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 File Date: 12/30/2020

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.

Agency/Board/Commission:	Air Pollution Control Board
Division:	Air Pollution Control
Contact Person:	Travis Blake
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, TN 37243
Phone:	(615) 532-0617
Email:	travis.blake@tn.gov

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:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Jennifer.Katzenmiller@tn.gov

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

Address 1:	Conference Room A		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	02/24/2021		
Hearing Time:	9:30 AM	<input checked="" type="checkbox"/> X 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)

Method 1:	<p>You may also join electronically.</p> <p>Join by going to this link: https://tngov.webex.com/tngov/j.php?MTID=md804657fa64b5ba2a189078cbaa57641</p>
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	Meeting number (access code): 178 477 2811 Meeting password: crAsjnY3v44
Method 2:	Join by phone 1-415-655-0003 Access code: 178 477 2811 Global call-in numbers are available online at: Link for Global Call-in Numbers

Additional Hearing 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 their consideration regarding 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 15th Floor Conference Room A, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243 at 9:30 AM CST on February 24, 2021. Written comments will be included in the hearing records if received by the close of business on February 24, 2021, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue 15th Floor, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail until the close of business on February 24, 2021. Comments may be submitted via e-mail to 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 February 24, 2021, 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 22nd 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 15th Floor, Nashville, TN 37243 or via e-mail at travis.blake@tn.gov.

Tennessee proposes to amend Chapter 1200-03-10 (Required Sampling, Recordkeeping, and Reporting) by modifying subparagraph (1)(b) of Rule 1200-03-10-.02 (Monitoring of Source Emissions, Recording, and Reporting of the Same are Required). The rule change would allow fossil fuel-fired steam generators to install particulate matter continuous emissions monitoring systems (PM CEMS) in lieu of continuous opacity monitoring systems (COMS). The proposed amendment also defines a “fossil fuel-fired steam generator” as a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer. Tennessee is proposing these changes in response to a petition for rulemaking pursuant to Tenn. Code Ann. § 4-5-201.

Section 110(l) 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 this rule is part of Tennessee’s SIP, Tennessee is proposing a demonstration that the changes will not contravene the requirements of CAA §110(l).

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. Interested parties may submit comments on these proposed revisions.

Interested parties may submit comments on these proposed revisions. Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under Tenn. Code Ann. § 68-201-105, which provides the Board’s general authority to promulgate rules. All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer

regarding the proposed revisions to the State Implementation Plan. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 PM on February 24, 2021, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243.

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
1200-03-10	Required Sampling, Recordkeeping, and Reporting
Rule Number	Rule Title
1200-03-10-.02	Monitoring of Source Emissions, Recording, and Reporting of the Same are Required

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 1200-03-10
Required Sampling, Recordkeeping, and Reporting

Amendments

Part 1 of subparagraph (b) of paragraph (1) of Rule 1200-03-10-.02 (Monitoring of Source Emissions, Recording, and Reporting of the Same are Required) is amended by deleting it in its entirety and substituting instead the following:

1. The specific source categories listed below are required to complete the installation and performance testing of the respective equipment and begin maintaining and recording within 18 months of the effective date of each rule.
 - (i) Fossil fuel-fired steam generators with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Technical Secretary by the owner or operator, shall conform with the following monitoring requirements. For purposes of this rule, "fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel, as defined in Rule 1200-03-16-.03, for the purpose of producing steam by heat transfer.
 - (I) A continuous monitoring system for the measurement of opacity shall be installed, calibrated, maintained, and operated by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except for generators operated as described in subitem I, II, or III of this item.
 - I. Gaseous fuel is the only fuel burned.
 - II. Oil or a mixture of gas and oil are the only fuels burned, and the source is able to comply with the applicable particulate matter and opacity regulations without utilization of particulate matter collection equipment, and where the source has never been found, through any administrative or judicial proceedings, to be in violation of any visible emission standard of these regulations.
 - III. The owner or operator installs, certifies, operates, and maintains a particulate matter continuous emissions monitoring system (PM CEMS) or particulate matter continuous parameter monitoring system (PM CPMS) in accordance with the requirements of 40 CFR 63 Subpart UUUUU, and the PM CEMS or PM CPMS is subject to and complies with:
 - A. The filterable particulate matter standards established by § 63.9991(a)(1) and Table 1 or Table 2 of Subpart UUUUU;
 - B. The monitoring requirements established by §§ 63.10010(h) or (i); and
 - C. The work practice standards established by § 63.10007(a)(1) and Table 3 of Subpart UUUUU.
 - IV. The provisions of § 63.9991(a)(1) and Tables 1 and Table 2 of Subpart UUUUU, §§ 63.10010(h) and (i), and § 63.10007(a)(1) and Table 3 of Subpart UUUUU are hereby adopted by

reference as published in the April 6, 2016, edition of the Federal Register (81 FR 20205).

- (ii) Each sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of sulfur dioxide for each sulfuric acid producing facility within such plant.
- (iii) Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of opacity.

Authority: T.C.A. §§ 4-5-201, et seq.; 4-5-202, et seq.; 68-201-101, et seq.; and 68-201-105.

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: 12/30/2020

Signature: 

Name of Officer: Michelle W. Owenby

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

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Tre Hargett
Secretary of State

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