

Notice of Rulemaking Hearing  
Tennessee Department of Environment and Conservation  
Division of Air Pollution Control

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 Regulations and the State Implementation Plan 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 their consideration in regards to the proposed regulatory amendment. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq. and will take place in the 9th Floor Conference Room of the L & C Annex , located at 401 Church Street, , Nashville, Tennessee 37243-1531, at 9:30 a.m. CST on Thursday, June 21, 2007. Anyone desiring to make oral comments at this public hearing is requested to prepare a written copy of their comments to be submitted to the hearing officer at the public hearing.

Written comments not submitted at the public hearing will be included in the hearing record only if received by the close of business on Thursday, June 21, 2007, at the following address: Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

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 ten (10) days prior to Thursday, June 21, 2007 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact Mr. John Rae White, Tennessee Department of Environment and Conservation ADA Coordinator, 12th Floor, 401 Church Street, Nashville TN 37243, (615) 532-0207. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Mr. Jeryl Stewart at 615-532-0605. Copies of documents concerning this matter are available for review at the office of the Technical Secretary and at certain public depositories. For information about reviewing these documents, please contact Mr. Jeryl Stewart or Mr. Malcolm Butler, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0554. For complete copies of the text of the notice, please contact Mr. Malcolm Butler, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

Summary of Proposed Rules

The Tennessee Air Pollution Control Regulations are proposed to be amended by revising the requirements for certain source classes regulated by the New Source Performance Standards in accordance with federal changes.

Substance of Proposed Changes

Amendments

Chapter 1200-3-16  
New Source Performance Standards

Chapter 1200-3-16 is amended in the following seven (7) respects:

1. Paragraph (1) Of Rule 1200-3-16-.02 Fossil Fuel Fired Steam Generators For Which Construction Is Commenced After April 3, 1972 is amended by adding a subparagraph (e), so that, as amended, subparagraph (e) shall read:

- (e) Any affected facility meeting the applicability requirements of 1200-3-16-.59(1)(a) commencing construction, modification, or reconstruction after November 6, 1988 is not subject to this rule.

Authority: T.C.A. §§68-25-105 and 4-5-202. Administrative History: Original rule filed January 10, 1977; effective February 9, 1977. Amendment filed March 13, 1978; effective April 12, 1978. Amendment filed July 21, 1980; effective September 8, 1980. Amendment filed September 21, 1988; effective November 6, 1988.

- 2. Paragraph (1) of rule 1200-3-16-.59 Industrial-Commercial-Institutional Steam Generating Units is amended by adding a subparagraph (g), so that, as amended, subparagraph (g) shall read:

- (g) Any affected facility meeting the applicability requirements of 1200-3-16-.59(1)(a) commencing construction, modification, or reconstruction after November 6, 1988 is not subject to rule 1200-3-16-.02.

Authority: T.C.A. §§68-25-105 and 4-5-202. Administrative History: Original rule filed September 21, 1988; effective November 6, 1988.

- 3. Subparagraph (a) of paragraph (9) of rule 1200-3-16-.59 Industrial-Commercial-Institutional Steam Generating Units is amended by adding the following language (Units that burn only oil that contains no more than 0.3 weight percent sulfur or liquid or gaseous fuels with potential sulfur dioxide emission rates of 0.32 lb/MMBtu heat input or less are not required to conduct opacity or sulfur dioxide emissions monitoring if they maintain fuel supplier certifications of the sulfur content of the fuels burned. ) to the end of the current sentence in the subparagraph, so that, as amended, subparagraph (a) shall read:

- (a) The owner or operator of an affected facility subject to the opacity standard under paragraph (4) of this rule shall install, calibrate, maintain and operate a continuous monitoring system for measuring the opacity of emissions discharged to the atmosphere and record the output of the system. Units that burn only oil that contains no more than 0.3 weight percent sulfur or liquid or gaseous fuels with potential sulfur dioxide emission rates of 0.32 lb/MMBtu heat input or less are not required to conduct opacity or sulfur dioxide emissions monitoring if they maintain fuel supplier certifications of the sulfur content of the fuels burned.

Authority: T.C.A. §§68-25-105 and 4-5-202. Administrative History: Original rule filed September 21, 1988; effective November 6, 1988.

- 4. Subparagraph (b) of paragraph (9) 1200-3-16-.59(9)(b) 1200-3-16-.59 Industrial-Commercial-Institutional Steam Generating Units is amended by deleting the first occurrence of the word "and" and adding the words "and (i)" so that, as amended, subparagraph (b) shall read:

- (b) Except as provided in subparagraphs (g), (h), and (i) of this paragraph, the owner or operator of an affected facility subject to the nitrogen oxides standard of subparagraph (5)(a) of this rule shall install, calibrate, maintain, and operate a continuous monitoring system for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system.

Authority: T.C.A. §§68-25-105 and 4-5-202. Administrative History: Original rule filed September 21, 1988; effective November 6, 1988.

5. Paragraph (9) of rule 1200-3-16-.59 Industrial-Commercial-Institutional Steam Generating Units is amended by adding a subparagraph (i), so that, as amended, subparagraph (i) shall read:

- (i) The owner or operator of an affected facility described below is not required to install or operate a continuous in-stack monitoring system for nitrogen oxides provided that the following criteria are met:
  - 1 The facility combusts, alone or in combination, only natural gas, distillate oil, or residual oil with a nitrogen content of 0.30 weight percent or less;
  - 2 The facility has a combined annual capacity factor of 10 percent or less for natural gas, distillate oil, and residual oil with a nitrogen content of 0.30 weight percent or less; and
  - 3 The facility is subject to a Federally enforceable requirement limiting operation of the affected facility to the firing of natural gas, distillate oil, and/or residual oil with a nitrogen content of 0.30 weight percent or less and limiting operation of the affected facility to a combined annual capacity factor of 10 percent or less for natural gas, distillate oil, and/or residual oil with a nitrogen content of 0.30 weight percent or less.

Authority: T.C.A. §§68-25-105 and 4-5-202. Administrative History: Original rule filed September 21, 1988; effective November 6, 1988.

6. Rule 1200-3-16-.31 Stationary Gas Turbines is amended by deleting the rule in its entirety and replacing it with the word "Reserved", so that, as amended, the rule shall read:

1200-3-16-.31 Reserved

Chapter 1200-3-16 TABLE OF CONTENTS is amended by deleting the words "Stationary Gas Turbines" and adding the word "Reserved" so that, as amended, the listing for 1200-3-16-.31 shall read:

1200-3-16-.31 Reserved

Authority: T.C.A. §§68-25-105 and 4-5-202. Administrative History: Original rule filed March 9, 1981; effective May 15, 1981. Amendment filed September 21, 1988; effective November 6, 1988. Amendment filed January 31, 1997; effective April 16, 1997.

7. Rule 1200-3-16-.76 Standards Of Performance For Municipal Solid Waste Landfills (40 Cfr 60, Subpart Www) is amended by deleting the rule in its entirety and replacing it with the word "Reserved", so that, as amended, the rule shall read:

1200-3-16-.76 Reserved

Chapter 1200-3-16 TABLE OF CONTENTS is amended by deleting the words "Standards of Performance for Municipal Waste Landfills (40 CFR 60, Subpart WWW)" and adding the word "Reserved" so that, as amended, the listing for 1200-3-16-.76 shall read:

1200-3-16-.76            Reserved

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

This notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of April, 2007. (FS 04-39-07, DBID 629)