration dates for your current QAPPs?

October 2028

6. Who is the quality assurance coordinator?

Tyler Cantrell – Air Monitoring Manager/Quality Assurance Manager

7. What laboratory facilities are available? Please explain.

The Bureau does not have an in-house laboratory. Pace Laboratories of Sheridan, Wyoming, is the filter weighing subcontractor for gravimetric laboratory services.

I. Continued Operation of Local Air Program

1. Are there any concerns regarding program administration, staffing or funds? Has your agency analyzed the impact of reduced emissions on Title V fee collections? If yes, are you anticipating a need to increase Title V fees in order satisfy Title V program funding requirements? Is there a schedule for revising your Title V fee structure to meet any funding needs; if so, what is it?

Yes, we will be increasing fees in 2026. While we do not have a definitive schedule at this time, we will need to do the following to implement the increase in fees:

1. Analyze and adjust fee schedule;
 2. Speak with the Chattanooga Regional Manufacturers Association;
 3. Put it out for Public Comment / Hearing;
 4. Host a Board Meeting to obtain Board approval; and
 5. Speak to the eleven jurisdictions within Hamilton County to obtain their approval.
2. Does your agency charge non-Title V fees for any service? If yes, are you anticipating a need to increase non-Title V fees in order satisfy program funding needs? Is there a schedule for revising your fee structure to meet any funding needs; if so, what is it?

Yes, we will be increasing fees in 2026. This schedule will be the same as the Title V fee increase schedule listed above. This process can take up to a full year, since we

need to speak to the eleven jurisdictions within Hamilton County to obtain their approval.

3. Are there any concerns with your local program's ability to adequately enforce your provisions as required in TCA 68-201-115(b)(3)(B)?

No

4. Are there any air monitoring system equipment needs? If yes, what is your air monitoring equipment acquisition/replacement plan?

Yes. The Bureau is actively overhauling all aging/outdated monitoring equipment. New ozone monitors, calibrators, and secondary data loggers, along with other small-scale items, have been purchased to bolster the ozone program and will be implemented during the 2026 ozone season. The Bureau intends to begin purchasing PM monitors, shelters, and data loggers in 2026. These upgrades will be funded by the Inflation Reduction Act (IRA) granted to the Bureau in 2025, expiring in 2030.

5. Please list any recent Local Program accomplishment and highlights.

103 and 105 grant Standard Operating Procedures were updated.

Hired three employees: Administrative Assistant, Investigator, and Air Monitoring Manager.

Revised the local Air Pollution Control Ordinances and received approvals from all eleven jurisdictions with Hamilton County.

6. Are there any anticipated issues that might impede the Local Program's ability to continue to administer the Local Program during the next Certificate of Exemption (COE) cycle? If yes, please explain.

There are no anticipated issues.

J. Certification of Local Authority

Table 3. Crosswalk Between State and Local Rules.

Crosswalk between the Rules of the Tennessee Department of Environment and Conservation Air Pollution Control Division and the Local Air Pollution Control Agency

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-01</u>	General Provisions	Section 4-1	Declaration of policy and purpose, title
<u>1200-03-02</u>	Definitions	Section 4-2	Definitions
<u>1200-03-03</u>	Ambient Air Quality Standards	Section 4-41, Rule 21	Ambient Air Quality Standards
<u>1200-03-04</u>	Open Burning	Section 4-41, Rule 6	Prohibition of Open Burning
<u>1200-03-05</u>	Visible Emission Regulations	Section 4-41, Rule 3	Visible Emission Regulations
<u>1200-03-06</u>	Non-process Emission Standards	Section 4-41, Rules 5, 8, and 26.6	Prohibition of Hand-Fired Fuel Burning Equipment; Fuel-Burning Equipment Regulations Reasonably Available Control Technology (RACT) – Fuel Burning Equipment
<u>1200-03-07</u>	Process Emission Standards	Section 4-41, Rule 10	Process Emissions Regulations
<u>1200-03-08</u>	Fugitive Dust	Section 4-41, Rule 11	Regulation of Transporting and Material Handling in Open Air
<u>1200-03-09</u>	Construction and Operating Permits	Section 4-8(a), (c), (d), and (e); Section 4-41, Rule 18	Installation permit, Certificate of Operation; General provisions: Construction or modification permit; Prevention of Significant Deterioration of Air Quality
<u>1200-03-10</u>	Required Sampling, Recording, and Reporting	Sections 4-3, 4-8(c)	Regulations cumulative; compliance with one (1) provision no defense to noncompliance with another; sampling and testing methods; Certificate of Operation
<u>1200-03-11</u>	Repealed	N/A	N/A
<u>1200-03-12</u>	Methods of Sampling and Analysis	Section 4-3	Regulations cumulative; compliance with one (1) provision no defense to noncompliance with another; sampling and testing methods
<u>1200-03-13</u>	Violation	Section 4-4	Penalties for violation of chapter, permit, or order
<u>1200-03-14</u>	Control of Sulfur Dioxide Emission	Section 4-41, Rule 13	Regulation of Sulfur Oxides
<u>1200-03-15</u>	Emergency Episode Plan	Section 4-20	Emergencies
<u>1200-03-16</u>	Repealed	N/A	N/A
<u>1200-03-17</u>	Repealed	N/A	N/A
<u>1200-03-18</u>	Volatile Organic Compounds	Section 4-41, Rule 25	General Provisions and Applicability for Volatile Organic Compounds
<u>1200-03-19</u>	Emission Standards and Monitoring Requirements for Additional Control Areas	Section 4-41, Rules 26 and 27	Reasonably Available Control Technology (RACT) Particulate Matter Controls for New Sources and New Modifications After August 29, 1995
<u>1200-03-20</u>	Limits on Emissions Due to Malfunction, Startups and Shutdowns	Section 4-12	Exceedances of limitations on emissions
<u>1200-03-21</u>	General Alternate Emission	Section 4-13	Certificate of alternate control

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
	Standards		
<u>1200-03-22</u>	Lead Emission Standards	Section 4-41, Rule 19	Regulation of Lead Emissions
<u>1200-03-23</u>	Visibility Protection	N/A	N/A
<u>1200-03-24</u>	Good Engineering Practice Stack Height Regulations	Section 4-41, Rule 22	Good Engineering Practices Stack Height
<u>1200-03-25</u>	Standards for Infectious Waste Incinerators	N/A	N/A
<u>1200-03-26</u>	Administrative Fees Schedule	Sections 4-8, 4-9, and 4-60	Installation permit and certificate of operation. Charges for technical reports, research, computer time. Fee determination and certification
<u>1200-03-27</u>	Nitrogen Oxides	Section 4-41, Rule 2	Regulations of Nitrogen Oxides
<u>1200-03-28</u>	Reserved	N/A	N/A
<u>1200-03-29</u>	Light-Duty Motor Vehicle Inspection and Maintenance	N/A	N/A
<u>1200-03-30</u>	Acidic Precipitation Control	N/A	N/A
<u>1200-03-31</u>	Case-By-Case Determinations of Hazardous Air Pollutant Control Requirements	Section 4-41, Rule 16.10	Maximum Achievable Control Technology Pollution Control Determinations
<u>1200-03-32</u>	Prevention of Accidental Releases	N/A	N/A
<u>1200-03-33</u>	Repealed	N/A	N/A
<u>1200-03-34</u>	Conformity	N/A	N/A
<u>1200-03-35</u>	Reserved	N/A	N/A
<u>1200-03-36</u>	Motor Vehicle Tampering	N/A	N/A
<u>1200-03-37</u>	Repealed	N/A	N/A
<u>400-30-17</u>	Conflict of Interest	Section 4-6	Air pollution control board; bureau of air pollution control; persons required to comply with chapter
<u>400-30-38</u>	Emission Standards for Hazardous Air Pollutants	Section 4-41, Rules 16 and 17	Emission Standards for Hazardous Air Pollutants Other Than Asbestos; Emission Standard for Asbestos
<u>400-30-39</u>	Standards of Performance for New Stationary Sources	Section 4-41, Rules 15.1 and 15.2	New Source Performance Standards

I hereby certify in order to support a determination pursuant to Tenn. Code Ann. § 68-201-115(b)(3) for exemption from applicability within (list County and Municipalities):

Hamilton County, Tennessee

The Board packet contains the following for the Certificate Of Exemption (COE) renewal for Knox County:

- Board Order
- COE
- Petition for renewal of the COE

****Supplemental information for COE renewal packages may be obtained through a Public Records Request****

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF:)
)
Knox County, Tennessee) **Board Order No. 26-005**
City of Knoxville, Tennessee)
And all included municipalities)

CERTIFICATE OF EXEMPTION

BOARD ORDER

I.

Under the authority of Tennessee Code Annotated section 68-201-115(a), a petition to renew the Knox County Certificate of Exemption was filed on October 15, 2025, with the Tennessee Division of Air Pollution Control by the Knox County Department of Air Quality Management for the City of Knoxville, the County of Knox and all included municipalities.

The terms in Tennessee Code Annotated section 68-201-115(b)(3) state that:

- "(3) The certificate of exemption shall be granted if the board determines that:
- (A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;
 - (B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and
 - (C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;"

II.

In accordance with Tennessee Code Annotated section 68-201-115(b)(3), the Knox County Department of Air Quality Management 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 Knox County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2026**, and expires on **June 30, 2028** as authorized by Tennessee Code Annotated section 68-201-115(c). During this period, Knox 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. National Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards, as set forth in TN Chapters 0400-30-38 and 1200-03-31 (as adopted from 40 CFR Parts 61 and 63) 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; testing and analysis;
10. Enforcement and Compliance provisions;
 - Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any order, final order, determination, rule, regulation or ordinance of the local Board, the director of the Knox County Department of Air Quality Management, or of any included governmental entity;
 - 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 providing hearings for administrative review through a local Board of civil penalties, orders and permits, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;
 - Determining that any order, final order, determination, rule, regulation or ordinance of the local Board, the director of Knox County Department of Air Quality Management, or of any included governmental entity has been violated, that such violation constitutes a public nuisance, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;
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 TN Chapter 0400-30-39 and Emission Guidelines 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;
 - Electric utility steam generating units of more than 250 million Btu/hr heat input rate which commenced construction 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;
 - Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed on or after 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;
 - Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
 - 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;
- Iron and steel plant furnaces constructed after April 21, 1971;
- 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 17, 1983;
- Industrial Surface Coating: plastic parts for business machines;
- Industrial-commercial institutional steam generating units;
- Onshore natural gas processing: SO₂ emissions;
- Non-metallic mineral processing plants;
- Wool fiberglass insulation manufacturing plants;
- Rubber Tire Manufacturing Industry;
- Calciners and Dryers in Mineral Industries;

- Municipal Solid Waste Landfills (40 CFR 60, Subpart WWW);
 - Hospital Medical Infectious Waste Incinerators;
 - VOC emissions from the polymer manufacturing industry;
 - VOC emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
 - VOC emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
 - VOC emissions from petroleum refinery wastewater systems;
 - VOC emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
 - Magnetic tape coating facilities;
 - Polymeric coating of supporting substrates facilities;
 - Other Solid Waste Incineration Units;
 - 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;
 - Stationary Compression Ignition Internal Combustion Engines;
 - Stationary Spark Ignition Internal Combustion Engines;
 - Stationary Combustion Turbines.
18. Administrative procedures including emissions credit banking and emissions trading policy statements;
 19. Monitoring, Recording, and Reporting of Source Emissions;
 20. Regulation of malfunctions, start-ups, and shutdowns;
 21. Alternate emissions limitations;
 22. General policies or plans; Ozone Attainment and Maintenance Plans (SIP); Program Operating Procedures; Carbon Monoxide Maintenance Plan (SIP); Particulate Matter Control Plan (PM_{2.5});

23. System of permits and/or certificates and emission fees to include the Title V Permit Program;
24. 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;
25. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending changes as may be deemed appropriate;
26. Requiring the furnishing of information from persons causing, or who may be about to cause air pollution;
27. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;
28. Receiving, budgeting, receipting for and administering such monies as are appropriated or granted for carrying out the program of the local Board;
29. 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;
30. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;
31. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;
32. Regulation of Infectious Waste Incinerators;
33. Regulation of good engineering practice stack height requirements;
34. Abatement of air contaminants, uncombined water, or a combination which reduces visibility across any road to cause a hazard;
35. Transportation Conformity Rule requirements;
36. Confidentiality determinations.

III.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of June, 2026.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Board Order 26_005 Knox COE 2026 a.docx

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

CERTIFICATE OF EXEMPTION

**By authority of Tennessee Code Annotated section 68-201-115,
the Tennessee Air Pollution Control Board Declares that**

**Knoxville and Knox 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. 26-005, passed
by the Board on this the 10th day of June 2026

Air Pollution Control Board Members of the State of Tennessee

Expiration Date: June 30, 2028

Petition for Exemption From State Supervision of Local Air Pollution Control Programs to the Tennessee State Air Pollution Control Board

The Tennessee Air Quality Act (TCA §§ 68-201-115(a)) allows local governments to adopt regulations that are not less stringent than those of the State. Specifically, TCA §§ 68-201-115(a) states:

“(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...”

Additionally, TCA §§ 68-201-115(b)(3) states:

“(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;”

These provisions in the TCA allow the Tennessee Air Pollution Control Board to grant a certificate of exemption from State supervision to any municipality or county in Tennessee.

Therefore, this petition with supporting information is being presented to allow entities an exemption from State supervision. These entities are referred to here as “Local Programs”, and a certificate of exemption allows them to conduct the regulatory requirements typically conducted by the State Air Pollution Control Division. The certificate of exemption can be for a duration up to two years (TCA §§ 68-201-115(c)(1)).

Also, TCA §§ 68-201-115(b)(6) limits the exemption to the language and areas of authority specifically stated in the exemption. Therefore, the Local Program for Knox County is requesting authority as per the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following (add list of provisions for which the Local Program requests exemption):

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. National Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards, as set forth in TN Chapters 400-30-38 & 1200-3-31(as adopted from 40 CFR Parts 61 and 63) 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; testing and analysis;
10. Enforcement and Compliance provisions;
 - Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any order, final order, determination, rule, regulation or ordinance of the local Board, the director of the Knox County Department of Air Quality Management, or of any included governmental entity;
 - 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 providing hearings for administrative review through a local Board of civil penalties, orders and permits, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;

- Determining that any order, final order, determination, rule, regulation or ordinance of the local Board, the director of Knox County Department of Air Quality Management, or of any included governmental entity has been violated, that such violation constitutes a public nuisance, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;
11. Control of emissions of particulate matter including PM₁₀, and PM_{2.5} 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 TN Chapter 400-30-39 and Emission Guidelines in 40 CFR Part 60, after adoption as local laws, as listed below:
 - General Provisions;
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 - Electric utility steam generating units of more than 250 million Btu/hr heat input rate which commenced construction 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;

- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed on or after July 23, 1984;
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- 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 17, 1983;
- Industrial Surface Coating: plastic parts for business machines;
- Industrial-commercial institutional steam generating units;
- Onshore natural gas processing: SO₂ emissions;
- Non-metallic mineral processing plants;
- Wool fiberglass insulation manufacturing plants;

- Rubber Tire Manufacturing Industry;
 - Calciners and Dryers in Mineral Industries;
 - Municipal Solid Waste Landfills (40 CFR 60, Subpart WWW);
 - Hospital Medical Infectious Waste Incinerators;
 - VOC emissions from the polymer manufacturing industry;
 - VOC emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
 - VOC emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
 - VOC emissions from petroleum refinery wastewater systems;
 - VOC emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
 - Magnetic tape coating facilities;
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 - Other Solid Waste Incineration Units;
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 - Stationary Compression Ignition Internal Combustion Engines;
 - Stationary Spark Ignition Internal Combustion Engines;
 - Stationary Combustion Turbines
18. Administrative procedures including emissions credit banking and emissions trading policy statements;
 19. Monitoring, Recording, and Reporting of Source Emissions;
 20. Regulation of malfunctions, start-ups, and shutdowns;
 21. Alternate emissions limitations;
 22. General policies or plans; Ozone Attainment and Maintenance Plans (SIP); Program Operating Procedures; Carbon Monoxide Maintenance Plan (SIP); Particulate Matter Control Plan (PM_{2.5});

23. System of permits and/or certificates and emission fees to include the Title V Permit Program;
24. 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
25. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending changes as may be deemed appropriate;
26. Requiring the furnishing of information from persons causing, or who may be about to cause air pollution;
27. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;
28. Receiving, budgeting, receipting for and administering such monies as are appropriated or granted for carrying out the program of the local Board;
29. 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;
30. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;
31. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;
32. Regulation of Infectious Waste Incinerators;
33. Regulation of good engineering practice stack height requirements;
34. Abatement of air contaminants, uncombined water, or a combination which reduces visibility across any road to cause a hazard;
35. Transportation Conformity Rule requirements;
36. Confidentiality determinations;

A. Demonstration of Enforcement Authority

1. Please provide the following data for enforcement activities occurring during the calendar year 2024 and to date in 2025:

Table 1. Enforcement Activities.

	CY 2024	CY 2025
Number of Notices of Violation	106	80
Number of Warning Letters	78	60
Number of Orders for Corrective Action only	28	20
Number of Civil Penalty Assessments only	1	1
Number of Civil Penalty Assessments and Orders for Corrective Action (both in the same order)	3	0
Total Amount Assessed	\$49,625	\$25,000
Total Amount Collected	\$49,625	\$25,000

2. How many notifications for asbestos/demolition activities were received in Federal FY2025?

59 (37 courtesy)

3. How many asbestos compliance inspections were conducted in Federal FY2025?

15

a. How many of these inspections included entry into containment areas during active removal to observe work practices?

None

4. How many Notices of Violation for asbestos/demolition were issued?

1

5. Are there any issues or concerns, regarding asbestos, with state owned facilities in your county?

Not at this time

B. Staffing and Regulatory Authority

1. Please provide a current staff chart showing personnel and functions.

See Attachment 1 Organizational Chart

2. Number of budgeted positions?

13 full-time team members

3. Number of vacant positions?

0

4. What steps are being taken to fill vacant position(s)?

N/A

5. Are there any expected staff cuts or expansions?

None at this time

6. Is the State informed of regulatory changes? If so, how? If not, why not?

Yes, the State is sent a prehearing information packet along with EPA.

7. Are the air pollution control regulations for each jurisdiction in your county available online? If so, how current are these regulations? If not, why not?

Air Quality's regulations are available online and are current.

8. Do your local air pollution control provisions contain any land use or zoning requirements? If so, where, and how do you intend to address the requirements of TCA 68-201-115(f) and (g)? Please explain.

No

9. Are there any changes to the provisions that you've listed beginning on the first page that the local program is requesting authority to enforce as compared to the petition made in 2024? If so, what are the changes and why?

No

C. Local Agency Air Pollution Control Board

1. Please provide a current list of the local Air Pollution Control Board members and their term expiration dates.

See Attachment 2 Board Members and Terms

2. Is your Air Board or Commission fully staffed?

No

- a. If there are vacancies, how long have they existed and when do you anticipate that they will be filled?

1 vacancy from Knoxville Academy of Medicine. No anticipated date of filling this vacancy.

- b. How often does your Board meet?

Quarterly, on the 3rd Wednesday of January, April, July and October

D. State Implementation Plan Revisions (Local Program)

1. Are there any EPA - requested SIP revisions that your county needs to undertake? If your county needs to undertake SIP revisions, what are they and when do you plan to submit those? Are there any other local SIP revisions in progress, if so, at what point are they in the process?

No EPA requested SIP revisions required for Knox County Air Quality

2. Are there any rule revisions or updates your Local Program needs to undertake to have all necessary rules needed as compared to those of the State? If so, what are they and what is the estimated timeframe for adoption?

Not at this time

3. Please list the local rules/ordinances that have been adopted since the last Certificate of Exemption was granted (July 1, 2024). Also include any which were not incorporated into the State Implementation Plan (please denote these). Describe why each rule revision was undertaken.

See Attachment 3 Regulatory Revision to Section 25.70

E. Permit Program Operation

1. What sources are exempt from permit requirements?

See Attachment 4 KCAQMR Section 25.6 Exemptions

2. What is the frequency of operating permit renewal?

All Title V operating permits are renewed every five (5) years.

All non-Title V operating permits are renewed at least every six (6) years.

3. Are the Title V fees you collect sufficient to fully fund your Title V program?

Yes

4. Are the non-Title V fees (e.g. annual fees, application fees) together with other funding sources (e.g. EPA grants, county funds) sufficient to fund your non-Title V program?

Yes

5. Have/are you: a) recently changed, b) in the process of changing, or c) planning to change your fee system(s)? If so, please explain what those changes are/will be.

Not at this time. However, Air Quality evaluates the fee systems at the end of each year and, as necessary, adjusts the fee systems.

6. Do you have any required or optional permitting mechanisms that are alternatives to standard construction and/or operating permits (e.g. permit-by-rule, general permits)? If so, please describe what these are and the types of sources they cover.

Air Quality implemented a permit-by-rule program similar to the State's program. The following sources are covered by the permit-by-rule program:

- Gasoline dispensing facilities;
- Emergency stationary internal combustion engines where the combined total heat input rate at each location does not exceed 4.5 MMBtu/hr; and
- Auto body refinishing operations, which includes paint stripping and surface coating of motor vehicles and mobile equipment, that do not complete more than 50 jobs per week (a job is defined as the total area to be refinished on an automobile body or light duty truck and may include the entire vehicle).

7. How do you determine which applications will receive a formal public hearing or informal public meeting?

Air Quality will hold a public hearing on all construction permit applications, synthetic minor permit applications, PSD permit applications, NSR permit applications, and major source permit applications if requested during the public notice period.

8. Do you hold public hearings or meetings for controversial applications for which a hearing or meeting is not required?

Public hearing will be held upon request made during the public comment period.

9. Is a public notice required for all construction permit applications? If not, which are exempt? If so, how is notice made to the public, and for how long?

Yes, public notice is given for all construction permit applications. The notice is posted on Air Quality's website. The review period is 30 calendar days.

10. Are draft permits available on your website for public comment before issuance of the permit? If yes, what is the time frame? If no, why not?

Draft initial synthetic minor permits and Title V permits are available for review on Air Quality's website during the public notice period.

11. How many, if any, Title V permits, permit renewals, administrative amendments, minor modifications, and significant modifications are beyond their regulatory deadline? Since July 1, 2024, how many of the above permits, amendments, and modifications were issued past the regulatory deadline?

Zero currently beyond their deadline.

F. Compliance Monitoring

1. Is your agency involved in litigation with any company (if yes, explain)?

No

2. Explain the main enforcement problems, if any, in your county.

None at this time.

3. Does your agency have source testing capability?

No

4. Are source tests witnessed?

Yes, Air Quality/regulatory required performance tests that are conducted to demonstrate compliance are observed.

5. How many of the following sources are located in your county, and how frequently are they inspected (annually, every two years, etc.)?

Table 2. Sources and Inspection Frequency.

Source Type	Number of Sources	Frequency of Inspection
Title V sources:	6	Annual
Conditional Major (synthetic minor):	50	Annual
True Minor:	666 (229-PBR, 254 EG-PBR)	Annual, except EG-PBR are not inspected

6. What procedures are employed to ensure that sources are operating within their synthetic minor or conditional major limit?

Annual and semi-annual reports are reviewed to assure compliance with synthesizing requirements. Annual compliance inspections are conducted at all synthetic minor sources to determine compliance with permit requirements.

7. How many sources are required to have continuous in stack monitors (CEMS or COMS)? Please list sources and types of monitors.

CEMEX Construction Materials Atlantic, LLC – Knoxville Cement Plant :SO₂, NO_X, CO and THC CEMS
 Equilon Enterprises LLC dba Shell Oil Products US:TOC CEMS
 Kinder Morgan Southeast Terminals LLC: TOC CEMS
 MPLX Terminals LLC: TOC CEMS

8. Does the local agency implement continuous emissions monitoring requirements for the NO_x SIP Call, CSAPR, Acid Rain, or the Data Requirements Rule? Please explain.

CEMEX Construction Materials Atlantic, LLC – Knoxville Cement Plant : NO_X CEMS are used to quantify the facility’s kiln NO_X emissions from May 1st through September 30th for the NO_X emissions report due October 31 of each year..

G. Ambient Air Monitoring

1. Does the current monitoring network address all major source impacts? For example, are there any required Lead or SO₂ monitoring requirements, or PSD monitoring requirements, and if so, are they being met?

Air Quality has one facility that requires monitoring pursuant to Appendix D of 40 CFR Part 58 which requires monitoring agencies to establish air monitoring near industrial

facilities that emit more than 0.5 tons per year (tpy) of lead into the atmosphere. The Department operates site 47-093-0023 to fulfill this requirement

2. Specific to those types of source specific monitors considered in question 1, above, are all source-oriented monitoring sites identified as such in the current AMNP and in AQS?

Yes

3. Do all NCore/SLAMS monitoring sites meet siting criteria?

Yes

4. Is the most recent annual network review completed? Please include any comments or requested corrective actions provided by EPA upon their review and approval/partial approval of the most recent AMNP. If there were recommended corrective actions by EPA, how, and by when do you plan to address those corrective actions?

The 2025 AMNP was submitted to EPA along with TDEC's plan. EPA has not made any comments or requested any corrective action.

5. Does your agency operate any Special Purpose Monitoring sites? If so, please describe.

No

6. Please identify any deficiencies noted in the most recent State monitoring network audit and how and when those will be addressed.

An Electrical breaker was tripping, impeding the audit at the Rule site and has been subsequently repaired.

7. Please identify any deficiencies noted during the most recent TSA performed by EPA and when those were or will be addressed (please attach the most recent TSA).

See Attachment 5 TSA Documents.zip

8. When is your next scheduled/anticipated EPA conducted TSA?

2027

H. Air Quality Data Management Systems

1. How often is air quality data submitted to the EPA AQS system?

Data is typically submitted on a monthly basis to the EPA AQS system.

2. What procedure is used to document exceptional event influenced data?

See Section 22.5 of the attached QAPP

3. Are quality assurance/quality control procedures being fully implemented? Please describe.

Yes, Air Quality is implementing the quality assurance/quality control procedures outlined in the approved QAPP and QMP.

4. Are all your QMPs and QAPPs current and approved by EPA? Please provide a copy of your current QMP and any QAPPs in use by your agency.

No, QAPP expired in August 2025. Updated QAPP is in comment/review process with EPA.

See Attachment 6 QA Documents.zip

5. What are the expiration dates for your current QAPPs?

August 2025

6. Who is the quality assurance coordinator?

Amy Mullikin

7. What laboratory facilities are available? Please explain.

Air Quality does not have any laboratory facilities. PM2.5 (filter based method) and Lead analysis are contracted to outside laboratories.

I. Continued Operation of Local Air Program

1. Are there any concerns regarding program administration, staffing or funds? Has your agency analyzed the impact of reduced emissions on Title V fee collections? If yes, are you anticipating a need to increase Title V fees in order satisfy Title V program funding requirements? Is there a schedule for revising your Title V fee structure to meet any funding needs; if so, what is it?

There are currently no concerns with administration, staffing, or funding of the program.

- Does your agency charge non-Title V fees for any service? If yes, are you anticipating a need to increase non-Title V fees in order satisfy program funding needs? Is there a schedule for revising your fee structure to meet any funding needs; if so, what is it?

Yes. Air Quality evaluates the fee systems at the end of each year and, as necessary, adjusts the fee systems.

- Are there any concerns with your local program’s ability to adequately enforce your provisions as required in TCA 68-201-115(b)(3)(B)?

No

- Are there any air monitoring system equipment needs? If yes, what is your air monitoring equipment acquisition/replacement plan?

Bids are being accepted for replacing the monitoring shelter at the Springhill site which will utilize IRA grant funds. Replacement of the aging PM2.5 monitors, replacement costs are included in the equipment line of the EPA grant and will be replaced as grant funds are available.

- Please list any recent Local Program accomplishment and highlights.

New lead monitors were deployed. Exceptional event demonstration submitted to EPA for the 2023 Canadian wildfire impact on PM design values and designations.

- Are there any anticipated issues that might impede the Local Program’s ability to continue to administer the Local Program during the next Certificate of Exemption (COE) cycle? If yes, please explain.

No issues are anticipated

J. Certification of Local Authority

Table 3. Crosswalk Between State and Local Rules.

**Crosswalk between the Rules of the
Tennessee Department of Environment and Conservation Air Pollution Control
Division and the Local Air Pollution Control Agency**

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-01</u>	General Provisions	12.0 & 39.0	Introductin & Severability
<u>1200-03-02</u>	Definitions	13.0	Definitions
<u>1200-03-03</u>	Ambient Air Quality Standards	14.0	Ambient Air Quality Standards
<u>1200-03-04</u>	Open Burning	16.0	Open Burning
<u>1200-03-05</u>	Visible Emission Regulations	17.0	Regulation of Visible Emissions
<u>1200-03-06</u>	Non-process Emission Standards	18.0	Regulation of Non-Process Emissions
<u>1200-03-07</u>	Process Emission Standards	19.0	Regulation of Process Emissions
<u>1200-03-08</u>	Fugitive Dust	22.0 & 24.0	Regulation of Fugitive Dust and Materials & Regulation of Airborne and Windborne materials
<u>1200-03-09</u>	Construction and Operating Permits	25.0, 41.0, & 45.0	Permits, Regulation for the Review of New Sources, & Prevention of Significant Deterioration
<u>1200-03-10</u>	Required Sampling, Recording, and Reporting	26.0	Monitoring, Recording, and Reporting
<u>1200-03-11</u>	Repealed	n/a	Not applicable
<u>1200-03-12</u>	Methods of Sampling and Analysis	27.0	Sampling and Testing Methods
<u>1200-03-13</u>	Violation	30.0	Violations
<u>1200-03-14</u>	Control of Sulfur Dioxide Emission	18.0 & 19.0	Regulation of Non-precess Emissions & Regulation of Process Emissions
<u>1200-03-15</u>	Emergency Episode Plan	36.0	Emergency Regulations
<u>1200-03-16</u>	Repealed	n/a	not applicable
<u>1200-03-17</u>	Repealed	n/a	not applicable
<u>1200-03-18</u>	Volatile Organic Compounds	46.0	Regulation of Volatile Organic Compounds
<u>1200-03-19</u>	Emission Standards and Monitoring Requirements for Additional Control Areas	n/a	not applicable
<u>1200-03-20</u>	Limits on Emissions Due to Malfunction, Startups and Shutdowns	34.0	Malfunction of Equipment
<u>1200-03-21</u>	General Alternate Emission Standards	See Description	The Department does not provide for Alternate Emissions Standards (i.e. the Department is more stringent)
<u>1200-03-22</u>	Lead Emission Standards	48.0	Lead Emissions Standards
<u>1200-03-23</u>	Visibility Protection	45.0	Prevention of Significant Deterioration
<u>1200-03-24</u>	Good Engineering Practice Stack Height Regulations	47.0	Regulation of Good Engineering Practic Stack Height
<u>1200-03-25</u>	Standards for Infectious Waste	20.0	Regulation of Incinerators

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
	Incinerators		
<u>1200-03-26</u>	Administrative Fees Schedule	25.0	Permits
<u>1200-03-27</u>	Nitrogen Oxides	51.0	Standards for Cement Kilns
<u>1200-03-28</u>	Reserved	n/a	not applicable
<u>1200-03-29</u>	Light-Duty Motor Vehicle Inspection and Maintenance	n/a	not applicable
<u>1200-03-30</u>	Acidic Precipitation Control	49.0	Regulation of Acid Rain
<u>1200-03-31</u>	Case-By-Case Determinations of Hazardous Air Pollutant Control Requirements	35.0	Regulation of Hazardous Air Contaminants
<u>1200-03-32</u>	Prevention of Accidental Releases	35.0	Regulation of Hazardous Air Contaminants
<u>1200-03-33</u>	Repealed	n/a	not applicable
<u>1200-03-34</u>	Conformity	50.0	General and Transportation Conformity Regulations
<u>1200-03-35</u>	Reserved	n/a	not applicable
<u>1200-03-36</u>	Motor Vehicle Tampering	n/a	not applicable
<u>1200-03-37</u>	Repealed	n/a	not applicable
<u>400-30-17</u>	Conflict of Interest	See Description	Knox County Code Chapter 26 Article II; Section 26-34 Control Board & Knox County Tennessee Code of Ethics pursuant to TCA 8-17-101 https://www.knoxcounty.org/ethics_committee/pdfs/ethics_policy.pdf
<u>400-30-38</u>	Emission Standards for Hazardous Air Pollutants	35.0	Regulation of Hazardous Air Contaminants
<u>400-30-39</u>	Standards of Performance for New Stationary Sources	40.0	Regulation for the Performance of New Stationary Sources

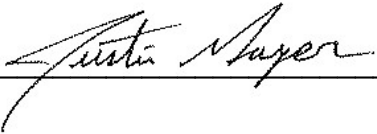
I hereby certify in order to support a determination pursuant to Tenn. Code Ann. § 68-201-115(b)(3) for exemption from applicability within (list County and Municipalities):

Knox County, the City of Knoxville, and the Town of Farragut

that:

- 1) Based on information and belief formed after reasonable inquiry, that the enacted or adopted provisions of local law in effect within my jurisdiction, are not less stringent than corresponding state provisions of the Tennessee Air Quality Act (§ 68-201-101 et. seq.) and its implementing rules.

I further certify based on information and belief formed after reasonable inquiry that these local provisions will be adequately enforced.

Signature: 

Print Name: _Justin Mayer_

Title: Division Director of Air Quality Management_

Date: _2-17-2026_

The Board packet contains the following for the Certificate Of Exemption (COE) renewal for Shelby County:

- Board Order
- COE
- Petition for renewal of the COE

****Supplemental information for COE renewal packages may be obtained through a Public Records Request****

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF:)	
)	
Shelby County, Tennessee)	
City of Memphis, Tennessee)	
Town of Arlington, Tennessee)	Board Order No. 26-006
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

I.

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 October 16, 2025, 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 Tennessee Code Annotated section 68-201-115(b)(3) state that:

- "(3) The certificate of exemption shall be granted if the board determines that:
- (A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;
 - (B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and
 - (C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;"

II.

In accordance with Tennessee Code Annotated section 68-201-115(b)(3), the 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, 2026**, and expires on **June 30, 2028** as authorized by Tennessee Code Annotated 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 the Director's 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 0400-30-39 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 (PM_{2.5})];
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.

III.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of June, 2026.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Board Order 26_006 Shelby COE 2026 a.docx

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

CERTIFICATE OF EXEMPTION

**By authority of Tennessee Code Annotated section 68-201-115,
the Tennessee Air Pollution Control Board Declares that**

**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. 26-006, passed
by the Board on this the 10th day of June 2026**

Air Pollution Control Board Members of the State of Tennessee

Expiration Date: June 30, 2028

Petition for Exemption From State Supervision of Local Air Pollution Control Programs to the Tennessee State Air Pollution Control Board

The Tennessee Air Quality Act (TCA §§ 68-201-115(a)) allows local governments to adopt regulations that are not less stringent than those of the State. Specifically, TCA §§ 68-201-115(a) states:

“(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...”

Additionally, TCA §§ 68-201-115(b)(3) states:

“(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;”

These provisions in the TCA allow the Tennessee Air Pollution Control Board to grant a certificate of exemption from State supervision to any municipality or county in Tennessee.

Therefore, this petition with supporting information is being presented to allow entities an exemption from State supervision. These entities are referred to here as “Local Programs”, and a certificate of exemption allows them to conduct the regulatory requirements typically conducted by the State Air Pollution Control Division. The certificate of exemption can be for a duration up to two years (TCA §§ 68-201-115(c)(1)).

Also, TCA §§ 68-201-115(b)(6) limits the exemption to the language and areas of authority specifically stated in the exemption. Therefore, the Local Program for Shelby County is requesting authority as per the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following (add list of provisions for which the Local Program requests exemption):

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 PM_{10} , and $PM_{2.5}$ 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 400-30-39 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 (PM_{2.5});
 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;

A. Demonstration of Enforcement Authority

1. Please provide the following data for enforcement activities occurring during the calendar year 2024 and to date in 2025:

Table 1. Enforcement Activities.

	CY 2024	CY 2025
Number of Notices of Violation	11	6
Number of Warning Letters	19	3
Number of Orders for Corrective Action only	3	0
Number of Civil Penalty Assessments only	10	6
Number of Civil Penalty Assessments and Orders for Corrective Action (both in the same order)	12	6
Total Amount Assessed	\$189,507.50	\$192,053
Total Amount Collected	\$189,507.50	\$191,653

2. How many notifications for asbestos/demolition activities were received in Federal FY2025?

146

3. How many asbestos compliance inspections were conducted in Federal FY2025?

232

a. How many of these inspections included entry into containment areas during active removal to observe work practices?

18

4. How many Notices of Violation for asbestos/demolition were issued?

1

5. Are there any issues or concerns, regarding asbestos, with state owned facilities in your county?

No

B. Staffing and Regulatory Authority

1. Please provide a current staff chart showing personnel and functions.

See the attached chart

2. Number of budgeted positions?

33

3. Number of vacant positions?

5

4. What steps are being taken to fill vacant position(s)?

Shelby County HR posts on the County's website. These posts are also advertised on the "Indeed" recruiting website.

5. Are there any expected staff cuts or expansions?

No

6. Is the State informed of regulatory changes? If so, how? If not, why not?

Yes, we stay in touch with Marc Corrigan and Michelle Oaks at TDEC to review regulatory changes.

7. Are the air pollution control regulations for each jurisdiction in your county available online? If so, how current are these regulations? If not, why not?

No, not all. But Shelby County and Memphis City Air Codes are available.
<https://www.shelbytnhealth.com/169/Air-Pollution-Control-Code>

8. Do your local air pollution control provisions contain any land use or zoning requirements? If so, where, and how do you intend to address the requirements of TCA 68-201-115(f) and (g)? Please explain.

No

9. Are there any changes to the provisions that you've listed beginning on the first page that the local program is requesting authority to enforce as compared to the petition made in 2024? If so, what are the changes and why?

No

C. Local Agency Air Pollution Control Board

1. Please provide a current list of the local Air Pollution Control Board members and their term expiration dates.

See the attached chart

2. Is your Air Board or Commission fully staffed?

Yes

a. If there are vacancies, how long have they existed and when do you anticipate that they will be filled?

There are no vacancies

b. How often does your Board meet?

The Board meets on an as-needed basis for Board business which includes review of Title V emission fees, appeals, and variances. The local Board does not have rule-making authority.

D. State Implementation Plan Revisions (Local Program)

1. Are there any EPA - requested SIP revisions that your county needs to undertake? If your county needs to undertake SIP revisions, what are they and when do you plan to submit those? Are there any other local SIP revisions in progress, if so, at what point are they in the process?

No, there are no EPA requested SIP revisions that the county needs to undertake.
None.

Yes, the Shelby County Second 10-year Maintenance Plan for the 2008 8-hour Ozone NAAQS. This plan has been revised and forwarded to TDEC to present to the TAPCB for approval and subsequent submission to EPA Region IV Headquarters in Atlanta, Georgia.

2. Are there any rule revisions or updates your Local Program needs to undertake to have all necessary rules needed as compared to those of the State? If so, what are they and what is the estimated timeframe for adoption?

Yes, our Local Program needs to undertake rule revisions.
The following rules have need to be revised or updated:

- CHAPTER 1200-03-02 DEFINITIONS (revised December 2024)
- CHAPTER 1200-03-05 VISIBLE EMISSION REGULATIONS (revised December 2024)
- CHAPTER 1200-03-06 NON-PROCESS EMISSION STANDARDS (revised December 2024)
- CHAPTER 1200-03-07 PROCESS EMISSION STANDARDS (Revised October 2023)
- CHAPTER 1200-03-09 CONSTRUCTION AND OPERATING PERMITS (revised December 2024)
- CHAPTER 1200-03-16 REPEALED (revised December 2024)
- CHAPTER 1200-03-18 VOLATILE ORGANIC COMPOUNDS (revised December 2024)
- CHAPTER 1200-03-20 LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS (revised December 2024)
- CHAPTER 1200-03-21 GENERAL ALTERNATE EMISSION STANDARDS (revised December 2024)
- CHAPTER 1200-03-22 LEAD EMISSION STANDARDS (revised December 2024)
- CHAPTER 1200-03-25 STANDARDS FOR INFECTIOUS WASTE INCINERATORS (revised December 2024)
- CHAPTER 1200-03-26 ADMINISTRATIVE FEES SCHEDULE (revised December 2024)

- CHAPTER 1200-03-27 NITROGEN OXIDES (revised November 2022)
- CHAPTER 1200-03-31 CASE-BY-CASE DETERMINATIONS OF HAZARDOUS AIR POLLUTANT CONTROL REQUIREMENTS (revised December 2022)

However, according to information provided by EPA – Region IV (in the EPA, and Locals phone call which took place on September 16, 2025) it is no longer necessary to remove ‘affirmative defense’ provisions from air pollution control rules and regulations. Therefore, the rule revisions and updates listed above that pertain to ‘affirmative defense’ nothing is required. For all others, the estimated timeframe for adoption is 12 to 18 months to have the rules and regulations adopted by all jurisdictions within Shelby County.

3. Please list the local rules/ordinances that have been adopted since the last Certificate of Exemption was granted (July 1, 2024). Also include any which were not incorporated into the State Implementation Plan (please denote these). Describe why each rule revision was undertaken.

None

E. Permit Program Operation

1. What sources are exempt from permit requirements?

Local rules regarding exemptions are identical to State rules found at 1200-3-9-.04

2. What is the frequency of operating permit renewal?

Though not set specifically by the code, operating permits are typically issued for 5 years.

3. Are the Title V fees you collect sufficient to fully fund your Title V program?

At the present they are. We will review the status next year.

4. Are the non-Title V fees (e.g. annual fees, application fees) together with other funding sources (e.g. EPA grants, county funds) sufficient to fund your non-Title V program?

Yes

5. Have/are you: a) recently changed, b) in the process of changing, or c) planning to change your fee system(s)? If so, please explain what those changes are/will be.

No

6. Do you have any required or optional permitting mechanisms that are alternatives to standard construction and/or operating permits (e.g. permit-by-rule, general permits)? If so, please describe what these are and the types of sources they cover.

We offer permit-by-rule for generator engines

7. How do you determine which applications will receive a formal public hearing or informal public meeting?

It is rare for an application alone to generate a public hearing, but one would be scheduled and held if requested by the public during the public notice period.

8. Do you hold public hearings or meetings for controversial applications for which a hearing or meeting is not required?

A hearing is always scheduled for release of the preliminary determination on all PSD/NSR permits. The notice for Title V permits and modifications allows for the public to request a hearing. If there is a reason to believe there is a special public interest in a facility, a hearing will be set for release of the draft permit without waiting for a request.

9. Is a public notice required for all construction permit applications? If not, which are exempt? If so, how is notice made to the public, and for how long?

Yes. A minimum 30-day comment period is required for all construction permit applications and modifications. The notices are physically published in The Daily News, Memphis Daily, and available online at tnpublicnotice.com, at our agency website and sent out by e-mail to a list of people who have requested receipt of these notices, as well as to current Board members and a representative of each legislative body in Shelby County. We also offer a hard-copy direct mail-out for a nominal annual fee, but no one has signed up for that type of notice.

10. Are draft permits available on your website for public comment before issuance of the permit? If yes, what is the time frame? If no, why not?

Yes. For the Title V permits only, draft permits are posted on the County website for review for a minimum of 30-day draft review period.

11. How many, if any, Title V permits, permit renewals, administrative amendments, minor modifications, and significant modifications are beyond their regulatory deadline? Since July 1, 2024, how many of the above permits, amendments, and modifications were issued past the regulatory deadline?

None

F. Compliance Monitoring

1. Is your agency involved in litigation with any company (if yes, explain)?

Our agency is not involved with any dispute with any company through the court system

2. Explain the main enforcement problems, if any, in your county.

None

3. Does your agency have source testing capability?

No

4. Are source tests witnessed?

Yes

5. How many of the following sources are located in your county, and how frequently are they inspected (annually, every two years, etc.)?

Table 2. Sources and Inspection Frequency.

Source Type	Number of Sources	Frequency of Inspection
Title V sources:	30	Every two years
Conditional Major (synthetic minor):	88	Every two years
True Minor:	272	Every three years

6. What procedures are employed to ensure that sources are operating within their synthetic minor or conditional major limit?

Routine inspections and review of monitoring/compliance reports

7. How many sources are required to have continuous in stack monitors (CEMS or COMS)? Please list sources and types of monitors.

Source No.	Company	CEMS	Testing for
00101	Valero Refining Co.	Yes	37 different tests
00475	Mitsubishi Chemical America, Inc.	Yes	SO2, methanol
00819	Arkema Incorporated	Yes	temperature, TOC, methane
01280	TVA Allen CC Plant	Yes	NOx, CO, SF
00166	ExxonMobil Oil Corp	Yes	VOC
00710	Nucor Steel	Yes	NOx, CO, SO2

01196	Valero Partners Memphis, LLC	Yes	VOC, temperature
00274	Penn-A-Kem	Yes	NOx, temperature
00290	Sonoco	Yes	temperature
00043	Bioenergy Development Group, LLC	Yes	temperature
00347	Owens Corning Roofing & Asphalt	Yes	temperature
00465	St. Jude Children's Research Hospital	Yes	temperature

8. Does the local agency implement continuous emissions monitoring requirements for the NOx SIP Call, CSAPR, Acid Rain, or the Data Requirements Rule? Please explain.

No

G. Ambient Air Monitoring

1. Does the current monitoring network address all major source impacts? For example, are there any required Lead or SO₂ monitoring requirements, or PSD monitoring requirements, and if so, are they being met?

There are no requirements

2. Specific to those types of source specific monitors considered in question 1, above, are all source-oriented monitoring sites identified as such in the current AMNP and in AQS?

There are no source-specific monitoring stations

3. Do all NCore/SLAMS monitoring sites meet siting criteria?

Yes, all sites meet siting requirements as documented in the 2025 Air Monitoring Network Plan

4. Is the most recent annual network review completed? Please include any comments or requested corrective actions provided by EPA upon their review and approval/partial approval of the most recent AMNP. If there were recommended corrective actions by EPA, how, and by when do you plan to address those corrective actions?

Yes, the 2025 AMNP was completed and submitted in May 2025. EPA commented that SCHD AMB needs to include site distance to nearest road and the associated traffic count for each site. EPA stated in their comments that they would like to work with state and local agencies to address these corrective actions for the 2026 AMNP

5. Does your agency operate any Special Purpose Monitoring sites? If so, please describe.

No, there are no Special Purpose Monitoring sites

6. Please identify any deficiencies noted in the most recent State monitoring network audit and how and when those will be addressed.

The most recent State monitoring network audit identified an issue with an NO₂ monitor at the NCore site. The monitor experienced a negative offset to the NO₂ reading (and subsequently the NO_y reading) that caused it to fail its audit. SCHD AMB has not been able to recreate this issue with our own equipment. This has occurred for multiple audits, and no troubleshooting or maintenance by the AMB has been able to solve it. This issue is ongoing.

7. Please identify any deficiencies noted during the most recent TSA performed by EPA and when those were or will be addressed (please attach the most recent TSA).

Finding: Air Monitoring site at Alabama Avenue (47-157-0024) did not meet regulatory siting criteria.

Response: A full site evaluation was conducted in 2024 and 2025. Vegetation was cut back from the site and pictures were provided on 9/26/23.

Finding: Some pollutant concentration data must be qualified or invalidated in AQS. Other QC/QA data corrections are necessary in AQS.

Response: Most of the AQS data corrections occurred between November 2023 and April 2025. The remainder were either completed in September 2025 or will be completed in early October 2025.

Finding: Inadequate data review procedures and lack of independence.

Response: SCHD AMB developed a three level review system that meets the requirements of our QMP. In addition, SCHD updated the Data Review and Validation SOP and submitted it to EPA for review in July 2025. We are currently waiting for a response.

Finding: SCHD is currently operating without an approved Quality Management Plan (QMP).

Response: EPA approved the SCHD AMB QMP on 9/18/24.

Finding: SCHD currently does not fully adhere to their QAPP; and the QAPP does not accurately portray current ambient air monitoring program operations.

Response: The Air Monitoring Supervisor position has been offered and accepted. The onboarding process is ongoing. Quarterly span dust checks are performed on the T640x and documented in the log books and field forms. This began in 2024.

Concern: Air monitoring record security is vulnerable given current SCHED network drive access.

Response: Shelby County IT has been contacted for assistance regarding this issue. The AMB shared drive will be password protected before March 2026.

Concern: Field documentation and record-keeping improvements are necessary to implement SCHED's QAPP.

Response: Sample residence time calculations are performed annually. New employees sign documentation confirming they are provided the QAPP and SOPs. This documentation was completed in March 2024. The AMB is currently developing electronic documents, and calibration Excel sheets have been taken from AMTIC, and will be used going forward. Field forms for flow rate evaluations have been completed correctly since March 2024.

Observation: Vegetation between the Near Road site (47-157-0100) and the highway may become an issue in the very near future.

Response: TDOT was contacted in 2024 requesting the vegetation be cut. The work was never performed. TDOT will be contacted again, and the vegetation will be cut before Spring 2026.

8. When is your next scheduled/anticipated EPA conducted TSA?

March 3, 2026

H. Air Quality Data Management Systems

1. How often is air quality data submitted to the EPA AQS system?

Quarterly

2. What procedure is used to document exceptional event influenced data?

Through research and detailed data collection, SCHED AMB produced an exceptional event demonstration that was submitted to the EPA in January 2025. It was deferred as the design value was determined to be below the PM2.5 NAAQS

3. Are quality assurance/quality control procedures being fully implemented? Please describe.

Yes, SCHED AMB developed a three level review system that meets the requirements of our QMP. In addition, SCHED updated the Data Review and Validation SOP and submitted it to EPA for review in July 2025. We are currently waiting for a response.

4. Are all your QMPs and QAPPs current and approved by EPA? Please provide a copy of your current QMP and any QAPPs in use by your agency.

Yes. See attached files.

5. What are the expiration dates for your current QAPPs?

May 2028

6. Who is the quality assurance coordinator?

Each manager within SCHED Air Pollution Control will assume the role of QA Coordinator within their group. Michael Goldstein is the QA Coordinator for the AMB.

7. What laboratory facilities are available? Please explain.

The SCHED AMB has a lab in the office. It is used for calibrator certification, filter cataloging, filter handling, filter storage, instrument maintenance, cleaning, and storage.

I. Continued Operation of Local Air Program

1. Are there any concerns regarding program administration, staffing or funds? Has your agency analyzed the impact of reduced emissions on Title V fee collections? If yes, are you anticipating a need to increase Title V fees in order satisfy Title V program funding requirements? Is there a schedule for revising your Title V fee structure to meet any funding needs; if so, what is it?

No concerns at this time. We periodically do an evaluation to ensure that our funding needs and revenues are inline.

2. Does your agency charge non-Title V fees for any service? If yes, are you anticipating a need to increase non-Title V fees in order satisfy program funding needs? Is there a schedule for revising your fee structure to meet any funding needs; if so, what is it?

Yes. There are no concerns at this time. We will reassess our needs in 2026.

3. Are there any concerns with your local program's ability to adequately enforce your provisions as required in TCA 68-201-115(b)(3)(B)?

No

- Are there any air monitoring system equipment needs? If yes, what is your air monitoring equipment acquisition/replacement plan?

Currently we have equipment that is sufficient to operate our air monitoring network. However, we would ideally like to purchase backup equipment for some of the sites when funding is available. If there is a need to purchase any equipment we follow all Shelby County procurement protocols.

- Please list any recent Local Program accomplishment and highlights.

SCHD AMB is operating a new site in South Memphis. The project is ongoing and the goal is for the site to be operational at the beginning of 2026.

- Are there any anticipated issues that might impede the Local Program’s ability to continue to administer the Local Program during the next Certificate of Exemption (COE) cycle? If yes, please explain.

No

J. Certification of Local Authority

Table 3. Crosswalk Between State and Local Rules.

**Crosswalk between the Rules of the
Tennessee Department of Environment and Conservation Air Pollution Control
Division and the Local Air Pollution Control Agency**

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-01</u>	General Provisions	Memphis 16-51 Shelby 3-11	Severability
<u>1200-03-02</u>	Definitions	Memphis 16-46 Shelby 3-1A	Adopted by reference (ABR) 1200-03-02 Definitions
<u>1200-03-03</u>	Ambient Air Quality Standards	Memphis 16-49 Shelby 3-6	ABR 1200-03-03 Ambient Air Quality Standards
<u>1200-03-04</u>	Open Burning	Memphis 16-50 Shelby 3-16	Open Burning
<u>1200-03-05</u>	Visible Emission Regulations	Memphis 16-83 Shelby 3-17	ABR 1200-03-05 Visible Emission Regulations

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-06</u>	Non-process Emission Standards	Memphis 16-79 Shelby 3-21	ABR 1200-02-06 Non-process Emission Standards
<u>1200-03-07</u>	Process Emission Standards	Memphis 16-78 Shelby 3-20	ABR 1200-03-07 Process Emission Standards
<u>1200-03-08</u>	Fugitive Dust	Memp 16-88 & 16-89 Shelby 3-19 & 3-18	Nuisance abatement and fugitive dust
<u>1200-03-09</u>	Construction and Operating Permits	Memphis 16-77 Shelby 3-5	ABR 1200-03-09 Construction and Operating permits
<u>1200-03-10</u>	Required Sampling, Recording, and Reporting	Memphis 16-85 Shelby 3-7	ABR 1200-03-10
<u>1200-03-11</u>	Repealed	Click here to enter text.	Click here to enter text.
<u>1200-03-12</u>	Methods of Sampling and Analysis	Memphis 16-86 Shelby 3-8	ABR 1200-03-12
<u>1200-03-13</u>	Violation	Memphis 16-56 Shelby 3-2	Enforcement – Violations of Chapter – Notice; Citation; Injunctive Relief
<u>1200-03-14</u>	Control of Sulfur Dioxide Emission	Memphis 16-82 Shelby 3-24	ABR 1200-03-15 Control of Sulfur Dioxide Emission
<u>1200-03-15</u>	Emergency Episode Plan	Memphis 16-60 Shelby 3-14	ABR 1200-03-15 Emergency Episode Plan
<u>1200-03-16</u>	Repealed	Click here to enter text.	Click here to enter text.
<u>1200-03-17</u>	Repealed	Click here to enter text.	Click here to enter text.
<u>1200-03-18</u>	Volatile Organic Compounds	Memphis 16-80 Shelby 3-22	ABR 1200-03-18 Volatile Organic Compounds
<u>1200-03-19</u>	Emission Standards and Monitoring Requirements for Additional Control Areas	NA	NA
<u>1200-03-20</u>	Limits on Emissions Due to Malfunction, Startups and Shutdowns	Memphis 16-87 Shelby 3-9	ABR 1200-03-20 Limits on Emissions Due to Start up, Shutdown and Malfunctions

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-21</u>	General Alternate Emission Standards	Memphis 16-90 Shelby 3-9	ABR 1200-03-21 General Alternate Emission Standards
<u>1200-03-22</u>	Lead Emission Standards	Memphis 16-91 Shelby 3-29	ABR 1200-03-22 Lead Emission Standards
<u>1200-03-23</u>	Visibility Protection	NA	NA
<u>1200-03-24</u>	Good Engineering Practice Stack Height Regulations	Memphis 16-52 Shelby 3-40	ABR 1200-03-24 Good Engineering Practice Stack Height Regulations
<u>1200-03-25</u>	Standards for Infectious Waste Incinerators	Memphis 16-91.1 & 16-84.1 Shelby 3-39	ABR 1200-03-25 Standards for infectious waste incinerators
<u>1200-03-26</u>	Administrative Fees Schedule	Memphis 16-93 thru 16-103 Shelby 14.5-26 thru 14.5-37	Memphis 16-93 Applicability and Enforcement Authority; 94 Permit Fee Schedule; 95 Emissions Fee for Stationary Sources; 96 Payment of Fees; 97 Allowable Uses of Emissions Fee; 98 Reporting Requirement; 99 Small Business Waiver; 100 Surplus Fund Carry Forward; 101 Penalty Provisions; 102 Annual Review of Fee Structure and Financial Need; Shelby 14.5-26 Enforcement Authority; -27 Allowable Uses of Emissions Fee; -28 Emissions Fee for Stationary Sources; -29 Maximum Amount Subject to Emissions Fee; -30 Reporting Requirements; -31 Payment Requirements; -32 Small Business Waiver; -33 Exemption for Units Subject to Section 404 Provisions of the Clean Air Act; -34 Surplus Funds Carry Forward; -35 Penalty Provisions; -36 Annual Review of Fee Structure and Financial Need, -37 Effect on Existing Fee
<u>1200-03-27</u>	Nitrogen Oxides	NA	NA
<u>1200-03-28</u>	Reserved	NA	NA
<u>1200-03-29</u>	Light-Duty Motor Vehicle Inspection and Maintenance	NA	NA
<u>1200-03-30</u>	Acidic Precipitation Control	Memphis 16-19.2 Shelby 3-36	ABR 1200-03-30 Acid Precipitation Control
<u>1200-03-31</u>	Case-By-Case Determinations of Hazardous Air Pollutant Control Requirements	Memphis 16-91.3 Shelby 3-37	ABR 1200-03-31 Case-by-case Determination of Hazardous Air Pollutant Control Requirements
<u>1200-03-32</u>	Prevention of Accidental Releases	Memphis 16-19.4 Shelby 3-38	ABR 1200-03-32 Prevention of Accidental Releases
<u>1200-03-33</u>	Repealed	Click here to enter text.	Click here to enter text.
<u>1200-03-34</u>	Conformity	Memphis 16-91.5 Shelby 3-26	ABR 1200-03-34 Conformity

Tennessee Division of Air Pollution Control Regulations		Local Program Regulations	
Chapter	Description	Chapter	Description
<u>1200-03-35</u>	Reserved	Click here to enter text.	Click here to enter text.
<u>1200-03-36</u>	Motor Vehicle Tampering	NA	NA
<u>1200-03-37</u>	Repealed	Click here to enter text.	Click here to enter text.
<u>400-30-17</u>	Conflict of Interest	Shelby 18-51 & 18-53 Memphis 2-10-13	Code of Ethics
<u>400-30-38</u>	Emission Standards for Hazardous Air Pollutants	Memphis 16-81 Shelby 3-25	Hazardous Air Contaminants
<u>400-30-39</u>	Standards of Performance for New Stationary Sources	Memphis 16-76 Shelby 3-15	New Source Performance Standards

I hereby certify in order to support a determination pursuant to Tenn. Code Ann. § 68-201-115(b)(3) for exemption from applicability within (list County and Municipalities):

Shelby County, Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland and Millington

that:

- 1) Based on information and belief formed after reasonable inquiry, that the enacted or adopted provisions of local law in effect within my jurisdiction, are not less stringent than corresponding state provisions of the Tennessee Air Quality Act (§ 68-201-101 et. seq.) and its implementing rules.

I further certify based on information and belief formed after reasonable inquiry that these local provisions will be adequately enforced.

Signature: Wasim Khokhar

Print Name: WASIM KHOKHAR

Title: TECHNICAL MANAGER

Date: 10 - 16 - 2025