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 File Date: 4/29/16

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment & Conservation
Division:	Air Pollution Control
Contact Person:	Paul LaRock
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, TN 37243
Phone:	(615) 532-0617
Email:	paul.larock@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room A		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	06/21/16		
Hearing Time:	9:30 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Rules and the State Implementation Plan (or "SIP") pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for the Board's consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. Section 4-5-201 et seq., and will take place in the 15th Floor Conference Room A, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243 at 9:30 a.m. on June 21, 2016. Written comments will be included in the hearing records if received by the close of business on June 21, 2016, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue 15th Floor, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail to Air.Pollution.Control@tn.gov until the close of business on June 21, 2016.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than 10 days prior to June 21, 2016, or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 22nd Floor, Nashville, TN 37243, (866) 253-5827. Hearing impaired callers may use the Tennessee Relay Service, (800) 848-0298.

If you have any questions about the origination of these rule changes, you may contact Paul LaRock at (615) 532-0093. For complete copies of the text of the notice, please contact Paul LaRock, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243 or via e-mail at paul.larock@tn.gov.

These proposed amendments to Rule 1200-03-20-.06 clarify the reporting requirements following a Notice of Violation due to emissions from air contaminant sources during Start-up, Shutdown and Malfunction (SSM). The changes clarify that reported facts of an SSM event shall be used for the determination of potential enforcement actions. Additionally, the rule changes clearly define that no emission shall be allowed that causes or contributes to any violation of the National Ambient Air Quality Standards (NAAQS).

This amendment, along with separate rule making for Rule 1200-03-05-.02, is in response to the Environmental Protection Agency (EPA) Final Rule on Start-up, Shutdown & Malfunction State Implementation Plan Findings of Inadequacy and Call for Revisions (SSM SIP Call) issued on June 12, 2015. In the SSM SIP Call the EPA had issue with the wording of paragraph (2) of Rule 1200-03-20-.06 relating to the Technical Secretary's discretion to "excuse or proceed upon" an emission violation during SSM. Additionally, the EPA had issue with similar "excusal" wording in paragraph (4) of Rule 1200-03-20-.06. The proposed amendments to Rule 1200-03-20-.06 clarify that reporting facts will be used in the determination of potential enforcement actions and that the State of Tennessee will continue to effectively enforce violations of NAAQS.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under Tenn. Code Ann. Section 68-201-105, the Board general authority to promulgate rules. Materials concerning the proposed actions will be available for public inspection during normal working hours starting on May 17, 2016, at the following locations:

Air Pollution Control Division
WR Snodgrass TN Tower
15th Floor
312 Rosa L Parks Ave
Nashville, TN 37243

Pollution Control Division
Metropolitan Health Dept.
2500 Charlotte Avenue
Nashville, TN 37209-4129

Air Pollution Control Division
Cookeville EFO
1221 South Willow Avenue
Cookeville, TN 38506

Air Pollution Control Division
Knoxville EFO
3711 Middlebrook Pk., Suite 220
Knoxville, TN 37921

Air Pollution Control Division
Johnson City EFO
2305 Silverdale Road
Johnson City, TN 37601-2162

Air Pollution Control Division
Jackson EFO
1625 Hollywood Drive
Jackson, TN 38305

Air Pollution Control Division
Columbia EFO
1421 Hampshire Pike
Columbia, TN 38401

Knox County Department of
Air Quality Management
140 Dameron Avenue, Suite 242
Knoxville, TN 37917

Memphis/Shelby County Air Poll. Control
Shelby County Health Dept.
814 Jefferson Avenue
Memphis, TN 38105

Air Pollution Control Division
Chattanooga EFO
1301 Riverfront Pkwy, Suite 206
Chattanooga, TN 37402

Air Pollution Control Division
Nashville EFO
711 R. S. Gass Boulevard
Nashville, TN 37243

Kingsport Public Library
400 Broad Street
Kingsport, TN 37660

Chattanooga-Hamilton County
Air Pollution Control Bureau
6125 Preservation Drive
Chattanooga, TN 37416

U.S. EPA, Region IV
APTMD - 12th Floor, Atlanta Federal Center
61 Forsyth Street S.W.
Atlanta, GA 30303
c/o Mr. Scott Davis, Chief

All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the proposed rule revisions and revisions to the State Implementation Plan. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 PM on June 21, 2016, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-20	Limits on Emissions Due to Malfunctions, Startups and Shutdowns
Rule Number	Rule Title
1200-03-20-.06	Report Required Upon the Issuance of a Notice of Violation

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

Amendments

Paragraph (2) of Rule 1200-03-20-.06 Report Required Upon the Issuance of a Notice of Violation is amended by deleting it in its entirety and substituting instead the following:

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

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

Paragraph (4) of Rule 1200-03-20-.06 Report Required Upon the Issuance of a Notice of Violation is amended by deleting it in its entirety and substituting instead the following:

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

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

Paragraph (6) of Rule 1200-03-20-.06 Report Required Upon the Issuance of a Notice of Violation is amended by deleting it in its entirety and substituting instead the following:

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

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

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: April 29, 2016

Signature: *Michelle W. Owenby*

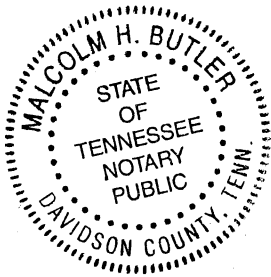
Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Subscribed and sworn to before me on: April 29, 2016

Notary Public Signature: *Malcolm H. Butler*

My commission expires on: 1-11-2017



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Filed with the Department of State on: 4/29/16

Tre Hargett

Tre Hargett
Secretary of State

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