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Sequence Number: 05-04-23  
Notice ID(s): 3620-3631  
File Date: 5/1/2023

# 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.*

<b>Agency/Board/Commission:</b>	Air Pollution Control Board
<b>Division:</b>	Air Pollution Control
<b>Contact Person:</b>	Mark A. Reynolds
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15 <sup>th</sup> Floor Nashville, TN 37243
<b>Phone:</b>	(615) 532-0559
<b>Email:</b>	<a href="mailto:mark.a.reynolds@tn.gov">mark.a.reynolds@tn.gov</a>

*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:*

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

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

Address 1:	Conference Room 15A, 15 <sup>th</sup> Floor
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue
City:	Nashville, Tennessee
Zip:	37243
Hearing Date:	06/27/2023
Hearing Time:	9:30 AM
	<input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

**Alternate Hearing Option**

<b>Method 1:</b>	<p><b>You may also join electronically.</b></p> <p><b>Join by going to this link:</b> <a href="https://tn.webex.com/tn/j.php?MTID=m46bb85608cac6794ed8d77677a4b7af5">https://tn.webex.com/tn/j.php?MTID=m46bb85608cac6794ed8d77677a4b7af5</a></p> <p><b>Meeting number (access code): 2304 917 0200</b> <b>Meeting password: PdB32EPheK8</b></p> <p><b>Join by video system</b> <b>Dial <a href="tel:23049170200">23049170200@tn.webex.com</a></b> <b>You can also dial 173.243.2.68 and enter your meeting number.</b></p>
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<b>Method 2:</b>	<b>Join by phone</b> <b>1-415-655-0001</b> <b>Access code: 2304 917 0200</b>  <b>Global call-in numbers are available online at:</b> <a href="#">Global call-in numbers</a>
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### Additional Hearing Information:

*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 Lida Warden at (615) 532-0554 for more information.*

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board (Board) for the promulgation of amendments to the Tennessee air pollution control rules under the authority of Tennessee Code Annotated, section 68-201-105. The comments received at this hearing will be distributed to the members of the Tennessee Air Pollution Control Board for their review in regard to the proposed rule amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated section 4-5-201 to 4-5-231 and will take place in Conference room 15A of the William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243.

The proposed amendments to Chapter 0400-30-38 will adopt by reference applicable federal New Source Performance Standards (NSPS) from 40 C.F.R. Part 60. Currently, the requirements of a NSPS must be placed in a permit before the State of Tennessee can enforce them. The Division is proposing to repeal all of Chapter 1200-03-16 and one rule in Chapter 1200-03-06, which currently comprise several of the NSPS regulations. The proposed rule will incorporate by reference these NSPS regulations so these can be enforced directly, rather than through permitting. References to Chapter 1200-03-16 are being amended to instead reference Chapter 0400-30-39.

Written comments not submitted at the public hearing will be included in the hearing record only if received by the close of business on June 27, 2023, at the following address: Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243.

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 days prior to June 27, 2023, 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, Tennessee 37243, (615) 532-0200. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of these rule changes, you may contact Mark A. Reynolds at (615) 532-0559. For complete copies of the text of the notice, please contact Mark Reynolds, 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 [mark.a.reynolds@tn.gov](mailto:mark.a.reynolds@tn.gov).

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under Tenn. Code Ann. § 68-201-105, which authorizes the Board to promulgate rules.

Materials concerning the proposed actions will be available at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-air.html>.

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 promulgation of amendments to the Tennessee Air Pollution Control Regulations. 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 p.m. CDT on June 27, 2023, 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, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail until the close of business on June 27, 2023. Comments may be submitted via e-mail to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov).

**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
0400-30-39	Standards of Performance for New Stationary Sources
Rule Number	Rule Title
0400-30-39-.01	Stationary Compression Internal Combustion Engines
0400-30-39-.02	Stationary Spark Ignition Internal Combustion Engines

Chapter Number	Chapter Title
1200-03-02	Definitions
Rule Number	Rule Title
1200-03-02-.01	General Definitions

Chapter Number	Chapter Title
1200-03-05	Visible Emission Regulations
Rule Number	Rule Title
1200-03-05-.04	Exemption
1200-03-05-.05	Standard for Certain Existing Sources

Chapter Number	Chapter Title
1200-03-06	Non-Process Emission Standards
Rule Number	Rule Title
1200-03-06-.06	Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999

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	Operating Permits
1200-03-09-.04	Exemptions
1200-03-09-.07	Permits-by-Rule

Chapter Number	Chapter Title
1200-03-16	New Source Performance Standards
Rule Number	Rule Title
1200-03-16-.01	General Provisions
1200-03-16-.02	Fuel Fired Steam Generators for which Construction Is Commenced After April 3, 1972
1200-03-16-.03	Electric Utility Steam Generating Units for which Construction Commenced After September 18, 1978
1200-03-16-.04	Incinerators
1200-03-16-.05	Portland Cement Plants
1200-03-16-.06	Sulfuric Acid Plants
1200-03-16-.07	Nitric Acid Plants
1200-03-16-.08	Hot Mix Asphalt Facilities
1200-03-16-.09	Petroleum Refineries

1200-03-16-.10	Reserved
1200-03-16-.11	Reserved
1200-03-16-.12	Secondary Lead Smelters
1200-03-16-.13	Secondary Brass and Bronze Ingot Production Plants
1200-03-16-.14	Iron and Steel Plants
1200-03-16-.15	Sewage Treatment Plant Incinerators
1200-03-16-.16	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants
1200-03-16-.17	Phosphate Fertilizer Industry: Super Phosphoric Acid Plants
1200-03-16-.18	Phosphate Fertilizer Industry: Diammonium Phosphate Plants
1200-03-16-.19	Phosphate Fertilizer Industry: Triple Superphosphate Plants
1200-03-16-.20	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
1200-03-16-.21	Primary Aluminum Reduction Plants
1200-03-16-.22	Reserved
1200-03-16-.23	Primary Copper Smelters
1200-03-16-.24	Primary Zinc Smelters
1200-03-16-.25	Primary Lead Smelters
1200-03-16-.26	Steel Plants: Electric Arc Furnaces Constructed After February 9, 1977, and On or Before August 17, 1983
1200-03-16-.27	Ferroalloy Production Facilities
1200-03-16-.28	Lime Manufacturing Plants
1200-03-16-.29	Kraft Pulp Mills
1200-03-16-.30	Grain Elevators
1200-03-16-.31	Reserved
1200-03-16-.32	Ammonium Sulfate Manufacture
1200-03-16-.33	Reserved
1200-03-16-.34	Automobile and Light Duty Truck Surface Coating Operations
1200-03-16-.35	Asphalt Processing and Asphalt Roofing Manufacture
1200-03-16-.36	Industrial Surface Coating: Large Appliances
1200-03-16-.37	Surface Coating of Metal Furniture
1200-03-16-.38	Metal Coil Surface Coating
1200-03-16-.39	Graphic Arts Industry: Publication Rotogravure Printing
1200-03-16-.40	Beverage Can Surface Coating
1200-03-16-.41	Metallic Mineral Processing Plants
1200-03-16-.42	Pressure Sensitive Tape and Label Surface Coating Operations
1200-03-16-.43	Reserved
1200-03-16-.44	Bulk-Gasoline Terminals
1200-03-16-.45	Synthetic Fiber Production Facilities
1200-03-16-.46	Lead Acid Battery Manufacturing Plants
1200-03-16-.47	Equipment Leaks of VOC in Petroleum Refineries
1200-03-16-.48	Flexible Vinyl and Urethane Coating and Printing
1200-03-16-.49	Petroleum Dry Cleaners
1200-03-16-.50	Phosphate Rock Plants
1200-03-16-.51	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants
1200-03-16-.52	Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels
1200-03-16-.53	Reserved
1200-03-16-.54	Onshore Natural Gas Processing: SO2 Emissions
1200-03-16-.55	Secondary Emissions from Basic Oxygen Process Steel Making Facilities
1200-03-16-.56	Wool Fiberglass Insulation Manufacturing Plants
1200-03-16-.57	Industrial Surface Coating: Plastic Parts for Business Machines
1200-03-16-.58	Reserved
1200-03-16-.59	Industrial-Commercial-Institutional Steam Generating Units
1200-03-16-.60 through 1200-03- 16-.73	Reserved
1200-03-16-.74	Standards of Performance for Calciners and Dryers in Mineral Industries
1200-03-16-.75	Reserved
1200-03-16-.76	Reserved
1200-03-16-.77 through 1200-03-	Reserved

16-.99	
<b>Chapter Number</b>	<b>Chapter Title</b>
1200-03-18	Volatile Organic Compounds
<b>Rule Number</b>	<b>Rule Title</b>
1200-03-18-.48	Volatile Organic Liquid Storage Tanks
<b>Chapter Number</b>	<b>Chapter Title</b>
1200-03-20	Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
<b>Rule Number</b>	<b>Rule Title</b>
1200-03-20-.06	Report Required Upon the Issuance of a Notice of Violation
<b>Chapter Number</b>	<b>Chapter Title</b>
1200-03-21	General Alternate Emission Standards
<b>Rule Number</b>	<b>Rule Title</b>
1200-03-21-.01	General Alternate Emission Standard
<b>Chapter Number</b>	<b>Chapter Title</b>
1200-03-22	Lead Emission Standards
<b>Rule Number</b>	<b>Rule Title</b>
1200-03-22-.04	Standards for New or Modified Sources of Lead
<b>Chapter Number</b>	<b>Chapter Title</b>
1200-03-25	Standards for Infectious Waste Incinerators
<b>Rule Number</b>	<b>Rule Title</b>
1200-03-25-.05	Emission Standards
<b>Chapter Number</b>	<b>Chapter Title</b>
1200-03-26	Administrative Fees Schedule
<b>Rule Number</b>	<b>Rule Title</b>
1200-03-26-.02	Construction and Annual Emission Fees

Place substance of rules and other info here. 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 0400-30-39  
Standards of Performance for New Stationary Sources

Amendments

Chapter 0400-30-39 Standards of Performance for New Stationary Sources is amended by deleting it in its entirety and substituting instead the following:

Chapter 0400-30-39  
Standards of Performance for New Stationary Sources

Table of Contents

0400-30-39-.01 Federal Standards of Performance for New Stationary Sources  
0400-30-39-.02 Reserved

0400-30-39-.01 Federal Standards of Performance for New Stationary Sources

(1) The provisions of the subparts and appendices of 40 C.F.R. Part 60 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, 2022, edition of the Code of Federal Regulations, except as provided in subparagraph (a) of this paragraph.

(a) Any reference contained in 40 C.F.R. Part 60 to the:

1. Administrator shall instead be a reference to the Technical Secretary, except for specific authorities that have not been delegated to the State of Tennessee; and
2. EPA regional office shall instead be a reference to the EPA Region IV office.

(b) List of Federal Regulations under 40 C.F.R. Part 60:

1. 40 C.F.R. Part 60 Subpart A: General provisions;
2. Reserved;
3. Reserved;
4. Reserved;
5. Reserved;
6. Reserved;
7. Reserved;
8. Reserved;
9. Reserved;
10. Reserved;
11. 40 C.F.R. Part 60 Subpart D: Standards of Performance for Fossil-Fuel-Fired Steam Generators;
12. 40 C.F.R. Part 60 Subpart Da: Standards of Performance for Electric Utility Steam Generating Units;

13. 40 C.F.R. Part 60 Subpart Db: Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units;
14. 40 C.F.R. Part 60 Subpart Dc: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units;
15. 40 C.F.R. Part 60 Subpart E: Standards of Performance for Incinerators;
16. 40 C.F.R. Part 60 Subpart Ea: Standards of Performance for Municipal Waste Combustors for Which Construction Is Commenced After December 20, 1989 and On or Before September 20, 1994;
17. 40 C.F.R. Part 60 Subpart Eb: Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996;
18. 40 C.F.R. Part 60 Subpart Ec: Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators;
19. 40 C.F.R. Part 60 Subpart F: Standards of Performance for Portland Cement Plants;
20. 40 C.F.R. Part 60 Subpart G: Standards of Performance for Nitric Acid Plants;
21. 40 C.F.R. Part 60 Subpart Ga: Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011;
22. 40 C.F.R. Part 60 Subpart H: Standards of Performance for Sulfuric Acid Plants;
23. 40 C.F.R. Part 60 Subpart I: Standards of Performance for Hot Mix Asphalt Facilities;
24. 40 C.F.R. Part 60 Subpart J: Standards of Performance for Petroleum Refineries;
25. 40 C.F.R. Part 60 Subpart Ja: Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007;
26. 40 C.F.R. Part 60 Subpart K: Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978;
27. 40 C.F.R. Part 60 Subpart Ka: Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984;
28. 40 C.F.R. Part 60 Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984;
29. 40 C.F.R. Part 60 Subpart L: Standards of Performance for Secondary Lead Smelters;
30. 40 C.F.R. Part 60 Subpart M: Standards of Performance for Secondary Brass and Bronze Production Plants;
31. 40 C.F.R. Part 60 Subpart N: Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973;
32. 40 C.F.R. Part 60 Subpart Na: Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983;
33. 40 C.F.R. Part 60 Subpart O: Standards of Performance for Sewage Treatment Plants;

34. 40 C.F.R. Part 60 Subpart P: Standards of Performance for Primary Copper Smelters;
35. 40 C.F.R. Part 60 Subpart Q: Standards of Performance for Primary Zinc Smelters;
36. 40 C.F.R. Part 60 Subpart R: Standards of Performance for Primary Lead Smelters;
37. 40 C.F.R. Part 60 Subpart S: Standards of Performance for Primary Aluminum Reduction Plants;
38. 40 C.F.R. Part 60 Subpart T: Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants;
39. 40 C.F.R. Part 60 Subpart U: Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants;
40. 40 C.F.R. Part 60 Subpart V: Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants;
41. 40 C.F.R. Part 60 Subpart W: Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants;
42. 40 C.F.R. Part 60 Subpart X: Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities;
43. 40 C.F.R. Part 60 Subpart Y: Standards of Performance for Coal Preparation and Processing Plants;
44. 40 C.F.R. Part 60 Subpart Z: Standards of Performance for Ferroalloy Production Facilities;
45. 40 C.F.R. Part 60 Subpart AA: Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983;
46. 40 C.F.R. Part 60 Subpart AAa: Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983;
47. Reserved.
48. 40 C.F.R. Part 60 Subpart BB: Standards of Performance for Kraft Pulp Mills;
49. 40 C.F.R. Part 60 Subpart BBa: Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013;
50. 40 C.F.R. Part 60 Subpart CC: Standards of Performance for Glass Manufacturing Plants;
51. 40 C.F.R. Part 60 Subpart DD: Standards of Performance for Grain Elevators;
52. 40 C.F.R. Part 60 Subpart EE: Standards of Performance for Surface Coating of Metal Furniture;
53. Reserved;
54. 40 C.F.R. Part 60 Subpart GG: Standards of Performance for Stationary Gas Turbines;
55. 40 C.F.R. Part 60 Subpart HH: Standards of Performance for Lime Manufacturing Plants;
56. 40 C.F.R. Part 60 Subpart KK: Standards of Performance for Lead-Acid Battery Manufacturing Plants;
57. 40 C.F.R. Part 60 Subpart LL: Standards of Performance for Metallic Mineral Processing Plants;



- 58. 40 C.F.R. Part 60 Subpart MM: Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations;
- 59. Reserved.
- 60. 40 C.F.R. Part 60 Subpart NN: Standards of Performance for Phosphate Rock Plants;
- 61. 40 C.F.R. Part 60 Subpart PP: Standards of Performance for Ammonium Sulfate Manufacture;
- 62. 40 C.F.R. Part 60 Subpart QQ: Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing;
- 63. 40 C.F.R. Part 60 Subpart RR: Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations;
- 64. 40 C.F.R. Part 60 Subpart SS: Standards of Performance for Industrial Surface Coating: Large Appliances;
- 65. 40 C.F.R. Part 60 Subpart TT: Standards of Performance for Metal Coil Surface Coating;
- 66. 40 C.F.R. Part 60 Subpart UU: Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture;
- 67. 40 C.F.R. Part 60 Subpart VV: Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006;
- 68. 40 C.F.R. Part 60 Subpart VVa: Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006;
- 69. 40 C.F.R. Part 60 Subpart WW: Standards of Performance for the Beverage Can Surface Coating Industry;
- 70. 40 C.F.R. Part 60 Subpart XX: Standards of Performance for Bulk Gasoline Terminals;
- 71. Reserved;
- 72. 40 C.F.R. Part 60 Subpart AAA: Standards of Performance for New Residential Wood Heaters;
- 73. 40 C.F.R. Part 60 Subpart BBB: Standards of Performance for the Rubber Tire Manufacturing Industry;
- 74. Reserved;
- 75. 40 C.F.R. Part 60 Subpart DDD: Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry;
- 76. Reserved;
- 77. 40 C.F.R. Part 60 Subpart FFF: Standards of Performance for Flexible Vinyl and Urethane Coating and Printing;
- 78. 40 C.F.R. Part 60 Subpart GGG: Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006;

79. 40 C.F.R. Part 60 Subpart GGGa: Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006;
80. 40 C.F.R. Part 60 Subpart HHH: Standards of Performance for Synthetic Fiber Production Facilities;
81. 40 C.F.R. Part 60 Subpart III: Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes;
82. 40 C.F.R. Part 60 Subpart JJJ: Standards of Performance for Petroleum Dry Cleaners;
83. 40 C.F.R. Part 60 Subpart KKK: Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011;
84. 40 C.F.R. Part 60 Subpart LLL: Standards of Performance for SO<sub>2</sub> Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011;
85. Reserved;
86. 40 C.F.R. Part 60 Subpart NNN: Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations;
87. 40 C.F.R. Part 60 Subpart OOO: Standards of Performance for Nonmetallic Mineral Processing Plants;
88. 40 C.F.R. Part 60 Subpart PPP: Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants;
89. 40 C.F.R. Part 60 Subpart QQQ: Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems;
90. 40 C.F.R. Part 60 Subpart RRR: Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes;
91. 40 C.F.R. Part 60 Subpart SSS: Standards of Performance for Magnetic Tape Coating Facilities;
92. 40 C.F.R. Part 60 Subpart TTT: Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines;
93. Reserved.
94. 40 C.F.R. Part 60 Subpart UUU: Standards of Performance for Calciners and Dryers in Mineral Industries;
95. 40 C.F.R. Part 60 Subpart VVV: Standards of Performance for Polymeric Coating of Supporting Substrates Facilities;
96. 40 C.F.R. Part 60 Subpart WWW: Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014;
97. 40 C.F.R. Part 60 Subpart XXX: Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014;

98. Reserved;
99. Reserved;
100. 40 C.F.R. Part 60 Subpart AAAA: Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001;
101. Reserved;
102. 40 C.F.R. Part 60 Subpart CCCC: Standards of Performance for Commercial and Industrial Solid Waste Incineration Units;
103. Reserved;
104. 40 C.F.R. Part 60 Subpart EEEE: Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006;
105. Reserved;
106. Reserved;
107. Reserved;
108. 40 C.F.R. Part 60 Subpart IIII: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines;
109. 40 C.F.R. Part 60 Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines;
110. 40 C.F.R. Part 60 Subpart KKKK: Standards of Performance for Stationary Combustion Turbines;
111. 40 C.F.R. Part 60 Subpart LLLL: Standards of Performance for New Sewage Sludge Incineration Units;
112. Reserved;
113. Reserved;
114. 40 C.F.R. Part 60 Subpart OOOO: Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015;
115. 40 C.F.R. Part 60 Subpart OOOOa: Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015;
116. Reserved;
117. 40 C.F.R. Part 60 Subpart QQQQ: Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces;
118. 40 C.F.R. Part 60 Subpart TTTT: Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units;
119. Reserved;
120. 40 C.F.R. Part 60 Appendix A-1: Test Methods 1 through 2F;

- 121. 40 C.F.R. Part 60 Appendix A-2: Test Methods 2G through 3C;
- 122. 40 C.F.R. Part 60 Appendix A-3: Test Methods 4 through 5I;
- 123. 40 C.F.R. Part 60 Appendix A-4: Test Methods 6 through 10B;
- 124. 40 C.F.R. Part 60 Appendix A-5: Test Methods 11 through 15A;
- 125. 40 C.F.R. Part 60 Appendix A-6: Test Methods 16 through 18;
- 126. 40 C.F.R. Part 60 Appendix A-7: Test Methods 19 through 25E;
- 127. 40 C.F.R. Part 60 Appendix A-8: Test Methods 26 through 30B;
- 128. 40 C.F.R. Part 60 Appendix B: Performance Specifications;
- 129. 40 C.F.R. Part 60 Appendix C: Determination of Emission Rate Change;
- 130. 40 C.F.R. Part 60 Appendix D: Required Emission Inventory Information;
- 131. Reserved;
- 132. 40 C.F.R. Part 60 Appendix F: Quality Assurance Procedures;
- 133. 40 C.F.R. Part 60 Appendix G: Provisions for an Alternative Method of Demonstrating Compliance With 40 C.F.R. 60.43 for the Newton Power Station of Central Illinois Public Service Company;
- 134. Reserved; and
- 135. 40 C.F.R. Part 60 Appendix I: Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60.

(2) Reserved.

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

0400-30-39-.02 Reserved.

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

Chapter 1200-03-02  
Definitions

Amendments

Subparagraph (g) of paragraph (1) of Rule 1200-03-02-.01 General Definitions is amended by deleting it in its entirety and substituting instead the following:

- (g) “Best available control technology (BACT)” means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under these rules which would be emitted from any proposed new or modified air contaminant source that the Technical Secretary, on a case-by-case bases, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant that would exceed the emissions allowed by any applicable standard under Chapters 0400-30-38 or 0400-30-39 of these rules. If the Technical Secretary determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, a design, equipment, work practice, or operational standard, or combination thereof, may be prescribed instead to require the application of best available control technology. Such standard must, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation, and must provide for compliance by means that achieve equivalent results.

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

Chapter 1200-03-05  
Visible Emission Regulations

Amendments

Paragraph (2) of Rule 1200-03-05-.04 Exemption is amended by deleting it in its entirety and substituting instead the following:

- (2) Unless the visible emission standard was set under the authority of paragraph (2), (3), or (4) of Rule 1200-03-05-.01, the visible emission standards of this chapter shall not apply where a source has an applicable visible emissions standard under Chapter 0400-30-39.

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

Paragraph (3) of Rule 1200-03-05-.04 Exemption is amended by deleting it in its entirety and substituting instead the following:

- (3) If the installation of an in-stack opacity monitor is required by a standard contained in Chapter 0400-30-39, then for an identical existing source to obtain the less restrictive opacity standard contained in Chapter 0400-30-39, the installation of an in-stack opacity monitor meeting the specifications contained in part (1)(d)1 of Rule 1200-03-10-.02 shall be required. For situations where the installation of an in-stack opacity monitor would be required to obtain an opacity standard for an existing source equivalent to that set forth for an identical new source subject to Chapter 0400-30-39, it is the responsibility of the source owner or operator to notify the Technical Secretary in writing that this revision to the source's existing opacity standard is requested and that the required in-stack opacity monitor will be installed in accordance with Rule 1200-03-10-.02.

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

Subparagraph (b) of Paragraph (2) of Rule 1200-03-05-.05 Standard for Certain Existing Sources is amended by deleting it in its entirety and substituting instead the following:

- (b) The air contaminant source is not regulated under Chapters 0400-30-38, 0400-30-39, 1200-03-25, or paragraph (4) of Rule 1200-03-09-.01.

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

Chapter 1200-03-06  
Non-Process Emission Standards

Amendments

The table of contents to Chapter 1200-03-06 Non-Process Emission Standards is amended by deleting the current title of Rule 1200-03-06-.06 "Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On Or Before November 30, 1999" and substituting instead "Reserved."

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

Rule 1200-03-06-.06 Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On Or Before November 30, 1999 is amended by deleting it in its entirety and substituting instead the following:

1200-03-06-.06 Reserved.

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

Chapter 1200-03-09  
Construction and Operating Permits

Amendments

Subparagraph (d) of paragraph (2) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (d) “Best available control technology (BACT)” means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under these rules that would be emitted from any proposed new or modified air contaminant source which the Technical Secretary, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant that would exceed the emissions allowed by any applicable standard under Chapters 0400-30-38 or 0400-30-39 of these rules. If the Technical Secretary determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, a design, equipment, work practice, or operational standard, or combination thereof, may be prescribed instead to require the application of best available control technology. Such standard must, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation, and must provide for compliance by means that achieve equivalent results. This definition does not apply to major sources and major modifications, as defined in subparagraph (4)(b) of this rule, which are subject to the provisions of paragraph (4) of this rule.

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

Subpart (i) of part 1 of subparagraph (d) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (i) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and such source does not belong to any of the categories listed under subpart (b)1-(i), or any other stationary source category which, as of the (effective date of this rule) is being regulated under Chapters 0400-30-38 and 0400-30-39.

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

Subitem XXVII of item (IV) of subpart (iv) of part 1 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:

- XXVII. Any other stationary source category that is regulated under Chapter 1200-03-16, New Source Performance Standards (as of August 7, 1980), Chapter 1200-03-11, Hazardous Air Contaminants (as of August 7, 1980), Chapter 1200-03-31, Case-by-Case Determinations of Hazardous Air Pollutant Control Requirements (as of September 18, 1994), Chapter 0400-30-38, Emission Standards for Hazardous Air Pollutants (as of December 28, 2022), or Chapter 0400-30-39, Standards of Performance for New Stationary Sources (as of the most recent effective date of this rule).

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

Item (XXVII) of subpart (ii) of part 4 of subparagraph (b) of paragraph (8) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:



XXVII) Any other stationary source category that is regulated under Chapter 1200-03-16, New Source Performance Standards (as of August 7, 1980), Chapter 1200-03-11, Hazardous Air Contaminants (as of August 7, 1980), Chapter 1200-03-31, Case-by-Case Determinations of Hazardous Air Pollutant Control Requirements (as of September 18, 1994), Chapter 0400-30-38, Emission Standards for Hazardous Air Pollutants (as of December 28, 2022), Chapter 0400-30-39, Standards of Performance for New Stationary Sources (as of the most recent effective date of this rule), or 40 C.F.R. Part 60 and 61 (as of July 1, 1993).

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

Subpart (ii) of part 1 of subparagraph (c) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting instead the following:

- (ii) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Federal Act, paragraph (4) of Rule 1200-03-07-.07, paragraph (5) of Rule 1200-03-07-.07, or Chapter 0400-30-39;

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

Subpart (i) of part 2 of subparagraph (c) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting instead the following:

- (i) All non-major sources including those subject to Section 112 of the Federal Clean Air Act, Chapter 0400-30-38, Chapter 1200-03-31, section 111 of the Federal Clean Air Act, or Chapter 0400-30-39. If the Administrator promulgates future regulations that prohibit the exemption of a non-major source from the requirements of this paragraph, such source will be so permitted by the Technical Secretary. Upon the Administrator's written notification to the Technical Secretary that such sources must be permitted according to the provisions of this paragraph, the Technical Secretary must notify the sources that the applications are due within 180 days of the Technical Secretary's written notice. The Technical Secretary shall have up to 90 days to accomplish the notification commencing upon his notification from the Administrator.

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

Section A of subitem IV of item (I) of subpart (ii) of part 5 of subparagraph (f) of paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting instead the following:

- A. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Federal Clean Air Act. Further, federally enforceable emission caps assumed to avoid classification as a modification under Chapter 0400-30-38, Chapter 0400-30-39, Chapter 1200-03-31, paragraph (4) of Rule 1200-03-09-.01, or paragraph (5) of Rule 1200-03-09-.01 are included in the criteria of this section.

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

Subitem V of Item (I) of Subpart (ii) of Part 5 of Subparagraph (f) of Paragraph (11) of Rule 1200-03-09-.02 Operating Permits is amended by deleting it in its entirety and substituting instead the following:

- V. Are not modifications under Title I of the Federal Clean Air Act or the federal regulations promulgated pursuant thereto. Further, the minor permit modification process may be used only for changes that are not modifications under Chapter 0400-30-38, Chapter 0400-30-39, Chapter 1200-03-31, paragraph (4) of Rule 1200-03-09-.01, or paragraph (5) of Rule 1200-03-09-.01; and

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

Part 1 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

1. Unpaved roadways and parking areas unless permits have specific conditions limiting fugitive emissions. This activity is not insignificant if it is subject to new source performance standards for nonmetallic mineral processing plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 2 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

2. Paved roadways and parking areas unless permits have specific conditions limiting fugitive emissions. This activity is not insignificant if it is subject to new source performance standards for nonmetallic mineral processing plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 3 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

3. Equipment used on farms for soil preparation, tending or harvesting of crops, or for preparation of feed to be used on the farm where prepared. This activity is not insignificant if it is subject to new source performance standards under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 8 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

8. Sewer vents. This activity is not insignificant if it is subject to the new source performance standards for petroleum refinery wastewater systems under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 9 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

9. Natural gas mixing and treatment operations including sampling and testing. This activity is not insignificant if it is subject to the new source performance standards for onshore natural gas processing plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 16 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

16. Equipment used exclusively to store, hold, or distribute natural gas. This activity is not insignificant if it is subject to the new source performance standards for onshore natural gas processing plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 17 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its

entirety and substituting instead the following:

17. Gasoline, diesel fuel, and fuel oil handling facilities, equipment, and storage tanks, except those subject to new source performance standards and those subject to standards in Chapter 1200-03-18. However, facilities, equipment, and storage tanks which are subject only to Chapter 1200-03-18 requirements for submerged fill and for maintenance of records documenting quantities of gasoline, diesel fuel, and fuel oil dispensed are entitled to the exemption provided by this paragraph, despite the qualification of exemption specified in the first sentence of this subparagraph. This activity is not insignificant if it is subject to the new source performance standards for bulk gasoline terminals under Chapter 0400-30-39 or under 40 C.F.R. part 60 and the Stage I gasoline distribution MACT standard under Chapter 1200-03-31.

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

Part 29 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

29. Sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silos for dry material, or grease trap waste handling or treatment facilities). This activity is not insignificant if it is subject to new source performance standards for volatile organic compounds emissions under Chapter 0400-30-39 or under 40 C.F.R. part 60, MACT standard under Chapter 1200-03-31, and hazardous organic NESHAP under 40 C.F.R. part 63 (2022).

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

Part 43 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

43. Pressurized vessels designed to operate in excess of 30 psig storing a petroleum fuel. This activity is not insignificant if it is subject to new source performance standards for petroleum liquid storage vessels under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 52 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

52. Grain, metal or mineral extrusion process. This activity is not insignificant if it is subject to new source performance standards for metallic mineral processing plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 55 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

55. Equipment used exclusively for sintering of ceramics, glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds. This activity is not insignificant if it is subject to new source performance standards for primary zinc smelters and glass manufacturing operations under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 56 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

56. Equipment for the mining and screening of uncrushed native sand and gravel. This activity is not insignificant if it is subject to new source performance standards for nonmetallic

mineral processing plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 58 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

58. Pulp and paper industry, and cellulosic fiber industry insignificant activities: Any of the following activities is not insignificant if it is subject to new source performance standards for kraft pulp mills under Chapter 0400-30-39 or under 40 C.F.R. part 60, and MACT standard under Chapter 1200-03-31.

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

Part 69 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

69. Equipment used to transport or store process wastewater streams to a wastewater treatment facility (i.e. floor drains, sumps, drain headers, manhole covers). This activity is not insignificant if it is subject to the new source performance standards for petroleum refinery wastewater systems under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 70 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

70. Drum melter operations for low-volatility solid and semi-solid materials using steam or electrical heating. This activity is not insignificant if it is subject to the new source performance standards for electric arc furnaces under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 86 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

86. Industrial-Commercial-Institutional Steam Generating Facility exemptions are as follows: Any of the following activities is not insignificant if it is subject to new source performance standards for steam-generating facilities under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 87 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

87. Sulfuric acid tanks. This activity is not insignificant if it is subject to new source performance standards for sulfuric acid plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 88 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

88. Soil "borrow" pits. This activity is not insignificant if it is subject to new source performance standards for nonmetallic mineral processing plants under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Part 89 of subparagraph (f) of paragraph (5) of Rule 1200-03-09-.04 Exemptions is amended by deleting it in its entirety and substituting instead the following:

- 89. Phosphoric acid tanks. This activity is not insignificant if it is subject to new source performance standards for phosphate fertilizer industry under Chapter 0400-30-39 or under 40 C.F.R. part 60.

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

Subparagraph (c) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

- (c) Emergency stationary compression ignition internal combustion engines subject to the provisions of part (1)(b)108 of Rule 0400-30-39-.01.

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

Subparagraph (d) of paragraph (5) of Rule 1200-03-09-.07 Permits-By-Rule is amended by deleting it in its entirety and substituting instead the following:

- (d) Emergency stationary spark ignition internal combustion engines subject to the provisions of part (1)(b)109 of Rule 0400-30-39-.01.

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

Chapter 1200-03-16  
New Source Performance Standards

Repeal

Chapter 1200-03-16 New Source Performance Standards is Repealed.

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

Chapter 1200-03-18  
Volatile Organic Compounds

Amendments

Subparagraph (c) of paragraph (2) of Rule 1200-03-18-.48 Volatile Organic Liquid Storage Tanks is amended by deleting it in its entirety and substituting instead the following:

- (c) Any definition in 40 C.F.R part 60, subparts K, Ka, and Kb. The provisions of 40 C.F.R. part 60, subparts K, Ka, and Kb are hereby incorporated by reference as published in the July 1, 2022, edition of the Code of Federal Regulations.

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

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

Amendments

Paragraph (5) 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:

- (5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violation(s) will be automatically issued unless the specified de minimis levels are exceeded:

	<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(a)	Fuel Burning Installations subject to Rule 1200-03-05-.01 or Rule 1200-03-05-.05 and having fuel burning equipment of input capacity greater than 600 x 106 Btu/hr.	Opacity	Two percent of the time during calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one 24-hour exceedance per calendar year takes place.
		Sulfur Dioxide	One 24-hour exceedance per calendar year.
(b)	Fuel Burning Installations subject to Rule 1200-03-05-.05, Rule 1200-03-05-.10, or Rule 1200-30-06-.05.	Opacity	One percent of the time during a calendar quarter (Excluding period of permitted startup or shutdown and excused malfunctions) as long as no more than one 24-hour exceedance per calendar year takes place.
(c)	Fuel Burning Equipment subject to part (1)(b)11 of Rule 0400-30-39-.01 or part (1)(b)13 of Rule 0400-30-39-.01.	Opacity	One percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one 24-hour exceedance per calendar year takes place.
		Sulfur Dioxide	One 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three-hour standard only).
(d)	Kraft Recovery Furnaces subject to either Rule 1200-03-05- .09 or part (1)(b)48 of Rule 0400-30-39-.01.	Opacity	Six percent of the time (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one 24-hour exceedance per calendar year takes place.
(e)	Kraft Recovery Furnaces subject to either Rule 1200-03-07- .07, part (1)(b)48 of Rule 0400-30-39-.01 or part (1)(b)49 of Rule 0400-30-39-.01.	Total Reduced Sulfur	One percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(f)	Lime Kilns subject to	Total Reduced Sulfur	Two percent of the time during a



paragraph (4) of Rule  
1200-03-07-.07.

calendar quarter (Excluding periods of  
permitted startup or shutdown and  
excused malfunctions).

(g)	Sulfuric Acid Plants subject to part (1)(b)22 of Rule 0400-30-39-.01 and Liquid Sulfur Dioxide Plants subject to Rule 1200-03-19-.19.	Sulfur Dioxide	One exceedance greater than three hours duration per year (Excluding periods of excused malfunctions).
(h)	Primary Zinc Smelters subject to part (1)(b)35 of Rule 0400-30-39-.01.	Sulfur Dioxide	One exceedance of greater than three hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (Excluding periods of startup, shutdown, or excused malfunction).
(i)	Electric Arc Furnaces subject to part (1)(b)45 of Rule 0400-30-39-.01 or part (1)(b)46 of Rule 0400-30-39-.01.	Opacity	One percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one 24-hour exceedance per calendar year takes place.
(j)	Sulfur Dioxide Abatement System Serving Facilities Producing Organophosphate Compounds.	Sulfur Dioxide	One exceedance of greater than three hours duration per calendar year (Excluding periods of excused malfunctions).
(k)	Secondary Lead Furnaces subject to part (1)(b)29 of Rule 0400- 30-39-.01.	Opacity	One half percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction).
(l)	Any source type utilizing a thirty day rolling average.	Nitrogen Oxides	None. (Excluding periods of startup, shutdown, or excused malfunction.)

For purposes of this paragraph, the term 24-hour exceedance means a continuous exceedance of an  
emission standard having a total duration of greater than 24 hours (midnight to midnight).

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

Chapter 1200-03-21  
General Alternate Emission Standards

Amendment

Subparagraph (d) of paragraph (2) of Rule 1200-03-21-.01 General Alternate Emission Standard is amended by deleting it in its entirety and substituting instead the following:

- (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 0400-30-38 cannot apply the alternate emission standard to hazardous air contaminants. Air contaminant sources subject to emission standards in Chapter 0400-30-39 or paragraph (4) of Rule 1200-03-09-.01 or subparagraph (5)(b) of Rule 1200-03-09-.01 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 paragraph (4) of Rule 1200-03-09-.01, under Chapters 0400-30-38 and 0400-30-39, and according to a lowest-achievement-emission-rate (LAER) determination under paragraph (5) of Rule 1200-03-09-.01 must be complied with and are not superseded or replaced by the alternate emission standard.

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

Chapter 1200-03-22  
Lead Emission Standards

Amendment

Paragraph (4) of Rule 1200-03-22-.04 Standards for New or Modified Sources of Lead is amended by deleting it in its entirety and substituting instead the following:

- (4) Additional requirements for certain new or modified sources of lead are given in paragraph (4) of Rule 1200-03-09-.01 and in Chapter 0400-30-39.

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

Chapter 1200-03-25

Standards for Infectious Waste Incinerators

Amendments

Subparagraph (b) of paragraph (3) of Rule 1200-03-25-.05 Emission Standards is amended by deleting it in its entirety and substituting instead the following:

- (b) Visible determination of opacity of emissions shall be determined by Method 9 as specified in the Federal Register, Vol. 39, No. 219, November 12, 1974.

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

Chapter 1200-03-26

Administrative Fees Schedule

Amendments

Part 2 of subparagraph (i) of paragraph (2) of Rule 1200-03-26-.02 Construction and Annual Fees is amended by deleting it in its entirety and substituting instead the following:

2. Each regulated pollutant from a source subject to the provisions of chapter 0400-30-39 Standards of Performance for New Stationary Sources.

Authority: T.C.A. §§ 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: May 1, 2023

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

*Michelle W. Owenby*

Name of Officer: Michelle W. Owenby

Title of Officer: Director of the Division of Air Pollution Control

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Filed with the Department of State on: 5/1/2023

*Tre Hargett*

Tre Hargett  
Secretary of State

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