

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 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. November 27, 2007.

Written comments will be included in the hearing records if received by the close of business November 27, 2007, 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 27, 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, or for complete copies of the text of the notice, please contact Mr. Travis Blake, Department of Environment and Conservation, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243, telephone (615) 532-0617.

Summary of Proposed Change

Chapter 1200-03-27 Nitrogen Oxides

Amendment

Paragraph (1) of rule 1200-03-27-.11 Cair No_x Ozone Season Trading Program is revised by adding language that allows the permitting authority to deduct CAIR NO_x Ozone Season allowances from a CAIR NO_x Ozone Season unit's compliance account to resolve violations of rule 1200-3-27-.06 (NO_x Budget Trading Program) that occur during 2008. CAIR NO_x Ozone Season allowances would be deducted as specified by 1200-3-27-.06(1)(j). Only the portion of the rule affected by this amendment is open to public comment.

Substance of Proposed Change

Chapter 1200-03-27
Nitrogen Oxides

Chapter 1200-03-27 is amended in the following two (2) respects:

1. Subparagraph (a) of paragraph (1) of rule 1200-3-27-.11 Cair No_x Ozone Season Trading Program is amended by adding the following language (Except as noted in subparagraph (b) of this paragraph, the provisions of 1200-3-27-.06 shall not apply to the control period beginning in 2009 and any control period thereafter) to the end of subparagraph (a) so that as amended the subparagraph (a) shall read:
 - (a) The provisions of this rule supersede all requirements of 1200-3-27-.06 for the control period beginning in 2009, and for each control period thereafter. Except as noted in subparagraph (b) of this paragraph, the provisions of 1200-3-27-.06 shall not apply to the control period beginning in 2009 and any control period thereafter.

2. Subparagraph (b) of paragraph (1) of rule 1200-3-27-.11 Cair No_x Ozone Season Trading Program is amended by deleting the present subparagraph (b) and replacing it with a new subparagraph (b) so that as amended the new subparagraph (b) shall read:
 - (b) For excess emissions occurring under 1200-3-27-.06 during the 2008 control period, the permitting authority shall deduct CAIR NO_x Ozone Season allowances for the 2009 control period from a CAIR NO_x Ozone Season unit's compliance account, using the provisions of 1200-3-27-.06(1)(j).

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 28th day of September, 2007. (FS 09-50-07; DBID 740)