

**DRAFT AGENDA
STATE OF TENNESSEE
REGULAR MEETING
AIR POLLUTION CONTROL BOARD
Wednesday June 10, 2020
9:30 A.M.
Location: Remote, via WebEx**

Item	Presenter	Page
1. Roll Call		
2. Approval of the February 26, 2020 Board Meeting Minutes		3
3. Ethics and Conflicts Statement	OGC	
4. Certificate of Exemption for Davidson County Board Order 20-016	Marc Corrigan	9
5. Certificate of Exemption for Hamilton County Board Order 20-017	Marc Corrigan	19
6. Certificate of Exemption for Knox County Board Order 20-018	Marc Corrigan	29
7. Certificate of Exemption for Shelby County Board Order 20-019	Marc Corrigan	39
8. Limited Maintenance Plan for Montgomery County Board Order 20-020	Marc Corrigan	62
9. 1200-03-29 Light Duty Motor Vehicle Inspection and Maintenance – Rule Changes to meet the requirements of Public Chapter 953 Legislation	Paul LaRock	117
10. 1200-03-09 Construction and Operating Permits – Rule change to eliminate the need for newspaper notices for permitting activities.	Paul LaRock	140

General Business

11.	Ambient Monitoring Cost Allocation Analysis	Jimmy Johnston	162
12.	Title V Inspection Frequency Presentation	Martie Carpenter	182
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14.	Remote Signing of Board Orders Electronically	Robert Brawner	203
15.	Response to Air Board Questions in January Regarding the Nonpoint Emissions Inventory Included in the Knoxville LMP	Marc Corrigan	204

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.

The meeting will be held in compliance with Executive Order No. 16, issued by Governor Lee on March 20, 2020 (extended by Executive Order No. 34, issued by Governor Lee on May 6, 2020). As required by Executive Order No. 16, the meeting will comply with Tennessee Code Annotated Section 8-44-108(c). The meeting will be conducted through Webex and members of the Tennessee Air Pollution Control Board will participate by electronic or other means of communication.

Individuals with disabilities who require special accommodations or alternate communications formats should contact us at the Tennessee Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, Division of Human Resources, 312 Rosa L. Parks Avenue 22nd Floor, Nashville, Tennessee 37243 at (615) 532-0200 (or TDD 1-800-848-0298 for hearing impaired callers) no less than five (5) days prior to the scheduled meeting so reasonable accommodations can be made.

Air Pollution Control Board
of the
State of Tennessee
Regular Meeting

On Wednesday February 26, 2020 at 9:30 A.M., the Air Pollution Control Board of the State of Tennessee, (hereinafter, referred to as the "Board"), began its meeting on the 3rd Floor of the Tennessee Tower in Nashville, Tennessee. The following Board members were present:

Dr. Ronnè Adkins
Mr. Steve Gossett
Mr. Richard Holland
Dr. Joshua Fu
Mayor Ken Moore
Mr. Mike Haverstick
Dr. Shawn Hawkins
Ms. Catlin Jennings
Mr. Greer Tidwell
Mayor Larry Waters

The following Board Members were not present:

Dr. John Benitez
Dr. Joshua Fu
Ms. Karen Cisler
Ms. Amy Spann
Mr. Jimmy West

Ms. Michelle Owenby, Director of Air Pollution Control, served as the Technical Secretary.

Ms. Owenby asked for nominations to elect a new Vice-Chair for the year. Mr. Holland made a motion to elect Mayor Waters and Mayor Moore seconded the motion. The Vice-Chair called for a roll call, and the votes were as follows:

Dr. Adkins	yes	Mr. Haverstick	yes
Mr. Hawkins	yes	Mr. Holland	yes

Ms. Jennings	yes	Dr. Fu	yes
Mr. Gossett	yes	Mayor Waters	yes
Mayor Moore	yes	Mr. Tidwell	Yes

The motion carried with nine (9) affirmative votes.

The second item on the agenda was the Roll Call

Dr. Adkins	yes	Mr. Haverstick	yes
Mr. Hawkins	yes	Mr. Holland	yes
Ms. Jennings	yes	Dr. Fu	yes
Mr. Gossett	yes	Mayor Waters	yes
Mayor Moore	yes	Mr. Tidwell	Yes

The third item on the agenda was the approval of the minutes from the January 8, 2020 Board meeting. Mayor Moore made a motion to approve the minutes and Richard Holland seconded the motion. The January 8, 2020 minutes were approved as written.

The fourth item on the agenda was Conflict of Interest presented by Steve Stout with the Office of General Counsel.

Mr. Jimmy Johnston, Mark Reynolds, and Marc Corrigan with the Division of Air Pollution Control, gave a brief overview of the final version of two Clean Air Act Section 110(l) Noninterference Demonstrations for removal of the Inspection and Maintenance (I/M) program in Hamilton County and Middle Tennessee. Mr. Johnston stated that Public Chapter No. 953 was passed on May 15, 2018, which called for the elimination of the I/M program after EPA approval. A provision in the law allows the Davidson County local program the option of continuing the I/M program. The I/M program is currently required as part of the State Implementation Plan (SIP) in Hamilton County and Middle Tennessee (Davidson, Sumner, Wilson, Rutherford, and Williamson Counties). In order to remove the requirement from the SIP, the Division must demonstrate that I/M removal does not interfere with attainment or maintenance of National Ambient Air Quality Standards

(NAAQS) for ozone, fine particulate matter (PM_{2.5}), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), and lead. Mr. Johnston went over a timeline stating that Public Hearings were held on November 19, 2019, in Nashville and on November 21, 2019, in Chattanooga. At the January 8, 2020, Board meeting, the Board directed the Division to conduct an analysis to estimate 2030 onroad emissions and to reopen the public comment period for 30 days. Mr. Marc Corrigan, Division of Air Pollution Control, gave an overview of the results of 2030 onroad emissions, which showed carbon monoxide, nitrogen oxides, and volatile organic compounds decreasing from 2022 to 2030 in both Hamilton County and Middle Tennessee. Mr. Johnston gave an overview of the second public participation process that included a public notice on January 16, 2020 with 124 comments being received. Mr. Johnston went through the comments from Opus Inspection and the Division's response to comments. Mr. Mark Reynolds, Division of Air Pollution Control, went through the other comments and the Divisions' response to comments. There were a few questions from the Board members. The Board voted to approve Board Orders 20-002 and 20-003, which are the final Noninterference Demonstrations for Hamilton County and Middle Tennessee, respectively.

After discussion Mr. Tidwell made a motion to approve and Dr. Fu seconded the motion. The Vice-Chair called for a roll call, and the votes were as follows:

Dr. Adkins	yes	Mr. Haverstick	yes
Mr. Hawkins	yes	Mr. Holland	yes
Ms. Jennings	yes	Dr. Fu	yes
Mr. Gossett	yes	Mayor Waters	yes
Mayor Moore	yes	Mr. Tidwell	Yes

The motion carried with ten (10) affirmative votes.

There being no further business to discuss the meeting was adjourned at 10:34 a. m.

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

Approved at Nashville, Tennessee on _____

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

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

Summary of Board Orders 20-016 through 20-019: Certificate of Exemption (COE) Renewal

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 (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 TCA §§ 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, 2020. The new certificates, as proposed, are effective for the period July 1, 2020 through June 30, 2022. 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. Additionally, the Division requested additional information for the

Board and the Division's review. This supplemental information is made available electronically in conjunction with the Board Packet for the June 10th, 2020 meeting of the Air Pollution Control Board. This information may be found at: <https://www.tn.gov/environment/about-tdec/boards-and-commissions/board-air-pollution-control-board/supplemental-information.html>.

The Technical Secretary is recommending renewal of each of the Certificates of Exemption as outlined in the respective Board Orders.

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

IN THE MATTER OF:)
)
Metropolitan Government of) **Board Order No. 20-016**
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 August 5, 2019, 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 T.C.A. Section 68-201-115(b)(3) state that:

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

II.

In accordance with Section 68-201-115(b)(3), the 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, 2020**, and expires on **June 30, 2022** as authorized by T.C.A. 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 1200-3-11 & 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 1200-3-16 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 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.

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, 2020.

_____	_____
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_____	_____

Board Order 20_016 Davidson COE 2020 a.docx

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL**

CERTIFICATE OF EXEMPTION

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

**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. 20-016, passed
by the Board on this the 10th day of June 2020**

Air Pollution Control Board Members of the State of Tennessee

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

Expiration Date: June 30, 2022

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

IN THE MATTER OF:)
)
Hamilton County, Tennessee)
City of Chattanooga, Tennessee)
City of Collegedale, Tennessee)
City of East Ridge, Tennessee)
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)

Board Order No. 20-017

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 7, 2019, 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 T.C.A. Section 68-201-115(b)(3) state that:

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

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

II.

In accordance with Section 68-201-115(b)(3), the 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, 2020**, and expires on **June 30, 2022** as authorized by T.C.A. 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 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;

13. Methods of sampling; testing and analysis;

14. Enforcement and Compliance provisions including:

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

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

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

Pursuing enforcement of any ordinance or regulations, or orders made by the director or the Board pursuant to the ordinance or regulations, by injunction to enjoin any violation of any requirement of the ordinance or regulations, including conditions of a permit or certificate of operation, or other appropriate remedy, and the Board shall have power to institute and maintain in the name of the Board any and all enforcement proceedings.

15. Control of emissions of particulates including PM2.5 and PM10, carbon monoxide, sulfur dioxide, nitrogen oxides, volatile organic compounds, toxic air pollutants and gaseous emissions;
16. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;
17. Control of emissions of sulfur oxides, and emissions of sulfuric acid and sulfur trioxide (combined);
18. Control of emissions of lead;
19. Emergency episode regulations including emergency stop orders;
20. New Source Performance Standards (NSPS) set forth in 40 CFR Part 60, after adoption as local laws, listed below:
 - General Provisions;
 - Fossil-fuel fired steam generating units;
 - 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;
 - Electric utility steam generating units for which construction commenced after September 18, 1978;
 - Storage vessels for petroleum liquids construction 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;

Basic Oxygen Process Furnaces constructed after June 11, 1973, primary emissions;

Basic Oxygen Process Steelmaking Facilities constructed after January 20, 1983, secondary emissions;

Secondary brass and bronze ingot production plants;

Iron and steel plants;

Sewage treatment plants;

Phosphate fertilizer industry:

- Wet-process phosphoric acid plants,
- Super phosphoric acid plants,
- Diammonium phosphate plants,
- Triple superphosphate plants, and
- Triple superphosphate storage facilities;

Primary aluminum reduction plants;

Coal preparation plants;

Primary copper smelters;

Primary zinc smelters;

Primary lead smelters;

Steel plants: electric arc furnaces; 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 and label surface coating operations;

Magnetic tape coating facilities;

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

Bulk gasoline terminals;

Synthetic fiber production facilities;

Volatile Organic Compound (VOC) Emissions from the polymer manufacturing industry;

Lead acid battery manufacturing plants;

Equipment leaks of VOC in petroleum refineries;

Flexible vinyl and urethane coating and printing;

Petroleum dry cleaners;

Phosphate rock plants;

Equipment leaks of VOC from onshore natural gas processing plants;

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

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;

Non-metallic mineral processing plants;

Onshore natural gas processing: SO₂ emissions;

Wool fiberglass insulation manufacturing plants;

Polymeric coating of supporting substrates facilities;

Rubber tire manufacturing industry;

Calciners and Dryers in mineral industries;

New Residential Wood Heaters;

Municipal Solid Waste Landfills; and

Hospital/Medical/Infectious Waste Incinerators.

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;
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, 2020.

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

Board Order 20_017 Hamilton COE 2020 a.docx

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL**

CERTIFICATE OF EXEMPTION

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

**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. 20-017, passed
by the Board on this the 10th day of June 2020**

Air Pollution Control Board Members of the State of Tennessee

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Expiration Date: June 30, 2022

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

IN THE MATTER OF:)
)
Knox County, Tennessee) **Board Order No. 20-018**
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 August 5, 2019, 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 T.C.A. Section 68-201-115(b)(3) state that:

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

II.

In accordance with Section 68-201-115(b)(3), the 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, 2020**, and expires on **June 30, 2022** as authorized by T.C.A. 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 1200-3-11 & 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 1200-3-16 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, 2020.

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Board Order 20_018 Knox COE 2020 a.docx

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL**

CERTIFICATE OF EXEMPTION

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

**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. 20-018, passed
by the Board on this the 10th day of June 2020**

Air Pollution Control Board Members of the State of Tennessee

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Expiration Date: June 30, 2022

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

IN THE MATTER OF:)
)
Shelby County, Tennessee)
City of Memphis, Tennessee) **Board Order No. 20-019**
Town of Arlington, Tennessee)
City of Bartlett, Tennessee)
Town of Collierville, Tennessee)
City of Lakeland, Tennessee)
City of Germantown, Tennessee)
City of Millington, Tennessee)

CERTIFICATE OF EXEMPTION

BOARD ORDER

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 August 27, 2019, with the Tennessee Division of Air Pollution Control by the Shelby County Health Department Air Pollution Control Program for the City of Memphis, the County of Shelby and all included municipalities.

The terms in T.C.A. Section 68-201-115(b)(3) state that:

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

II.

In accordance with Section 68-201-115(b)(3), the Shelby County Air Pollution Control Program does enforce regulations and/or ordinances for the control of air pollution that are not less stringent than the State's. Therefore, the Air Pollution Control Board of the State of Tennessee does hereby grant a Certificate of Exemption to Shelby County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2020**, and expires on **June 30, 2022** as authorized by T.C.A. Section 68-201-115(c). During this period, Shelby County and all included municipalities shall be exempt from the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following as set forth in the ordinances, regulations or other rules where indicated below:

1. Ambient air quality standards;
2. Open burning regulations;
3. Visible emission standards;
4. Non-process emission limitations;
5. Process emission limitations;
6. Fugitive dust regulations;
7. Permitting requirements:
 - A. Construction Permits:
 - (1) New Source Review – Growth Policy
 - (2) PSD authority
 - (3) Minor Source Permits
 - B. Operating Permits:
 - (1) Initial and Renewal
 - (2) Federally Enforceable
 - C. Part 70 Operating Permits

D. Asbestos Demolition and Renovation Projects

8. All National Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards and other standards and regulations for hazardous air pollutants (including authority to determine Maximum Achievable Control Technology Standards) and authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;
9. Methods of sampling and analysis;
10. Enforcement and Compliance provisions:
 - Determining that any decision of the local Board or of any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or of her designated representative, or of any included governmental entity, where applicable, has been violated, that such violation constitutes a public nuisance, and abating such a public nuisance in the manner provided by the general law relating to the abatement of public nuisances, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;
 - Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any decision of the local Board or with any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or her designated representative, or of any included governmental entity where applicable;
 - Obtaining compliance with air pollution control rules and regulations by conference, conciliation, persuasion, issuance of formal notices of violation and prosecution thereof; including when appropriate, holding hearings and issuing orders to assess civil penalties for each violation where each day of violation is a separate offense, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;
 - Providing for appellate review by the local air board of decisions, rulings, determinations, failure to act, or to act within a reasonable timeframe, by the Shelby County Health Department;
11. Control of emissions of particulate matter including PM10, and PM2.5 and precursors;
12. Control of emissions of carbon monoxide;

13. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;
14. Control of emissions of sulfur oxides, emissions of sulfuric acid and sulfur trioxide (combined);
15. Control of emissions of lead;
16. Emergency episode regulations including emergency stop orders;
17. New Source Performance Standards (NSPS) as set forth in Chapter 1200-3-16 and 40 CFR Part 60 and Emission Guidelines as set forth in 40 CFR Part 60, after adoption as local laws, as listed below:
 - General Provisions;
 - Fossil fuel-fired steam generating units of more than 250 million Btu/hr heat input rate which commenced construction after August 17, 1971;
 - Fuel-fired steam generators for which construction commenced after April 3, 1972;
 - Electric utility steam generating units for which construction commenced after September 18, 1978;
 - Incinerators;
 - Municipal waste combustors;
 - Portland cement plants;
 - Sulfuric acid plants;
 - Nitric acid plants;
 - Asphalt concrete plants (hot mix asphalt facilities);
 - Petroleum refineries;
 - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973 and prior to May 19, 1978;
 - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978 and prior to July 23, 1984;
 - Secondary lead smelters;

- Secondary brass and bronze ingot production plants;
- Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;
- Sewage treatment plants, incinerators;
- Phosphate fertilizer industry for:
 - Wet process phosphoric acid plants;
 - Super phosphoric acid plants;
 - Diammonium phosphate plants;
 - Triple superphosphate plants;
- Granular triple superphosphate storage facilities;
- Primary aluminum reduction plants;
- Coal preparation plants;
- Primary copper smelters;
- Primary zinc smelters;
- Primary lead smelters;
- Steel plant electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;
- Ferroalloy production;
- Lime Manufacturing plants;
- Kraft pulp mills;
- Grain elevators;
- Stationary gas turbines;
- Ammonium sulfate manufacture;
- Glass manufacturing plants;

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

- Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
- Wool fiberglass insulation manufacturing plants;
- Industrial Surface Coating: plastic parts for business machines;
- Industrial-commercial-institutional steam generating units;
- Rubber Tire Manufacturing Industry;
- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed on or after July 23, 1984;
- Calciners and Dryers in Mineral Industries;
- Municipal Solid Waste Landfills;
- Small industrial-commercial-institutional steam generating units;
- Hospital/medical/infectious waste incineration;
- Volatile organic compound (VOC) emissions from the polymer manufacturing industry;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
- Volatile organic compound (VOC) emissions from petroleum refinery wastewater systems;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
- Magnetic tape coating facilities;
- Polymeric coating of supporting substrates facilities;
- Commercial and industrial solid waste incineration units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001;

18. Emission limitations for hospital/medical/infectious waste incineration;

19. Administrative procedures including emissions credit banking and emissions trading policy statements;
20. Emissions limitations and monitoring;
21. Regulation of malfunctions, start-ups, and shutdowns;
22. Alternate emissions limitations;
23. General policies or plans; [Ozone Attainment and Maintenance Plans (SIP); * Program Operating Procedures; Carbon Monoxide Maintenance Plan (SIP); Lead Maintenance Plan (SIP); Particulate Matter Control Plan (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, 2020.

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Board Order 20_019 Shelby COE 2020 a.docx

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL**

CERTIFICATE OF EXEMPTION

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

**Memphis and Shelby County, Tennessee
and all Included Municipalities**

**are
exempt from the provisions of the
Tennessee Air Quality Act as found in
Tennessee Code Annotated Title 68, Chapter 201,
subject to such limitations as established by the Board pursuant
to Board Order No. 20-019, passed
by the Board on this the 10th day of June 2020**

Air Pollution Control Board Members of the State of Tennessee

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Expiration Date: June 30, 2022



RENEWAL OF THE CERTIFICATES OF EXEMPTION FOR TENNESSEE'S FOUR LOCAL AIR POLLUTION CONTROL PROGRAMS

COE Renewal: Board Packet Contents

- Tennessee has four local Air Pollution Control Programs (Local Programs)
- Board Orders 20-016 through 20-019
- For each the Board packet contains:
 - A Board Order
 - Certificate of Exemption (COE)



COE Renewal: Background

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...”

COE Renewal: Background

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;"

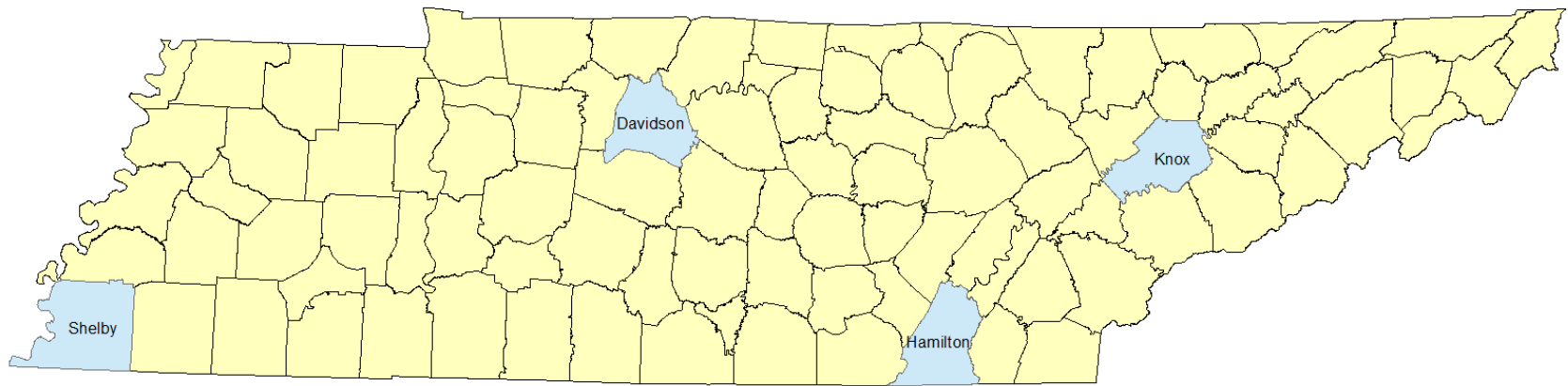
COE Renewal: Background

- Certificates can be for up to two years
- Current Certificates expire June 30, 2020
- Proposed Certificates for July 1, 2020 through June 30, 2022
- Technical Secretary is recommending renewal of the COEs as proposed

COE Renewal: Local Program Presentation

- Local Program Directors (or designee) were asked to make a brief presentation to the Board addressing:
 - Brief overview of the program for the last two years
 - Highlight any positive accomplishments and activities that have occurred in the last two years, or will soon occur
 - Address any anticipated issues in continuing to administer a local program

Pause for Questions...



...before introducing...

Nashville/Davidson County

John Finke, Director

Division of Pollution Control for Metro Nashville and
Davidson County



Chattanooga/Hamilton County

Robert Colby, Director

Chattanooga/Hamilton County Air Pollution Control
Bureau



Knoxville/Knox County

Brian Rivera, Director

Department of Air Quality Management for Knox County

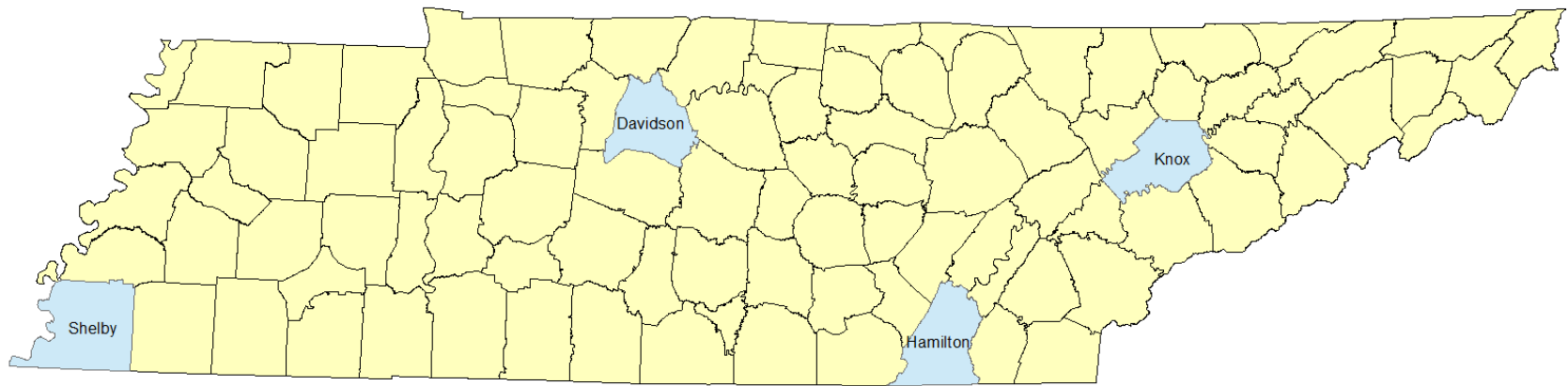


Memphis/Shelby County

Bob Rogers, Technical Manager
Air Pollution Control Program for Shelby County



Questions?



Summary of Board Order 20-020

Between 2001 and 2003, ozone air quality monitoring data within the Clarksville region indicated that the highest 8-hour average ozone concentrations exceeded the 1997 8-hour ozone NAAQS. EPA designated the area as nonattainment for the 1997 8-hour ozone NAAQS, effective June 15, 2004. EPA designated the Clarksville Nonattainment Area to include Montgomery County, Tennessee and Christian County, Kentucky.

The EPA later revoked the 1997 8-hour ozone NAAQS effective April 5, 2015. EPA's 2008 8-hour ozone "Implementation Plan Requirements" rule provided that states were no longer responsible, under certain conditions, for developing and submitting second 10-year maintenance plans for former 1997 ozone NAAQS maintenance areas. Certain aspects of EPA's Implementation Plan rule were challenged in court. One of the items challenged was the Agency's rule that excused "orphan maintenance areas", i.e., areas that had been redesignated to attainment for the 1997 ozone NAAQS and were initially designated attainment for the 2008 ozone NAAQS, from submitting a second maintenance plan for the 1997 ozone NAAQS.

Because the Court overturned this aspect EPA's Implementation Plan rule, this document provides a Limited Maintenance Plan (LMP) for the remainder of the 20-year maintenance period for the 1997 8-hour ozone NAAQS in Montgomery County, the Tennessee portion of the Clarksville 1997 8-hour ozone area. This plan sets forth air quality and emissions data that demonstrates the area will continue to maintain the 1997 8-hour ozone NAAQS. Further, in the unlikely event the area does violate the 1997 8-hour ozone NAAQS, this document describes a plan to promptly address the NAAQS violation. This document, once approved, will be submitted to the EPA to meet Tennessee's CAA section 175A(b) obligations for Montgomery County.

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
MONTGOMERY COUNTY)
LIMITED MAINTENANCE)
PLAN FOR THE 1997 8-HOUR OZONE)
NATIONAL AMBIENT AIR QUALITY)
STANDARD)

ORDER NO. 20-020

BOARD ORDER

EPA designated the Clarksville area nonattainment for the 1997 8-hour ozone NAAQS effective June 15, 2004. The originally designated area included Montgomery County, Tennessee and Christian County, Kentucky. EPA approved the first 10-year redesignation request and maintenance plan for Montgomery County, Tennessee effective November 21, 2005. Subsequent to this, in a rulemaking for the 2008 8-hour ozone NAAQS, EPA no longer required certain areas to submit second 10-year maintenance plans for certain areas. Certain aspects of this rule, EPA's Implementation Plan rule, were challenged in court. One of the items challenged was EPA's rule that excused "orphan maintenance areas," i.e., areas that had been redesignated to attainment for the 1997 ozone NAAQS and were initially designated attainment for the 2008 ozone NAAQS, from submitting a second maintenance plan for the 1997 ozone NAAQS.

Because the Court overturned this aspect of EPA's Implementation Plan rule, this document provides the Limited Maintenance Plan (LMP) for the remainder of the 20-year maintenance period for the 1997 8-hour ozone NAAQS for the Montgomery County, Tennessee portion of the 1997 8-hour ozone maintenance area. This plan sets forth air quality and emissions data that demonstrates the area will continue to maintain the 1997 8-hour ozone NAAQS. Further, in the unlikely event the area does violate the 1997 8-hour ozone NAAQS, this document describes a plan to promptly address the NAAQS violation. This document, once approved, will be submitted to the EPA to meet Tennessee's CAA section 175A(b) obligations for this area.

Approved on June 10, 2020, by the members of the Tennessee Air Pollution Control Board as follows:

_____	_____
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_____	_____

Attachment 1

***1997 8-Hour Ozone
Limited Maintenance Plan
for the
Montgomery County, Tennessee Portion of the
Clarksville, 1997 8-Hour Ozone “Orphan” Maintenance
Area***

April, 2020

Prepared by:
Tennessee Department of Environment and Conservation
Air Pollution Control Division



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Acronyms and Abbreviations

APCD	Air Pollution Control Division
BMP	Beneficiary Mitigation Plan
CAA	Clean Air Act
CAIR	Clean Air Interstate Rule
CAMX	Comprehensive Air Quality Model with Extensions (model)
CAP	Criteria Air Pollutant
CMAQ	Community Multiscale Air Quality
CMV	Commercial Marine Vessel
CSAPR	Cross-State Air Pollution Rule
DOJ	Department of Justice
DV	Design Value
EGU	Electric Generating Unit
EMT	Environmental Mitigation Trust
EPA	Environmental Protection Agency
FIP	Federal Implementation Plan
HAP	Hazardous Air Pollutant
HC	Hydrocarbon
LMP	Limited Maintenance Plan
MOVES	Motor Vehicle Emissions Simulator (model)
NAAQS	National Ambient Air Quality Standard
NATA	National Air Toxics Assessment
NEI	National Emissions Inventory
NO _x	Oxides of Nitrogen
ppb	parts per billion
ppm	parts per million
RACT	Reasonably Available Control Technology
SIP	State Implementation Plan
SMOKE	Sparse Matrix Operator Kernel Emissions
TDEC	Tennessee Department of Environment and Conservation
TVA	Tennessee Valley Authority
VOC	Volatile Organic Compound
VW	Volkswagen

Introduction

The Clean Air Act (CAA) requires areas that were formerly not meeting certain National Ambient Air Quality Standards (NAAQS), commonly referred to as nonattainment areas, develop maintenance plans to show continued maintenance of, and to document a plan to address future violations of, the NAAQS. These maintenance plans are divided into two ten-year periods, with a new plan developed for each. The Clarksville Area has completed its first 10-year maintenance plan for the 1997-8 hour ozone NAAQS. Thus, Tennessee is due to submit to the Environmental Protection Agency (EPA) a second 10-year maintenance plan for the remainder of the 20-year maintenance period. One of the options EPA provided for areas that qualify is a limited maintenance plan (LMP). This document is Tennessee's LMP for the Montgomery County portion of the Clarksville 1997 8-hour ozone "Orphan" Maintenance Area. "Orphan" maintenance areas were defined in the court¹ decision as those areas that were maintenance areas for the 1997 8-hour ozone NAAQS at the time of its revocation and were designated attainment for the 2008 8-hour ozone NAAQS in EPA's original designation for the 2008 8-hour ozone NAAQS. This plan sets forth air quality and emissions data that assures the area will continue to maintain the 1997 8-hour ozone NAAQS. Further, in the unlikely possibility the area does have a violating design value (DV), this document describes a plan to promptly address the NAAQS violation.

This document provides Tennessee's maintenance plan for the remainder of the 20-year maintenance period for the 1997-8 hour ozone NAAQS. This document is being respectfully submitted to the EPA to meet Tennessee's CAA section 175A(b) obligations for this area.

Background

The EPA revoked the 1997 8-hour ozone NAAQS effective April 5, 2015. EPA's 2008 8-hour ozone "Implementation Plan Requirements"² rule provided that states were no longer responsible, under certain conditions, for developing and submitting maintenance plans for former 1997 ozone NAAQS nonattainment areas. Certain aspects of EPA's Implementation Plan rule were challenged in court¹. One of the items challenged was the Agency's rule that excused "orphan maintenance areas," i.e., areas that had been redesignated to attainment for the 1997 ozone NAAQS and were

¹ United States Court of Appeals for the District of Columbia Circuit. *South Coast Air Quality Management District v. EPA*. Available at: [https://www.cadc.uscourts.gov/internet/opinions.nsf/217B6778AE3EC89C8525823600532AE0/\\$file/15-1115-1718293.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/217B6778AE3EC89C8525823600532AE0/$file/15-1115-1718293.pdf).

² Federal Register. Vol. 80, No. 44, p. 12264. *Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements*. Available at: <https://www.govinfo.gov/content/pkg/FR-2015-03-06/pdf/2015-04012.pdf>.

initially designated attainment for the 2008 ozone NAAQS, from submitting a second maintenance plan for the 1997 ozone NAAQS.

On February 16, 2018, the D.C. Circuit Court issued a decision in *South Coast Air Quality Management District v. EPA (South Coast II)* that, among other things, granted the petitioners argument on this point. The Court held that “orphan maintenance areas” are required to submit the “second 10-year” maintenance plans under CAA section 175A(b). These areas, therefore, must submit a second maintenance plan to ensure maintenance through the full 20-year period following the effective date of redesignation.

To assist areas that were nonattainment or maintenance for the 1997 8-hour ozone NAAQS develop their second 10-year maintenance plans, EPA provided a resource document that outlines LMPs as an option areas may choose to meet CAA section 175A requirements³. LMP requirements are described in the next section.

The EPA approved a redesignation request and maintenance plan for the 1997 8-hour ozone NAAQS for the Clarksville Area in the *Federal Register* on September 22, 2005⁴. This maintenance plan satisfied the CAA’s section 175A(a) requirement for the submission of the first 10-year maintenance plan. For redesignation, the petition must satisfy the requirements of CAA sections 107(d)(3)(E). This second 10-year maintenance plan, in this case an LMP, builds upon the foundation established by the first maintenance plan, previously approved by EPA through the *Federal Register*⁴.

Limited Maintenance Plan Requirements

CAA section 175A(a) requires that areas seeking redesignation to attainment “submit a revision of the applicable State implementation Plan to provide for the maintenance of the national primary ambient air quality standard for such air pollutant in the area concerned for at least 10 years after the redesignation”. Section 175A(b) requires the state to submit a second plan for maintaining the NAAQS for another 10 years, for a total of 20 years. Generally, maintenance is demonstrated for the maintenance period by projecting emissions inventories throughout the maintenance period; demonstrating that emissions are not projected to increase beyond the level at which the area achieved attainment with the NAAQS. Alternatively, photochemical modeling can be conducted to project air quality at the end of the maintenance period; demonstrating air quality continues to meet the NAAQS.

³ USEPA. *Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans*. November 20, 2018. Available at: https://www.epa.gov/sites/production/files/2018-11/documents/ozone_1997_naaqs_lmp_resource_document_nov_20_2018.pdf.

⁴ *Federal Register*. September 22, 2005; pp. 55559.

EPA published several guidance documents describing “limited maintenance plans”. EPA provides this option to some areas if they meet specific conditions. The key criteria outlined in these documents are that the current air quality levels for ambient monitoring sites in the area are substantially below the level of the standard. EPA provided guidance that “substantially” is interpreted as below 85% of the level of the standard³, and that air quality levels have not been highly variable during preceding years.

In comparison to developing a conventional 175A(b) maintenance plan, development of an approvable LMP is generally less resource intensive. An LMP submission may primarily rely on air quality data to demonstrate that the area is not expected to experience a future NAAQS violation, and it does not need to include projected future year emissions inventories or air quality modeling to make that demonstration. EPA’s resource document³ describes what states need to submit to satisfy the CAA’s section 175A requirement to “provide for maintenance of the NAAQS” with a LMP according to the following criteria:

1. “Current air quality levels significantly below the level of the standard: As indicated in prior memoranda, the EPA believes that an air quality design value below 85% of the level of the standard (i.e., a design value of 0.071 ppm as compared to a level of 0.084 ppm, which is considered to be in compliance with the 1997 ozone standard to three digits) could be considered significantly below the standard and may be a good indicator that air quality is not likely to deteriorate to a level that would violate the NAAQS over the next 10 year period.”, and,
2. “Stable or improving air quality trend: Several kinds of analyses can be performed to assess whether an area has had relatively stable or consistently improving air quality levels over the long term such that the probability of the area violating the standard in the future would be considered low. One basic approach would be to take the most recent design value for the area and add the maximum design value increase (over one or more consecutive years) that has been observed in the area over the past several years. A sum that does not exceed the level of the 1997 ozone standard may be a good indicator of expected continued attainment.”.

Ozone

Tropospheric ozone is a secondary pollutant that is formed in the ambient air by the photochemical reaction of nitrogen oxides (NO_x) and reactive volatile organic compounds (VOC). Ozone pollution is associated with a number of health and environmental impacts, including respiratory impairment and damage to plants (including crops). High ozone concentrations tend to occur in eastern Tennessee during the summer months under hot, stagnant conditions. EPA mandates seasonal monitoring of ambient ozone concentrations in Tennessee from March 1

through October 31⁵. Because ozone is formed in the ambient air, control of ozone focuses upon reduction of precursor emissions of NO_x and VOC.

NO_x is formed from the high-temperature reaction of nitrogen and oxygen during combustion processes such as those from power plants that use coal, oil or natural gas as fuel, industrial fuel-burning sources, and motor vehicles. Sources of VOC include many industrial solvents, paints and coatings, as well as the hydrocarbons (HC) that are emitted by motor vehicles as evaporative losses from gasoline, and tailpipe emissions of unburned hydrocarbons. Past efforts at the control of ground-level ozone have focused on both reductions of VOC and NO_x emissions at the local level. Research has shown, however, that the Southeast does not see a significant impact on ground-level ozone from the reduction of VOC emissions due to the high levels of VOC emissions from biogenic (naturally occurring vegetation, soils, etc.) sources. This increases the importance of the control of NO_x emissions, the “limiting” precursor pollutant, at both the local and regional levels.

Between 2001 and 2003, ozone air quality monitoring data within the Clarksville region indicated that the highest 8-hour average ozone concentrations exceeded the 80 parts per billion (due to rounding, effectively 84 parts per billion (ppb), or 0.084 parts per million (ppm)) NAAQS. EPA designated the area as nonattainment for the 1997 8-hour ozone NAAQS, effective June 15, 2004⁶. EPA designated the Clarksville Nonattainment Area to include Montgomery County, Tennessee and Christian County, Kentucky. The area was designated as a Basic nonattainment area, pursuant to Subpart 1 of the 1990 CAA Amendments. Air quality monitoring data for 2002 through 2004 indicated declining ozone concentrations in the Clarksville area, and the DV at the controlling monitor fell below the 1997 8-hour ozone NAAQS. In August of 2005, TDEC petitioned EPA for redesignation of Montgomery County, Tennessee, in the Clarksville Area to maintenance based on the 2002-2004 ozone monitoring data. Effective November 21, 2005, EPA redesignated Montgomery County to attainment with maintenance for the 1997 8-hour ozone NAAQS⁷. Christian County, Kentucky was redesignated to attainment with maintenance for the 1997 8-hour ozone NAAQS effective February 24, 2006⁸. The Clarksville former nonattainment area, now a maintenance area, is shown in Figure 1.

At the writing of this document, all of the Clarksville area is in attainment for each of the various ozone NAAQS, including the most recent, and most restrictive NAAQS: the 2015 8-hour ozone NAAQS set at a level of 70 ppb (0.070 ppm). Table 1 contains historical 3-year 8-hour ozone DVs from 2001-2003 to 2016-2018. These values are in parts per billion (ppb), sometimes easier to reference than parts per million (ppm). To change from ppm to ppb, the decimal point is moved three places to the right (e.g. 0.070 ppm is 70 ppb). The DV is the metric EPA uses to determine whether a monitor’s measured ozone concentration meet or exceed the level of the ozone NAAQS.

⁵ 40 CFR 58 Appendix D.

⁶ Federal Register. April 30, 2004.

⁷ Federal Register. September 22, 2005; pp 55559.

⁸ Federal Register. January 25, 2006; pp 4047.

The DV value is a three-year average of the fourth highest ozone reading at an ozone monitor. The ozone monitor in an area with the highest ozone readings, termed the “ruling” monitor, is typically used to determine an area’s attainment status.

Clarksville 1997 8-Hour Ozone Maintenance Area

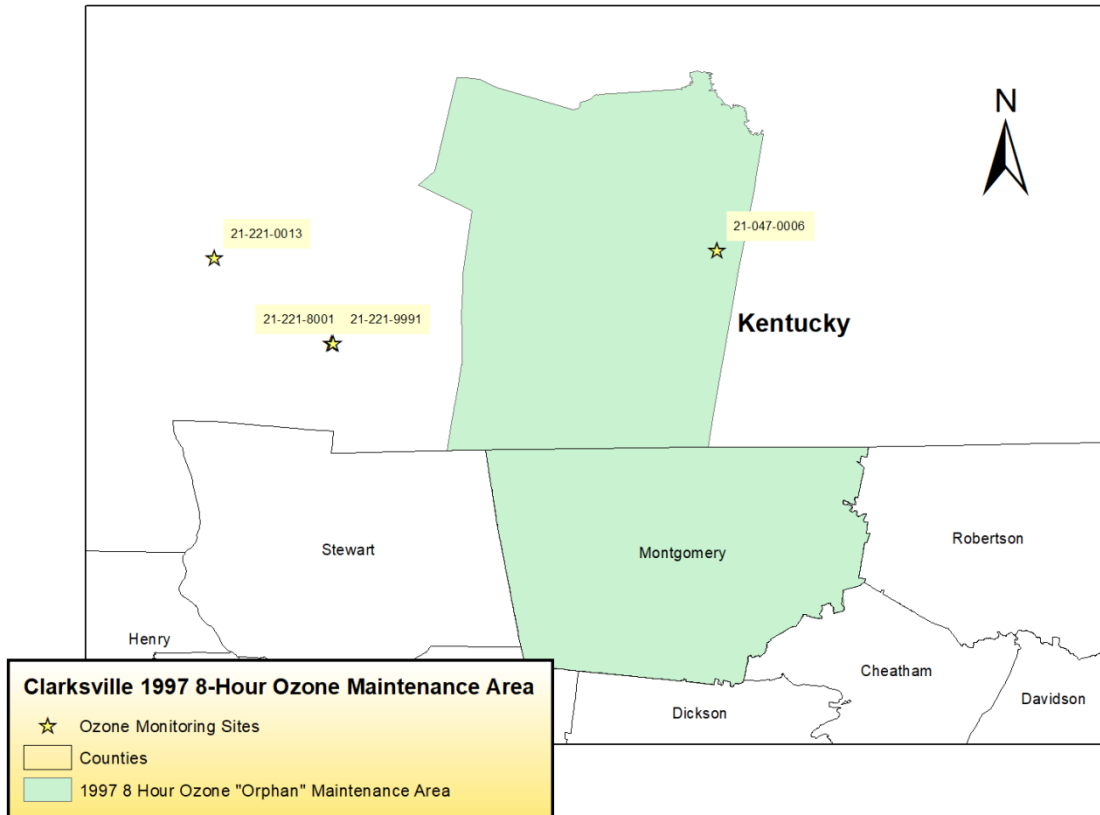


Figure 1. Clarksville 1997 8-Hour Ozone Maintenance Area.

Table 1 includes the historical DV values as reported on EPA’s Air Trends Website⁹ and includes ozone monitors in Clarksville and the surrounding area. Table 1 indicates that all of the ozone monitors in the Clarksville area attained the 1997 8-hour ozone NAAQS (0.08 ppm, which was effectively 0.084 ppm, or 84 ppb) beginning with the 2002-2004 DV. Subsequent to that, all of the Clarksville area ozone monitors met the 2008 8-hour ozone NAAQS (75 ppb) beginning with the 2007-2009 DV. Continuing the downward trend in ozone, all of the Clarksville area ozone monitors met the 2015 ozone NAAQS (70 ppb) beginning with the 2011-2013 DV. Figure 2 graphs the ozone DVs from Table 1 to help visually illustrate the downward trend in ozone readings in the Clarksville

⁹ <https://www.epa.gov/air-trends/air-quality-design-values>.

area. As can be seen from Figure 2, the trend in ozone readings has generally been consistently downward or flattening in recent years.

As Table 1 and Figure 2 indicate, the history of ozone DVs is generally downward. The largest increase in recent history occurred between the 2009-2011 and 2010-2012 DVs. Here, a three ppb increase occurred at the Hopkinsville ozone monitor. Since then, the ozone DV at this monitoring site has continued to decrease to the most recent 3-year DV of 60 ppb (0.060 ppm). Yet, given this ‘worst-case’ scenario of a three ppb increase in the DV over a one year period, this increase, should it occur again, would potentially increase the highest DV to 63 ppb (0.063 ppm) at this site, or up to 65 ppb at the Cadiz ozone monitoring site. This ‘worst-case’ DV would still be well below the 1997 8-hour ozone NAAQS of 84 ppb, and would still be less than 85% of the 1997 8-hour ozone NAAQS.

EPA’s website contains projected 2023 ozone DVs for a number of the ozone monitors in the Clarksville region (based on projected emissions inventory data and air quality modeling performed by EPA in support of interstate ozone transport actions by the EPA and/or states for the 2008 and/or 2015 ozone NAAQS)¹⁰. EPA made projections of ozone air quality based on historical emissions and air quality, as well as projected future emissions. These projected DVs provide additional support to show that the area is expected to continue to maintain the ozone standard during the maintenance period. The projected 2023 ozone DVs for selected ozone monitors are shown in the last column of Table 1.

Limited Maintenance Plan

Tennessee is petitioning EPA to approve an LMP for the Montgomery County portion of the Clarksville 1997 8-hour ozone “Orphan” area. The 1997 8-hour ozone “Orphan” area is illustrated in Figure 1, the area shaded in light green.

Ozone Air Quality in the Clarksville Area

EPA’s recently published resource document³ references guidance on LMP requirements. The key requirement is monitored air quality data that shows, in this case, ozone readings below 85% of the 1997 8-hour ozone NAAQS. That translates to a DV of 71 ppb (0.071 ppm) ozone. Table 1 includes the most recent certified DVs, and illustrates that the Clarksville Area has ozone DVs below this level since 2013 (as illustrated by the 2011-2013 DVs).

¹⁰ https://www.epa.gov/sites/production/files/2018-06/documents/aq_modelingtsd_updated_2023_modeling_o3_dvs.pdf.

Table 1. Clarksville Area 3-Year Ozone Design Value History and Projected 2023 DV at Selected Ozone Monitors.

AQS Site ID	Local Site Name	State	County	2001-2003 Design Value	2002-2004 Design Value	2003-2005 Design Value	2004-2006 Design Value	2005-2007 Design Value	2006-2008 Design Value	2007-2009 Design Value	2008-2010 Design Value	2009-2011 Design Value	2010-2012 Design Value	2011-2013 Design Value	2012-2014 Design Value	2013-2015 Design Value	2014-2016 Design Value	2015-2017 Design Value	2016-2018 Design Value	Projected 2023 Design Value
----- parts per billion (ppb) Ozone -----																				
21-047-0006	Hopkinsville	KY	Christian	85	82	77	76	81	78		69	70	73	69	67	63	62	61	60	55.6
21-221-0013	Un-Named	KY	Trigg	73	71	70														
21-221-8001	Old Dover Highway, Cadiz	KY	Trigg						77	73	69	69								54.8
21-221-9991	Cadiz	KY	Trigg												69	63	63	61	62	

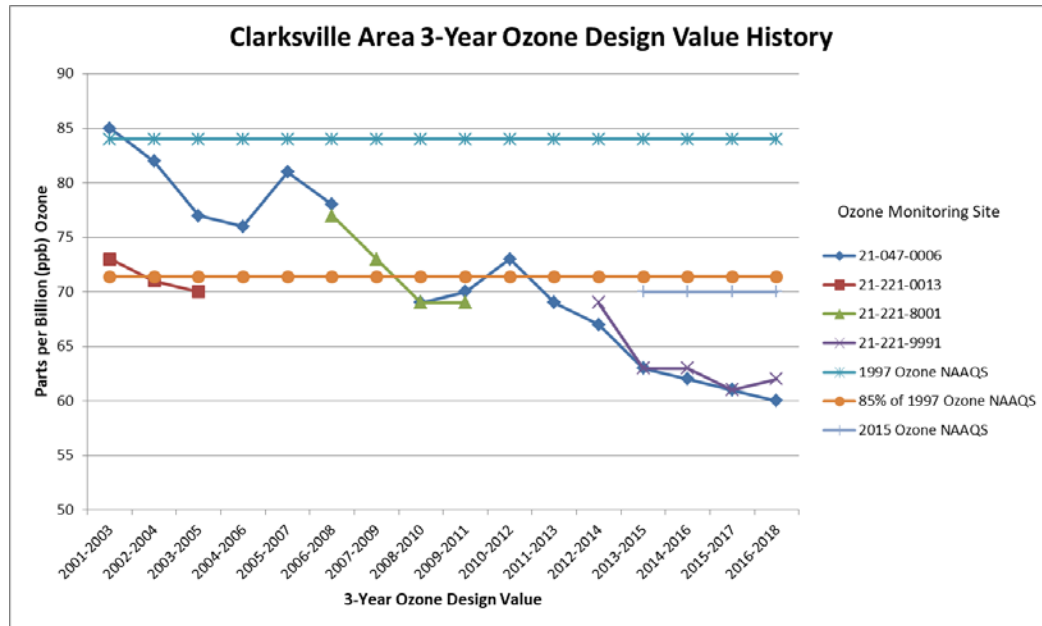


Figure 2. Clarksville Area 3-Year Ozone Design Value History.

Emissions Inventory

In an LMP, the maintenance demonstration requirement is considered satisfied if the monitoring data shows the area is meeting the air quality criteria for limited maintenance areas (i.e., 85% or lower of the 1997 8-hour ozone NAAQS). Due to the low ozone air quality readings meeting the 85% threshold, LMPs are not required to project emissions over the maintenance period. Since the ozone redesignation for the Montgomery County portion of the Clarksville 1997 8-hour ozone area was effective on November 21, 2005, the 20-year maintenance period ends November 21, 2025. This document assures maintenance of the 1997 8-hour ozone NAAQS throughout the remainder of that time.

As stated earlier, a projected emissions inventory is not required, but EPA's Resource Document³ provides links to already prepared emissions inventories to illustrate emissions trends in support of LMPs¹¹. Included below are two summary tables generated from the data EPA made available from the 2014 National Emissions Inventory (NEI) with projections out to 2028. The 2014 emissions inventory information is from the EPA 2014 version 7.0 modeling platform.

EPA developed an air quality modeling platform for air toxics and criteria air pollutants that represents the year 2014 based on the 2014 NEI. The air quality modeling platform consists of all the emissions inventories and ancillary data files used for emissions modeling, as well as the meteorological, initial condition, and boundary condition files needed to run the CMAQ (Community Multiscale Air Quality) air quality model. This 2014 modeling platform includes all criteria air pollutants (CAPs) and precursors and two groups of hazardous air pollutants (HAPs). The 2014 platform was used to support the 2014 National Air Toxics Assessment (NATA), the focus of which is multipollutant modeling of HAPs and CAPs using the CMAQ model version 5.2. The CMAQ modeling domain includes the lower 48 states and parts of Canada and Mexico. The 2014 NATA also utilizes the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD), which is an air dispersion modeling system, for all NEI HAPs (about 130 more than are covered by CMAQ) across all 50 states, Puerto Rico and the Virgin Islands. The emissions data in the 2014v7.0 platform are primarily based on the 2014NEIv1 for point sources, nonpoint sources, commercial marine vessels (CMV), onroad and nonroad mobile sources, and fires.

The primary emissions modeling tool used to create the air quality model-ready emissions was the Sparse Matrix Operator Kernel Emissions (SMOKE) modeling system¹². Primarily SMOKE version 4.0 was used, although to enable some speciation enhancements, a beta version of SMOKE 4.5 was used for some modeling sectors.

¹¹ https://www.epa.gov/sites/production/files/2018-11/ozone_1997_naaqs_air_qual_monitoring_and_modeling_data_nov_19_2018_1.xlsx.

¹² <http://www.smoke-model.org/>.

Onroad and nonroad mobile source emissions in the 2014NElv1 were developed using the Motor Vehicle Emission Simulator (MOVES) model. MOVES2014a was used with inputs, where provided, by state and local air agencies, in combination with EPA-generated default data. Detailed information on the development of the EPA 2014 version 7.0 modeling platform is available at EPA's Air Emissions Modeling Website¹³.

The 2028 emissions inventory is projected from EPA's 2011 version 6.3 modeling platform. EPA developed an air quality modeling platform for 2011 based on the 2011 NEI, version 2 (2011NElv2). The air quality modeling platform consists of all the emissions inventories and ancillary data files used for emissions modeling, as well as the meteorological, initial condition, and boundary condition files needed to run the air quality model.

Many emissions inventory components of this air quality modeling platform are based on the 2011NElv2, although there are some differences between the platform inventories and the 2011NElv2 emissions as a result of addressing public comments and the incorporation of newly available data and improved methods. This 2011 modeling platform includes all CAPs and precursors and a number of HAPs.

The 2011v6.3 platform was used to support the Final Cross-state Air Pollution Update Rule, the focus of which is ozone transport modeling for the 2008 ozone NAAQS. The air quality model used for this rule is the Comprehensive Air Quality Model with Extensions (CAMX) model (more information on this model is available at: <http://www.camx.com/>), version 6.20. Emissions are first processed into a format compatible with the CMAQ model (more information on this model is available at: <https://www.epa.gov/cmaq/cmaq-models-0>), version 5.0.2 and those emissions are converted into a CAMX-ready format.

The emissions data in the 2011v6.3 platform are primarily based on the 2011NElv2 for point sources, nonpoint sources, CMV, nonroad mobile sources and fires. The onroad mobile source emissions are similar to those in the 2011NElv2, but were generated using the recently released 2014a version of the MOVES model. The primary emissions modeling tool used to create the air quality model-ready emissions was the SMOKE modeling system. The inventory documentation for this platform can be found on EPA's Air Emissions Modeling Website¹⁴.

Once the 2011 base platform was developed, those emissions had to be projected to the out-year of 2028. The original purpose for the development of the 2028 emissions projection was to perform analyses related to regional haze for the base year of 2011 and future year of 2028. The EPA adopted 2028 as the analytic year for this effort because the regional haze rule requires a SIP that evaluates reasonable progress for implementation periods in 10-year increments.

¹³ <https://www.epa.gov/air-emissions-modeling/2014-2016-version-7-air-emissions-modeling-platforms>.

¹⁴ <https://www.epa.gov/air-emissions-modeling/2011-version-63-platform>.

The 2028 “base case” scenario represents the best estimate for 2028 that incorporates estimates of the impact of current “on-the-books” regulations. The emissions data in this platform are primarily based on the 2011NElv2 for point sources, nonpoint sources, CMV, nonroad mobile sources and fires. The onroad mobile source emissions are similar to those in the 2011NElv2, but were generated using the recently released 2014a version of the MOVES model. Except for California and Texas, all onroad emissions are generated using the SMOKE-MOVES emissions modeling framework that leverages MOVES-generated outputs. The emission inventories for the future year 2028 were developed using projection methods that are specific to the type of emission source. Future emissions are projected from the 2011 base case either by running models to estimate future year emissions from specific types of emission sources (e.g., EGUs, and onroad and nonroad mobile sources), or for other types of sources by adjusting the base year emissions according to the best estimate of changes expected to occur in the intervening years (e.g., expected growth or reductions in non-EGU point and nonpoint sources). For some sectors, the same emissions are used in the base and future years, such as biogenic, fire, and stationary nonpoint source emissions in Canada. For the remaining sectors, rules and specific legal obligations that go into effect in the intervening years, along with changes in activity for the sector, are considered when making projections.

For non-EGU point and nonpoint sources, projections of 2028 emissions were developed by starting with the 2011 emissions inventories and applying adjustments that represent the impact of national, state, and local rules coming into effect in the intervening years, along with the impacts of planned shutdowns, the construction of new plants, specific information provided by states, and specific legal obligations resolving alleged environmental violations, such as consent decrees. Changes in activity are considered for sectors such as oil and gas, residential wood combustion, cement kilns, livestock, aircraft, CMVs and locomotives. Efforts were made to include some regional haze and state-reported local controls as part of a larger effort to include more local control information on stationary non-EGU sources.

Table 2 and Table 3 illustrate by sector (fire, nonpoint, nonroad, onroad and point), the projected changes in NO_x and VOC emissions in Montgomery County between 2014 and 2028. Based on data contained in Table 2, total emissions of NO_x are expected to decline approximately 56% between 2014 and 2028. Similarly, Table 3 indicates that total VOC emissions will decline approximately 43% over the same time. These projected decreases in emissions will continue to ensure that the Clarksville Area will continue maintenance of the 1997 8-Hour ozone NAAQS.

Table 2. Montgomery County Oxides of Nitrogen Emissions in 2014 and 2028.

	Fire		Nonpoint		Nonroad		Onroad		Point		Total	
	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028
County	----- tons/summer day NO _x -----											
Montgomery	-	0.02	0.90	1.36	1.35	0.67	7.64	2.15	0.50	0.31	10.39	4.51

Table 3. Montgomery County Volatile Organic Compound Emissions in 2014 and 2028.

	Fire		Nonpoint		Nonroad		Onroad		Point		Total	
	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028
County	----- tons/summer day VOC -----											
Montgomery	-	0.58	8.79	5.31	1.58	1.12	4.76	1.43	0.97	0.73	16.09	9.17

Conformity Determinations

Transportation and general conformity rules apply in ozone, carbon monoxide, nitrogen dioxide, particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀), and particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM_{2.5}) nonattainment and maintenance areas. Generally, maintenance plans developed for these NAAQS establish emissions limits, or “budgets” for transportation conformity by means of a motor vehicle emission budget and implicitly for general conformity where the estimated emissions in the SIP that reflect the federal action being considered becomes the emission budget that must be met.

EPA’s 1994 guidance, *Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas*¹⁵, establishes that emissions budgets in LMP areas may be treated as non-constraining for the length of the maintenance period because it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the 1997 8-hour ozone NAAQS would result. For general conformity determinations, this means that emission estimates for federal actions, other than those subject to transportation conformity, would no longer need to be compared to the SIP since the LMP would be considered to have satisfied the required budget test. Table 2 and Table 3 indicate the change in emissions between 2014 and 2028, which includes forecasted growth in the region; yet total emissions are expected to decrease over this time period. These emissions projections include forecast growth in population and activity based on historical trends and best professional practice in forecasting growth in each of the sectors for which emissions were developed. Despite anticipated growth in the region, emissions are projected to decline over time.

For transportation conformity determinations, it would be unreasonable to expect the area to experience so much growth in onroad vehicle emissions during the LMP period that a violation of the 1997 8-hour ozone NAAQS would occur. EPA’s 2028 modeling platform included growth, from the base year, in both the onroad vehicle population and vehicle miles traveled. Yet, the onroad NO_x emissions are expected to decrease approximately 71%, and the onroad VOC emissions are expected to decrease approximately 69% between 2014 and 2028. As a result, federal actions requiring transportation conformity determinations under the transportation conformity rule are

¹⁵ USEPA, *Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas*, November 16, 1994, Memorandum from Sally L. Shaver.

considered to satisfy the budget test without the need for a regional emissions analysis. Therefore, motor vehicle emission budgets are not established in this LMP.

Approval of this LMP does not relieve transportation partners of the other transportation conformity requirements that may be required. Transportation plan revisions and transportation improvement program conformity determinations may need to satisfy other applicable requirements in 40 CFR 93.109(e) of EPA's transportation conformity rule.

Ozone Monitoring Network

To verify the attainment status of the area over the maintenance period, the LMP should contain provisions for continued operation of an EPA-approved air quality monitoring network, in accordance with the 40 CFR Part 58. This is particularly important for areas using LMPs because there is essentially no cap on emissions.

To help ensure continued compliance with the NAAQS for ozone, Tennessee supports continued ozone monitoring by the Commonwealth of Kentucky in Christian County. Tennessee supports the continued operation of this monitor, and fulfillment of all monitoring requirements in accordance with 40 CFR Part 58.

Control Programs

Tennessee's original petition to EPA for redesignation and associated maintenance plan for the 1997 8-hour ozone NAAQS for Montgomery County indicated federal measures were instrumental in improving air quality in the region. Tennessee believed that air quality improvement was principally due to a host of federal measures. Additionally, a few state and local voluntary measures were included in those measures that are believed to have helped the area reach attainment, but were not relied upon in the first maintenance plan for the 1997 8-hour ozone NAAQS.

Federal Measures

The federal measures Tennessee believes were critical to reducing emissions throughout the Clarksville region included the NO_x Budget Trading Program and Clean Air Interstate Rule (CAIR). Tennessee and EPA continue to implement the Cross State Air Pollution Rule (CSAPR) for electricity generating units and the NO_x SIP Call for other large stationary boilers, cement kilns and combustion turbines.

EPA adopted the NO_x SIP Call in October 1998 (63 FR 57356) to mitigate the impact of transported NO_x emissions, one of the precursors of ozone. This rule required 22 states, including Tennessee, and the District of Columbia to amend their SIPs to reduce NO_x emissions that contribute to ozone nonattainment in downwind states. EPA developed the NO_x Budget Trading

Program to allow states to meet their NO_x SIP Call obligations by participating in a regional NO_x cap-and-trade program covering large electricity generating units (EGUs) and industrial boilers and turbines (non-EGUs) with a rated heat input greater than 250 million British thermal units per hour. The NO_x Budget Trading Program was approved into Tennessee's SIP on January 22, 2004. The NO_x Budget Trading Program was implemented from 2003 to 2008 and replaced with the CAIR ozone season NO_x trading program in 2009.

On May 12, 2005 (70 FR 25162), EPA promulgated CAIR to address transported emissions that would significantly contribute to downwind states' nonattainment or interfere with maintenance of the 1997 ozone and PM_{2.5} NAAQS. CAIR required SIP revisions in 28 states, including Tennessee, to reduce NO_x emissions and established a new cap-and-trade program for ozone season NO_x emissions. EPA subsequently (71 FR 25328) adopted a Federal Implementation Plan (FIP) and an abbreviated SIP option, which allowed states to remain subject to the CAIR FIP generally, but also adopt "abbreviated" SIP provisions that made certain modifications to the trading programs by allocating allowances among covered units, allowing units to opt-in to the trading programs, or expanding applicability of the CAIR NO_x ozone season trading program to the non-EGUs. EPA approved Tennessee's abbreviated CAIR SIP revision with non-EGU opt-in provisions on August 20, 2007.

EPA discontinued administration of the NO_x Budget Trading Program in 2009 upon the start of the CAIR trading programs. The NO_x SIP Call requirements continued to apply, however, and EGUs that formerly participated in the NO_x Budget Trading Program, in almost all states continued to meet their NO_x SIP Call requirements under the generally more stringent requirements of the CAIR ozone season trading program. States needed to assess their NO_x SIP Call requirements and take other regulatory action as necessary to ensure that their obligations for the large non-EGUs continued to be met either through submission of a CAIR SIP or other NO_x regulation.

On December 23, 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA to develop a new interstate transport rule consistent with the Court's opinion in *North Carolina v. EPA*. EPA issued the Cross-State Air Pollution Rule (CSAPR) in July 2011 to replace CAIR and address the requirements of the good neighbor provision for the 1997 Annual PM_{2.5} NAAQS, the 2006 24-hour PM_{2.5} NAAQS, and the 1997 8-hour Ozone NAAQS. As amended (including the 2016 CSAPR Update, which addressed good neighbor requirements for the 2008 8-hour ozone NAAQS), CSAPR requires 27 states, including Tennessee, to limit their statewide NO_x emissions to mitigate transported air pollution impacting other states' ability to attain or maintain the NAAQS. CSAPR establishes five federal emissions trading programs, including two geographically separate programs for ozone-season NO_x emissions. The CSAPR trading programs are applicable to large EGUs in each covered state, and a state may also expand trading program applicability to include smaller EGUs or, starting in 2017, to non-EGUs. Large EGUs in Tennessee are subject to one of the CSAPR ozone season NO_x trading programs, but Tennessee has not chosen to

expand CSAPR applicability to small EGUs (i.e., EGUs serving a generator smaller than 25 megawatts) or non-EGUs.

On February 27, 2017, Tennessee submitted a SIP revision to incorporate a new provision in the Tennessee Air Pollution Control Regulations: 1200-03-27-.12 (NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines). This rule establishes a state control program for sources that are subject to the NO_x SIP Call but not covered under CSAPR, including basic definitions and applicability provisions; allowance allocation provisions; and provisions for monitoring, reporting, and enforcement. Tennessee's 2017 NO_x SIP Call rule applies to non-EGU boilers and combustion turbines with a maximum design heat input greater than 250 MMBtu/hr that combust fossil fuel in specified amounts, except units that are covered under CSAPR or serve generators producing power for sale, and does not provide for emissions trading. EPA conditionally approved the SIP revision on March 6, 2019, contingent upon Tennessee submitting a complete SIP revision by December 31, 2019 to amend the rule's applicability provisions. Tennessee began implementation of rule 1200-03-27-.12 during the 2017 ozone season. On December 19, 2019 Tennessee submitted a SIP revision to convert EPA's conditional approval into a full approval.

Additionally, EPA's past and ongoing implementation of various federal mobile source controls, like those on automobiles and fuels, have contributed, and continue to contribute, to improving ozone air quality in the region, and nationally.

State Measures

At the state level, Tennessee, in its original petition for redesignation and maintenance, made mention of one state measure which may have led to some improvements in ozone air quality. Specifically, stage 1 vapor recovery was mentioned in our original petition for redesignation and maintenance; however, this measure was not included in the emissions inventory nor relied upon for the maintenance demonstration.

Contingency Plan

The contingency plan provisions of the CAA are designed to result in prompt correction or prevention of NAAQS violations that might occur after redesignation of an area to attainment of the NAAQS. The two main elements of the contingency plan are triggering mechanisms to determine when contingency measures are needed and a process of developing and adopting appropriate control measures. The primary trigger of the contingency plan will be a quality assured/quality controlled violating DV of the 1997 8-hour ozone NAAQS at any monitor within the maintenance area. Upon activation of the trigger, the State of Tennessee will commence an analysis to determine what additional measures will be necessary to attain or maintain the 8-hour ozone NAAQS. Since transport from outside the region often impacts local ozone monitors, an evaluation to determine the amount of local emission contribution to the high ozone days may be conducted.

A trigger level response will consist of a study to determine whether the ozone value indicates a trend toward higher ozone concentrations or whether emissions appear to be increasing unexpectedly. The study will evaluate whether the trend, if any, is likely to continue and, if so, the control measures necessary to reverse the trend - taking into consideration ease and timing for implementation, as well as economic and social considerations.

Tennessee will implement the appropriate contingency measures needed to assure future attainment of the 1997 8-hour ozone NAAQS. If determined necessary, the adoption of rules for ensuring attainment and maintenance of the 1997 8-hour ozone NAAQS will begin. Contingency measures will be adopted and implemented as expeditiously as possible, but no later than eighteen to twenty-four months after the triggering event¹⁶. The proposed schedule for these actions will be as follows:

- Six months to identify appropriate contingency measures, including identification of emission sources and appropriate control technologies;
- Three to six months to initiate a stakeholder process; and,
- Nine to twelve months to implement the contingency measures. This step would include the time required to draft rules or SIP amendments, complete the rulemaking process, and submit the final plan to EPA.

If it is determined that a longer schedule is required to implement specific contingency measures, then, upon selection of the appropriate measures, Tennessee will notify EPA of the proposed schedule and will provide sufficient information to EPA to demonstrate that the proposed measures are a prompt correction of the triggering event. The selection of emission control measures will be based on cost-effectiveness, emission reduction potential, economic and social considerations, or other factors that the state deems to be appropriate. Selected emission control measures will be subject to public review, and the state will seek public input prior to selecting new emission control measures.

The measures that will be considered for adoption upon a trigger of the contingency plan may include the following:

- Implementation of diesel retrofit programs, including incentives for performing retrofits
- Reasonably Available Control Technology (RACT) for NO_x sources in counties with violating ozone monitors

¹⁶ If QA/QC data indicates a violating DV for the 8-hour ozone NAAQS, then the triggering event will be the date of the DV violation, and not the final QA/QC date. However, if initial monitoring data indicates a possible DV violation but later QA/QC indicates that a NAAQS violation did not occur, then a triggering event will not have occurred, and contingency measures will not need to be implemented.

- Programs or incentives to decrease motor vehicle use, including employer-based programs, additional park and ride services, enhanced transit service and encouragement of flexible work hours and telecommuting
- Additional emissions reductions on stationary sources
- Enhanced stationary source inspection to ensure that emissions control equipment is functioning properly
- Voluntary fuel programs, including incentives for alternative fuels
- Construction of high-occupancy vehicle (HOV) lanes, or restriction of certain roads or lanes for high-occupancy vehicles
- Programs for new construction of bicycle and pedestrian facilities, including shared use paths, sidewalks and bicycle lanes
- Expand Air Quality Action Day activities or public education and outreach
- Additional enforcement or outreach on driver observance of speed limits
- Promote non-motorized transportation
- Promote energy saving plans for local government
- Seasonal open burning ban in nonattainment counties
- Additional controls in upwind areas, if necessary

Other control measures, not included in the above list, will be considered if new control programs are deemed more advantageous for this area.

Potential Additional Improvements to Air Quality

On February 14, 2019, the Tennessee Valley Authority (TVA) Board voted to approve the retirement of Paradise Unit 3 in Kentucky and the Bull Run facility in Anderson County, Tennessee¹⁷. As this is merely a vote to action, these actions are not guaranteed. If Unit 3 at the Paradise facility is retired by 2024, as desired by the TVA Board, this would result in potential reductions of NO_x in the downwind Clarksville area. If these actions are taken, this will further ensure the area will continue to remain in attainment throughout the term of this maintenance plan.

In 2015, Volkswagen (VW) publicly admitted that it had secretly and deliberately installed defeat-device software designed to cheat emissions tests and deceive federal and state regulators in approximately 590,000 model year 2009 to 2016 motor vehicles containing 2.0 and 3.0 liter diesel engines. The United States Department of Justice (DOJ) filed a complaint against VW, alleging that the company had violated the CAA. In October 2016 and May 2017, the U.S. District Court, Northern District of California (“Court”), approved two partial settlements related to the affected 2.0 and 3.0 liter vehicles, respectively, totaling \$14.9 billion (“the VW Settlement”). The

¹⁷ <https://www.tva.gov/Newsroom/Press-Releases/TVA-Board-Acts-to-Ensure-Future-Flexibility-Efficient-Generation-System>.

VW Settlement will be implemented through the First Partial Consent Decree and Second Partial Consent Decree. Under these consent decrees, VW has agreed to: (1) dedicate \$10 Billion to the recall of at least 85% of the affected 2.0 and 3.0 liter vehicles; (2) invest \$2 Billion in zero-emission vehicle infrastructure and promotion (“Zero Emission Vehicle Investment Plan”); and (3) establish a \$2.9 Billion Environmental Mitigation Trust (EMT) to mitigate the environmental effects of the excess NO_x emissions from the affected vehicles.

The purpose of the EMT is to execute environmental mitigation projects that reduce emissions of NO_x. In accordance with the EMT goal, the State of Tennessee’s overall goal in administering its EMT allocation is to reduce NO_x emissions by targeting the largest contributors of mobile source NO_x emissions in Tennessee: the onroad, diesel heavy duty sector (33% of mobile NO_x emissions) and the onroad, non-diesel light duty sector (40% of mobile source NO_x emissions). As NO_x emissions contribute to the formation of ozone, reductions in NO_x emissions will assist in the state’s efforts to maintain compliance with the NAAQS for ozone.

The State of Tennessee released the final Beneficiary Mitigation Plan (BMP) on September 21, 2018, for implementing the state’s initial allocation from the VW EMT. Project solicitations have already begun, and once implemented NO_x reductions will be realized. It is noted that these emissions reductions may not be especially large, yet they will be wide-spread throughout the onroad vehicle fleet. There will be NO_x emissions benefits throughout the region as the BMPs for Tennessee and other states are implemented.

Conclusion

This document demonstrates that the Montgomery County, Tennessee, portion of the Clarksville 1997 8-hour ozone “Orphan” Area continues, and is expected to continue, to maintain compliance with the 1997 8-hour ozone NAAQS. Ozone air quality data shows the area not only meets the 1997 ozone NAAQS, but also meets the two subsequent, and more restrictive ozone NAAQS: the 2008 and 2015 ozone NAAQS. Emissions inventory data and emissions modeling projections conducted by EPA show emissions of NO_x and VOC are expected to continue to decrease throughout and beyond the maintenance period. Further, in the unlikely event the area should experience a DV violation of the 1997 8-hour ozone NAAQS, a contingency plan is described in this document to help expeditiously evaluate and address the violation of the 1997 8-hour ozone NAAQS.

Appendix A: Comments and Responses

Comments and Responses

Stan Williams, Clarksville MPO comments received by email December 19, 2019:

	Commenter	Comment	Response
1.	Stan Williams, Clarksville MPO	I found the overall format to be easy to read and follow;	Thank you for your comment.
2.	Stan Williams, Clarksville MPO	the information included provided a good, yet brief history and current status for the area;	Thank you for your comment.

EPA Comments received February 24, 2020:

	Commenter	Comment	Response
1.	US EPA	Federal Measures (Page 14) - Tennessee may need to update the last two sentences of the first full paragraph on page 14 (page 19/34 of PDF). The statement that "Tennessee began implementation of rule 1200-03-27-.12 during the 2017 ozone season and is working on a SIP revision to convert the EPA's conditional approval into a full approval" is no longer accurate, since Tennessee has since submitted the final SIP submittal required by December 31, 2019.	The language in the Federal Measures section has been amended to reflect that Tennessee submitted a SIP revision to convert EPA's conditional approval into a full approval.
2.	US EPA	Contingency Plan (Page 15) - The EPA recommends replacing the word "would" with "will" in the last sentence of the second full paragraph on page 15 (page 20/34 of PDF).	Recommended change has been incorporated.

Marc Corrigan

From: Stan Williams <stan.williams@cityofclarksville.com>
Sent: Thursday, December 19, 2019 11:05 AM
To: Marc Corrigan; Jill Hall
Subject: [EXTERNAL] Limited maintenance plan
Categories: Follow-up

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Marc, upon review of the Draft 1997 8-Hour Ozone Limited Maintenance Plan, for the Montgomery County portion. I'm offering the following comments:

- 1) I found the overall format to be easy to read and follow;
- 2) the information included provided a good, yet brief history and current status for the area;

Thank you for the opportunity to review and your efforts to produce said document.

Sincerely, Stan Williams

From: [Mitchell, Stanley \(FTA\)](#)
To: [Marc Corrigan](#)
Cc: [Walker, Julia \(FTA\)](#); [Melton, Boyd \(FTA\)](#); [Webb, Aviance \(FTA\)](#); [Ramirez, Andres \(FTA\)](#)
Subject: [EXTERNAL] RE: 1997 8-hour Ozone Limited Maintenance Plan (LMP) for the Montgomery County Portion of the Clarksville 1997 8-hour Ozone Maintenance Area
Date: Wednesday, December 4, 2019 7:25:41 AM
Attachments: [image001.png](#)

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. ***

Dear Mr. Corrigan,

FTA has reviewed the LMP and has no comments.

Regards,

Stan Mitchell

Environmental Protection Specialist

Federal Transit Administration Region 4

230 Peachtree St. NW, Ste. 1400

Atlanta, GA 30303

O: (404) 865-5643

stanley.a.mitchell@dot.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 24 2020

Michelle Walker Owenby, Director
Division of Air Pollution Control
Tennessee Department of
Environment and Conservation
Tennessee Tower, 15th Floor
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243-1102

Dear Ms. Owenby:

The Region 4 Office of the U.S. Environmental Protection Agency received the Tennessee Department of Environment and Conservation (TDEC), Division of Air Pollution Control's January 27, 2020, prehearing proposal regarding the Limited Maintenance Plan for the Montgomery County (Clarksville Area) 1997 8-hour Ozone orphan maintenance area. The prehearing proposal addresses Tennessee's obligations under the Clean Air Act's Section 175A(b), in response to the court decision *South Coast Air Quality Management District v. Environmental Protection Agency*. We also understand that these changes are subject to a public hearing that will take place on Tuesday, March 3, 2020. We have completed our review and offer our comments in the enclosure.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Mr. Joel Huey, Acting Chief of the Air Regulatory Management Section at (404) 562-9104, or have your staff contact Mr. Andres Febres at (404) 562-8966.

Sincerely,

Lynorae Benjamin
Acting Chief
Air Planning and Implementation Branch

Enclosure

cc: Marc Corrigan, Division of Air Pollution Control, TDEC

**The U.S. Environmental Protection Agency Comments
on Tennessee's Prehearing Submission Regarding the Limited Maintenance Plan for the
Montgomery County Portion of the Clarksville Orphan Area for the 1997 Ozone NAAQS**

Other Comments

Federal Measures (Page 14) – Tennessee may need to update the last two sentences of the first full paragraph on page 14 (page 19/34 of PDF). The statement that “Tennessee began implementation of rule 1200-03-27-.12 during the 2017 ozone season and is working on a SIP revision to convert the EPA’s conditional approval into a full approval” is no longer accurate, since Tennessee has since submitted the final SIP submittal required by December 31, 2019.

Contingency Plan (Page 15) – The EPA recommends replacing the word “would” with “will” in the last sentence of the second full paragraph on page 15 (page 20/34 of PDF).

Appendix B: Public Notice and Hearing

NOTICE OF HEARING

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL
WILLIAM R. SNODGRASS TENNESSEE TOWER
312 ROSA L. PARKS AVENUE, 15TH FLOOR
NASHVILLE, TENNESSEE 37243
PHONE: (615) 532-0554 FAX: (615) 532-0614

NOTICE IS HEREBY GIVEN, the Division of Air Pollution Control will hold a public hearing pursuant to Tennessee Code Annotated, Section 68-201-105:

Date: Tuesday, March 3, 2020
Public Hearing: 10:00 AM Central
Location: Regional Planning Commission Office
329 Main Street
Clarksville, Tennessee 37040
Planning Commission Chamber – Lower Level

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider a proposed change to the State Implementation Plan (SIP) under the authority of Tennessee Code Annotated, Section 68-201-105.

The Clean Air Act (CAA) requires the State of Tennessee to develop an attainment plan for all areas that are not meeting certain National Ambient Air Quality Standards, or NAAQS. These areas are commonly referred to as nonattainment areas. Attainment plans include steps to achieve and maintain attainment of those standards. After air quality in a nonattainment area has improved enough to consistently meet the NAAQS, the area is then referred to as a maintenance area. Maintenance plans must demonstrate continued attainment and maintenance of the NAAQS. These maintenance plans are divided into two sequential phases, with a new plan developed for each ten-year period.

This hearing is to consider the Limited Maintenance Plan (LMP) for the remainder of the 20-year maintenance period for Montgomery County, the Tennessee portion of the Clarksville 1997 8-hour ozone NAAQS maintenance area. This plan sets forth air quality and emissions data that assures the area will continue to maintain the 1997 8-hour ozone NAAQS. Further, in the unlikely event the area does violate the 1997 8-hour ozone NAAQS, this document describes a plan to promptly address the NAAQS violation. The final version of this document will be submitted to the EPA to meet Tennessee's CAA section 175A(b) obligations for this area.

The hearing will be conducted as prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq. and will take place at the date, time and location indicated above.

All persons interested will be allowed to present testimony to the hearing officer regarding the proposed revision to the SIP. Anyone desiring to make oral comments at this public hearing should prepare a written copy of their comments to submit to the hearing officer at the hearing. The hearing officer may limit the length of oral comments in order to allow all parties an opportunity to speak, and will require that all comments be relevant to the proposed LMP. Written statements not presented at the hearing will only be considered part of the record if received by close of business (4:30 PM Central) on March 3, 2020, at office of the Division of Air Pollution Control at the address provided above.

Individuals with disabilities who wish to participate in the hearing (or review the file record) should contact TDEC to discuss any auxiliary aids or services needed to facilitate participation. Contact may be in person, by writing, telephone, or other means, and should be made no less than ten working days prior to March 3, 2020, to allow time to provide such aid or services. Contact the ADA Coordinator (615-532-

0207) for further information. Hearing impaired callers may use the Tennessee Relay Service (800-848-0298).

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Saul Castillo at (615) 532-0462 for more information.

If you have any questions or comments on the proposed LMP, you may contact Marc Corrigan by phone at (615) 532-0616 or by email at marc.corrigan@tn.gov. Materials concerning the proposed action are available at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-air.html>.

The above public notice was published on the TDEC Air Pollution Control Public Participation Opportunities website on January 28, 2020. The website address is: <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-air.html>.

TDEC HEARING SIGN-IN SHEET

Name (please print)	Representing	Mailing Address	E-mail Address
Ston Williams	CUAMPO	329 Main St CTN	StonWilliams@cityofclarksville.com

Public hearing sign-in sheet.

A public hearing was held on March 3rd, 2020 at the Regional Planning Commission Office, 329 Main Street, Clarksville, Tennessee. One individual, from outside of TDEC, attended the hearing. There were no comments provided at the hearing.

Appendix C: Interagency Consultation

**Clarksville Interagency Consultation Committee
Limited Maintenance Plan (LMP) Discussion for the
Montgomery County 1997 8-Hour Ozone Maintenance Area**

December 18th, 2019 at 10:00 am Central

Call in information:

Call in number: **(720) 279-0026**

Passcode: **859 214 7642**

Agenda:

1. Roll call
2. Introduction
3. Overview of LMP
4. General discussion, other business
5. Next steps
6. Adjourn

**Clarksville Interagency Consultation Committee
Limited Maintenance Plan (LMP) Discussion for the
Montgomery County 1997 8-Hour Ozone Maintenance Area**

December 18th, 2019 at 10:00 am Central
IAC Call Notes

Attendees

Stan Williams, Clarksville MPO
Leslie Poff, KY DAQ
Marc Corrigan, TDEC APC

Ben Cordes, KY DAQ
Mikael Pelfrey, KYTC

Overview of the LMP

Marc provided an overview of the LMP, touching on some of the rationale for the development of the document, and some of the key elements of the document.

The Clean Air Act requires areas that were formerly not meeting certain National Ambient Air Quality Standards, or NAAQS, commonly referred to as nonattainment areas, develop maintenance plans to show continued maintenance of, and to document a plan to address future violations of, the NAAQS. These maintenance plans are divided into two ten-year periods, with a new plan developed for each. The Clarksville Area has completed its first 10-year maintenance plan for the 1997-8 hour ozone NAAQS. Thus, Tennessee is due to submit to the Environmental Protection Agency a second 10-year maintenance plan for the remainder of the 20-year maintenance period. One of the options EPA provided for areas that qualify is a limited maintenance plan. This document is Tennessee's LMP for the Montgomery County portion of the Clarksville 1997 8-hour ozone "Orphan" Maintenance Area. "Orphan" maintenance areas were defined in the court decision as those areas that were maintenance areas for the 1997 8-hour ozone NAAQS at the time of its revocation and were designated attainment for the 2008 8-hour ozone NAAQS in EPA's original designation for the 2008 8-hour ozone NAAQS.

Since an LMP submission may primarily rely on air quality data to demonstrate that the area is not expected to experience a future NAAQS violation, and it does not need to include projected future year emissions inventories or air quality modeling to make that demonstration, let's look at air quality in the Clarksville Area.

Between 2001 and 2003, ozone air quality monitoring data within the Clarksville region indicated that the highest 8-hour average ozone concentrations exceeded the 80 parts per billion (due to rounding, effectively 84 parts per billion) NAAQS. EPA designated the area as nonattainment for the 1997 8-hour ozone NAAQS, effective June 15, 2004.

Air quality monitoring data for 2002 through 2004 indicated declining ozone concentrations in the Clarksville area, and the DV at the controlling monitor fell below the 1997 8-hour ozone NAAQS. In August of 2005, TDEC petitioned EPA for redesignation of the Montgomery County portion of the Clarksville Area to maintenance based on the 2002-2004 ozone monitoring data. Effective November 21, 2005, EPA redesignated Montgomery County to attainment with maintenance for the 1997 8-hour ozone NAAQS.

Table 1 indicates that all of the ozone monitors in the Clarksville area attained the 1997 8-hour ozone NAAQS beginning with the 2002-2004 DV. Subsequent to that, all of the Clarksville area ozone monitors met the 2008 8-hour ozone NAAQS of 75 ppb, beginning with the 2007-2009 DV. Continuing the downward trend in ozone, all of the Clarksville area ozone monitors met the 2015 ozone NAAQS of 70 ppb, beginning with the 2011-2013 DV. Figure 2 graphs the ozone DVs from Table 1 to help visually illustrate the downward trend in ozone readings in the Clarksville area.

The website EPA created for these LMP's contains projected 2023 ozone DVs for a number of the ozone monitors in the Clarksville region. The projected 2023 ozone DVs for selected ozone monitors are shown in the last column of Table 1.

As stated earlier, a projected emissions inventory is not required, but EPA's Resource Document provides links to already prepared emissions inventories to illustrate emissions trends in support of LMPs. Table 2 and Table 3 illustrate by sector, the projected changes in NOx and VOC emissions in Montgomery County between 2014 and 2028. Based on data contained in Table 2, total emissions of NOx are expected to decline approximately 56% between 2014 and 2028. Similarly, Table 3 indicates that total VOC emissions will decline approximately 43% over the same time. These projected decreases in emissions will continue to ensure that the Clarksville Area will continue maintenance of the 1997 8-Hour ozone NAAQS.

Regarding transportation conformity, Marc noted that, generally, maintenance plans developed for the ozone NAAQS establish emissions limits for onroad mobile sources, or "emissions budgets" for transportation conformity. However, EPA's 1994 guidance, *Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas*, establishes that emissions budgets in LMP areas may be treated as non-constraining for the length of the maintenance period because it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the 1997 8-hour ozone NAAQS would result.

For transportation conformity determinations, it would be unreasonable to expect the area to experience so much growth in onroad vehicle emissions during the LMP period that a violation of the 1997 8-hour ozone NAAQS would occur. EPA's 2028 modeling platform included growth, from the base year, in both the onroad vehicle population and vehicle miles traveled. Yet, the onroad NOx emissions are expected to decrease approximately 71%, and the onroad VOC emissions are expected to decrease approximately 69% between 2014 and 2028. As a result, federal actions requiring

transportation conformity determinations under the transportation conformity rule are considered to satisfy the budget test without the need for a regional emissions analysis. Therefore, motor vehicle emission budgets are not established in this LMP.

The last section Marc wanted to bring to everyone's attention is the contingency plan section of the LMP. The contingency plan provisions of the CAA are designed to result in prompt correction or prevention of NAAQS violations that might occur after redesignation of an area to attainment of the NAAQS. The primary trigger of this contingency plan will be a quality assured/quality controlled violating DV of the 1997 8-hour ozone NAAQS at any monitor within the maintenance area. Upon activation of the trigger, the State of Tennessee will commence an analysis to determine what additional measures will be necessary to attain or maintain the 8-hour ozone NAAQS - taking into consideration ease and timing for implementation, as well as economic and social considerations.

If determined necessary, the adoption of rules for ensuring attainment and maintenance of the 1997 8-hour ozone NAAQS will begin. Contingency measures will be adopted and implemented as expeditiously as possible, but no later than eighteen to twenty-four months after the triggering event. The proposed schedule for these actions would be as follows:

- Six months to identify appropriate contingency measures, including identification of emission sources and appropriate control technologies;
- Three to six months to initiate a stakeholder process; and,
- Nine to twelve months to implement the contingency measures.

The measures that will be considered for adoption upon a trigger of the contingency plan may include any of the measures listed on pages 15 and 16 of the LMP. Other control measures, not included in this list, will be considered if new control programs are deemed more advantageous for this area.

So, in conclusion, this document demonstrates that the Montgomery County, Tennessee, portion of the Clarksville 1997 8-hour ozone "Orphan" Area continues, and is expected to continue, to maintain compliance with the 1997 8-hour ozone NAAQS.

General Discussion

Stan asked about the possibility of future designations being made from some of the nearby ozone monitors, specifically those in Trigg County, impacting the MPO area. Marc responded: should those ozone monitors show ozone readings that do not meet the ozone NAAQS, if EPA were making designations for a new ozone NAAQS, there would be a process that would have to be followed. It usually begins with the state making nonattainment area designation recommendations to EPA. EPA would conduct a multi-factor analysis including population, commuting patterns, industry and economic interconnectedness of Trigg County, in this example, to the MPO area. States would have a chance to consider and respond to EPA's nonattainment area

recommendations. Ultimately, it would be EPA who would make the decision on the nonattainment area boundaries.

Stan asked about the timing of the submittal: would they need to be submitted at the same time from both states; would it be one submittal, or two? Marc responded that since there is no MVEB developed in these LMPs, EPA has indicated that the timing of the two submittals do not have to be coincident. Marc also mentioned that the timeframe of the Montgomery County maintenance plan, according to discussions with EPA, does not both have to go out to February 2026, as does the Christian County maintenance plan. The Tennessee side only provides for a maintenance period out to November 21st, 2025; 20 years from the redesignation date.

Next Steps

Marc reminded the IAC that they have until COB January 6th to provide any comments. Feel free to call or email with comments, or questions. After any changes are made from comments provided by the IAC, the next step is to then go out to the public for a 30 day comment period, with a public hearing held at or near the end. Following that, once any necessary changes are made, a document will be prepared for presentation to the Tennessee Air Pollution Control Board. Once the Board approves this document for submission to EPA for inclusion into Tennessee's SIP, we will submit the document to EPA.

Appendix D: Air Pollution Control Board Order



**1997 8-HOUR OZONE
LIMITED MAINTENANCE
PLAN FOR THE
MONTGOMERY COUNTY
PORTION OF THE
CLARKSVILLE,
TENNESSEE 1997 8-HOUR
OZONE ORPHAN AREA**

Some Background...

- *South Coast Air Quality Management District v. EPA (South Coast II)*
- Revocation of 1997 and Implementation of 2008 ozone standard, or NAAQS
- Aspect of EPA's "Implementation Plan Requirements" rule overturned
 - Second 10-year maintenance plans

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued September 14, 2017 Decided February 16, 2018

No. 15-1115

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,
PETITIONER

v.

ENVIRONMENTAL PROTECTION AGENCY, ET AL.,
RESPONDENTS

NATIONAL ENVIRONMENTAL DEVELOPMENT ASSOCIATION'S
CLEAN AIR PROJECT, ET AL.,
INTERVENORS

Consolidated with 15-1123

On Petitions for Review of a Final Action
of the Environmental Protection Agency

Megan E. Lorenz Angarita argued the cause for petitioner South Coast Air Quality Management District. With her on the briefs were *Kurt R. Wiese* and *Barbara Baird*.

Some Background...

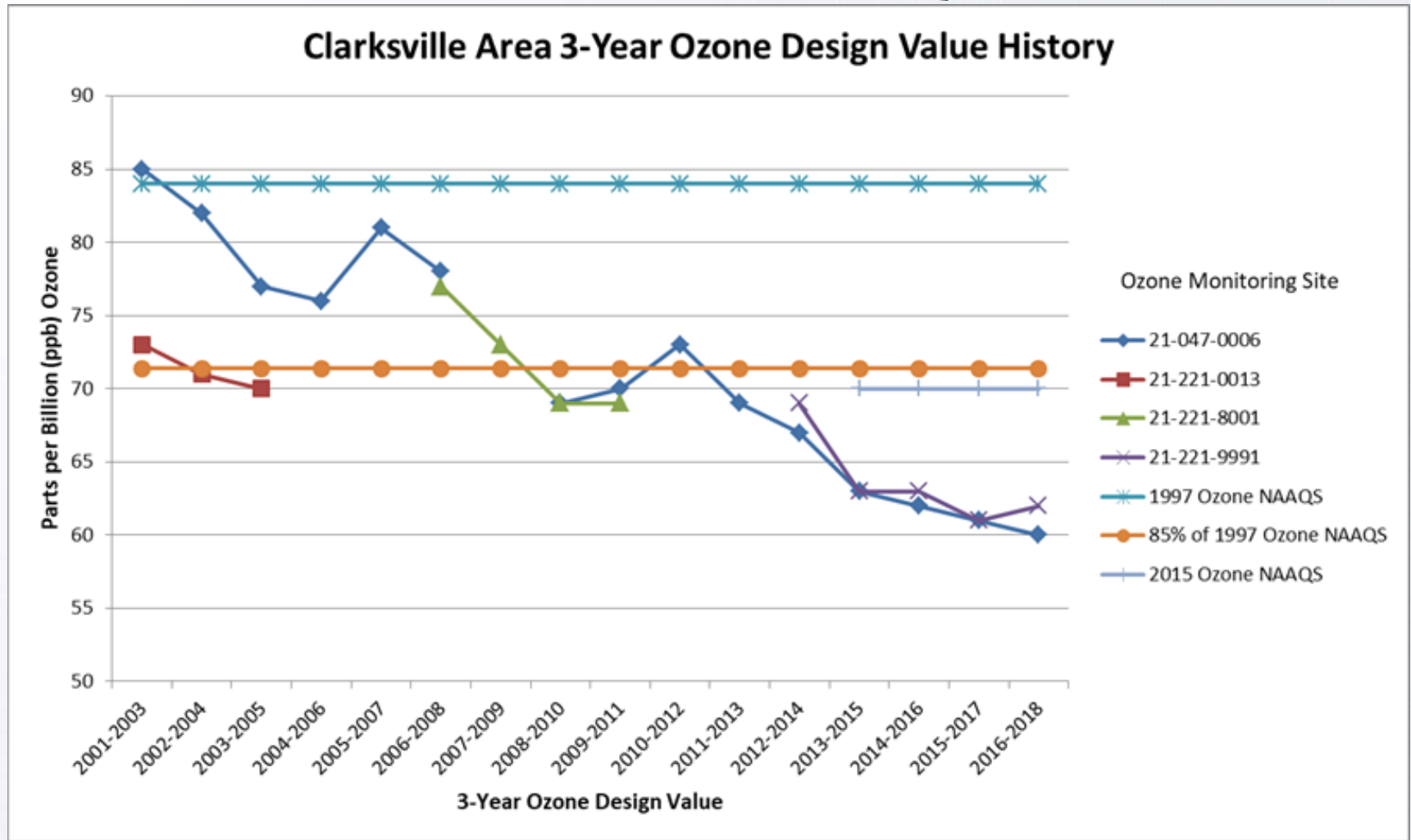
- EPA made designations for the 1997 ozone National Ambient Air Quality Standard (NAAQS) effective June 15, 2004
- Montgomery County, TN and Christian County, KY were designated nonattainment - the “Clarksville Area” or “Clarksville”
- Montgomery County redesignation request (with maintenance plan) effective November 21, 2005
 - redesignation included the first 10-year maintenance plan for the 1997 Ozone NAAQS
- EPA published Limited Maintenance Plan (LMP) guidance
 - Key criteria: air quality data “substantially” below NAAQS
 - EPA defined “substantially” as below 85% of NAAQS
 - Effectively a ozone DV of 71 ppb or lower

Historical Ozone Air Quality Data

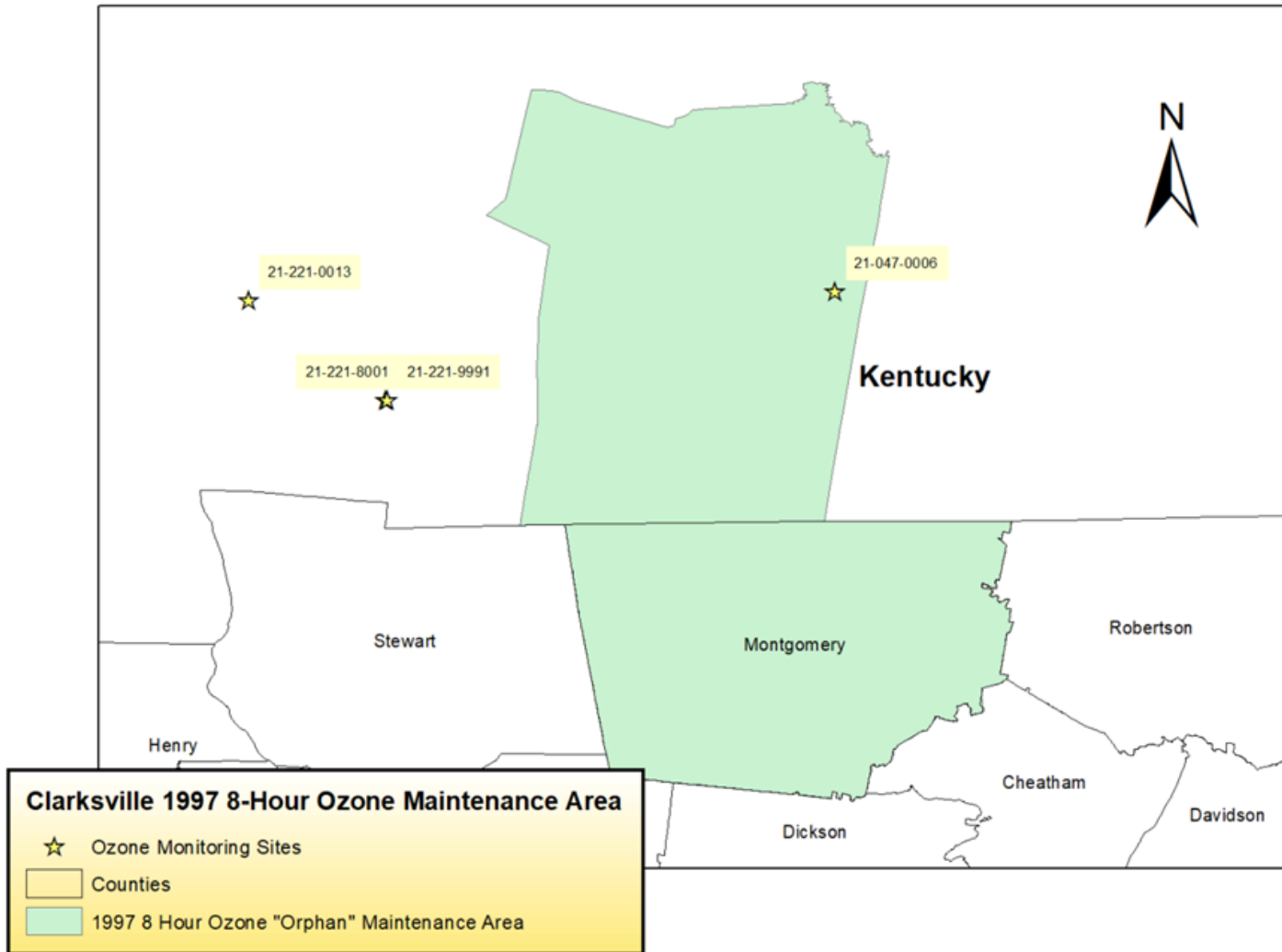
Table 1. Clarksville Area 3-Year Ozone Design Value History and Projected 2023 DV at Selected Ozone Monitors.

AQS Site ID	Local Site Name	State	County	2001-2003 Design Value	2002-2004 Design Value	2003-2005 Design Value	2004-2006 Design Value	2005-2007 Design Value	2006-2008 Design Value	2007-2009 Design Value	2008-2010 Design Value	2009-2011 Design Value	2010-2012 Design Value	2011-2013 Design Value	2012-2014 Design Value	2013-2015 Design Value	2014-2016 Design Value	2015-2017 Design Value	2016-2018 Design Value	Projected 2023 Design Value
----- parts per billion (ppb) Ozone -----																				
21-047-0006	Hopkinsville	KY	Christian	85	82	77	76	81	78		69	70	73	69	67	63	62	61	60	55.6
21-221-0013	Un-Named	KY	Trigg	73	71	70														
21-221-8001	Old Dover Highway, Cadiz	KY	Trigg						77	73	69	69								54.8
21-221-9991	Cadiz	KY	Trigg												69	63	63	61	62	

Historical Ozone Air Quality Data



Clarksville 1997 8-Hour Ozone Maintenance Area



NOx and VOC Projections

Table 2. Montgomery County Oxides of Nitrogen Emissions in 2014 and 2028.

	Fire		Nonpoint		Nonroad		Onroad		Point		Total	
	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028
County	----- tons/summer day NOx -----											
Montgomery	-	0.02	0.90	1.36	1.35	0.67	7.64	2.15	0.50	0.31	10.39	4.51

Table 3. Montgomery County Volatile Organic Compound Emissions in 2014 and 2028.

	Fire		Nonpoint		Nonroad		Onroad		Point		Total	
	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028
County	----- tons/summer day VOC -----											
Montgomery	-	0.58	8.79	5.31	1.58	1.12	4.76	1.43	0.97	0.73	16.09	9.17



Transportation Conformity

- Generally maintenance plans developed for the ozone NAAQS establish motor vehicle emissions budgets, or “budgets” for the onroad transportation sector
- EPA’s 1994 guidance, *Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas*, establishes emissions budgets in LMP areas may be treated as non-constraining for the length of the maintenance period
- Onroad emissions between 2014 and 2028:
 - NOx decrease approximately 71%
 - VOC decrease approximately 69%
- No motor vehicle emissions budgets included in this LMP

Contingency Plan

- Contingency Plan assures prompt correction of a NAAQS violation
 - Identify the contingency measures to be considered for possible adoption
 - A schedule for adoption and implementation of the selected contingency measures
 - Time limit for action by the state
- Trigger: QA/QC'd violating DV of 1997 ozone NAAQS
- Response: study to determine if ozone levels are trending higher or emissions increase unexpectedly
- Control measures necessary to reverse trend, if needed
- Adopted expeditiously, but no later than 18-24 months
 - 6 months to identify measures
 - 3-6 months to initiate stakeholder process
 - 9-12 months to implement

Conclusion

- LMP demonstrates the Montgomery County portion of the Clarksville 1997 8-hour ozone “Orphan” Area is expected to continue to maintain the 1997 8-hour ozone NAAQS
- Area meets more restrictive ozone NAAQS:
 - 2008
 - 2015
- NOx and VOC are expected to continue to decrease throughout the maintenance period
- Contingency plan to evaluate and address violation of the 1997 8-hour ozone NAAQS



QUESTIONS?

Marc Corrigan
Marc.Corrigan@tn.gov
(615) 532-0616

Ozone in the Clarksville Area

- 2001 - 2003, ozone data exceeded the 84 ppb 1997 NAAQS
 - EPA designated Clarksville Area nonattainment effective June 15, 2004
 - 2002-2004 ozone DV below 84 ppb
 - Effective November 21, 2005: Area redesignated to attainment with maintenance
- EPA strengthened the ozone NAAQS in 2008
 - 75 ppb
 - Designations effective July 20, 2012
 - Clarksville Area designated attainment for 2008 ozone NAAQS
- EPA strengthened the ozone NAAQS again in 2015
 - 70 ppb
 - Designations effective January 16, 2018
 - Clarksville Area designated attainment for 2015 ozone NAAQS

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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:	Paul D. LaRock
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-0093
Email:	Paul.LaRock@tn.gov

Revision Type (check all that apply):

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
1200-03-29	Light-Duty Motor Vehicle Inspection and Maintenance
Rule Number	Rule Title
1200-03-29-.01	Purpose
1200-03-29-.12	Area of Applicability

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/products/division-publications/rulemaking-guidelines>.

Chapter 1200-03-29
Light-Duty Motor Vehicle Inspection and Maintenance

Amendments

The Table of Contents to Chapter 1200-03-29 Light-Duty Motor Vehicle Inspection and Maintenance is amended by deleting the title to Rule 1200-03-29-.01 Purpose and replacing it with "Purpose and Applicability" and deleting the title to Rule 1200-03-29-.12 Area of Applicability and replacing with "Reserved" so that as amended the table of contents shall read:

1200-03-29-.01 Purpose and Applicability	1200-03-29-.07 Motor Vehicle Emissions Performance
1200-03-29-.02 Definitions	Test Methods
1200-03-29-.03 Motor Vehicle Inspection Requirements	1200-03-29-.08 Motor Vehicle Anti-Tampering Test
1200-03-29-.04 Exemption From Motor Vehicle	Methods
Inspection Requirements	1200-03-29-.09 Motor Vehicle Inspection Program
1200-03-29-.05 Motor Vehicle Emission Performance	1200-03-29-.10 Motor Vehicle Inspection Fee
Test Criteria	1200-03-29-.11 Waiver Provisions
1200-03-29-.06 Motor Vehicle Anti-Tampering Test	1200-03-29-.12 Reserved
Criteria	

Authority: T.C.A. §§ 55-4-130, 68-201-101 et seq. and 4-5-201 et seq.

Rule 1200-03-29-.01 Purpose is amended by deleting it in its entirety and substituting instead the following:

1200-03-29-.01 Purpose and Applicability

- (1) The purpose of this chapter is to reduce the air pollution produced by the operation of light-duty motor vehicles.
- (2) This chapter shall apply in the following areas of Tennessee as designated by the Tennessee Air Pollution Control Board:
 - (a) Davidson County
 - (b) Hamilton County
 - (c) Rutherford County
 - (d) Sumner County
 - (e) Williamson County
 - (f) Wilson County
- (3) For the counties specified in paragraph (2) of this rule, the requirements of this chapter shall become effective as follows:
 - (a) For EPA designated nonattainment counties classified as Basic, the effective date is April 1, 2006.
 - (b) For EPA designated nonattainment counties with an EPA approved Early Action Compact classified as Basic, the effective date is April 1, 2005.
 - (c) For EPA designated nonattainment areas classified as Marginal, the effective date is July 1, 2005.

- (d) For EPA designated nonattainment areas classified as Moderate, the effective date is April 1, 2007.
- (4) For the counties specified in paragraph (2) of this rule, the requirements of this chapter shall remain in effect until 120 days following EPA final approval of State Implementation Plan revisions eliminating the requirement for Light-Duty Motor Vehicle Inspection programs in the State of Tennessee; provided, however, that if on this date a contract exists between the department and a contractor providing inspection and maintenance services, the requirements of this chapter shall continue to apply until the contract's termination or expiration.
- (5) If the requirement for a Light-Duty Motor Vehicle Inspection Program is eliminated from the State Implementation Plan, Davidson County having had a local air pollution control program and implemented its own inspection and maintenance program before May 15, 2018, and having been authorized by the governing body within 30 days of May 15, 2018, can continue its own inspection and maintenance program. The dates of applicability, technical guidelines, enforcement, and fees for county- or municipality-specific vehicle inspection programs that are not required by the State or EPA will be determined by Davidson County.

Authority: T.C.A. §§ 55-4-130, 68-201-101 et seq. and 4-5-201 et seq.

Rule 1200-03-29-.12 Area of Applicability is amended by deleting it in its entirety and substituting instead the following:

1200-03-29-.12 Reserved

Authority: T.C.A. §§ 55-4-130, 68-201-101 et seq. and 4-5-201 et seq.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Ronné Adkins Commissioner's Designee, Dept. of Environment and Conservation					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Karen Cisler Environmental Interests					
Stephen Gossett Working for Industry with technical experience					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Richard Holland Working for Industry with technical experience					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Ken Moore Working in Municipal Government					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Amy Spann, PE Registered Professional Engineer					
Greer Tidwell, Jr. Conservation Interests					
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 06/10/2020, 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: 12/19/19

Rulemaking Hearing(s) Conducted on: (add more dates). 02/13/20

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): Chapter 1200-03-29

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

Herbert H. Slatery, III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

There were no public comments received during the comment period.

Regulatory Flexibility Addendum

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

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

The rule establishes a change to the applicability of the testing program should the Division of Air Pollution Control receive approval for the elimination of the State Implementation Plan requirement for vehicle emissions testing in the State of Tennessee. The Division of Air Pollution Control was required by State legislative action to complete the 110(l) Non-interference Demonstration analysis of the potential impact of removal of the emissions testing program from all Tennessee counties. The applicability changes for the testing program will only be implemented with EPA approval of the 110(l) demonstrations. If EPA approves the 110(l) demonstration, the requirement for vehicle emission testing programs in Tennessee will be removed. This will negatively impact jobs and revenue for the emissions testing vendor. Small businesses and the general population in the counties that require emissions testing will benefit by removal of the time and cost associated with undergoing vehicle emissions testing.

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

There are no reporting, recordkeeping or other administrative costs associated with this rule change.

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

This will negatively impact jobs and revenue of for the emissions testing vendor. Other small businesses and the general population in the counties that require emissions testing will benefit by removal of the time and cost of associated with undergoing vehicle emissions testing. However, the rule change will have no impact on small businesses or consumers unless the EPA approve the elimination of the program from the State Implementation Plan.

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

There are no known less burdensome, less intrusive, or less costly alternatives to this rule change.

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

No analysis of state or federal counterparts was completed, as this rule change is required as a part of legislative action by the state of Tennessee.

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

There is no benefit from any type of small business exemption from this rule.

Impact on Local Governments

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

The Board anticipates that these amendments will have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

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

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

On May 15, 2018, Public Chapter No. 953 became effective in Tennessee. Public Chapter No. 953 provides that “no inspection and maintenance program shall be employed in this state on or after the effective date of this act.” The law also provides that the requirement for a light-duty motor vehicle inspection/maintenance (I/M) program will end after the Environmental Protection Agency (EPA) approved a State Implementation Plan (SIP) revision removing the I/M program. Public Chapter No. 953 allows any county with a local air pollution control program to implement or continue its own I/M program. Davidson County was the only county to do so, and can, therefore, continue its own inspection and maintenance program. These modifications to Chapter 1200-03-29 allow for the removal of I/M programs in the State of Tennessee following proper EPA approval of the SIP revision.

- (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;

These modifications to Chapter 1200-03-29, which allow for the removal of I/M program, are made pursuant to the amendments to Tenn. Code Ann. Title 68, Chapter 201, Part 11 and Title 55, Chapter 4, Part 104, and as specifically set forth in Section 3 of Public Chapter No. 953, which became effective on May 15, 2018.

- (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;

As a standalone rule change, this rule change has no impact on the structure or implementation of the vehicle emissions program. However, should the EPA approve the 110(l) Non-interference Demonstration report for the removal of the emissions testing program, the combined 110(l) approval and rule change will eliminate the requirement for vehicle emissions testing the State of Tennessee. The elimination of the vehicle testing programs will have a negative financial impact on the emissions testing vendor and the Division of Air Pollution Control. Other small businesses and the general population in the counties that require emissions testing will benefit by removal of the time and cost of associated with undergoing vehicle emissions testing.

- (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.

- (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;

As a stand-alone rule change, this rule will not have an impact on revenues and expenditures. However, the rule change in collaboration with the approval for elimination of the vehicle emissions testing program from the State Implementation Plan would result in the loss of approximately \$1.8 million in revenue from the Division of Air Pollution Control. The revenue loss was discussed as part of the legislative actions.

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

Paul LaRock and Greg Riggs
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243

Paul.LaRock@tn.gov
Greg.Riggs@tn.gov

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

Blair Beaty
Legislative Liaison
Office of General Counsel

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

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-1965
Blair.Beaty@tn.gov

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

Economic Impact Statement [Tenn. Code Ann. § 4-33-104(b)]

- (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.

On May 15, 2018, Public Chapter No. 953 became effective in Tennessee. Public Chapter No. 953 provides that “no inspection and maintenance program shall be employed in this state on or after the effective date of this act.” The law also provides that the requirement for a light-duty motor vehicle inspection/maintenance (I/M) program will end after the Environmental Protection Agency (EPA) approved a State Implementation Plan (SIP) revision removing the I/M program. Public Chapter No. 953 allows any county with a local air pollution control program to implement or continue its own I/M program. Davidson County was the only county to do so, and can, therefore, continue its own inspection and maintenance program. These modifications to Chapter 1200-03-29 allow for the removal of I/M programs in the State of Tennessee following necessary EPA approval of the SIP revision. The actions of this rule change put into place the proper mechanisms for appropriate actions should EPA approve the SIP and keep the current structure of the emissions testing program in the event that the SIP revision not receive EPA approval.

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

This rule is in response to legislation passed and signed into law. It is the most efficient and cost-effective method for achieving the required goals.

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

Cost is not a factor in moving forward with this rule. These actions were required by State law.

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

The actions of this rule are the most efficient allocations of resources to meet the requirements of the legislative actions

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

The completion of this rule has no direct impact on the emissions testing program in the State of Tennessee. The rule change is impactful only with the EPA approval of the 110(l) Non-interference Demonstration, which would result in the elimination of vehicle emissions testing requirements 120 days

after EPA approval.

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

There will be no impactful cost of living change associated with this rule amendment.

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

While the rule change would not directly impact employment in the areas where emissions testing is required, the potential for removal of the emissions testing program does result in job losses for the emission testing vendor. It is estimated the elimination of the testing program would result in the loss of approximately 70 part-time or full-time jobs.

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

This rulemaking is being processed 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.

Small businesses and citizens in the counties that currently require emissions testing will bear a direct benefit of not having to spend the time and money associated with the annual emissions testing program. As stated previously, the emissions testing vendor will bear the most direct negative impact in terms of job and revenue losses.

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Nashville, TN 37243
Phone: 615-741-2650
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Rulemaking Hearing Rule(s) Filing Form

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Agency/Board/Commission:	Air Pollution Control Board
Division:	Air Pollution Control
Contact Person:	Paul D. LaRock
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-0093
Email:	Paul.LaRock@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1200-03-29	Light-Duty Motor Vehicle Inspection and Maintenance
Rule Number	Rule Title
1200-03-29-.01	Purpose
1200-03-29-.12	Area of Applicability

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/products/division-publications/rulemaking-guidelines>.

Chapter 1200-03-29
Light-Duty Motor Vehicle Inspection and Maintenance

Amendments

The Table of Contents to Chapter 1200-03-29 Light-Duty Motor Vehicle Inspection and Maintenance is amended by deleting the title to Rule 1200-03-29-.01 Purpose and replacing it with "Purpose and Applicability" and deleting the title to Rule 1200-03-29-.12 Area of Applicability and replacing with "Reserved" so that as amended the table of contents shall read:

1200-03-29-.01 Purpose <u>and Applicability</u>	1200-03-29-.07 Motor Vehicle Emissions Performance Test Methods
1200-03-29-.02 Definitions	
1200-03-29-.03 Motor Vehicle Inspection Requirements	1200-03-29-.08 Motor Vehicle Anti-Tampering Test Methods
1200-03-29-.04 Exemption From Motor Vehicle Inspection Requirements	1200-03-29-.09 Motor Vehicle Inspection Program
1200-03-29-.05 Motor Vehicle Emission Performance Test Criteria	1200-03-29-.10 Motor Vehicle Inspection Fee
1200-03-29-.06 Motor Vehicle Anti-Tampering Test Criteria	1200-03-29-.11 Waiver Provisions
	1200-03-29-.12 <u>Area of Applicability Reserved</u>

Authority: T.C.A. §§ 55-4-130, 68-201-101 et seq. and 4-5-201 et seq.

Rule 1200-03-29-.01 Purpose is amended by deleting it in its entirety and substituting instead the following:

1200-03-29-.01 Purpose and Applicability

- (1) The purpose of this ~~Chapter~~ chapter is to reduce the air pollution produced by the operation of light-duty motor vehicles.
- (2) This chapter shall apply in the following areas of Tennessee as designated by the Tennessee Air Pollution Control Board:
 - (a) Davidson County
 - (b) Hamilton County
 - (c) Rutherford County
 - (d) Sumner County
 - (e) Williamson County
 - (f) Wilson County
- (3) For the counties specified in paragraph (2) of this rule, the requirements of this chapter shall become effective as follows:
 - (a) For EPA designated nonattainment counties classified as Basic, the effective date is April 1, 2006.
 - (b) For EPA designated nonattainment counties with an EPA approved Early Action Compact classified as Basic, the effective date is April 1, 2005.
 - (c) For EPA designated nonattainment areas classified as Marginal, the effective date is July 1, 2005.

~~(d) For EPA designated nonattainment areas classified as Moderate, the effective date is April 1, 2007.~~

~~(4) For the counties specified in paragraph (2) of this rule, the requirements of this chapter shall remain in effect until 120 days following EPA final approval of State Implementation Plan revisions eliminating the requirement for Light-Duty Motor Vehicle Inspection programs in the State of Tennessee; provided, however, that if on this date a contract exists between the department and a contractor providing inspection and maintenance services, the requirements of this chapter shall continue to apply until the contract's termination or expiration.~~

~~(5) If the requirement for a Light-Duty Motor Vehicle Inspection Program is eliminated from the State Implementation Plan, Davidson County having had a local air pollution control program and implemented its own inspection and maintenance program before May 15, 2018, and having been authorized by the governing body within 30 days of May 15, 2018, can continue its own inspection and maintenance program. The dates of applicability, technical guidelines, enforcement, and fees for county- or municipality-specific vehicle inspection programs that are not required by the State or EPA will be determined by Davidson County.~~

Authority: T.C.A. §§ 55-4-130, 68-201-101 et seq. and 4-5-201 et seq.

Rule 1200-03-29-.12 Area of Applicability is amended by deleting it in its entirety and substituting instead the following:

1200-03-29-.12 ~~Area of Applicability Reserved~~

~~(1) Chapter 1200-03-29 shall apply in the following areas of Tennessee as designated by the Tennessee Air Pollution Control Board:~~

~~(a) Davidson County~~

~~(b) Hamilton County~~

~~(c) Rutherford County~~

~~(d) Sumner County~~

~~(e) Williamson County~~

~~(f) Wilson County~~

~~(2) For the counties specified in paragraph 1200-03-29-.12 (1), the requirements contained in this Chapter shall become effective as follows:~~

~~(a) For EPA designated nonattainment counties classified as Basic, the effective date is April 1, 2006.~~

~~(b) For EPA designated nonattainment counties with an EPA approved Early Action Compact classified as Basic, the effective date is April 1, 2005.~~

~~(c) For EPA designated nonattainment areas classified as Marginal, the effective date is July 1, 2005.~~

~~(d) For EPA designated nonattainment areas classified as Moderate, the effective date is April 1, 2007.~~

~~(e) For counties that would like to volunteer to implement a vehicle inspection and maintenance program, the startup date will be determined by the County and the Tennessee Air Pollution Control Board.~~

Authority: T.C.A. §§ 55-4-130, 68-201-101 et seq. and 4-5-201 et seq.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Ronné Adkins Commissioner's Designee, Dept. of Environment and Conservation					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Karen Cisler Environmental Interests					
Stephen Gossett Working for Industry with technical experience					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Richard Holland Working for Industry with technical experience					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Ken Moore Working in Municipal Government					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
Amy Spann, PE Registered Professional Engineer					
Greer Tidwell, Jr. Conservation Interests					
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 06/10/2020, 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: 12/19/19

Rulemaking Hearing(s) Conducted on: (add more dates). 02/13/20

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Agency/Board/Commission: Air Pollution Control Board

Rule Chapter Number(s): Chapter 1200-03-29

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

Herbert H. Slatery, III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

There were no public comments received during the comment period.

Regulatory Flexibility Addendum

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

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

The rule establishes a change to the applicability of the testing program should the Division of Air Pollution Control receive approval for the elimination of the State Implementation Plan requirement for vehicle emissions testing in the State of Tennessee. The Division of Air Pollution Control was required by State legislative action to complete the 110(l) Non-interference Demonstration analysis of the potential impact of removal of the emissions testing program from all Tennessee counties. The applicability changes for the testing program will only be implemented with EPA approval of the 110(l) demonstrations. If EPA approves the 110(l) demonstration, the requirement for vehicle emission testing programs in Tennessee will be removed. This will negatively impact jobs and revenue for the emissions testing vendor. Small businesses and the general population in the counties that require emissions testing will benefit by removal of the time and cost associated with undergoing vehicle emissions testing.

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

There are no reporting, recordkeeping or other administrative costs associated with this rule change.

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

This will negatively impact jobs and revenue of for the emissions testing vendor. Other small businesses and the general population in the counties that require emissions testing will benefit by removal of the time and cost of associated with undergoing vehicle emissions testing. However, the rule change will have no impact on small businesses or consumers unless the EPA approve the elimination of the program from the State Implementation Plan.

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

There are no known less burdensome, less intrusive, or less costly alternatives to this rule change.

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

No analysis of state or federal counterparts was completed, as this rule change is required as a part of legislative action by the state of Tennessee.

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

There is no benefit from any type of small business exemption from this rule.

Impact on Local Governments

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

The Board anticipates that these amendments will have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

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

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

On May 15, 2018, Public Chapter No. 953 became effective in Tennessee. Public Chapter No. 953 provides that “no inspection and maintenance program shall be employed in this state on or after the effective date of this act.” The law also provides that the requirement for a light-duty motor vehicle inspection/maintenance (I/M) program will end after the Environmental Protection Agency (EPA) approved a State Implementation Plan (SIP) revision removing the I/M program. Public Chapter No. 953 allows any county with a local air pollution control program to implement or continue its own I/M program. Davidson County was the only county to do so, and can, therefore, continue its own inspection and maintenance program. These modifications to Chapter 1200-03-29 allow for the removal of I/M programs in the State of Tennessee following proper EPA approval of the SIP revision.

- (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;

These modifications to Chapter 1200-03-29, which allow for the removal of I/M program, are made pursuant to the amendments to Tenn. Code Ann. Title 68, Chapter 201, Part 11 and Title 55, Chapter 4, Part 104, and as specifically set forth in Section 3 of Public Chapter No. 953, which became effective on May 15, 2018.

- (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;

As a standalone rule change, this rule change has no impact on the structure or implementation of the vehicle emissions program. However, should the EPA approve the 110(l) Non-interference Demonstration report for the removal of the emissions testing program, the combined 110(l) approval and rule change will eliminate the requirement for vehicle emissions testing the State of Tennessee. The elimination of the vehicle testing programs will have a negative financial impact on the emissions testing vendor and the Division of Air Pollution Control. Other small businesses and the general population in the counties that require emissions testing will benefit by removal of the time and cost of associated with undergoing vehicle emissions testing.

- (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.

- (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;

As a stand-alone rule change, this rule will not have an impact on revenues and expenditures. However, the rule change in collaboration with the approval for elimination of the vehicle emissions testing program from the State Implementation Plan would result in the loss of approximately \$1.8 million in revenue from the Division of Air Pollution Control. The revenue loss was discussed as part of the legislative actions.

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

Paul LaRock and Greg Riggs
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243

Paul.LaRock@tn.gov
Greg.Riggs@tn.gov

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

Blair Beaty
Legislative Liaison
Office of General Counsel

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

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-1965
Blair.Beaty@tn.gov

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

Economic Impact Statement [Tenn. Code Ann. § 4-33-104(b)]

- (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.

On May 15, 2018, Public Chapter No. 953 became effective in Tennessee. Public Chapter No. 953 provides that “no inspection and maintenance program shall be employed in this state on or after the effective date of this act.” The law also provides that the requirement for a light-duty motor vehicle inspection/maintenance (I/M) program will end after the Environmental Protection Agency (EPA) approved a State Implementation Plan (SIP) revision removing the I/M program. Public Chapter No. 953 allows any county with a local air pollution control program to implement or continue its own I/M program. Davidson County was the only county to do so, and can, therefore, continue its own inspection and maintenance program. These modifications to Chapter 1200-03-29 allow for the removal of I/M programs in the State of Tennessee following necessary EPA approval of the SIP revision. The actions of this rule change put into place the proper mechanisms for appropriate actions should EPA approve the SIP and keep the current structure of the emissions testing program in the event that the SIP revision not receive EPA approval.

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

This rule is in response to legislation passed and signed into law. It is the most efficient and cost-effective method for achieving the required goals.

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

Cost is not a factor in moving forward with this rule. These actions were required by State law.

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

The actions of this rule are the most efficient allocations of resources to meet the requirements of the legislative actions

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

The completion of this rule has no direct impact on the emissions testing program in the State of Tennessee. The rule change is impactful only with the EPA approval of the 110(l) Non-interference Demonstration, which would result in the elimination of vehicle emissions testing requirements 120 days

after EPA approval.

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

There will be no impactful cost of living change associated with this rule amendment.

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

While the rule change would not directly impact employment in the areas where emissions testing is required, the potential for removal of the emissions testing program does result in job losses for the emission testing vendor. It is estimated the elimination of the testing program would result in the loss of approximately 70 part-time or full-time jobs.

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

This rulemaking is being processed 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.

Small businesses and citizens in the counties that currently require emissions testing will bear a direct benefit of not having to spend the time and money associated with the annual emissions testing program. As stated previously, the emissions testing vendor will bear the most direct negative impact in terms of job and revenue losses.

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
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For Department of State Use Only

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:	Paul D. LaRock
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-0093
Email:	Paul.LaRock@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.01	Construction Permits
1200-03-09-.02	Construction and Operating 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/products/division-publications/rulemaking-guidelines>.

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Subparagraph (h) of paragraph (1) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (h) The Department shall on a monthly basis notify the public via electronic notice on the Department's website of the applicants seeking to obtain a permit to construct or modify an air contaminant source. The notice shall specify the general vicinity or location of the proposed source or modification, the type of source or modification, and opportunity for public comment. Comments shall be in writing and submitted by U.S. mail or by email to the Technical Secretary within 30 days after the date of public notice. Unless otherwise specified in the general permit, the requirements of this subparagraph are considered to be met for notices of intent for general permits as described in Rule 1200-03-09-.06 by monthly publication on the Department's website of a list of applicants for coverage under a general permit for construction or modification of an air contaminant source.

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

Subpart (vi) of part 7 of subparagraph (a) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (vi) If the Technical Secretary rescinds a permit under this paragraph, the public shall be given adequate notice of the rescission. Electronic notification of an announcement of permit rescission on the Department's website within 60 days of the rescission shall be considered adequate notice.

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

Subpart (iii) of part 2 of subparagraph (l) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (iii) Notify the public via electronic notice on the Department's website of the application, the preliminary determination, the degree of increment consumption that is expected from the proposed source construction or modification, and the opportunity for comment at a public hearing as well as written public comment. The notice shall be available for the duration of the public comment period and shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit, and how to request and/or attend a public hearing on the draft permit.

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

Item (III) of subpart (viii) of part 2 of subparagraph (b) of paragraph (5) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (III) If the Technical Secretary rescinds a permit under this subparagraph, the public shall be given adequate notice of the rescission. Electronic notice of an announcement of rescission on the Department's website within 60 days of the rescission shall be considered adequate notice.

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

Item (III) of subpart (i) of part 3 of subparagraph (b) of paragraph (5) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (III) Electronic notice on the Department's website of the source information and analysis specified in Item (I) of this subpart. Should newspaper publication of the notice be deemed necessary by the Technical Secretary, the applicant shall bear the cost of publishing such publication in a newspaper of general circulation in the area where the source is located. The electronic notice shall be available for the duration of the public comment period and any notice under this item shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit, and how to request and/or attend a public hearing on the draft permit.

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

Item (I) of subpart (i) of part 8 of paragraph (f) of paragraph (11) of Rule 1200-03-09-.02 Construction and Operating Permits is amended by deleting it in its entirety and substituting instead the following:

- (I) Notice shall be given via electronic notice on the Department's website or by other means designated by the Technical Secretary if necessary to assure adequate notice to the affected public. Should newspaper publication of the notice be deemed necessary the applicant shall bear the expense of publishing the newspaper notice in a newspaper of general circulation in the area where the source is located. The electronic notice shall be available for the duration of the public comment period and any notice under this item shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit, and how to request and/or attend a public hearing on the draft permit. Notice shall also be given by the Technical Secretary to persons on a mailing list who meet the following criteria:
 - I. Such persons shall request to be on the list in writing on an annual basis.
 - II. Such persons shall pay a fee of \$10.00 per year to the Department to defray the cost of postage and handling and list management.

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

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Ronné Adkins Commissioner's Designee, Dept. of Environment and Conservation					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Karen Cisler Environmental Interests					
Stephen Gossett Working for Industry with technical experience					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Richard Holland Working for Industry with technical experience					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Ken Moore Working in Municipal Government					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
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 06/10/2020, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/15/19

Rulemaking Hearing(s) Conducted on: (add more dates). 10/08/19

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.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

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

Comment: Federal Environmental Protection Agency (letter) – requested clarification that the electronic posting would remain on the Division web site for the duration of the comment period.

Response: Appropriate modifications to the rule were made to clarify the duration of posting.

Comment: Federal Environmental Protection Agency (letter) – Suggested further rule changes to expand electronic notice to other permitting activities.

Response: This will be addressed in future rulemaking actions.

Regulatory Flexibility Addendum

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

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

The proposed rule changes the method used by the Division of Air Pollution Control when giving public notice of permitting actions by giving notice to the public of permitting actions through TDEC's website instead of requiring the department to publish notice in a newspaper, unless newspaper notice is determined to be specifically required. If newspaper notice is required, the applicant would bear the cost of such publication. As such, the rule change will result in reducing the cost of issuing permits, while keeping interested parties informed, and will increase the efficiency of issuing construction permits in more timely manner and most applicants (except those required to engage in newspaper publication) including small businesses, will bear no additional costs as a result of these rules and have the benefit of the increased efficiency. An estimated 175 businesses apply for construction permits per year, and it is estimated that 150 of those businesses are small businesses.

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

The rule change would have no impact on the administrative or record keeping for businesses in the State of Tennessee for most applicants. The Division of Air Pollution Control currently posts all public notices on the Division website. Therefore, the implementation of this rule would not incur additional administrative or reporting costs. Some permit applicants could be required to bear the cost of newspaper publication of a notice, which would result in an increased administrative cost for those applicants.

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

The services of the newspaper publishing industry will no longer be needed to publish construction permit public notices. There is no direct impact to general consumers in the State of Tennessee, as they would still provide notice through the Department's website. In addition, this rule change does provide interested parties with notification of permitting activities for a longer duration than the traditional one-day newspaper advertisement.

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

The rule was proposed to remove a somewhat burdensome and antiquated aspect of the permitting process. There are no less costly or alternative methods for the public notice process.

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

The rule was proposed and drafted to mirror approved Federal Environmental Protection Agency guidance for electronic notification. Many other states have implemented similar electronic notice provisions in compliance with federal guidance.

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

There is no tangible benefit to a small business exemption as the businesses bear no cost for the posting of electronic notices and exemption from notice requirements would prevent the public from having adequate notice of permit applications.

Impact on Local Governments

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

The Board does not anticipate that these amendments will have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

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

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

On October 5, 2016, the Environmental Protection Agency ("EPA") issued a final rule revising its public notice regulations for the New Source Review and Title V permit programs. This final rule removed the mandatory requirement to provide public notice for draft permits and other program actions by newspaper publication and instead provided for the electronic notice (e-notice) of these actions. Following EPA's ruling, the Tennessee Air Pollution Control Board is proposing a series of rule changes to eliminate the requirement of newspaper publishing of public notices for construction permits, permit rescissions, and major source permitting.

Additionally, an April 2012 memorandum from the EPA states the following in regard to New Source Review (NSR) public notice:

[F]or purposes of minor NSR programs and permits, the "prominent advertisement" requirement at 40 CFR 51.161(b)(3) is media neutral. A state program may meet that requirement by using newspapers to publish those notices, or may opt to publish such notices elsewhere as long as it is reasonable to conclude that the public would have routine and ready access to any alternative publishing venues used and the use of the alternative publishing venues is consistent with the state's law or SIP."

- (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;

There is no direct federal law or regulation that mandates promulgation of this rule. However, EPA regulations mandate that the public be provided notice of some air permitting activities. This rule changes the State requirement of a newspaper publication to the federally accepted electronic notification.

- (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;

The business entities most directly impacted by this rule are the newspaper publishers who will not be receiving revenue from the publication of public notices. To a lesser extent, businesses that are applying for a permit will benefit from the rule as the efficiency of permit processing will increase through the elimination of the time associated with preparation and completion of the newspaper publication process. The Division of Air Pollution Control will have a decrease in expenditures from the implementation of the rule.

- (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.

- (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 fiscal impact varies on a year to year basis based on the number of permits that require public notification via newspaper publishing. However, the decrease in expenditures is approximately \$20,000 per year.

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

Paul LaRock and Lacey Hardin
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312 Rosa L. Parks Avenue, 15th Floor

Nashville, Tennessee 37243

Paul.LaRock@tn.gov

Lacey.Hardin@tn.gov

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

Grant Ruhl

Office of General Counsel

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

Office of General Counsel

Tennessee Department of Environment and Conservation

William R. Snodgrass Tennessee Tower

312 Rosa L. Parks Avenue, 2nd Floor

Nashville, Tennessee 37243

(615) 253-5339

Grant.Ruhl@tn.gov

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

Economic Impact Statement [Tenn. Code Ann. § 4-33-104(b)]

- (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 removes the mandatory requirement to provide public notice for draft permits and other program actions by newspaper publication and instead provided for the electronic notice (e-notice) of these actions. Following EPA's ruling and guidance, the Tennessee Air Pollution Control Board is proposing a series of rule changes to eliminate the requirement of newspaper publishing of public notices for construction permits, permit rescissions, and major source permitting. These rules are promulgated under the Board's rulemaking authority under Tenn. Code Ann. § 68-201-105.

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

This rule action is being completed with the primary purpose of cost savings.

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

The implementation of this rule is a direct cost saving measure for the Division of Air Pollution Control as the Division currently pays the cost of newspaper publication as required for some permits. Non-action on this rule would mean the continued expense of newspaper publication.

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

The use of electronic notifications is the most efficient and cost-effective manner to fulfill the public notice requirements of state and federal regulations.

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

The use of electronic notification will expedite the permitting process by eliminating the delay in awaiting the newspaper publication.

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

The rule change will have no impact of 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.

The rule change will have no impact on employment in Tennessee.

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

There are no revenue expenditures associated with this action.

(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.

The rule change would have a positive impact to State of Tennessee revenue as the cost of newspaper publications would not be part of the permitting process. Additionally, businesses in the State of Tennessee would benefit from the rule change due to increased efficiency in the construction permit approval process.

**Department of State
Division of Publications**

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Phone: 615-741-2650
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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:	Paul D. LaRock
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-0093
Email:	Paul.LaRock@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.01	Construction Permits
1200-03-09-.02	Construction and Operating 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/products/division-publications/rulemaking-guidelines>.

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Subparagraph (h) of paragraph (1) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (h) The Department shall on a monthly basis notify the public, ~~by advertisement in a newspaper of general circulation in each air quality control region in which the proposed source or modification would be constructed,~~ via electronic notice on the Department's website of the applicants seeking to obtain a permit to construct or modify an air contaminant source. The notice shall specify the general vicinity or location of the proposed source or modification, the type of source or modification, and opportunity for public comment. Comments shall be in writing and ~~delivered submitted by U.S. mail or by email~~ to the Technical Secretary within ~~thirty (30)~~ days after ~~the publication of~~ the date of public notice. Unless otherwise specified in the general permit, the requirements of this subparagraph are considered to be met for notices of intent for general permits as described in Rule 1200-03-09-.06 by monthly publication on the Department's website of a list of applicants for coverage under a general permit for construction or modification of an air contaminant source.

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

Subpart (vi) of part 7 of subparagraph (a) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (vi) If the Technical Secretary rescinds a permit under this paragraph, the public shall be given adequate notice of the rescission. ~~Publication~~ Electronic notification of an announcement of permit rescission ~~in a newspaper of general circulation in the affected region on the Department's website~~ within 60 days of the rescission shall be considered adequate notice.

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

Subpart (iii) of part 2 of subparagraph (l) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (iii) Notify the public, ~~by advertisement in a newspaper of general circulation in each air quality control region in which the proposed source or modification would be constructed,~~ via electronic notice on the Department's website of the application, the preliminary determination, the degree of increment consumption that is expected from the proposed source construction or modification, and the opportunity for comment at a public hearing as well as written public comment. The notice shall be available for the duration of the public comment period and shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit, and how to request and/or attend a public hearing on the draft permit.

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

Item (III) of subpart (viii) of part 2 of subparagraph (b) of paragraph (5) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (III) If the Technical Secretary rescinds a permit under this subparagraph, the public shall be given adequate notice of the rescission. ~~Publication by the~~

~~Technical Secretary~~ Electronic notice of an announcement of rescission ~~in a newspaper of general circulation in the affected region on the Department's website~~ within 60 days of the rescission shall be considered adequate notice.

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

Item (III) of subpart (i) of part 3 of subparagraph (b) of paragraph (5) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (III) ~~A notice by prominent advertisement in the area affected of the location~~ Electronic notice on the Department's website of the source information and analysis specified in Item (I) of ~~the Sub-part this subpart~~. ~~This notice shall be provided by the source owner or operator. Should newspaper publication of the notice be deemed necessary by the Technical Secretary, the applicant shall bear the cost of publishing such publication in a newspaper of general circulation in the area where the source is located. The electronic notice shall be available for the duration of the public comment period and any notice under this item shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit, and how to request and/or attend a public hearing on the draft permit.~~

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

Item (I) of subpart (i) of part 8 of paragraph (f) of paragraph (11) of Rule 1200-03-09-.02 Construction and Operating Permits is amended by deleting it in its entirety and substituting instead the following:

- (I) Notice shall be given ~~by the applicant by publication in a newspaper of general circulation in the area where the source is located via electronic notice on the Department's website~~ or by other means designated by the Technical Secretary if necessary to assure adequate notice to the affected public. ~~The Should newspaper publication of the notice be deemed necessary the~~ applicant shall bear the expense of publishing the newspaper notice in a newspaper of general circulation in the area where the source is located. The electronic notice shall be available for the duration of the public comment period and any notice under this item shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit, and how to request and/or attend a public hearing on the draft permit. Notice shall also be given by the Technical Secretary to persons on a mailing list who meet the following criteria:
- I. Such persons shall request to be on the list in writing on an annual basis.
 - II. Such persons shall pay a fee of \$10.00 per year to the Department to defray the cost of postage and handling and list management.

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

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Ronné Adkins Commissioner's Designee, Dept. of Environment and Conservation					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants					
Karen Cisler Environmental Interests					
Stephen Gossett Working for Industry with technical experience					
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation					
Richard Holland Working for Industry with technical experience					
Caitlin Roberts Jennings Small Generator of Air Pollution representing Automotive Interests					
Ken Moore Working in Municipal Government					
Dr. Joshua Fu Involved with Institution of Higher Learning on air pollution evaluation and control					
Mike Haverstick Working in management in Private Manufacturing					
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 06/10/2020, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/15/19

Rulemaking Hearing(s) Conducted on: (add more dates). 10/08/19

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.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

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

Comment: Federal Environmental Protection Agency (letter) – requested clarification that the electronic posting would remain on the Division web site for the duration of the comment period.

Response: Appropriate modifications to the rule were made to clarify the duration of posting.

Comment: Federal Environmental Protection Agency (letter) – Suggested further rule changes to expand electronic notice to other permitting activities.

Response: This will be addressed in future rulemaking actions.

Regulatory Flexibility Addendum

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

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

The proposed rule changes the method used by the Division of Air Pollution Control when giving public notice of permitting actions by giving notice to the public of permitting actions through TDEC's website instead of requiring the department to publish notice in a newspaper, unless newspaper notice is determined to be specifically required. If newspaper notice is required, the applicant would bear the cost of such publication. As such, the rule change will result in reducing the cost of issuing permits, while keeping interested parties informed, and will increase the efficiency of issuing construction permits in more timely manner and most applicants (except those required to engage in newspaper publication) including small businesses, will bear no additional costs as a result of these rules and have the benefit of the increased efficiency. An estimated 175 businesses apply for construction permits per year, and it is estimated that 150 of those businesses are small businesses.

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

The rule change would have no impact on the administrative or record keeping for businesses in the State of Tennessee for most applicants. The Division of Air Pollution Control currently posts all public notices on the Division website. Therefore, the implementation of this rule would not incur additional administrative or reporting costs. Some permit applicants could be required to bear the cost of newspaper publication of a notice, which would result in an increased administrative cost for those applicants.

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

The services of the newspaper publishing industry will no longer be needed to publish construction permit public notices. There is no direct impact to general consumers in the State of Tennessee, as they would still provide notice through the Department's website. In addition, this rule change does provide interested parties with notification of permitting activities for a longer duration than the traditional one-day newspaper advertisement.

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

The rule was proposed to remove a somewhat burdensome and antiquated aspect of the permitting process. There are no less costly or alternative methods for the public notice process.

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

The rule was proposed and drafted to mirror approved Federal Environmental Protection Agency guidance for electronic notification. Many other states have implemented similar electronic notice provisions in compliance with federal guidance.

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

There is no tangible benefit to a small business exemption as the businesses bear no cost for the posting of electronic notices and exemption from notice requirements would prevent the public from having adequate notice of permit applications.

Impact on Local Governments

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

The Board does not anticipate that these amendments will have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

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

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

On October 5, 2016, the Environmental Protection Agency ("EPA") issued a final rule revising its public notice regulations for the New Source Review and Title V permit programs. This final rule removed the mandatory requirement to provide public notice for draft permits and other program actions by newspaper publication and instead provided for the electronic notice (e-notice) of these actions. Following EPA's ruling, the Tennessee Air Pollution Control Board is proposing a series of rule changes to eliminate the requirement of newspaper publishing of public notices for construction permits, permit rescissions, and major source permitting.

Additionally, an April 2012 memorandum from the EPA states the following in regard to New Source Review (NSR) public notice:

[F]or purposes of minor NSR programs and permits, the "prominent advertisement" requirement at 40 CFR 51.161(b)(3) is media neutral. A state program may meet that requirement by using newspapers to publish those notices, or may opt to publish such notices elsewhere as long as it is reasonable to conclude that the public would have routine and ready access to any alternative publishing venues used and the use of the alternative publishing venues is consistent with the state's law or SIP."

- (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;

There is no direct federal law or regulation that mandates promulgation of this rule. However, EPA regulations mandate that the public be provided notice of some air permitting activities. This rule changes the State requirement of a newspaper publication to the federally accepted electronic notification.

- (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;

The business entities most directly impacted by this rule are the newspaper publishers who will not be receiving revenue from the publication of public notices. To a lesser extent, businesses that are applying for a permit will benefit from the rule as the efficiency of permit processing will increase through the elimination of the time associated with preparation and completion of the newspaper publication process. The Division of Air Pollution Control will have a decrease in expenditures from the implementation of the rule.

- (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.

- (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 fiscal impact varies on a year to year basis based on the number of permits that require public notification via newspaper publishing. However, the decrease in expenditures is approximately \$20,000 per year.

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

Paul LaRock and Lacey Hardin
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor

Nashville, Tennessee 37243

Paul.LaRock@tn.gov

Lacey.Hardin@tn.gov

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

Grant Ruhl

Office of General Counsel

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

Office of General Counsel

Tennessee Department of Environment and Conservation

William R. Snodgrass Tennessee Tower

312 Rosa L. Parks Avenue, 2nd Floor

Nashville, Tennessee 37243

(615) 253-5339

Grant.Ruhl@tn.gov

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

Economic Impact Statement [Tenn. Code Ann. § 4-33-104(b)]

- (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 removes the mandatory requirement to provide public notice for draft permits and other program actions by newspaper publication and instead provided for the electronic notice (e-notice) of these actions. Following EPA's ruling and guidance, the Tennessee Air Pollution Control Board is proposing a series of rule changes to eliminate the requirement of newspaper publishing of public notices for construction permits, permit rescissions, and major source permitting. These rules are promulgated under the Board's rulemaking authority under Tenn. Code Ann. § 68-201-105.

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

This rule action is being completed with the primary purpose of cost savings.

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

The implementation of this rule is a direct cost saving measure for the Division of Air Pollution Control as the Division currently pays the cost of newspaper publication as required for some permits. Non-action on this rule would mean the continued expense of newspaper publication.

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

The use of electronic notifications is the most efficient and cost-effective manner to fulfill the public notice requirements of state and federal regulations.

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

The use of electronic notification will expedite the permitting process by eliminating the delay in awaiting the newspaper publication.

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

The rule change will have no impact of 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.
- The rule change will have no impact on employment in Tennessee.
- (8) The source of revenue to be used for the action.
- There are no revenue expenditures associated with this action.
- (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.
- The rule change would have a positive impact to State of Tennessee revenue as the cost of newspaper publications would not be part of the permitting process. Additionally, businesses in the State of Tennessee would benefit from the rule change due to increased efficiency in the construction permit approval process.



Department of
**Environment &
Conservation**

Ambient Monitoring Cost Allocation Analysis

Presentation to Air Pollution Control Board
6/10/2020

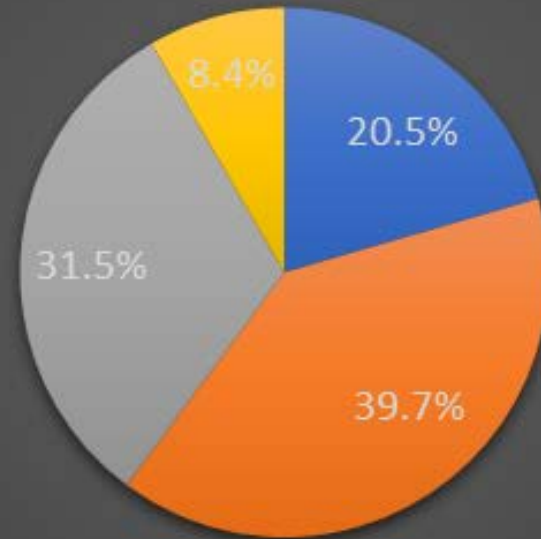
Methodology - Cost

- Developed by Mary-Margaret Chandler
- Percentage of Each Staff Member's Ambient Monitoring time spent on each pollutant (and "other" activity)
 - Ambient Monitoring Program
 - Technical Services Section
 - Quality Assurance Section
 - Total Time for each Staff Member = 100%
 - Field Services Section
 - Also Obtained Percent of Each Staff Member's time Allocated to Ambient Monitoring
 - Total Time for each Staff Member < 100%

Methodology - Cost

- Cost of Each Staff Member Obtained
 - Monthly Salary, Converted to Annual
 - Longevity & Bonus = 3.5% of salary
 - Benefits = 45% of Salary
- % of Time by Pollutant Monitored (PM_{2.5}, Ozone, SO₂, Other) multiplied by Cost of Each Staff Member
- PM_{2.5} Monitoring Cost Adjusted to Exclude Personnel Cost Covered by PM_{2.5} grant (\$215,742)
- Totaled for Each Pollutant
 - Other = Lead, Acid Rain, Ambient Monitoring Program time not allocated to specific pollutant

Percent of Personnel Cost Allocated to Ambient Monitoring Network by Pollutant



■ PM2.5 ■ Ozone ■ SO2 ■ Other

Methodology – Title V/Non-Title V Allocation

- Developed by Jimmy Johnston
- Based on Emissions Inventory Data Supplied by Emissions Inventory Program
 - **2017 State-Wide Emissions Inventory**
 - *Released May, 2020*

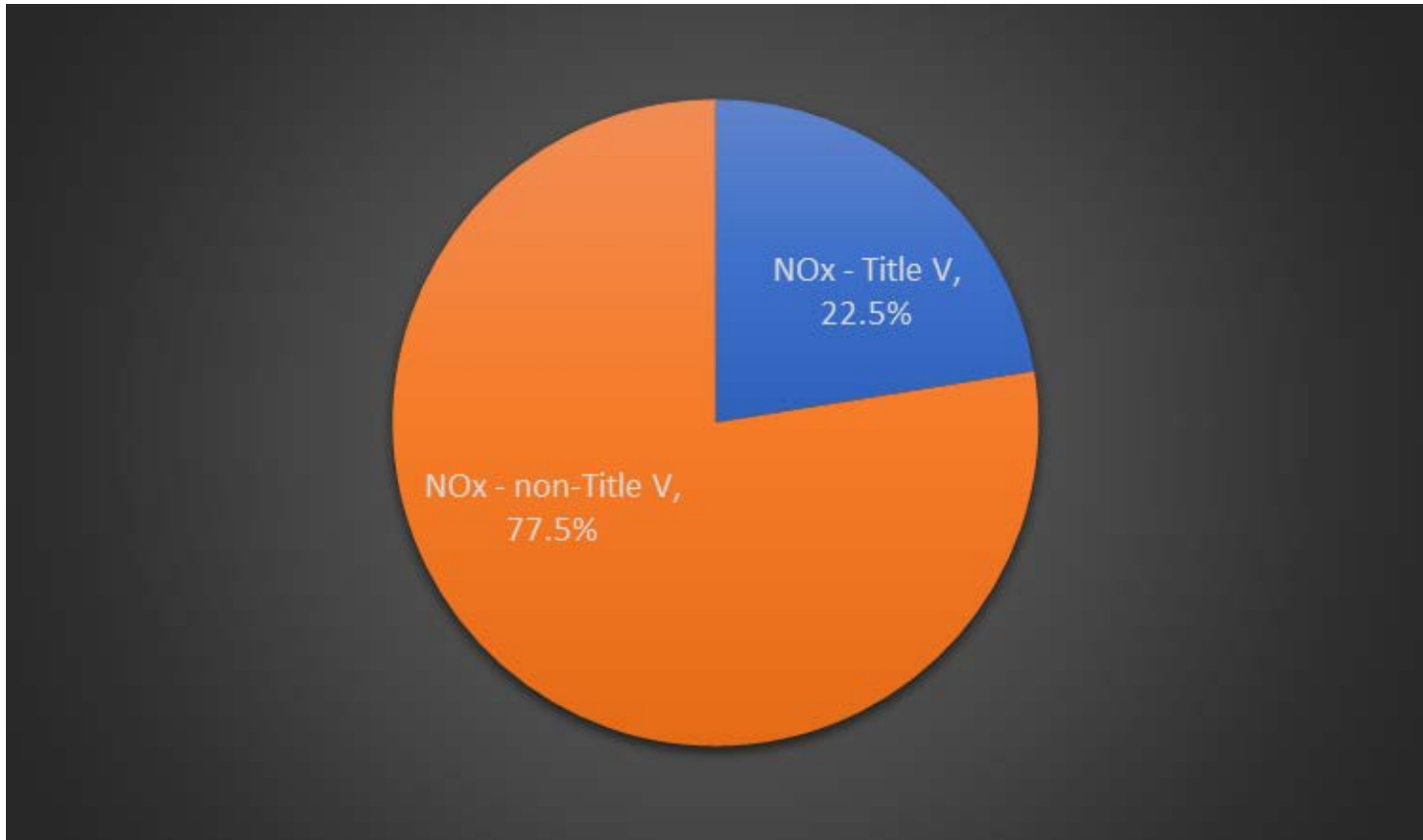
Methodology – Title V/Non-Title V Allocation

- Used Emissions Inventory Data to Estimate What Percent of Ambient Contribution from Title V and Non-Title V
 - Title V = Point
 - Non-Title V = Non-Point, Onroad Mobile, Non-Road Mobile
 - Did not use “Event” or Biogenic Emissions in Analysis
 - Event Emissions - Short-Term Sources such a prescribed fire, wildfire, structure fires, fireworks, dust storms
 - Emitted Pollutants that Contribute Impact/Formation of Each Ambient Pollutant Identified

Ozone

- Due to over-abundance of biogenic VOC in southeast, NO_x is limiting pollutant

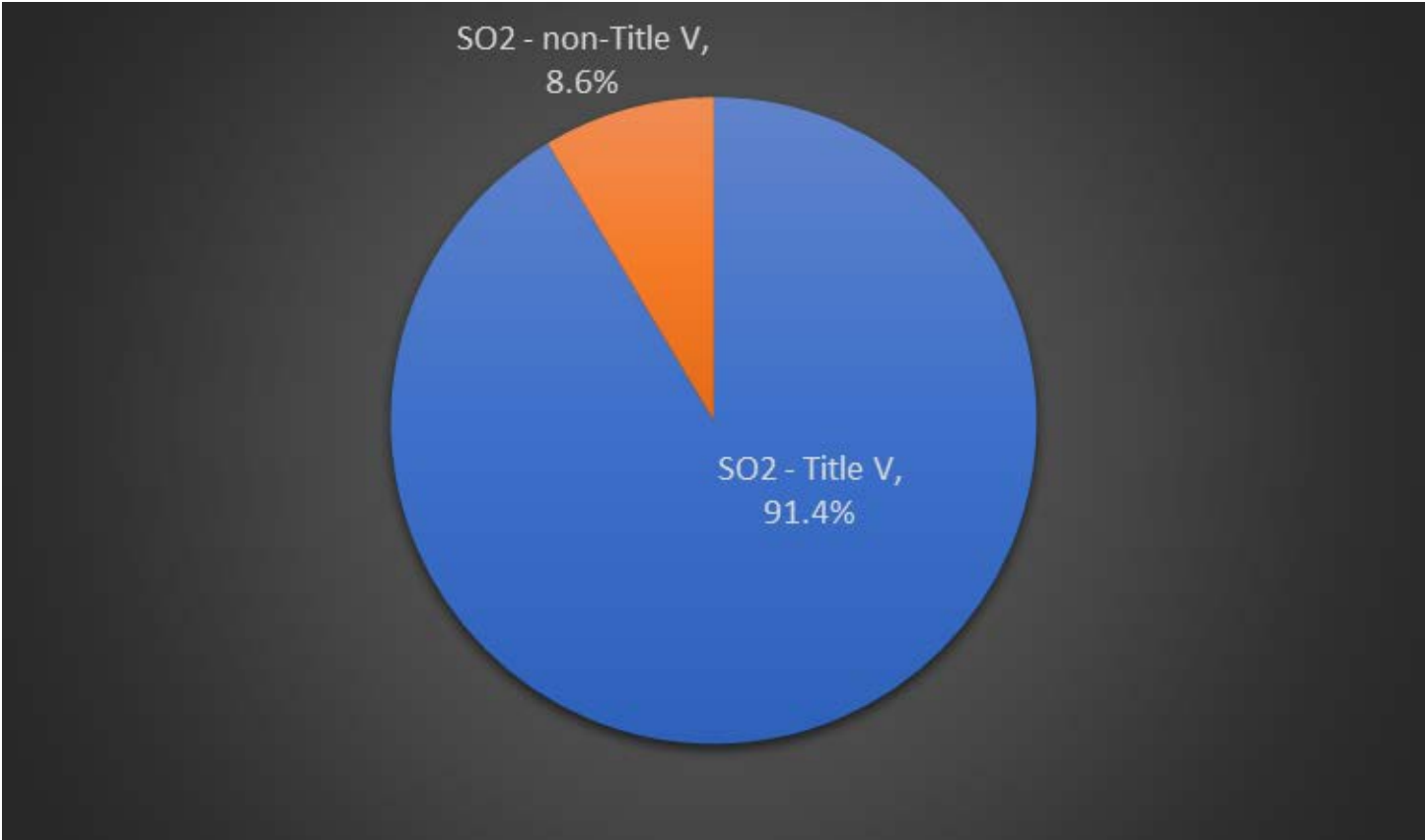
Title V/Non-Title V Contribution for Ozone Formation (NO_x Emissions)



Sulfur Dioxide

- SO₂ is directly emitted

Title V/Non-Title V Contribution SO2 (directly emitted)

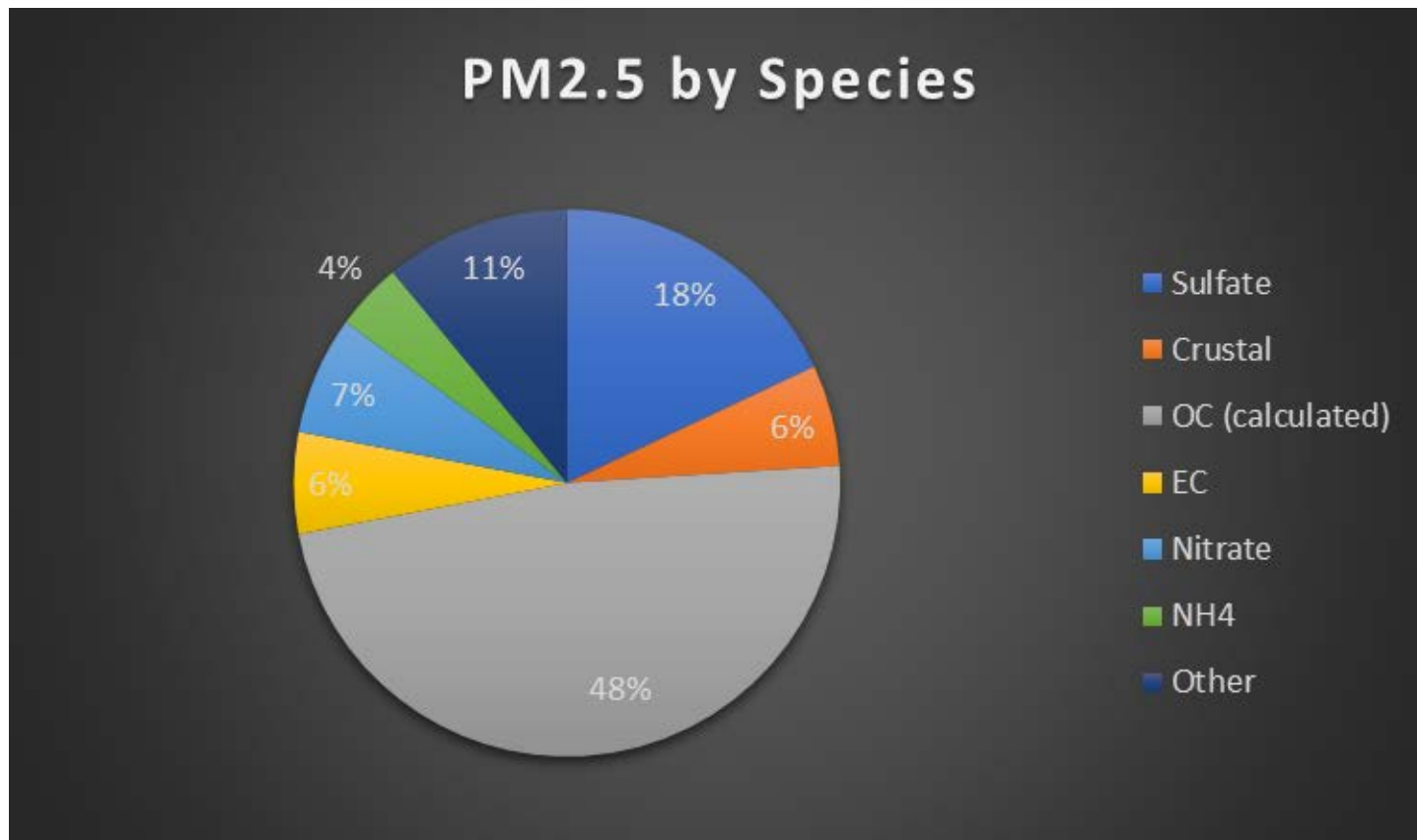


Fine Particulate Matter (PM_{2.5})

- Both Directly Emitted and Formed in Atmosphere
- Many Components
- Data from Three Speciation Monitors in Tennessee

PM_{2.5} Speciation

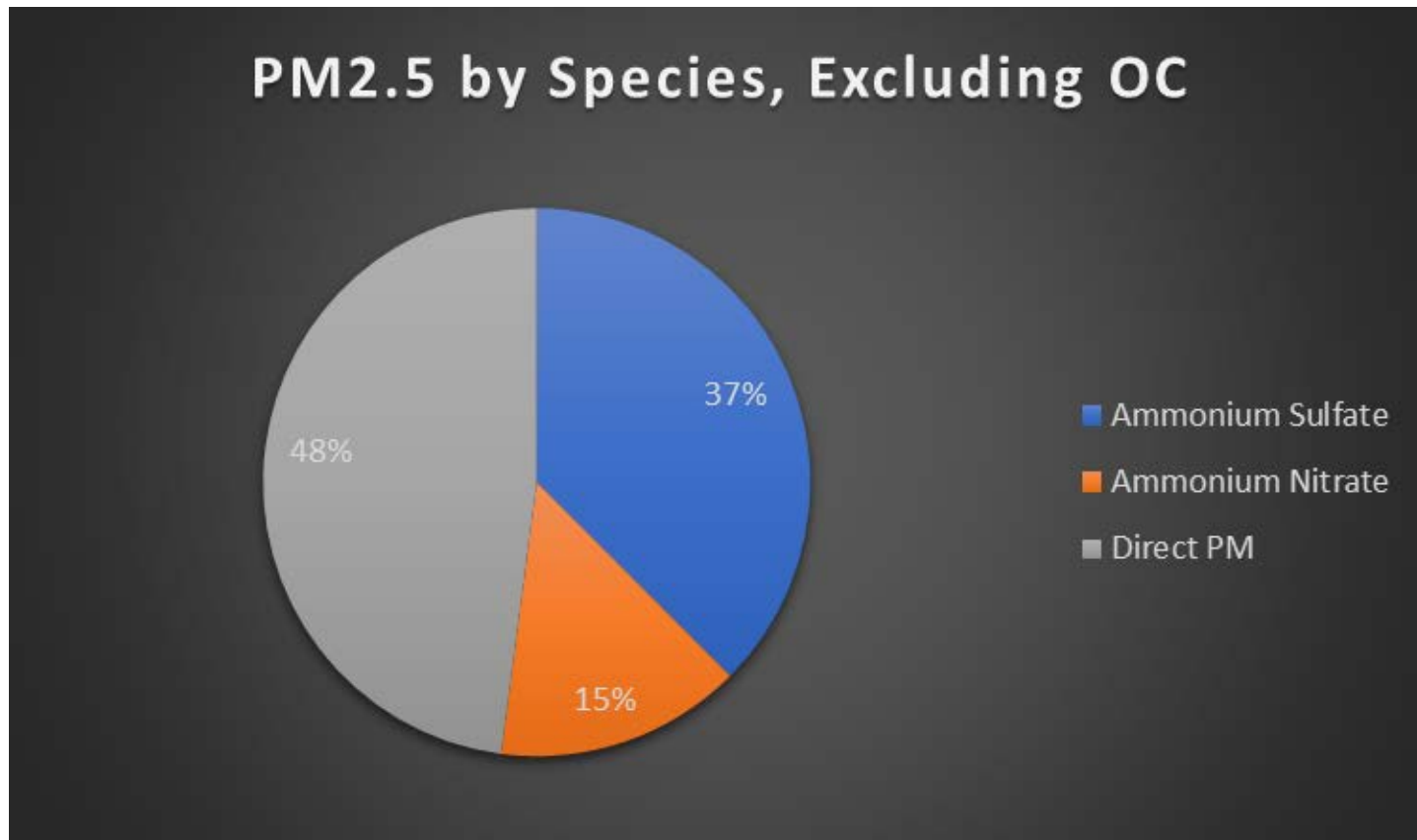
- Data is Average of Three Speciation Monitors in Tennessee



PM_{2.5} Speciation

- Organic Carbon (OC) consists primarily of secondary organic aerosols (SOA) formed from biogenic and anthropogenic VOC emissions. Cannot be accurately attributed to individual sources or sectors.
- Ammonium Ions (NH₄) combine with SO₂ and NO_x to form Ammonium Sulfate ((NH₄)₂SO₄) and Ammonium Nitrate (NH₄NO₃)
- Crustal (i.e., dirt), Elemental Carbon (EC), and “Other” assumed to be directly emitted PM_{2.5}

PM_{2.5} Speciation

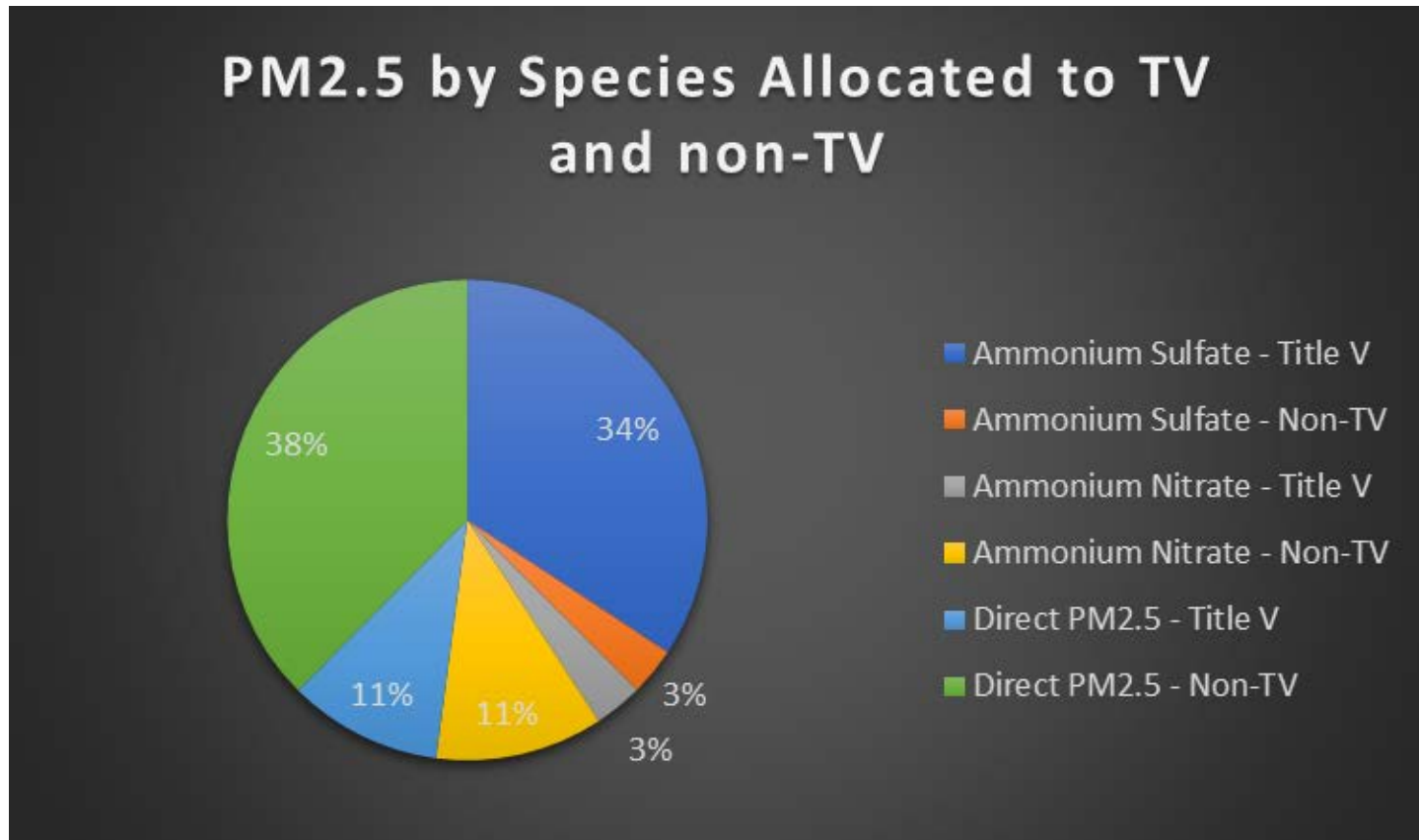


Methodology – Title V/Non-Title V Allocation

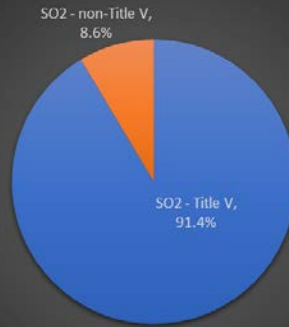
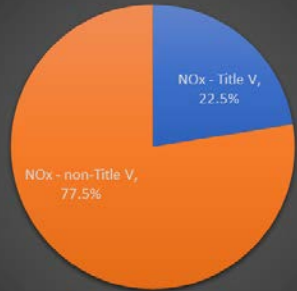
- Determined Percent of Monitored Pollutant Emitted by Title V and non-Title V Sources
 - Use Best Available Emissions Inventory Data

	NOx (tons)	PM2.5 (tons)	SO2 (tons)
Point	49,150	13,382	41,522
Non-Point	47,483	43,753	3186
Onroad Mobile	103,407	2903	678
Non-Road Mobile	18,798	1734	41
Title V (Point)	49,150	13,382	41,522
Non-Title V (everything else)	169,688	48,390	3905

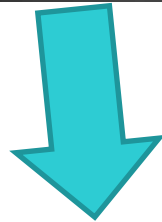
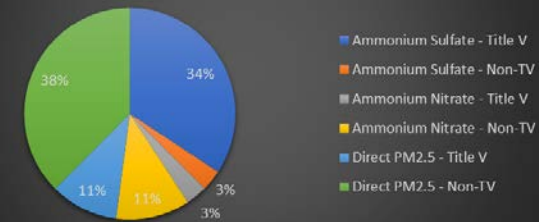
Title V/Non-Title V Contribution PM_{2.5} (weighted average of direct PM_{2.5}, SO₂, and NO_x emissions)



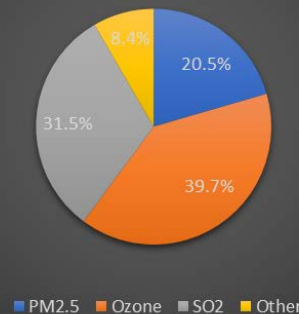
Combined Cost per Pollutant Data and Title V/Non-Title V Data



PM2.5 by Species Allocated to TV and non-TV

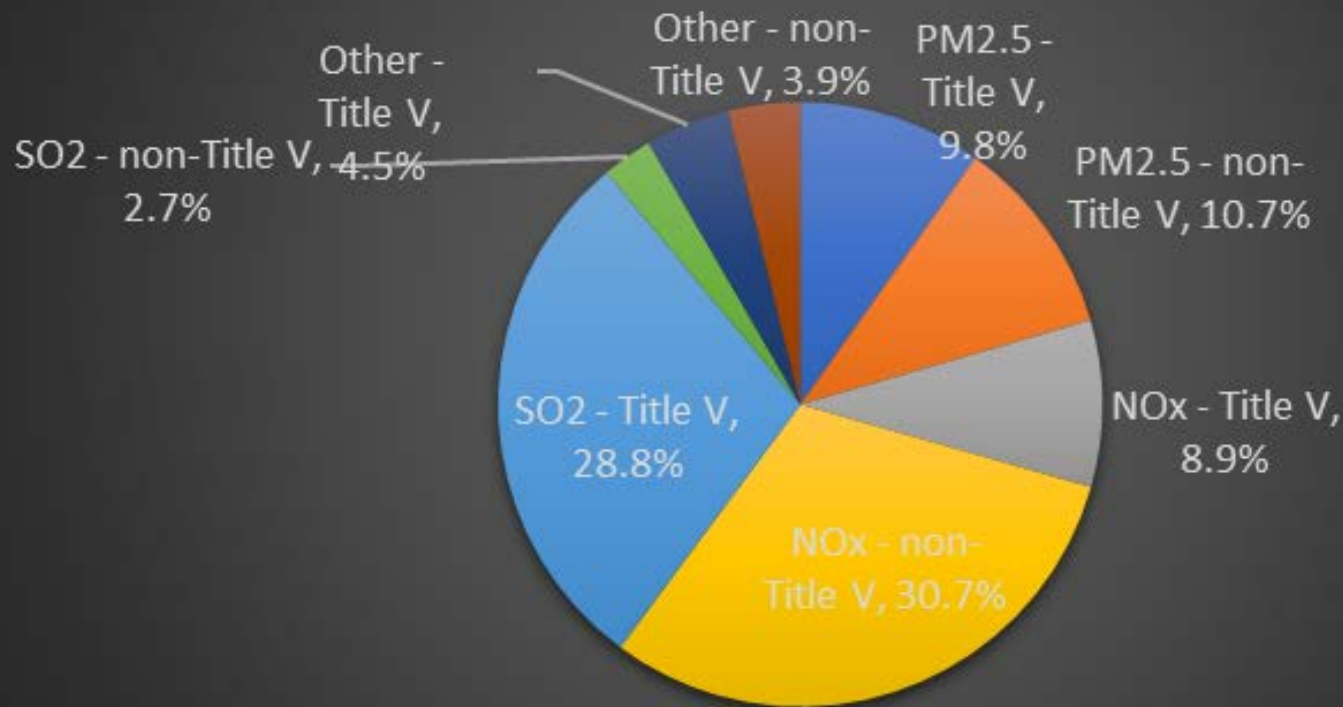


Percent of Personnel Cost Allocated to Ambient Monitoring Network by Pollutant



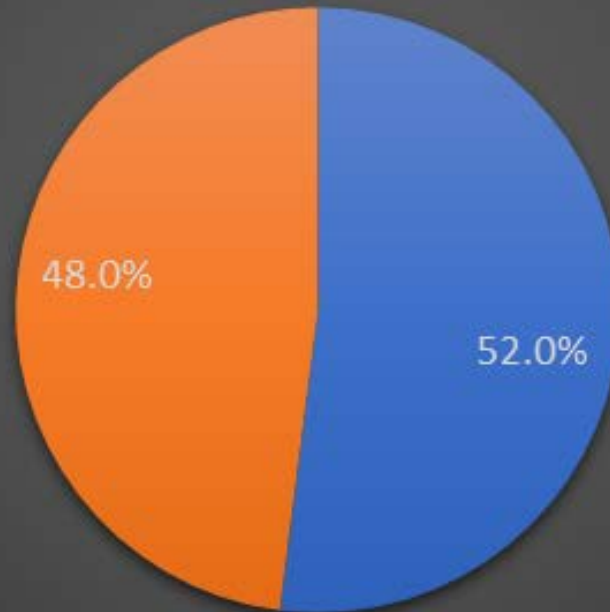
Combined Cost per Pollutant Data and Title V/Non-Title V Data

Percent of Cost Allocated to Ambient Monitoring by Title V and non-Title V



Combined Cost per Pollutant Data and Title V/Non-Title V Data

Percent of Cost Allocated to Ambient Monitoring by Title V and non-Title V



Jimmy Johnston
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TDEC Division of Air Pollution Control
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TM

Questions?



Department of
**Environment &
Conservation**

Title V Inspection Frequency Air Pollution Control Board

June 10, 2020

Topics

- Full Compliance Evaluation
- Mega Sites
- Title V Compliance Rates
- Title V Inspection Time
- Title V Report Reviews
- Title V Complaint History
- Inspection Frequency Adjustments
- Projected Title V Inspection Workload

Full Compliance Evaluation

Full Compliance Evaluation (FCE) is a comprehensive evaluation to assess compliance of the facility as a whole and resulting in a compliance determination.

An FCE should be conducted, at a minimum, once every two Federal fiscal years at all Title V major sources except those classified as mega-sites. For mega-sites, an FCE should be conducted, at a minimum, once every three Federal fiscal years.

Components of a FCE

- A review of all required reports. This includes all monitored data reported to the regulatory agency (e.g. continuous emissions monitoring system (CEM), malfunction reports, excess emission reports, Semi-annual reports, and Annual Compliance Certifications).
- An assessment of control device and process operating conditions as appropriate.
- A visible emission observation as needed
- A review of facility records and operating logs
- An assessment of process parameters
- A stack test where there is no other means for determining compliance with the emission limits

Mega-Sites

- Eight facilities are classified as mega-sites
- During the next Federal year inspection cycle (October 1, 2020 to September 30, 2021), all mega-sites will be inspected on a three year cycle. We will conduct partial compliance evaluations (PCE) on an annual basis so we can complete a FCE by the third year.
- The three year average inspection time associated with all of the mega-sites is **908 hours/year**.

Title V Compliance Rate

Inspection Period*	Title V	Title V Non- Compliance Rate	CM	CM Non-Compliance Rate	TM	TM Non-Compliance Rate
2008-2009	258	9%	385	10%	209	8%
2009-2010	247	9%	373	9%	234	14%
2010-2011	245	18%	370	11%	308	17%
2011-2012	230	20%	369	12%	254	15%
2012-2013	209	15%	358	12%	325	18%
2013-2014	206	24%	349	18%	501	19%
2014-2015	213	17%	339	15%	324	23%
2015-2016	237	17%	324	12%	226	25%
2016-2017	234	19%	329	10%	216	18%
2017-2018	231	26%	327	12%	438	6%
2018-2019	227	13%	343	8%	321	3%
	2537	427- 17%	3866	410-11%	3356	497- 15%

*Inspection Period is October 1 through September 30

Estimating Title V Inspection Annual Workload

In developing the annual workload for the next inspection cycle, the division uses the previous year's Statewide Title V inspection average to project the time allocated for Title V inspections.

- Tennessee has a variety of Title V facilities that range in different degrees of complexity. By using the State Average, we take into consideration the variety of Title V sources located in Tennessee. We understand that the more complex facilities will take longer to inspect.
- The average State-wide inspection time for the 2018-2019 inspection period was 44.9 hours.

Title V Report Reviews

- Field Services reviews semi-annual reports, annual compliance certification, NSPS , NESHAP and MACT reports.

Title V Report Reviews by Field Services Staff



Title V Report Reviews

- Title V facilities are required to submit semi-annual and annual compliance certifications to the Division. The ACC data must be entered in the EPA's database within 60 days of receipt.

Estimated Report Review Time	
Date	Hours
2018-2019	1800.5
2017-2018	1585.5
2016-2017	1326
2015-2016	1388.5
2014-2015	1387
5 year average	1497.5

Complaint Investigation Procedure

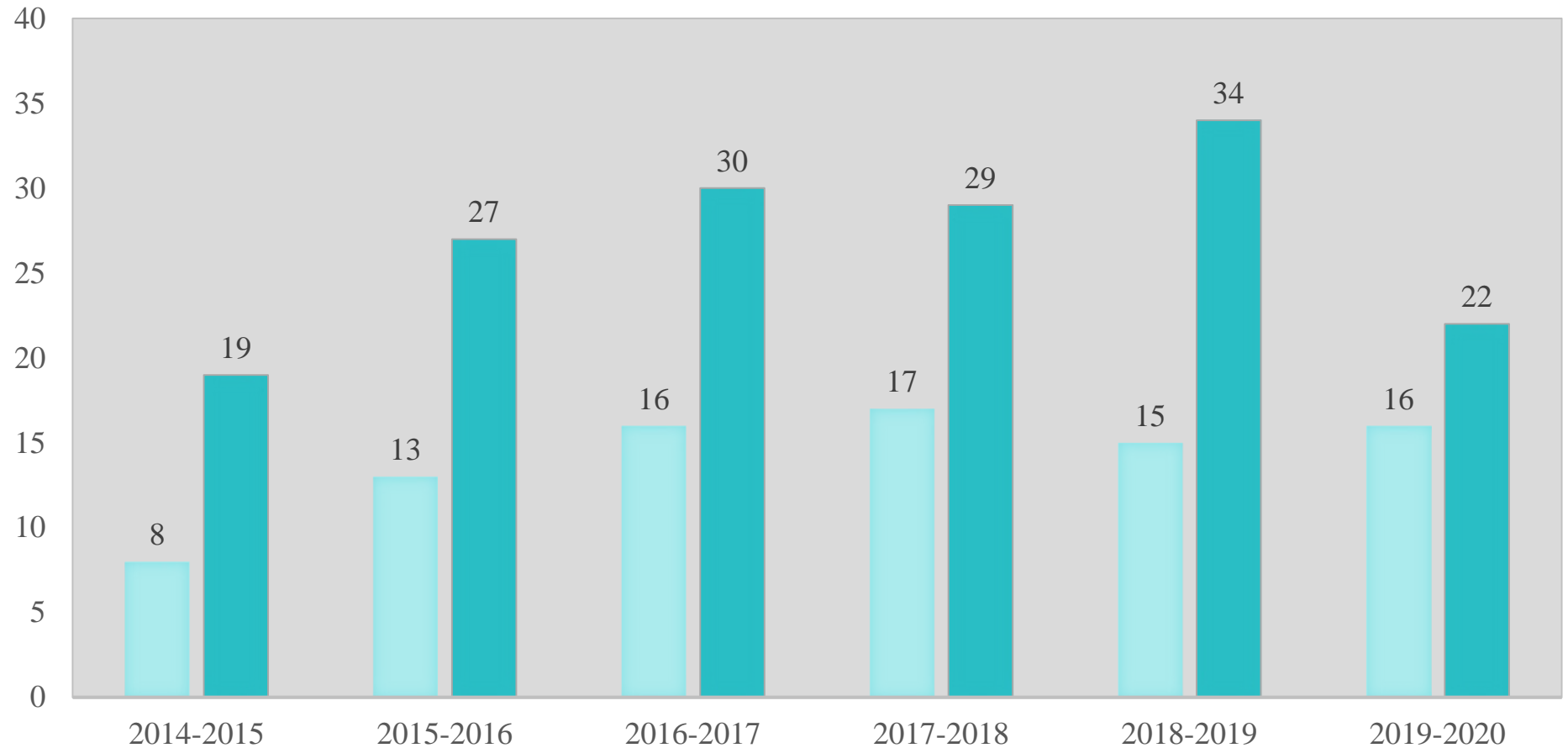
- Within one business day of receipt, Division Air Pollution Control staff enter initial complaint information into the APC database.
- Except during inclement weather or other circumstances beyond the inspector's control, the inspector will initiate investigation of assigned complaint within five business days of receipt by the Division.
- Within fifteen calendar days of the conclusion of the investigation, the inspector will notify known complainants in writing of investigation results, enter all findings into APC database and upload all supporting documentation.

Title V Complaints

TITLE V FACILITY COMPLAINTS

■ # of Title V facilities associated with complaints

■ # of citizen complaints regarding Title V facilities



Inspection Frequency Adjustments

- When we adjust our inspection frequency from an annual basis to a biennial basis on Title V facilities, we will consider the following factors to determine if an on-site inspection is warranted for the next inspection cycle:
 - If the previous year’s work included a Partial Compliance Evaluation, the facility will be on the list as needing a FCE and will require an onsite inspection.
 - If the previous inspection report found the facility to be out of compliance, the facility will be on the list to receive a FCE and an on-site inspection will be done to ensure the non-compliance has been addressed.
 - In moving facilities into the two-year cycle, we will need to ensure a somewhat balanced workload across field offices.

Projected Title V Inspection Workload

Title V Inspection Activities	Estimated Inspection Hours with Inspection Frequency Adjustment Hours/Yr.	Estimated Inspection Hours without Inspection Frequency Adjustment Hours/Yr.
Mega-Site Annual Inspections	908	10192
Scheduled Inspections at half the Title V facilities	4759	
Title V Report Reviews	749	
Unscheduled Inspections at Title V facilities (complaint related)	314	
Total	6730	10192
Estimated Title V FTE/YR associated with Title V Inspections	4.2	6.33

Thank you.





Title V Fee Update

Presentation to Air Pollution Control Board
6/10/2020

Projected FY2022 Expenses

- As Presented in December 11, 2019 Board Meeting
 - \$8,045,164
- Updated Expense Projections
 - \$7.5 Million
 - Reflects
 - Reduced Personnel Expenses for Positions Vacated due to Retirement/Departure and replaced with reduced cost options whenever possible
 - Lower Pay-for-Performance Assumptions
 - Reflects Lower APC General & Administrative Costs that APC has worked towards implementing as well as other reduced costs that APC has some confidence will continue at the lower cost
 - Does not Reflect
 - Reallocation of Title V Expenses to Non-Title V
 - Updated TDEC G&A Expense Estimates
 - Impacts of COVID-19 Pandemic

Projected Revenue

- As Presented in December 11, 2019 Board Meeting
 - \$6,819,868
 - Based on Fee Increase Adopted in 2019 that Increases Fees Due in 2021
- Updated Revenue Projections
 - \$6.8 to \$7.0 Million
- Does Not Account for Possible Impacts of COVID-19 Pandemic
 - Reduction in Actual Emissions for Those That Pay on Actual Emissions or Mix of Actual and Allowable Emissions
 - Sources Changing Fee Basis from Allowable to Actual Emissions
 - See Next Slide for Scenarios Examined by APC

Pandemic Fee Reduction Scenarios Analyzed

- Best Case: Half of Companies drop to zero emissions for two months, then return to normal ~ 10% reduction in fees based on actual emissions
 - Fees Drop from \$6,999,368 to \$6,768,454
- Medium Case: 75% of Companies drop to zero for three months, then return to normal ~ 15% reduction in fees based on actual emissions
 - Fees Drop from \$6,999,368 to \$6,653,447
- Worst Case: 80% of Companies drop to zero for four months, then return to normal ~25% reduction in fees based on actual emissions
 - Fees Drop from \$6,999,368 to \$6,424,492
- All Scenarios Assume
 - Sources do not Change from Allowable to Actual or Mixed
 - Sources at 4000 ton/yr Cap Remain at Cap

Reserve

- As Presented in December 11, 2019 Board Meeting
 - Projected **Ending FY2020 Reserve** (6/30/2020) of \$1,000,000
- Reserve Projected Ending FY2020 Reserve
 - \$2,311,395 as of May 1, 2020
 - Projected End of FY2020 Reserve - \$1.6 Million
 - Increased Reserve Due to
 - Equipment, Supplies, and Other Ambient Monitoring Expenses Paid with Project Restore Funds (will return as ongoing business costs in FY 21)
 - Retirements/Departures replaced with reduced cost options whenever possible
 - Delays in Filling Recent Vacancies
 - Lower than Expected APC G&A

Questions

- How should APC predict the impact of the pandemic on Title V emissions/fee receipts?
- How long should APC project the financial impact of pandemic to last?
 - The scenarios presented assume a one year reduction, should APC be projecting a multi-year reduction to emissions/fee receipts?
- Is the Title V reserve sufficient to handle the financial impact of a pandemic?
- Should APC conduct stakeholder outreach and prepare a fee rulemaking for the Board to consider a Title V fee increase for 2022?

Jimmy Johnston
Deputy Director
TDEC Division of Air Pollution Control
james.johnston@tn.gov
615-253-7319



Questions?

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To: Michelle Owenby,
 Director
 From: Marc Corrigan
 Date: April 29, 2020

Subject: Air Board Questions Regarding Nonpoint Emissions in Anderson County

At the January Air Board meeting, Board members asked about the emissions inventory included in the Limited Maintenance Plan (LMP) for the 1997 8-hour Ozone NAAQS for the greater Knoxville area. Specifically, the Board noticed that nonpoint emissions in Anderson County appeared to be disproportionately higher than those in the other counties. Additionally, unlike most of the other counties, emissions in Anderson County in the nonpoint sector increased significantly for oxides of nitrogen (NOx). Also, Anderson County was noted as appearing to have disproportionately large volatile organic compound (VOC) emissions as compared to the other counties.

Tables two and three from the LMP are included below. The values in question are highlighted.

Table 1. Knoxville Area Oxides of Nitrogen Emissions in 2014 and 2028.

	Fire		Nonpoint		Nonroad		Onroad		Point		Total	
	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028
County	----- tons/summer day NOx -----											
Anderson	-	0.00	1.70	4.39	0.81	0.47	5.35	1.29	4.93	6.69	12.79	12.84
Cocke	0.00	0.02	0.39	0.37	0.41	0.28	3.34	1.21	0.09	0.04	4.22	1.91
Jefferson	-	-	0.56	0.62	1.05	0.74	7.97	3.04	0.00	0.08	9.58	4.47
Loudon	-	-	0.64	0.84	0.77	0.49	5.45	2.26	2.31	1.60	9.17	5.18
Sevier	0.09	0.04	0.23	0.31	0.90	0.57	6.05	1.27	0.16	0.12	7.34	2.27
Total:	0.09	0.07	3.52	6.53	3.94	2.55	28.15	9.07	7.49	8.53	43.10	26.68

Table 2. Knoxville Area Volatile Organic Compound Emissions in 2014 and 2028.

	Fire		Nonpoint		Nonroad		Onroad		Point		Total	
	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028	2014	2028
County	----- tons/summer day VOC -----											
Anderson	-	0.00	6.79	5.75	1.85	1.19	3.14	0.70	0.64	0.95	12.42	8.58
Cocke	0.00	0.22	1.67	1.33	2.44	1.45	1.47	0.41	0.31	0.35	5.90	3.53
Jefferson	-	-	2.80	2.23	2.90	1.37	2.57	0.76	0.26	0.16	8.53	4.52
Loudon	-	-	2.03	1.96	1.93	1.09	2.08	0.71	4.55	1.61	10.60	5.37
Sevier	1.43	0.45	2.76	3.11	6.72	4.25	3.31	0.89	0.03	0.02	12.80	8.27
Total:	1.43	0.67	16.05	14.38	15.85	9.34	12.56	3.46	5.79	3.08	50.25	30.26

As noted by Mr. LaRock at the Board meeting, these values were provided by EPA for states to utilize in developing their LMPs. The 2014 emissions were summarized by EPA from the 2014 National Emissions Inventory (NEI). Future year estimates (2028) were grown by EPA from a modeling platform developed from the 2011 NEI using a variety of growth factors and methods. The methods used by EPA in developing the 2028 inventory are summarized in a Technical Support Document: *Technical Support Document (TSD) Updates to Emissions Inventories for the Version 6.3, 2011 Emissions Modeling Platform for the Year 2028*. This document is available at: https://www.epa.gov/sites/production/files/2017-11/documents/2011v6.3_2028_update_emismod_tsd_oct2017.pdf.

In reviewing the 2014 NEI annual nonpoint emissions for NOx and VOCs, several contributing factors lend explanation to the observances made by the Air Board.

For NOx, Anderson County appears to have a significant amount of oil and gas exploration and production, while no oil and gas exploration and production was included in the 2014 NEI for the other four counties. For 2014, the NEI reported Anderson County had 265 tons/year NOx from oil and gas exploration and production. This amount was projected to increase in 2028 to about 997 tons/year in Anderson County, while the other four counties were projected to remain at zero tons of emissions from oil and gas production. This is substantiated by the number of oil and gas permits issued by TDEC's Division of Water Resources for each of these counties as shown in the table below.

Oil and Gas Permits in TDEC's Dataviewer.

County	Number of Oil and/or Gas Permits ¹
Anderson	461
Cocke	1
Jefferson	2
Loudon	1
Sevier	2

¹ TDEC Division of Water Resources dataviewer accessed 4/22/20. Values represent the total number of oil and/or gas permits contained in the data viewer.

The Division of Water Resources dataviewer report on oil and gas permits can be accessed at: http://environment-online.state.tn.us:8080/pls/enf_reports/f?p=9034:34300:0::NO::.

Anderson County has a bulk of the bituminous/subbituminous coal use in the nonpoint inventory for industrial applications between the five counties. Additionally, there were significant emissions in Anderson County associated with wood burning for industrial purposes, in excess of 100 tons/year of NOx; more than half of the emissions from wood combustion for industrial purposes in these counties. Anderson County also has a bulk of the residential natural gas usage among the five counties.

For VOCs, like NOx, Anderson County has significant emissions from oil and gas exploration and production while the other counties do not. The NEI estimated for 2014, Anderson County had 1,093 tons/year VOC emissions from oil and gas exploration and production. This amount was forecast to decrease in 2028 to 899 tons/year in Anderson County, and no VOC emissions from oil and gas exploration and

production were included in the other four counties. Anderson County also has a large amount of solvent utilization in the degreasing category, accounting for over 180 tons per year and about 61% of the five-county total in 2014.

Based on review of the annual 2014 NEI, the higher emissions of NO_x and VOCs in Anderson County can be largely attributed to the oil and gas exploration and production activities. The emissions of NO_x from oil and gas exploration and production were projected by EPA to increase significantly in 2028 over 2014 levels. Oil and gas exploration and production in Anderson County accounted for a bulk of the VOC emissions in 2014 and were forecast in 2028 to remain a significant source of VOC emissions.