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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:	Mark A. Reynolds
Address:	Davy Crockett Tower 500 James Robertson Parkway, 7 th Floor Nashville, TN 37243
Phone:	(615) 532-0559
Email:	mark.a.reynolds@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:	Davy Crockett Tower 500 James Robertson Parkway, 6 th 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:	kathryn.reitz@tn.gov

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

Address 1:	Conference Room 7B, 7 th Floor		
Address 2:	Davy Crockett Tower 500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	10/30/2024		
Hearing Time:	1:00 pm	<input checked="" type="checkbox"/> CST/CDT	EST/EDT

Alternate Hearing Option

Method 1:	Microsoft Teams meeting Join on your computer, mobile app or room device Join the meeting now Meeting ID: 263 458 583 625 Passcode: D4sde2
Method 2:	Join with a video conferencing device Tenant key: stateoftn@m.webex.com

	Video ID: 119 556 019 6 More info
Method 3:	Or call in (audio only) +1 629-209-4396,,290554080# United States, Nashville Find a local number Phone conference ID: 290 554 080#

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. Si le resulta difícil leer, hablar o entender inglés, TDEC puede proporcionar servicios de traducción o interpretación sin cargo. Comuníquese con Lida Warden al (615) 532-0554 para obtener más información.

This rulemaking would revise Tennessee's ambient air quality standards to match the current federal National Ambient Air Quality Standards (NAAQS) established in 40 C.F.R. part 50. Chapter 1200-03-03 will be transferred to Chapter 0400-30-03 and then repealed after being transferred. The Division is also proposing to add two definitions in Chapter 1200-03-02. Cross-references to Chapter 1200-03-03 will be updated to refer to Chapter 0400-30-03.

An initial set of draft rules has been prepared for public review and comment. The draft rules may be accessed for review using at www.tn.gov/environment/topic/ppo-air.

Oral or written comments are invited at the hearing. In addition comments may be submitted prior to or after the public hearing to: Department of Environment and Conservation, Division of Air Pollution Control, Davy Crockett Tower, 500 James Roberson Parkway, 7th Floor, Nashville, Tennessee 37243 or via email to Air.Pollution.Control@tn.gov. However, such written comments must be received by 4:30 PM Central Time, on October 30, 2024, to assure consideration. For further information, please contact Mark Reynolds at the above address or telephone number or by e-mail at Mark.A.Reynolds@tn.gov.

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
0400-30-03	Ambient Air Quality Standards
Rule Number	Rule Title
0400-30-03-.01	References to the Code of Federal Regulations
0400-30-03-.02	Primary Ambient Air Quality Standards
0400-30-03-.03	Secondary Ambient Air Quality Standards
0400-30-03-.04	Tennessee Ambient Air Quality Standards
0400-30-03-.05	Nondegradation Standard
0400-30-03-.06	Achievement

Chapter Number	Chapter Title
1200-03-02	Definitions
Rule Number	Rule Title
1200-03-02-.01	General Definitions

Chapter Number	Chapter Title
1200-03-03	Ambient Air Quality Standards
Rule Number	Rule Title
1200-03-03-.01	Primary Air Quality Standards
1200-03-03-.02	Secondary Air Quality Standards
1200-03-03-.03	Tennessee's Ambient Air Quality Standards
1200-03-03-.04	Nondegradation Standard
1200-03-03-.05	Achievement

Chapter Number	Chapter Title
1200-03-05	Visible Emission Regulations
Rule Number	Rule Title
1200-03-05-.02	Exceptions

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.01	Construction Permits

Chapter Number	Chapter Title
1200-03-19	Emission Standards and Monitoring Requirements for Additional Control Areas
Rule Number	Rule Title
1200-03-19-.05	Operating Permits and Emission Limiting Conditions

Chapter Number	Chapter Title
1200-03-20	Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
Rule Number	Rule Title
1200-03-20-.06	Report Required Upon the Issuance of a Notice of Violation

Chapter Number	Chapter Title
1200-03-23	Visibility Protection
Rule Number	Rule Title
1200-03-23-.02	Definitions

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 1200-03-03
Ambient Air Quality Standards

Repeal

Chapter 1200-03-03 Ambient Air Quality Standards is Repealed

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

Chapter 0400-30-03
Ambient Air Quality Standards

New Rules

Table of Contents

0400-30-03-.01 References to the Code of Federal Regulations
0400-30-03-.02 Primary Ambient Air Quality Standards
0400-30-03-.03 Secondary Ambient Air Quality Standards
0400-30-03-.04 Tennessee Ambient Air Quality Standards
0400-30-03-.05 Nondegradation Standard
0400-30-03-.06 Achievement

0400-30-03-.01 References to the Code of Federal Regulations.

All references to the Code of Federal Regulations (C.F.R.) in this chapter are as published on July 1, 2023. Federal statutes and regulations that are not specifically referenced herein may be used as guidance in interpreting this chapter.

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

0400-30-03-.02 Primary Ambient Air Quality Standards.

Primary ambient air quality standards define levels of air quality believed adequate, with an appropriate margin of safety, to protect public health.

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

0400-30-03-.03 Secondary Ambient Air Quality Standards.

Secondary ambient air quality standards define levels of air quality believed adequate, with an appropriate margin of safety, to protect the public welfare from any known anticipated adverse effects of the pollutant.

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

0400-30-03-.04 Tennessee Ambient Air Quality Standards.

- (1) Ambient air quality standards established in this rule apply throughout Tennessee.
 - (a) Tennessee ambient air quality standards for Particulate Matter PM_{2.5}, Particulate Matter PM₁₀, Sulfur Dioxide, Carbon Monoxide, Ozone, Nitrogen Dioxide, and Lead.
 1. Particulate Matter PM_{2.5}.

- (i) The primary ambient air quality standards for PM_{2.5} are 9.0 micrograms per cubic meter (µg/m³) annual arithmetic mean concentration and 35 µg/m³ 24-hour average concentration.
- (ii) The secondary ambient air quality standards for PM_{2.5} are 15.0 µg/m³ annual arithmetic mean concentration and 35 µg/m³ 24-hour average concentration.
- (iii) For the purpose of determining attainment of the primary and secondary standards, particulate matter shall be measured in the ambient air as PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) by:
 - (I) A reference method based on Appendix L of 40 C.F.R. part 50 and designated in accordance with 40 C.F.R. part 53; or
 - (II) An equivalent method designated in accordance with 40 C.F.R. part 53.
- (iv) The primary annual PM_{2.5} standard is met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 C.F.R. part 50, is less than or equal to 9.0 µg/m³.
- (v) The secondary annual PM_{2.5} standard is met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 C.F.R. part 50, is less than or equal to 15.0 µg/m³.
- (vi) The primary and secondary 24-hour PM_{2.5} standards are met when the 98th percentile 24-hour concentration, as determined in accordance with Appendix N of 40 C.F.R. part 50, is less than or equal to 35 µg/m³.

2. Particulate Matter PM₁₀.

- (i) The primary and secondary 24-hour ambient air quality standards for particulate matter are 150 µg/m³, 24-hour average concentration. The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³, as determined in accordance with Appendix K of 40 C.F.R. part 50, is equal to or less than one.
- (ii) For the purpose of determining attainment of the primary and secondary standards, particulate matter shall be measured in the ambient air as PM₁₀ (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by:
 - (I) A reference method based on Appendix J of 40 C.F.R. part 50 and designated in accordance with 40 C.F.R. part 53; or
 - (II) An equivalent method designated in accordance with 40 C.F.R. part 53.

3. Sulfur Dioxide (SO₂).

- (i) The primary one-hour ambient air quality standard for sulfur oxides is 75 parts per billion (ppb), measured in the ambient air as sulfur dioxide (SO₂).
- (ii) The one-hour primary SO₂ standard is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 C.F.R. part 50.
- (iii) The three-hour secondary SO₂ ambient air quality standard is 0.5 parts per million (ppm), not to be exceeded more than once per calendar year. The three-hour averages shall be determined from successive, nonoverlapping, three-hour blocks

starting at midnight each calendar day, and shall be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm shall be rounded up).

- (iv) To demonstrate attainment of the secondary SO₂ standard, the second-highest three-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A three-hour block average shall be considered valid only if all three hourly averages for the three-hour period are available. If only one or two hourly averages are available, but the three-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subpart (iii) of this part, then this result shall be considered a valid three-hour average. In all cases, the three-hour block average shall be computed as the sum of the hourly averages divided by three.
- (v) The level of the SO₂ standard shall be measured by a reference method based on Appendix A-1 or A-2 of 40 C.F.R. part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 C.F.R. part 53.

4. Carbon Monoxide (CO).

- (i) The primary ambient air quality standards for carbon monoxide are:
 - (I) Nine ppm (10 milligrams per cubic meter (mg/m³)) for an eight-hour average concentration not to be exceeded more than once per year; and
 - (II) 35 ppm (40 mg/m³) for a one-hour average concentration not to be exceeded more than once per year.
- (ii) The levels of carbon monoxide in the ambient air shall be measured by:
 - (I) A reference method based on Appendix C of 40 C.F.R. part 50 and designated in accordance with 40 C.F.R. part 53: or
 - (II) An equivalent method designated in accordance with 40 C.F.R. part 53.
- (iii) An eight-hour average shall be considered valid if at least 75 percent of the hourly averages for the eight-hour period are available. If only six (or seven) hourly averages are available, the eight-hour average shall be computed on the basis of the hours available using six (or seven) as the divisor.
- (iv) When summarizing data for comparison with the CO standards, averages shall be stated to one decimal place. Comparison of the data with the levels of the standards in ppm shall be made in terms of integers with fractional parts of 0.5 or greater rounding up.

5. Ozone (O₃).

- (i) The eight-hour primary ambient air quality standard for ozone (O₃) is 0.070 ppm, daily maximum eight-hour average, measured by a reference method based on Appendix D of 40 C.F.R. part 50 and designated in accordance with 40 C.F.R. part 53 or an equivalent method designated in accordance with 40 C.F.R. part 53.
- (ii) The eight-hour primary O₃ ambient air quality standard is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average O₃ concentration is less than or equal to 0.070 ppm, as determined in accordance with Appendix U of 40 C.F.R. part 50.
- (iii) The secondary ambient air quality standard for O₃ is 0.070 ppm, daily maximum eight-hour average, measured by a reference method based on Appendix D of 40 C.F.R. part 50 and designated in accordance with 40 C.F.R. part 53 or an equivalent method designated in accordance with 40 C.F.R. part 53.

- (iv) The eight-hour secondary O₃ ambient air quality standard is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average O₃ concentration is less than or equal to 0.070 ppm, as determined in accordance with Appendix U of 40 C.F.R. part 50.

6. Nitrogen Dioxide (NO₂).

- (i) The primary annual ambient air quality standard for oxides of nitrogen is 53 ppb, annual average concentration, measured in the ambient air as nitrogen dioxide.
- (ii) The primary one-hour ambient air quality standard for oxides of nitrogen is 100 ppb, one-hour average concentration, measured in the ambient air as nitrogen dioxide.
- (iii) The secondary ambient air quality standard for nitrogen dioxide is 0.053 ppm (100 mg/m³) annual arithmetic mean concentration.
- (iv) The level of nitrogen dioxide shall be measured by:
 - (I) A reference method based on Appendix F of 40 C.F.R. part 50; or
 - (II) By a Federal Equivalent Method designated in accordance with 40 C.F.R. part 53.
- (v) The annual primary NO₂ standard is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with Appendix S of 40 C.F.R. part 50 for the annual standard.
- (vi) The one-hour primary NO₂ standard is met when the three-year average of the annual 98th percentile of the daily maximum one-hour average concentration is less than or equal to 100 ppb, as determined in accordance with Appendix S of 40 C.F.R. Part 50 for the one-hour standard.
- (vii) The secondary NO₂ standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

7. Lead (Pb)

- (i) The primary and secondary ambient air quality standards for lead (Pb) and its compounds are 0.15 µg/m³, arithmetic mean concentration over a three-month period, measured in the ambient air as Pb either by:
 - (I) A reference method based on Appendix G of 40 C.F.R. part 50 and designated in accordance with 40 C.F.R. part 53; or
 - (II) An equivalent method designated in accordance with 40 C.F.R. Part 53.
- (ii) The primary and secondary ambient air quality standards for Pb are met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with Appendix R of 40 C.F.R. part 50, is less than or equal to 0.15 micrograms per cubic meter.

8. Appendices A-1, A-2, C, D, F, G, J, K, L, N, R, S, T, and U of 40 C.F.R. part 50 and 40 C.F.R. part 53 are hereby incorporated by reference.

- (b) Tennessee Ambient Air Quality Standards for Gaseous Fluorides Expressed as HF.

Sources that emit gaseous fluorides, including hydrogen fluoride, 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 subparagraph if they meet any and all applicable requirements of the federal standards.

Secondary Standards

Concentration ($\mu\text{g}/\text{m}^3$)	Concentration (ppb by volume)	Averaging Interval
1.2	1.5	30 days
1.6	2.0	seven days
2.9	3.5	24 hours
3.7	4.5	12 hours

NOTE: All values are maximum not to be exceeded more than once per year. Concentrations in $\mu\text{g}/\text{m}^3$ are approximate only. All conditions relate to air at standard conditions of 25° C temperature and 760 millimeters of mercury pressure. All averaging intervals are consecutive time periods.

- (c) A hydrogen chloride (expressed as HCL) value of 70.0 $\mu\text{g}/\text{m}^3$ HCL, 24-hour average, shall be used as a guidance level in assessing air quality impact, excluding the burning of fossil fuels.

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

0400-30-03-.05 Nondegradation Standard.

These ambient air quality standards shall not be construed, applied, or interpreted to allow any significant deterioration of the existing air quality in any portion of Tennessee.

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

0400-30-03-.06 Achievement.

The nitrogen dioxide standard in this chapter is to be achieved statewide by July 1, 1975 and maintained thereafter. The total suspended particulate and sulfur dioxide standards, except for those areas identified in Chapter 1200-03-19, are to be achieved by July 1, 1975 and maintained thereafter. For those total suspended particulate and sulfur dioxide areas identified in Chapter 1200-03-19 the primary standards are to be achieved by December 31, 1982 and maintained thereafter. The standard for lead is to be achieved by October 31, 1981 and maintained thereafter. The standards for ozone and carbon monoxide are to be achieved by December 31, 1982 and maintained thereafter except for areas where a five-year extension has been granted. The standards in the area where the extension has been granted are to be achieved by December 31, 1987 and maintained thereafter. For the New Johnsonville nonattainment area for sulfur dioxide, the secondary standard is to be achieved by December 31, 1987, and maintained thereafter.

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

Chapter 1200-03-02
Definitions

Amendments

The introductory text of paragraph (1) of Rule 1200-03-02-.01 General Definitions is amended by deleting the phrase "Rule Division 1200-03" and replacing it with the phrase "Rule Divisions 1200-03 and 0400-30" so that as amended the introductory text of the paragraph shall read as follows:

(1) When used in Rule Divisions 1200-03 and 0400-30, unless the context clearly indicates otherwise:

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

Part 2 of subparagraph (ffff) of paragraph (1) of Rule 1200-03-02-.01 General Definitions is amended by deleting it in its entirety and substituting instead the following:

2. For any other air contaminant for which there is an ambient air quality standard in Chapter 0400-30-03, a geographical area designated by the Board as not attaining that standard.

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

Subparagraphs (gggg) and (hhhh) of paragraph (1) of Rule 1200-03-02-.01 General Definitions are amended by deleting them in their entirety and substituting instead the following:

(gggg) "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method specified in item (1)(a)2(ii)(I) of Rule 0400-30-03-.04, or by an equivalent method specified in item (1)(a)2(ii)(II) of Rule 0400-30-03-.04.

(hhhh) "PM₁₀ emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method specified in item (1)(a)2(ii)(I) of Rule 0400-30-03-.04, or an equivalent method specified in item (1)(a)2(ii)(II) of Rule 0400-30-03-.04, or by a test method specified in the State Implementation Plan.

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

Paragraph (1) of Rule 1200-03-02-.01 General Definitions is amended by adding a new definition (kkkk) placed in numeric order to read as follows:

(kkkk) "PM_{2.5}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method specified in item (1)(a)1(iii)(I) of Rule 0400-30-03-.04, or by an equivalent method specified in item (1)(a)1(iii)(II) of Rule 0400-30-03-.04.

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

Paragraph (1) of Rule 1200-03-02-.01 General Definitions is amended by adding a new definition (llll) placed in numeric order to read as follows:

(llll) "PM_{2.5} emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method specified in item (1)(a)1(iii)(I) of Rule 0400-30-03-.04, or an equivalent method specified in item (1)(a)1(iii)(II) of Rule 0400-30-03-.04, or by a test method specified in the State Implementation Plan.

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

Chapter 1200-03-05
Visible Emission Regulations

Amendments

Paragraph (1) of Rule 1200-03-05-.02 Exceptions is amended by deleting it in its entirety and substituting instead the following:

- (1) Consistent with the requirements of Chapter 1200-03-20, due allowance may be made for visible emissions in excess of that permitted in this chapter that are necessary or unavoidable due to routine startup and shutdown conditions. However, no visible emission in excess of that permitted in this chapter shall be allowed that can be proved to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 0400-30-03 and the National Ambient Air Quality Standards. The owner or operator shall maintain a continuous, current log of all excess visible emissions showing the time at which such conditions began and ended. Such record shall be available to the Technical Secretary or the Technical Secretary's representative upon request.

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

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Subparagraph (e) of paragraph (1) of Rule 1200-03-09-.01 Construction Permit is amended by deleting it in its entirety and substituting instead the following:

- (e) No construction permit shall be issued by the Technical Secretary if the approval to construct or modify an air contaminant source would result in a violation of the ambient air quality standards specified in Chapter 0400-30-03, would cause a violation of any other regulatory requirement under this Division 1200-03 or Division 0400-30, would result in a violation of applicable portions of the control strategy, or would interfere with attainment or maintenance of a national ambient air quality standard in a neighboring state. In the case where a source or modification was constructed without first obtaining a construction permit, a construction permit may be issued to the source or modification to establish as conditions of the permit, the necessary emission limits and requirements to assure that these regulatory requirements are met. The appropriate enforcement action shall be pursued to ensure that ambient air quality standards and other regulatory requirements will be met. All emission limits and requirements of the construction permit must be met prior to issuance of an operating permit for the source or modification.

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

Subparagraph (f) of paragraph (1) of Rule 1200-03-09-.01 Construction Permit is amended by deleting it in its entirety and substituting instead the following:

- (f) In the issuance of construction permits for new air contaminant sources, or modifications, source impact analysis shall demonstrate that allowable emission increases would not cause or contribute to air pollution in violation of any ambient air quality standard in Chapter 0400-30-03, of any national ambient air quality standard, or any applicable maximum allowable increase as defined in paragraph (4) of this rule. As required, all estimates of ambient concentrations shall be based on applicable air quality models and databases acceptable to the Technical Secretary and meeting the requirements specified in 40 C.F.R. part 51 Appendix W. The provisions of 40 C.F.R. part 51 Appendix W are hereby adopted by reference as published in the July 1, 2023 edition of the Code of Federal Regulations (C.F.R.). Where an air quality impact model specified in 40 C.F.R. part 51 Appendix W is inappropriate, the Technical Secretary may approve use of a modified model or substituted model on a case-by-case basis after consultation with and upon written approval from the EPA Administrator.

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

Part 1 of subparagraph (i) of paragraph (4) of Rule 1200-03-09-.01 Construction Permit is amended by deleting it in its entirety and substituting instead the following:

1. No concentration of a pollutant shall exceed the concentration permitted under the Tennessee secondary ambient air quality standard (Chapter 0400-30-03), or the concentration permitted under the Tennessee primary ambient air quality standard (Chapter 0400-30-03), whichever concentration is lowest for the pollutant for a period of exposure.

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

Part 1 of subparagraph (m) of paragraph (4) of Rule 1200-03-09-.01 Construction Permit is amended by deleting it in its entirety and substituting instead the following:

1. All new or modified facilities shall utilize good engineering practice as determined by the Technical Secretary in designing stacks. In no event shall the part of a stack that exceeds good engineering practice stack height be taken into account for the purpose of determining the degree of emission limitation required for the control of any pollutant for which there is an ambient air quality standard established in Chapter 0400-30-03.

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

Subpart (xxxi) of part 1 of subparagraph (b) of paragraph (5) of Rule 1200-03-09-.01 Construction Permit is amended by deleting it in its entirety and substituting instead the following:

(xxxi) "Ambient Air Quality Standard" (AAQS) means any Primary Ambient Air Quality Standard or Secondary Ambient Air Quality Standard or Tennessee Ambient Air Quality Standard as defined in Chapter 0400-30-03.

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

Chapter 1200-03-19
Emission Standards and Monitoring Requirements for Additional Control Areas

Amendments

Paragraph (2) of Rule 1200-03-19-.05 Operating Permits and Emission Limiting Conditions is amended by deleting it in its entirety and substituting instead the following:

- (2) The Technical Secretary shall specify on the operating permits for all sources whose permits are affected by paragraph (1) of this rule as permit conditions the emission level that is reasonably available control technology (RACT) and reasonable limitations on operating hours as necessary to achieve and maintain ambient air quality standards as specified in Chapter 0400-30-03. It is for purposes of this rule to be considered necessary that there be some room for growth. The RACT specifications will include specific emissions limits (one-hour average basis or shorter time interval basis if so specified).

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

Chapter 1200-03-20
Limits on Emissions Due to Malfunctions, Startups, and Shutdowns

Amendments

Paragraph (6) of Rule 1200-03-20-.06 Report Required Upon the Issuance of a Notice of Violation is amended by deleting it in its entirety and substituting instead the following:

- (6) No emission during periods of malfunction, start-up, or shutdown that is in excess of the standards in Division 1200-03, Division 0400-30, or any permit issued thereto shall be allowed which can be proved to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 0400-30-03 or the National Ambient Air Quality Standards.

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

Chapter 1200-03-23
Visibility Protection

Amendments

Paragraph (16) of Rule 1200-03-23-.02 Definitions is amended by deleting it in its entirety and substituting instead the following:

- (16) "Pollutant" means, for this rule, for particulate matter, the standards expressed in parts (1)(a)1 and 2 of Rule 0400-30-03-.03.

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

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, 2024

Signature: *Michelle W. Owenby*

Name of Officer: Michelle W. Owenby

Title of Officer: Director of the Division of Air Pollution Control

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State