

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. on 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 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 Ms. Elizabeth Peeler, Department of Environment and Conservation, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243, telephone (615) 532-9200.

Summary of Proposed Change

Chapter 1200-03-37
Clean Air Mercury Rule

Amendments

Sections 60.4104, 60.4140, and 60.4141 of rule 1200-03-37 Clean Air Mercury Rule are revised by adopting U.S. EPA's revisions to 40 CFR 60 Subpart HHHH (71 FR 33388, June 9, 2006). Adoption of these rule changes is required to satisfy Tennessee's remaining CAMR obligations under §111(d) of the Clean Air Act. Only the portions of the rule affected by this amendment are open to public comment.

Substance of Proposed Change

Chapter 1200-03-37 Clean Air Mercury Rule

Sections 60.4104, 60.4140, and 60.4141 of 1200-03-37 Clean Air Mercury Rule are revised as follows:

1. In §60.4104, the existing subparagraph (a) is deleted after “Except as provided in paragraph (b) of this section,” and parts (1) and (2) are added to subparagraph (a).
2. In §60.4104, the existing subparagraph (b) is deleted and replaced with the revised subparagraph (b). The revised subparagraph (b) is composed of part (1), having subparts (i) and (ii), and part (2), having subparts (i), (ii), (iii), (iv), (v), and (vi).
3. In §60.4140, the existing values for State trading budgets, in tons, were revised for these States: Alaska, Indiana, Montana, Navajo Nation, Ohio, Pennsylvania, and Texas.
4. In §60.4141, the existing subparagraph (a) is modified to reflect the new allowance allocation deadline of November 17, 2006, as follows: “By November 17, 2006, the permitting authority will submit...”

The revised rule shall read as follows:

1200-3-37 Clean Air Mercury Rule

§60.4104 Applicability

(a) Except as provided in paragraph (b) of this section:

(1) The following units in a State shall be Hg budget units, and any source that includes one or more such units shall be a Hg budget source, subject to the requirements of this subpart and subparts BB through HH (§60.270 through §60.344) of this part: Any stationary coal-fired boiler or stationary, coal-fired combustion turbineserving at any time, the later of November 15, 1990 or the start-up of the unit’s combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

(2) If a stationary boiler or stationary combustion turbine that, under paragraph (a)(1) of this section, is not a Hg budget unit begins to combust coal or coal-derived fuel or to serve a generator with a nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a Hg budget unit as provided in paragraph (a)(1) of this section on the first date on which it both combusts coal or coal-derived fuel and serves such generator.

(b) The units in a State that meet the requirements set forth in paragraphs (b)(1)(i) or (b)(2) of this section shall not be budget Hg units:

- (1) (i) Any unit that is a Hg budget unit under paragraph (a)(1) or (2) of this section:
- (A) Qualifying as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and
 - (B) Not serving any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.
- (ii) If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and meets the requirements of paragraph (b)(1)(i) of this section for at least one calendar year, but subsequently no longer meets all such requirements, the unit shall become an Hg budget unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of paragraph (b)(1)(i)(B) of this section.
- (2) Any unit that is an Hg budget unit under paragraph (a)(1) or (2) of this section, is a solid waste incineration unit combusting municipal waste, and is subject to the requirements of:
- (i) A State Plan approved by the Administrator in accordance with subpart Cb of 40 CFR 60 (emissions guidelines and compliance times for certain large municipal waste combustors);
 - (ii) Subpart EB, §60.50b through §60.59b (standards of performance for certain small municipal waste combustors);
 - (iii) Subpart AAAA, §60.1000 through §60.1465 (standards of performance for certain small municipal waste combustors);
 - (iv) A State Plan approved by the Administrator in accordance with Subpart BBBB, §60.1500 through §60.1940 (emission guidelines and compliance times for certain small municipal waste combustion units);
 - (v) Subpart FFF, §62.14100 through §62.14109 (Federal Plan requirements for certain small municipal waste combustion units).

§60.4140 State Trading budgets

The State trading budgets for annual allocations of Hg allowances for the control periods in 2010 through 2017 and in 2018 and thereafter are respectively as follows:

State trading budget (tons)		
State	2010-2017	2018 and thereafter
Alaska	0.010	0.004
Alabama	1.289	0.509
Arkansas	0.516	0.204
Arizona	0.454	0.179
California	0.041	0.016
Colorado	0.706	0.279
Connecticut	0.053	0.021
Delaware	0.072	0.028
District of Columbia	0	0
Florida	1.233	0.487
Georgia	1.227	0.484
Hawaii	0.024	0.009
Idaho	0	0
Iowa	0.727	0.287
Illinois	1.594	0.629
Indiana	2.097	0.828
Kansas	0.723	0.285
Kentucky	1.525	0.602
Louisiana	0.601	0.237
Massachusetts	0.172	0.068
Maryland	0.490	0.193
Maine	0.001	0.001
Michigan	1.303	0.514
Minnesota	0.695	0.274
Missouri	1.393	0.550
Mississippi	0.291	0.115
Montana	0.377	0.149
Navajo Nation	0.600	0.237
North Carolina	1.133	0.447
North Dakota	1.564	0.617
Nebraska	0.421	0.166
New Hampshire	0.063	0.025
New Jersey	0.153	0.060
New Mexico	0.299	0.118
Nevada	0.285	0.112
New York	0.393	0.152
Ohio	2.056	0.812
Oklahoma	0.721	0.285
Oregon	0.076	0.030
Pennsylvania	1.779	0.702
Rhode Island	0	0
South Carolina	0.580	0.229
South Dakota	0.072	0.029
Tennessee	0.944	0.373
Texas	4.656	1.838
Utah	0.506	0.200
Ute Indian Tribe	0.060	0.024
Virginia	0.592	0.234
Vermont	0	0
Washington	0.198	0.078
Wisconsin	0.890	0.351
West Virginia	1.394	0.550
Wyoming	0.952	0.376

§60.4141 Timing Requirements for Hg Allowance allocations

- (a) By November 17, 2006, the permitting authority will submit to the Administrator the Hg allowance allocations, in a format prescribed by the Administrator and in accordance with §60.4142(a) and (b), for the control periods in 2010, 2011, 2012, 2013, and 2014.

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 09-51-09; DBID 741)