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 File Date: 8/20/2020

# 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>	Travis Blake
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, TN 37243
<b>Phone:</b>	(615) 532-0617
<b>Email:</b>	<a href="mailto:travis.blake@tn.gov">travis.blake@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:Jennifer.Katzenmiller@tn.gov">Jennifer.Katzenmiller@tn.gov</a>

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

Address 1:	Conference Room 15A		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	11/03/2020		
Hearing Time:	9:30 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

*The Department of Environment and Conservation is committed to the Tennessee Pledge and reopening responsibly. All individuals planning to attend this hearing are asked to follow the current recommended guidelines for social distancing, hygiene, and wearing protective equipment when appropriate.*

**Alternate Hearing Option (An electronic participation option is also available. If the In-Person Hearing is Prohibited or Otherwise Inappropriate the Hearing will be Electronic-Only)**

<b>Method 1:</b>	<p>You may also join electronically.</p> <p>Join by going to this link:  <a href="https://urldefense.com/v3/https://tngov.webex.com/tngov/j.php?MTID=m3523409d4da600861e44e229e8afb48d;!!PRtDf9A!-TFztxrTx8nrR5SrDljXbs2MT9USuQ_Dvb0Nb9qtR4QgoEONngTTmmtdBOMaJInF5g\$">https://urldefense.com/v3/https://tngov.webex.com/tngov/j.php?MTID=m3523409d4da600861e44e229e8afb48d;!!PRtDf9A!-TFztxrTx8nrR5SrDljXbs2MT9USuQ_Dvb0Nb9qtR4QgoEONngTTmmtdBOMaJInF5g\$</a></p>
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	<b>Meeting number (access code): 171 773 5094</b>  <b>Meeting password: iSVutVN5F83</b>
<b>Method 2:</b>	<b>Join by phone</b> <b>1-415-655-0003</b> <b>Access code: 171 773 5094</b>  <b>Global call-in numbers are available online at:</b> <a href="#">Link for Global Call-in Numbers</a>

**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 to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan (SIP) pursuant to Tenn. Code Ann. § 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for its 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. §§ 4-5-201 et seq. and will take place in the 15<sup>th</sup> Floor Conference Room A, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243 at 9:30 AM CDT on November 3, 2020. Written comments will be included in the hearing records if received by the close of business on November 3, 2020, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue 15<sup>th</sup> Floor, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail until the close of business on November 3, 2020. Comments may be submitted via e-mail to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov).

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 November 3, 2020, 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 22<sup>nd</sup> 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 Travis Blake at (615) 532-0617. For complete copies of the text of the notice, please contact Travis Blake, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15<sup>th</sup> Floor, Nashville, TN 37243 or via e-mail at [travis.blake@tn.gov](mailto:travis.blake@tn.gov).

**FIRST ITEM:**

Tennessee proposes to amend Chapter 1200-03-14 (Control of Sulfur Dioxide Emissions) by modifying paragraph (6) of Rule 1200-03-14-.01 (General Provisions). In general, the rule changes would:

1. Add a data completeness requirement for the two years of ambient data collected prior to termination of monitoring.
2. Add an exemption for any fuel burning installation or process emission source located in an area in which the Technical Secretary operates one or more ambient sulfur dioxide air quality monitors in the area under the influence of the source's emissions.

**SECOND ITEM:**

Section 110(I) of the Clean Air Act (CAA) prohibits any revision of a SIP that would interfere with attainment or maintenance of a National Ambient Air Quality Standard (NAAQS), reasonable further progress toward attainment of a NAAQS, or any other applicable requirement of the CAA. Because Rule 1200-03-14-.01 is part of Tennessee's SIP, Tennessee is proposing a demonstration that the two changes proposed above will not

contravene the requirements of CAA §110(l).

**THIRD ITEM:**

As part of this effort, Tennessee will also demonstrate to U.S. EPA that a prior change to Tennessee's SIP in 2008 (removal of Rule 1200-03-14-.01(6)(b)1, which required owners or operators petitioning the Technical Secretary to terminate ambient air quality monitoring to demonstrate that actual sulfur dioxide emissions from a fuel burning installation do not exceed 20,000 tons per year), will not have an impact on NAAQS or CAA compliance.

Specific changes are indicated in a redline/strikeout available at <http://www.tn.gov/environment/topic/ppo-air>. Tennessee's 110(l) demonstration is available at the same web address.

**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
1200-03-14	Control of Sulfur Dioxide Emissions
Rule Number	Rule Title
1200-03-14-.01	General Provisions

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 1200-03-14  
Control of Sulfur Dioxide Emissions

Amendments

Paragraph (6) of Rule 1200-03-14-.01 General Provisions is amended by deleting it in its entirety and substituting instead the following:

- (6) Except as otherwise allowed by subparagraph (d) of this paragraph, every owner or operator of a fuel burning installation having a total rated capacity greater than 1,000 million Btu per hour or of a process emission source emitting more than 1,000 tons per year of sulfur dioxide during any calendar year shall:
- (a) Demonstrate to the satisfaction of the Technical Secretary that the sulfur dioxide emitted, either alone or in contribution to other sources, will not interfere with attainment and maintenance of any primary or secondary air quality standard. Any such demonstration must be based on the allowable emission rate specified in the source's construction or operating permit(s) and the source's maximum rated capacity.
  - (b) Install and maintain air quality sensors to monitor attainment and maintenance of ambient air quality standards in the areas influenced by the emissions from such installation. Monitoring shall be performed and results of such monitoring shall be provided in the manner and form directed by the Technical Secretary. Owners or operators may petition and be granted permission by the Technical Secretary to terminate ambient air quality monitoring provided two complete calendar years of air quality data has been generated in the area under the influence of the source's emissions. Petitions may be granted only if the conditions of parts 2 and 3 of this subparagraph are met. For the purpose of this paragraph, "complete" shall mean that all data were collected in accordance with the requirements for data collection, completeness, and quality assurance requirements specified in the source's Title V Operating Permit.
    - 1. Reserved.
    - 2. The source must be located in an attainment area and must not significantly impact a sulfur dioxide nonattainment area.
    - 3. Measurements of air quality in the vicinity of the source demonstrate that ambient sulfur dioxide levels do not exceed 75 percent of the Tennessee Ambient Air Quality Standards.
  - (c) Reserved.
  - (d) The requirements of subparagraph (b) of this paragraph shall not apply to any fuel burning installation or process emission source located in an area in which the Technical Secretary operates one or more ambient sulfur dioxide air quality monitors in the area under the influence of the source's emissions.

Authority: T.C.A. §§ 68-201-101 through -121 and 4-5-201 through -231.

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: August 20, 2020

Signature: Michelle W. Owenby

Name of Officer: Michelle W. Owenby

Title of Officer: Director, Tennessee Division of Air Pollution Control

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Filed with the Department of State on: 8/20/2020

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Secretary of State

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