



(Rule 1200-3-21-.01, continued)

Division 1200-3 or actual emissions shall be used in all other modeling. In addition, the source shall demonstrate that the use of the alternate emission standard will not interfere with the attainment or maintenance of any ambient air quality standard nor violate any applicable ambient air quality standard nor violate any applicable ambient air increment.

- (d) The pollutants involved in the alternate emission standard must be comparable emissions, and no interpollutant trades are allowed. Air contaminant sources subject to the standards in Chapter 1200-3-11 cannot apply the alternate emission standard to hazardous air contaminants. Air contaminant sources subject to emission standards in Chapter 1200-3-16, or Rule 1200-3-9-.01(4) or Rule 1200-3-9-.01(5)(b) cannot use an alternate emission standard, except for reductions in actual emissions below the level required in these rules. Such reduction may be used as credit for existing source. However, all applicable standards and requirements established under Rule 1200-3-9-.01(4), under Chapters 1200-3-11 and 1200-3-16, and according to a lowest-achievement-emission-rate (LAER) determination under Rule 200-3-9-.01(5) must be complied with and are not superseded or replaced by the alternate emission standard.
  - (e) A fee of one thousand dollars (\$1,000.00) for each pollutant for each source to be covered by a certificate has been paid to the Department at the time the application is made to cover the cost of review of the request for the certificate of alternate control.
  - (f) Air contaminant sources utilizing the alternate emission standards: (1) must be in compliance with all applicable emission limits; (2) if not in compliance, must be meeting the requirements in an approved compliance schedule; or (3) if not in compliance, must be subject to a court order which includes a compliance schedule and allows for timely modification of the decree without delaying the final compliance date. Under no circumstances can the alternate emission standard delay or defer a specified compliance date nor shall the certificate insulate the source from any penalties or sanctions for noncompliance or affect the source's liability to comply with any regulations, order, or compliance plan.
  - (g) The provisions of the Emission Trading Policy Statement, *Federal Register*, Vol. 51, No. 233, December 4, 1986, are being satisfied.
- (3) The alternate emission standards and certificate conditions must be subjected to a public hearing and submitted to the EPA for approval as a revision to the State Implementation Plan. The owner or operator requesting this alternate emission control emission standard shall be responsible for all costs associated with publishing the required legal notices.
  - (4) Good engineering practice stack heights shall be utilized on all stack changes associated with the alternate control standards for particulate matter, sulfur dioxide, carbon monoxide, and nitrogen dioxide.
  - (5) The owner or operator of the facility must:
    - (a) Post or file on the operating premises a copy of the certificate of alternative control.
    - (b) Keep all pollution control equipment in good operating condition and utilize said equipment at all times.
  - (6) The certificate of alternate control will be revoked after administrative hearing by the Technical Secretary or the Board if it is found that any of the requirements of paragraph (2) have been violated and/or if any of the requirements of paragraph (5) have been frequently and flagrantly violated after the certificate was issued and/or if violation of the requirements of paragraph (4) and/or conditions placed on their certificate under paragraph (9) are not corrected promptly on written notice.

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- (7) The certificate of alternate control does not relieve the owner or operator of the duty of meeting all emission requirements in other rules for sources commenced after the effective date of the rule.
- (8) Upon revocation of the certificate of alternative control, the sources at the facility must comply with other rules in these regulations that would have been applicable had the certificate not been issued.
- (9) The Technical Secretary shall specify the new emission limits as conditions on the certificate and if other than reference test methods are to be used to determine compliance, these should be specified on the certificate or the operating permit. Other conditions needed to insure and verify compliance may be placed on the certificate as conditions.
- (10) The owner and operator is hereby placed on notice that the certificate shall become void should the Board find it proper to amend the regulations covering any source listed on the certificate if the effect is to reduce the allowable emission of the source. The certificate in this instance shall be deemed void ninety (90) days after receipt of notice from the Technical Secretary of the effective date of the revised regulations.

*Authority:* T.C.A. §§68-201-105 and 4-5-201 et. seq. *Administrative History:* Original rule filed July 25, 1980; effective September 8, 1980. Amendment filed February 4, 1993; effective March 18, 1993.

#### **1200-3-21-.02 APPLICABILITY.**

This chapter applies only to those air contaminant sources which apply for a certificate of alternate control or a revision to a certificate of alternate control after March 18, 1993.

*Authority:* T.C.A. §§68-201-105 and 4-5-201 et. seq. *Administrative History:* Original rule filed February 4, 1993; effective March 18, 1993.