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Division of Publications**

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**For Department of State Use Only**

Sequence Number: 03-15-11  
Rule ID(s): 4932  
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Effective Date: 06/27/2011

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

<b>Agency/Board/Commission:</b>	Environment and Conservation
<b>Division:</b>	Air Pollution Control
<b>Contact Person:</b>	Lacey J. Hardin
<b>Address:</b>	9 <sup>th</sup> Floor L & C Annex 401 Church Street Nashville, Tennessee
<b>Zip:</b>	37243-1531
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. 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

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-09  
Construction and Operating Permits

Amendments

Subpart (i) of part 24 of subparagraph (b) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by adding a new item (XVII) as follows:

- (XVII)  $PM_{2.5}$ : 10 tpy of direct  $PM_{2.5}$  emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a  $PM_{2.5}$  precursor under item 47(i)(III) of this subparagraph.

Part 47 of subparagraph (b) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting the current subpart (i) and replacing it with a new subpart (i) so that, as amended, the new subpart shall read as follows:

- (i) Any pollutant for which a national ambient air quality standard has been promulgated and any pollutant identified under this part as a constituent or precursor to such pollutant. Precursors identified by the Administrator for purposes of NSR are the following:
- (I) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.
  - (II) Sulfur dioxide is a precursor to  $PM_{2.5}$  in all attainment and unclassifiable areas.
  - (III) Nitrogen oxides are presumed to be precursors to  $PM_{2.5}$  in all attainment and unclassifiable areas, unless the State has demonstrated to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient  $PM_{2.5}$  concentrations.
  - (IV) Volatile organic compounds are presumed to be precursors to  $PM_{2.5}$  in any attainment or unclassifiable area, unless the State has demonstrated to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are not a significant contributor to that area's ambient  $PM_{2.5}$  concentrations.

Part 47 of subparagraph (b) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is also amended by adding a new subpart (vi) as follows:

- (vi) Particulate matter (PM) emissions,  $PM_{2.5}$  emissions, and  $PM_{10}$  emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM,  $PM_{2.5}$ , and  $PM_{10}$  in PSD permits. Compliance with emissions limitations for PM,  $PM_{2.5}$ , and  $PM_{10}$  issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable

implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this paragraph unless the applicable implementation plan required condensable particulate matter to be included.

Subpart (vi) of part 4 of subparagraph (c) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is amended by deleting the last sentence so that, as amended, the subpart shall read:

- (vi) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subparts (c)4(iii) through (iv) of this paragraph as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in part (b)24 of this paragraph).

Subpart (iv) of part 6 of subparagraph (d) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is amended by deleting the period at the end of the subpart and adding a semicolon (;) followed by the word "or" so that, as amended, the subpart shall read:

- (iv) The existing air pollutant levels are conservatively estimated to be less than the concentrations listed in subpart (i) of this part, and a monitoring network may not reliably measure the predicted background concentrations; or

Part 6 of subparagraph (d) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is amended by adding a new subpart (v) as follows:

- (v) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in subpart (d)6(i) of this paragraph.

Item (I) of subpart (x) of part 1 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by adding a new subitem VII as follows:

- VII.  $PM_{2.5}$ : 10 tpy of direct  $PM_{2.5}$  emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a  $PM_{2.5}$  precursor under subitem 1(xlix)(III)III of this subparagraph.

Subpart (xlix) of part 1 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by deleting item (III) and replacing it with a new item (III) and a new item (IV) as follows:

- (III) Any pollutant that is a constituent or precursor of a general pollutant listed under items 1(xlix)(I) or (II) of this subparagraph, provided that a constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. Precursors for purposes of NSR are the following:
  - I. Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.
  - II. Sulfur dioxide is a precursor to  $PM_{2.5}$  in all  $PM_{2.5}$  nonattainment areas.
  - III. Nitrogen oxides are presumed to be precursors to  $PM_{2.5}$  in all  $PM_{2.5}$  nonattainment areas, unless the State demonstrates to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are

not a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations.

- IV. Volatile organic compounds and ammonia are presumed not to be precursors to PM<sub>2.5</sub> in any PM<sub>2.5</sub> nonattainment area, unless the State demonstrates to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of volatile organic compounds or ammonia from sources in a specific area are a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations; or
- (IV) PM<sub>2.5</sub> emissions and PM<sub>10</sub> emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> in nonattainment major NSR permits. Compliance with emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the (Tennessee) State Implementation Plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this rule unless the State Implementation Plan required condensable particulate matter to be included.

Subpart (v) of part 2 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by inserting a period after "Offsets", adding language after the period, and adding a new item (XV) so that, as amended, the subpart shall read:

- (v) Emissions Offsets. In meeting the emission offset requirements of this paragraph, the ratio of total actual emissions reductions to the emissions increase shall be at least 1:1 unless an alternative ratio is provided for the applicable nonattainment area in items (III), (IV) and (XIV) of this subpart.
- (I) Prior to the issuance of a permit under this subpart, legally enforceable emission offsets shall be obtained from the same source or other sources in the same non-attainment area, except that such emissions reduction may be obtained from a source in another non-attainment area if:
- I. The other area has an equal or higher non-attainment classification than the area in which the source is located; and,
- II. Emissions from such other area contribute to a violation of an air quality standard in the non-attainment area in which the proposed new or modified source would construct.
- (II) By the time that the new or modified source commences operation, such reductions shall be in place such that the total tonnage of emissions of any applicable non-attainment air contaminant allowed from the proposed new source, or net emissions increase from the modification, shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air contaminant from the same or other sources.
- (III) In meeting the requirements of item (v)(II) of the subpart for ozone non-attainment areas that are subject to subpart 2, part D, title I of the Clean Air Act, the ratio of total actual emission reductions of Volatile Organic

Compounds and/or Nitrogen Oxides to the net emissions increase of Volatile Organic Compounds and/or Nitrogen Oxides shall be as follows:

- I. In any Marginal non-attainment area for ozone - at least 1.1 to 1;
  - II. In any Moderate non-attainment area for ozone - at least 1.15 to 1;
  - III. In any Serious non-attainment area for ozone - at least 1.2 to 1;
  - IV. In any Severe non-attainment area for ozone - at least 1.3 to 1;
  - V. In any Extreme non-attainment area for ozone - at least 1.5 to 1.
- (IV) Within an ozone transport region that is subject to subpart 2, part D, title I of the Clean Air Act, for any area designated for ozone attainment, unclassified, or Marginal non-attainment, the ratio of total actual emission reductions of Volatile Organic Compounds and/or Nitrogen Oxides to net emissions increase of Volatile Organic Compounds and/or Nitrogen Oxides shall be at least 1.15 to 1.
- (V) I. Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in sections IA and B of this item.
- A. Such reductions are surplus, permanent, quantifiable, and federally enforceable.
  - B. The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this paragraph, the Technical Secretary may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.
- II. Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in section IB of this item may be generally credited only if:
- A. The shutdown or curtailment occurred on or after the date the construction permit application is filed; or
  - B. The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of section IA of this item.
- (VI) With respect to a proposed increase in VOC emissions, no emissions credit shall be allowed for reductions in any organic compound specifically excluded from the definitions of "VOC" in this Division 1200-03.

- (VII) Credit for an emissions reduction may be claimed to the extent that the reduction has not been relied on in any permit already issued under regulations approved pursuant to 40 CFR Parts 51, 52, and 70, (July 1, 1993) or the State has not relied on it in demonstrating attainment or reasonable further progress. Incidental emissions reductions which are not otherwise required under the federal Clean Air Act (As amended November 15, 1990) may be credible as emissions reductions for such purposes if such emissions reductions meet the applicable requirements of this part.
- (VIII) Procedures relating to the permissible locations of offsetting emissions shall be followed which are at least as stringent as those set out in 40 CFR Part 51, Appendix S, Section IV.D. (July 1, 1993).
- (IX) Reserved.
- (X) Reserved.
- (XI) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with section 173 of the Federal Clean Air Act shall be determined by summing the difference between the allowable emissions after the modification (as defined by subpart 1(xi) of this subparagraph) and the actual emissions before the modification (as defined in subpart 1(xiii) of this subparagraph) for each emissions unit.
- (XII) Where the emissions limit under this division 1200-03 allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential.
- (XIII) For an existing fuel combustion source, credit shall be based on the allowable emissions under this division 1200-03 for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The Technical Secretary shall ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.
- (XIV) Within an ozone non-attainment area that is subject to subpart 1, part D, title I of the Clean Air Act (but is not subject to subpart 2, part D, title I of the Act, including 8-hour ozone non-attainment areas subject to 40 CFR 51.902(b)), the ratio of total actual emissions reductions of either volatile organic compound or nitrogen oxides to the emissions increase of either volatile organic compounds or nitrogen oxides shall be at least 1:1.
- (XV) In meeting the emissions offset requirements of this subpart for fine particulate matter (PM<sub>2.5</sub>), the emissions offsets obtained shall be for the same regulated NSR pollutant unless interprecursor trading is allowed in the approved State Implementation Plan (SIP) for the affected PM<sub>2.5</sub> nonattainment area. For those nonattainment areas in which interprecursor trading is allowed by the approved SIP, the offset requirements for direct PM<sub>2.5</sub> emissions or emissions of precursors of PM<sub>2.5</sub> may be satisfied by offsetting reductions in direct PM<sub>2.5</sub> emissions or emissions of any PM<sub>2.5</sub> precursor identified under item (b)1(xlix)(III) of

this paragraph if such offsets comply with the interprecursor trading hierarchy and ratio established in the approved SIP for the affected nonattainment area.

Subpart (xvii) of part 2 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by deleting the last sentence so the subpart reads as follows:

- (xvii) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subparts 2(xiv) through (xv) of this subparagraph as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in subpart 1(x) of this subparagraph).

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:

<b>Board Member</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Signature (if required)</b>
Michael Atchison	✓				Michael Atchison
Dr. J. Ronald Bailey				✓	
Tracy R. Carter	✓				Tracy R. Carter
Dr. Brian Christman	✓				Brian Christman
Dr. Wayne T. Davis	✓				Wayne Davis
Dr. Mary English				✓	
Stephen R. Gossett	✓				Stephen R. Gossett
Honorable Mayor Tommy Green, Jr.				✓	
Dr. Shawn A. Hawkins				✓	
Helen S. Hennon	✓				Helen S. Hennon
Richard M. Holland	✓				Richard Holland
John R. Roberts, Sr.	✓				John R. Roberts
Alicia M. Wilson	✓				Alicia Wilson
Honorable Mayor Larry Waters	✓				Larry Waters

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control (board/commission/ other authority) on 12/08/2010 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (09/22/10)

Rulemaking Hearing(s) Conducted on: (add more dates). (11/17/10)



Date: January 12, 2011

Signature: [Handwritten Signature]

Name of Officer: Barry R. Stephens, P.E.

Title of Officer: Technical Secretary

Subscribed and sworn to before me on: January 12, 2011

Notary Public Signature: Malcolm H. Butler

My commission expires on: May 6, 2013

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.

[Handwritten Signature]

Robert E. Cooper, Jr.  
Attorney General and Reporter

3-28-11

Date

**Department of State Use Only**

Filed with the Department of State on: 3/29/11

Effective on: 6/27/11

[Handwritten Signature]

Tre Hargett  
Secretary of State

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PUBLICATIONS

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

**Commenter:** The proposed revision to 1200-03-09-.01(5)(b)2(v)(XV) does not allow emissions of sulfur dioxide or nitrogen oxides (determined by EPA to be precursors to PM<sub>2.5</sub>) to be used as offsets for increases in direct PM<sub>2.5</sub> emissions as allowed by 40 CFR 51.165(a)(11). Eastman believes the SIP should include the option to offset direct PM<sub>2.5</sub> emissions with sulfur dioxide or nitrogen oxide emissions.

**Response:** The Division has revised the proposed rule as follows: In meeting the emissions offset requirements of this subpart for fine particulate matter (PM<sub>2.5</sub>), the emissions offsets obtained shall be for the same regulated NSR pollutant unless interprecursor trading is allowed in the approved State Implementation Plan (SIP) for the affected PM<sub>2.5</sub> nonattainment area. For those nonattainment areas in which interprecursor trading is allowed by the approved SIP, the offset requirements for direct PM<sub>2.5</sub> emissions or emissions of precursors of PM<sub>2.5</sub> may be satisfied by offsetting reductions in direct PM<sub>2.5</sub> emissions or emissions of any PM<sub>2.5</sub> precursor identified under item (b)1(xlix)(III) of this paragraph if such offsets comply with the interprecursor trading hierarchy and ratio established in the approved SIP for the affected nonattainment area.

**Commenter:** On Page 23, item (i)(IV) for the definition of "regulated NSR pollutant", in the last sentence - "...specific area are not a significant contributor..." please revise the sentence so it reads, "...specific area are a significant contributor..."

**Response:** This change has been made.

**Commenter:** The new items (4)(b)24(i)(XVII) and (5)(b)1(x)(I)VII on pages 15 and 60 respectively, reference "40 CFR 51.166 and/or 40 CFR 51.165." We suggest referencing Tennessee's corresponding provision for attainment and nonattainment areas as follows: (XVII)PM<sub>2.5</sub>: 10 tpy of direct PM<sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a PM<sub>2.5</sub> precursor under item 47(i)(III) of this subparagraph. (VII) PM<sub>2.5</sub>: 10 tpy of direct PM<sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a PM<sub>2.5</sub> precursor under subitem 1(xlix)(III)III of this subparagraph.

**Response:** These changes have been made.

**Commenter:** In the Notice of Proposed rulemaking, (bottom of page 4) it states "Subpart (xlix) of part 1 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by deleting item (III) and replacing it with a new item (III) as follows." Please note that a new item (IV) was also added.

**Response:** This was noted at the public hearing.

**Commenter:** On Page 72, item (5)(b)1(xlix)(III)III, for the definition of "regulated NSR pollutant" bottom of the page, please correct the typographical error by changing the second use of the word "areas" to the possessive form "area's".

**Response:** Corrected.

Commenter: On Page 72, item (IV) for the definition of "regulated NSR pollutant", please correct the typographical error by deleting the duplicate "shall not" in the sentence that begins with "Compliance with emissions..."

Response: Corrected.

Commenter: The Chamber supports the comments submitted by Eastman Chemical Company dated November 3, 2010.

Response: See the response to the comments from Eastman Chemical Company.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This rule amendment incorporates the changes required by the United States Environmental Protection Agency to insure that Tennessee can attain and maintain the National Ambient Air Quality Standards for fine particulate matter (PM<sub>2.5</sub>). The PM<sub>2.5</sub> Implementation Rule was promulgated by the EPA on May 16, 2008. Therefore, this rulemaking is exempt from the provisions of the Regulatory Flexibility Act of 2007.

### **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://tn.gov/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department anticipates that these amended rules will not 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 TCA 4-5-226(i)(1).

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

This rule amendment incorporates the changes required by the United States Environmental Protection Agency to insure that Tennessee can attain and maintain the National Ambient Air Quality Standards for fine particulate matter (PM<sub>2.5</sub>). The PM<sub>2.5</sub> Implementation Rule was promulgated by the EPA on May 16, 2008. This amendment defines PM<sub>2.5</sub> precursor and establishes offset requirements for major sources of PM2.5 that wish to construct or modify their sources in a non-attainment area.

- (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;

40 CFR 51.165(a)(2)(i) and (ii) and 40 CFR 51.166(a)(7)(iv). These federal regulations require states to submit State Implementation Plans showing how they will attain and maintain the National Ambient Air Quality Standards. These specific requirements were published in the Federal Register on May 16, 2008.

- (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;

Owners and operators of major sources of air pollution are affected by this rule. Comments received were addressed to the satisfaction of the commenters.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Department 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 is minimal.

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

Lacey J. Hardin  
Division of Air Pollution Control  
9th Floor, L & C Annex  
401 Church Street  
Nashville, Tennessee 37243-1531

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

Alan M. Leiserson  
Legal Services Director  
Department of Environment and conservation

- (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  
Department of Environment and conservation  
20<sup>th</sup> Floor L & C Tower  
Nashville, Tennessee 37243-1548  
(615) 532-0131  
[Alan.Leiserson@tn.gov](mailto:Alan.Leiserson@tn.gov)

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

The Department is not aware of any.

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<b>Agency/Board/Commission:</b>	Environment and Conservation
<b>Division:</b>	Air Pollution Control
<b>Contact Person:</b>	Lacey J. Hardin
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**Revision Type (check all that apply):**

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**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. 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

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-09  
Construction and Operating Permits

Amendments in Redline

Subpart (i) of part 24 of subparagraph (b) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by adding a new item (XVII) as follows:

(XVII)  $PM_{2.5}$ : 10 tpy of direct  $PM_{2.5}$  emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a  $PM_{2.5}$  precursor under item 47(i)(III) of this subparagraph.

Part 47 of subparagraph (b) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting the current subpart (i) and replacing it with a new subpart (i) so that, as amended, the new subpart shall read as follows:

- (i) Any pollutant for which a national ambient air quality standard has been promulgated and any ~~constituents or precursors for such pollutants identified by the Administrator (e.g., volatile organic compounds and nitrogen oxides are precursors for ozone~~ pollutant identified under this part as a constituent or precursor to such pollutant. Precursors identified by the Administrator for purposes of NSR are the following:
- (I) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.
  - (II) Sulfur dioxide is a precursor to  $PM_{2.5}$  in all attainment and unclassifiable areas.
  - (III) Nitrogen oxides are presumed to be precursors to  $PM_{2.5}$  in all attainment and unclassifiable areas, unless the State has demonstrated to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient  $PM_{2.5}$  concentrations.
  - (IV) Volatile organic compounds are presumed not to be precursors to  $PM_{2.5}$  in any attainment or unclassifiable area, unless the State has demonstrated to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient  $PM_{2.5}$  concentrations.

Part 47 of subparagraph (b) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is also amended by adding a new subpart (vi) as follows:

- (vi) Particulate matter (PM) emissions,  $PM_{2.5}$  emissions, and  $PM_{10}$  emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM,  $PM_{2.5}$ , and  $PM_{10}$  in PSD permits. Compliance with emissions limitations for PM,  $PM_{2.5}$ , and  $PM_{10}$

issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this paragraph unless the applicable implementation plan required condensable particulate matter to be included.

Subpart (vi) of part 4 of subparagraph (c) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is amended by deleting the last sentence so that, as amended, the subpart shall read:

- (vi) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subparts (c)4(iii) through (iv) of this paragraph as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in part (b)24 of this paragraph). ~~For example, if a project involves both an existing emissions unit and a new emissions unit, the projected increase is determined by summing the values determined using the method specified in subpart (c)4(iii) of this paragraph for the existing unit and determined using the method specified in subpart (c)4(iv) of the paragraph for the new unit.~~

Subpart (iv) of part 6 of subparagraph (d) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is amended by deleting the period at the end of the subpart and adding a semicolon (;) followed by the word "or" so that, as amended, the subpart shall read:

- (iv) The existing air pollutant levels are conservatively estimated to be less than the concentrations listed in subpart (i) of this part, and a monitoring network may not reliably measure the predicted background concentrations; or

Part 6 of subparagraph (d) of paragraph (4) of rule 1200-03-09-.01 Construction Permits is amended by adding a new subpart (v) as follows:

- (v) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in subpart (d)6(i) of this paragraph.

Item (I) of subpart (x) of part 1 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by adding a new subitem VII as follows:

- VII. ~~PM<sub>2.5</sub>: 10 tpy of direct PM<sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a PM<sub>2.5</sub> precursor under subitem 1(xlix)(III)III of this subparagraph.~~

Subpart (xlix) of part 1 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by deleting item (III) and replacing it with a new item (III) and a new item (IV) as follows:

- (III) Any pollutant that is a constituent or precursor of a general pollutant listed under items 1(xlix)(I) or (II) of this subparagraph, provided that a constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. ~~Precursors for purposes of NSR are the following:~~
  - I. ~~Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.~~
  - II. ~~Sulfur dioxide is a precursor to PM<sub>2.5</sub> in all PM<sub>2.5</sub> nonattainment areas.~~

- III. Nitrogen oxides are presumed to be precursors to PM<sub>2.5</sub> in all PM<sub>2.5</sub> nonattainment areas, unless the State demonstrates to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations.
  - IV. Volatile organic compounds and ammonia are presumed not to be precursors to PM<sub>2.5</sub> in any PM<sub>2.5</sub> nonattainment area, unless the State demonstrates to the satisfaction of the EPA Administrator or EPA demonstrates that emissions of volatile organic compounds or ammonia from sources in a specific area are a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations; or
- (IV) PM<sub>2.5</sub> emissions and PM<sub>10</sub> emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> in nonattainment major NSR permits. Compliance with emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the (Tennessee) State Implementation Plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this rule unless the State Implementation Plan required condensable particulate matter to be included.

Subpart (v) of part 2 of subparagraph (b) of paragraph (5) of rule 1200-03-09-01 Construction Permits is amended by inserting a period after "Offsets", adding language after the period, and adding a new item (XV) so that, as amended, the subpart shall read:

- (v) Emissions Offsets. In meeting the emission offset requirements of this paragraph, the ratio of total actual emissions reductions to the emissions increase shall be at least 1:1 unless an alternative ratio is provided for the applicable nonattainment area in items (III), (IV) and (XIV) of this subpart.
  - (I) Prior to the issuance of a permit under this subpart, legally enforceable emission offsets shall be obtained from the same source or other sources in the same non-attainment area, except that such emissions reduction may be obtained from a source in another non-attainment area if:
    - I. The other area has an equal or higher non-attainment classification than the area in which the source is located; and,
    - II. Emissions from such other area contribute to a violation of an air quality standard in the non-attainment area in which the proposed new or modified source would construct.
  - (II) By the time that the new or modified source commences operation, such reductions shall be in place such that the total tonnage of emissions of any applicable non-attainment air contaminant allowed from the proposed new source, or net emissions increase from the modification, shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air contaminant from the same or other sources.

- (III) In meeting the requirements of item (v)(II) of the subpart for ozone non-attainment areas that are subject to subpart 2, part D, title I of the Clean Air Act, the ratio of total actual emission reductions of Volatile Organic Compounds and/or Nitrogen Oxides to the net emissions increase of Volatile Organic Compounds and/or Nitrogen Oxides shall be as follows:
  - I. In any Marginal non-attainment area for ozone - at least 1.1 to 1;
  - II. In any Moderate non-attainment area for ozone - at least 1.15 to 1;
  - III. In any Serious non-attainment area for ozone - at least 1.2 to 1;
  - IV. In any Severe non-attainment area for ozone - at least 1.3 to 1;
  - V. In any Extreme non-attainment area for ozone - at least 1.5 to 1.
- (IV) Within an ozone transport region that is subject to subpart 2, part D, title I of the Clean Air Act, for any area designated for ozone attainment, unclassified, or Marginal non-attainment, the ratio of total actual emission reductions of Volatile Organic Compounds and/or Nitrogen Oxides to net emissions increase of Volatile Organic Compounds and/or Nitrogen Oxides shall be at least 1.15 to 1.
- (V)
  - I. Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in sections IA and B of this item.
    - A. Such reductions are surplus, permanent, quantifiable, and federally enforceable.
    - B. The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this paragraph, the Technical Secretary may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.
  - II. Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in section IB of this item may be generally credited only if:
    - A. The shutdown or curtailment occurred on or after the date the construction permit application is filed; or
    - B. The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of section IA of this item.

- (VI) With respect to a proposed increase in VOC emissions, no emissions credit shall be allowed for reductions in any organic compound specifically excluded from the definitions of "VOC" in this Division 1200-03.
- (VII) Credit for an emissions reduction may be claimed to the extent that the reduction has not been relied on in any permit already issued under regulations approved pursuant to 40 CFR Parts 51, 52, and 70, (July 1, 1993) or the State has not relied on it in demonstrating attainment or reasonable further progress. Incidental emissions reductions which are not otherwise required under the federal Clean Air Act (As amended November 15, 1990) may be credible as emissions reductions for such purposes if such emissions reductions meet the applicable requirements of this part.
- (VIII) Procedures relating to the permissible locations of offsetting emissions shall be followed which are at least as stringent as those set out in 40 CFR Part 51, Appendix S, Section IV.D. (July 1, 1993).
- (IX) Reserved.
- (X) Reserved.
- (XI) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with section 173 of the Federal Clean Air Act shall be determined by summing the difference between the allowable emissions after the modification (as defined by subpart 1(xi) of this subparagraph) and the actual emissions before the modification (as defined in subpart 1(xiii) of this subparagraph) for each emissions unit.
- (XII) Where the emissions limit under this division 1200-03 allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential.
- (XIII) For an existing fuel combustion source, credit shall be based on the allowable emissions under this division 1200-03 for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The Technical Secretary shall ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.
- (XIV) Within an ozone non-attainment area that is subject to subpart 1, part D, title I of the Clean Air Act (but is not subject to subpart 2, part D, title I of the Act, including 8-hour ozone non-attainment areas subject to 40 CFR 51.902(b)), the ratio of total actual emissions reductions of either volatile organic compound or nitrogen oxides to the emissions increase of either volatile organic compounds or nitrogen oxides shall be at least 1:1.
- (XV) In meeting the emissions offset requirements of this subpart for fine particulate matter (PM<sub>2.5</sub>), the emissions offsets obtained shall be for the same regulated NSR pollutant unless interprecursor trading is allowed in the approved State Implementation Plan (SIP) for the affected PM<sub>2.5</sub> nonattainment area. For those nonattainment areas in which

interprecursor trading is allowed by the approved SIP, the offset requirements for direct PM<sub>2.5</sub> emissions or emissions of precursors of PM<sub>2.5</sub> may be satisfied by offsetting reductions in direct PM<sub>2.5</sub> emissions or emissions of any PM<sub>2.5</sub> precursor identified under item (b)1(xlix)(III) of this paragraph if such offsets comply with the interprecursor trading hierarchy and ratio established in the approved SIP for the affected nonattainment area.

Subpart (xvii) of part 2 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by deleting the last sentence so the subpart reads as follows:

- (xvii) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subparts 2(xiv) through (xv) of this subparagraph as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in subpart 1(x) of this subparagraph). ~~For example, if a project involves both an existing emissions unit and a new emissions unit, the projected increase is determined by summing the values determined using the method specified in subpart 2(xiv) of this subparagraph for the existing unit and using the method specified in subpart 2(xv) of this subparagraph for the new unit.~~

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:

<b>Board Member</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Signature (if required)</b>
Michael Atchison	X				
Dr. J. Ronald Bailey				X	
Tracy R. Carter	X				
Dr. Brian Christman	X				
Dr. Wayne T. Davis	X				
Dr. Mary English				X	
Stephen R. Gossett	X				
Honorable Mayor Tommy Green, Jr.				X	
Dr. Shawn A. Hawkins				X	
Helen S. Hennon	X				
Richard M. Holland	X				
John R. Roberts, Sr.	X				
Alicia M. Wilson	X				
Honorable Mayor Larry Waters	X				

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 12/08/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 09/22/10

Rulemaking Hearing(s) Conducted on: (add more dates). 11/17/10

Date: January 12, 2011

Signature: \_\_\_\_\_

Name of Officer: Barry R. Stephens, P.E.

Title of Officer: Technical Secretary

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

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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.

\_\_\_\_\_  
Robert E. Cooper, Jr.  
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 containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

**Commenter:** The proposed revision to 1200-03-09-.01(5)(b)2(v)(XV) does not allow emissions of sulfur dioxide or nitrogen oxides (determined by EPA to be precursors to PM<sub>2.5</sub>) to be used as offsets for increases in direct PM<sub>2.5</sub> emissions as allowed by 40 CFR 51.165(a)(11). Eastman believes the SIP should include the option to offset direct PM<sub>2.5</sub> emissions with sulfur dioxide or nitrogen oxide emissions.

**Response:** The Division has revised the proposed rule as follows: In meeting the emissions offset requirements of this subpart for fine particulate matter (PM<sub>2.5</sub>), the emissions offsets obtained shall be for the same regulated NSR pollutant unless interprecursor trading is allowed in the approved State Implementation Plan (SIP) for the affected PM<sub>2.5</sub> nonattainment area. For those nonattainment areas in which interprecursor trading is allowed by the approved SIP, the offset requirements for direct PM<sub>2.5</sub> emissions or emissions of precursors of PM<sub>2.5</sub> may be satisfied by offsetting reductions in direct PM<sub>2.5</sub> emissions or emissions of any PM<sub>2.5</sub> precursor identified under item (b)1(xlix)(III) of this paragraph if such offsets comply with the interprecursor trading hierarchy and ratio established in the approved SIP for the affected nonattainment area.

**Commenter:** On Page 23, item (i)(IV) for the definition of "regulated NSR pollutant", in the last sentence - "...specific area are not a significant contributor..." please revise the sentence so it reads, "...specific area are a significant contributor..."

**Response:** This change has been made.

**Commenter:** The new items (4)(b)24(i)(XVII) and (5)(b)1(x)(I)VII on pages 15 and 60 respectively, reference "40 CFR 51.166 and/or 40 CFR 51.165." We suggest referencing Tennessee's corresponding provision for attainment and nonattainment areas as follows: (XVII)PM<sub>2.5</sub>: 10 tpy of direct PM<sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a PM<sub>2.5</sub> precursor under item 47(i)(III) of this subparagraph. (VII) PM<sub>2.5</sub>: 10 tpy of direct PM<sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a PM<sub>2.5</sub> precursor under subitem 1(xlix)(III)III of this subparagraph.

**Response:** These changes have been made.

**Commenter:** In the Notice of Proposed rulemaking, (bottom of page 4) it states "Subpart (xlix) of part 1 of subparagraph (b) of paragraph (5) of rule 1200-03-09-.01 Construction Permits is amended by deleting item (III) and replacing it with a new item (III) as follows:." Please note that a new item (IV) was also added.

**Response:** This was noted at the public hearing.

**Commenter:** On Page 72, item (5)(b)1(xlix)(III)III, for the definition of "regulated NSR pollutant" bottom of the page, please correct the typographical error by changing the second use of the word "areas" to the possessive form "area's".

**Response:** Corrected.

Commenter: On Page 72, item (IV) for the definition of "regulated NSR pollutant", please correct the typographical error by deleting the duplicate "shall not" in the sentence that begins with "Compliance with emissions..."

Response: Corrected.

Commenter: The Chamber supports the comments submitted by Eastman Chemical Company dated November 3, 2010.

Response: See the response to the comments from Eastman Chemical Company.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This rule amendment incorporates the changes required by the United States Environmental Protection Agency to insure that Tennessee can attain and maintain the National Ambient Air Quality Standards for fine particulate matter (PM<sub>2.5</sub>). The PM<sub>2.5</sub> Implementation Rule was promulgated by the EPA on May 16, 2008. Therefore, this rulemaking is exempt from the provisions of the Regulatory Flexibility Act of 2007.

### **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://tn.gov/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department anticipates that these amended rules will not 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 TCA 4-5-226(i)(1).

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

This rule amendment incorporates the changes required by the United States Environmental Protection Agency to insure that Tennessee can attain and maintain the National Ambient Air Quality Standards for fine particulate matter (PM<sub>2.5</sub>). The PM<sub>2.5</sub> Implementation Rule was promulgated by the EPA on May 16, 2008. This amendment defines PM<sub>2.5</sub> precursor and establishes offset requirements for major sources of PM<sub>2.5</sub> that wish to construct or modify their sources in a non-attainment area.

- (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;

40 CFR 51.165(a)(2)(i) and (ii) and 40 CFR 51.166(a)(7)(iv). These federal regulations require states to submit State Implementation Plans showing how they will attain and maintain the National Ambient Air Quality Standards. These specific requirements were published in the Federal Register on May 16, 2008.

- (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;

Owners and operators of major sources of air pollution are affected by this rule. Comments received were addressed to the satisfaction of the commenters.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Department 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 is minimal.

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

Lacey J. Hardin  
Division of Air Pollution Control  
9th Floor, L & C Annex  
401 Church Street  
Nashville, Tennessee 37243-1531

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

Alan M. Leiserson  
Legal Services Director  
Department of Environment and conservation

- (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  
Department of Environment and conservation  
20<sup>th</sup> Floor L & C Tower  
Nashville, Tennessee 37243-1548  
(615) 532-0131  
[Alan.Leiserson@tn.gov](mailto:Alan.Leiserson@tn.gov)

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

The Department is not aware of any.