

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 an amendment to the Tennessee Air Pollution Control Regulations 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 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, at 9:30 a.m. on Monday, August 25, 2008. 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 Monday, August 25, 2008, 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 Monday, August 25, 2008, 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, 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. Jabari D. Martin at (615) 532-0554. 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. Malcolm Butler, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0554.

Summary of Proposed Change

Rule 1200-3-18-.32 Cutback and Emulsified Asphalt is being amended. The amendment will allow emulsified asphalt with 3 percent volatile organic compounds (VOC) to be emitted.

Text of Proposed Change

Amendment

Subparagraph (b) of paragraph (3) of rule 1200-3-18-.32 Cutback and Emulsified Asphalt is amended by deleting the following language at the end of the sentence (any volatile organic compound (VOC)) and adding the following language (more than 3 percent by volume of volatile organic compounds (VOC) which evaporate at 260 °C (500 °F) as determined by ASTM Method D244-92.) so that as amended subparagraph (b) shall read:

- (b) April 1 through October 31, no person shall cause, allow, or permit the manufacturing, mixing, storage, or use of emulsified asphalt that contains more than 3 percent by volume of volatile organic compounds (VOC) which evaporate at 260 °C (500 °F) as determined by ASTM Method D244-92.

Authority: T.C.A. §§4-5-202 and 68-201-105. Administrative History: Original rule filed March 8, 1993; effective April 22, 1993.

This notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2008. (FS 06-35-08; DBID 873)