

ner 1
M

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 the hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq.

The hearing will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531 on November 18, 2005, at 1:30 p.m.

Written comments will be included in the hearing records if received by the close of business on November 18, 2005 at the office of the 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 November 18, 2005 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, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. 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 Jeryl Stewart at 615-532-0605. For complete copies of the text of the notice, please contact Lida Galbreath, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

Summary of Proposed Changes

Chapter 1200-3-3
Ambient Air Quality Standards

Amendments

Paragraph 1200-3-3-.03(1) of Chapter 1200-3-3 is amended by renumbering the existing language of Subparagraph 1200-3-3-.03(1)(b) as Part 1200-3-3-.03(1)(b)1. and adding a new Part 1200-3-3-.03(1)(b)2.

Paragraph 1200-3-3-.03(1) establishes secondary ambient air quality standards for hydrogen fluoride (HF). This rule has been in effect since the 1970s, well before the adoption of technology based emission standards for hazardous air pollutants under Section 112 of the Clean Air Act (CAA). Secondary standards are not health-based standards. The proposed language is to amend Paragraph 1200-3-3-.03(1) by renumbering existing subparagraph (b) as part (b)1. and adding a new part (b)2. to subparagraph (b). The purpose of the new language is to harmonize the approach to regulation of HF with regulation under Section 112 of the federal Clean Air Act and the air toxics policy adopted by the Air Pollution Control Board (Board Order 98-020, November 12, 1997). Thus, under this proposed amendment, any source of HF subject to the provisions of Subparagraph 1200-3-3-.03(1)(b) would be deemed in compliance with the state rule if it is within a category of sources regulated under section 112 and it is meeting any and all applicable requirements of the federal standards. This change reflects policy that control of hazardous air pollutants is first based on technology under section 112 and then followed by a study of "residual risk" by the United States Environmental Protection Agency (EPA). Three industries petitioned the Air Pollution Control Board for rulemaking under TCA section 4-5-201 in a petition dated April 5, 2005. These

Text of Proposed Changes

Chapter 1200-3-3
Ambient Air Quality Standards

Amendments

Chapter 1200-3-3 is amended in the following two respects:

1. Paragraph 1200-3-3-.03(1) of chapter 1200-3-3 is amended by renumbering the existing language of Subparagraph 1200-3-3-.03(1)(b) as Part 1200-3-3-.03(1)(b)1. and:
2. Adding the following language as a new Part 1200-3-3-.03(1)(b)2.:

Sources that emit HF and that are within a source category (including sources that would otherwise be included in the source category but fall below emissions or size thresholds for the source category) for which the United States Environmental Protection Agency has promulgated standards under section 112 of the Clean Air Act are deemed to be in compliance with any requirements under this section if they meet any and all applicable requirements of the federal standards. This part is not applicable to sources subject to 40 CFR 63, Subpart LL.

Statutory Authority: T.C.A. 68-201-105 and 4-5-202 et. seq. Administrative History: Original rule certified June 7, 1974. Amendment filed January 10, 1977; effective February 9, 1977. Amendment filed October 2, 1979; effective November 16, 1979. Amendment filed November 5, 1984; effective December 5, 1984. Amendment filed April 18, 1990; effective June 2, 1990. Amendment filed September 7, 1993; effective November 21, 1993. Amendment filed November 30, 1993; effective February 13, 1994. Amendment filed August 10, 1995; effective October 24, 1995. Amendment filed February 20, 1997; effective May 6, 1997.

Legal contact and/or party who will approve final copy for publication:

Mr. Jeryl Stewart
Division of Air Pollution Control
9th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1531
(615) 532-0605

Contact for disk acquisition:

Ms. Lida Galbreath
Division of Air Pollution Control
9th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1531
(615) 532-0606

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Division of Air Pollution Control.

Barry R. Stephens

Barry R. Stephens
Director
Tennessee Division of Air Pollution Control

Subscribed and sworn to before me this the 30th day of September, 2005.

Deidre Warner

Notary Public

My commission expires on the _____ day of _____, _____.

My Commission Expires NOV. 24, 2007



This notice of rulemaking set out herein was properly filed in the Department of State on the 30 day of Sept, 2005.

Riley C. Darnell

Riley C. Darnell
Secretary of State

By:

Mmuly

MEMO

FROM: Malcolm Butler
TO: Richard Arnold
DATE: September 27, 2005
SUBJECT: **Notice of Rulemaking Filing**

Please change the date and location for the following rule notices:

1200-3-3

1200-3-14-.04 CAIR SO₂ ANNUAL TRADING PROGRAM

1200-3-27-.10 CAIR NO_x ANNUAL TRADING PROGRAM

1200-3-26-.02 CONSTRUCTION AND ANNUAL EMISSION FEES

1200-3-27-.11 CAIR NO_x OZONE SEASON TRADING PROGRAM

from November 17 & 18, 2005, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

to will take place in the Multimedia Room of the Tennessee Tower, located at 312 8th Avenue North, Nashville, Tennessee 37243 at 9:30 a.m. on the 18th day of November, 2005.

**Thank you,
Malcolm**