

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 the 19th day of April, 2005.

Written comments will be included in the hearing records if received by the close of business on April 19, 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. Additionally, comments may be submitted via attachments through electronic mail until the close of business on April 19, 2005.

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 April 19, 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 Martin Smith at 615-532-0569. For complete copies of the text of the notice, please contact Martin Smith, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

Summary

Chapter 1200-3-27 Nitrogen Oxides is being amended by adding Rule 1200-3-27-.09 COMPLIANCE PLANS FOR NO_x EMISSIONS FROM STATIONARY INTERNAL COMBUSTION (IC) ENGINES. This new rule is necessary to meet the EPA requirement that Tennessee revise its State Implementation Plan under Phase II of the NO_x SIP Call which establishes control levels for large internal combustion (IC) engines. This new rule will require that the owner/operators of affected IC engines develop and implement compliance plans that will meet the control levels established under Phase II of the NO_x SIP Call. The NO_x emissions reductions achieved through implementation of this new rule will be collectively adequate to provide for compliance with Tennessee's NO_x budget as established under the NO_x SIP Call.

Chapter 1200-3-27 Nitrogen Oxides

New Rule

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1200-3-27-.09 Compliance Plans for NO_x Emissions from Stationary Internal Combustion (IC) Engines

1200-3-27-.09 COMPLIANCE PLANS FOR NO_x EMISSIONS FROM STATIONARY INTERNAL COMBUSTION (IC) ENGINES

- (1) For the purposes of this rule, the following definitions shall apply:
 - (a) “Affected Engine” means any stationary IC engine that is a Large NO_x SIP Call Engine, or other stationary IC engine that is subject to NO_x control under a compliance plan established pursuant to Paragraph (3) of this rule.
 - (b) “Engine Seasonal NO_x 2007 Tonnage Reduction” means the year 2007 seasonal NO_x emissions reductions value (tons) for a Large NO_x SIP Call Engine which is calculated as the difference between the 2007 Ozone Season Base NO_x Emissions and the 2007 Ozone Season Budget NO_x Emissions contained in the NO_x SIP Call Engine Inventory.
 - (c) “Facility Seasonal NO_x 2007 Tonnage Reduction” means the total of the Engine Seasonal NO_x 2007 Tonnage Reductions attributable to all of an owner/operator’s Large NO_x SIP Call Engines.
 - (d) “Large NO_x SIP Call Engine” means a stationary IC engine identified and designated as “large” in the NO_x SIP Call Engine Inventory as emitting more than one ton of NO_x per average ozone season day in 1995.
 - (e) “NO_x SIP Call Engine Inventory” means the inventory of IC engines compiled by EPA as part of the NO_x SIP Call Rule, including the Technical Amendments (Federal Register/Vol. 65, No. 42/March 2, 2000, Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone), and the adjustment of the 2007 Budget NO_x Control Efficiency to 82 percent for large gas-fired engines (Federal Register/Vol. 69, No. 77/April 21, 2004, Interstate Ozone Transport: Response to Court Decisions on the NO_x SIP Call, NO_x SIP Call Technical Amendments, and Section 126 Rules).
 - (f) “Past NO_x Emission Rate” means the emission rate of an Affected Engine in grams per brake horsepower-hour (g/bhp-hr) as determined by performance testing consistent with the requirements of 40 CFR part 60, Appendix A. Where such performance test data are not available, the Past NO_x Emission Rate may be determined by the Technical Secretary on a case-by-case basis using, for example, appropriate emission factors or data from the NO_x SIP Call Engine Inventory. For Large NO_x SIP Call Engines, the Past NO_x Emission Rate is the uncontrolled emission rate.
 - (g) “Projected Operating Hours” means the projected actual number of hours of operation per ozone season for an Affected Engine.
 - (h) “Projected NO_x Emission Rate” means the projected emission rate in g/bhp-hr after installation of controls on an Affected Engine.
 - (i) “Stationary internal combustion engine” means any internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one location to another and remains at a single site at a building, structure, facility, or installation for more than 12 consecutive months. Any engine (or engines) that replaces an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period.
- (2) The requirements of this rule apply to the owner or operator of any Large NO_x SIP Call Engine.

- (3) (a) After May 1, 2007, an owner or operator of a Large NO_x SIP Call Engine shall not operate the engine in the period May 1 through September 30 of 2007 and any subsequent year unless the owner or operator complies with the requirements of a compliance plan which meets the provisions listed below.
 1. The compliance plan must be approved by the Technical Secretary.
 2. The compliance plan must demonstrate enforceable emission reductions from one or more stationary internal combustion engines equal to or higher than the Facility Seasonal NO_x 2007 Tonnage Reduction.
 3. The compliance plan may cover some or all engines at an individual facility or at several facilities or at all facilities in Tennessee that are in control of the same owner/operator.
 4. The compliance plan must be submitted to the Technical Secretary by May 1, 2006.
 5. The compliance plan may include credit for decreases in NO_x emissions from Large NO_x SIP Call Engines in Tennessee due to NO_x control equipment. Credit may also be included for decreases in NO_x emissions from other engines in Tennessee due to NO_x control equipment not reflected in the 2007 Ozone Season Base NO_x Emissions in the NO_x SIP Call Engine Inventory.
 6. The compliance plan must include the following items:
 - (i) List of engines subject to the plan, including the engine's manufacturer, model, facility location address, and facility identification number.
 - (ii) The projected ozone season hours of operation for each engine and supporting documentation.
 - (iii) A description of the NO_x emissions control installed, or to be installed, on each engine and documentation to support the Projected NO_x Emission Rates.
 - (iv) The Past and Projected NO_x Emission Rates for each Affected Engine in g/bhp-hr.
 - (v) A numerical demonstration that the emission reductions obtained from all engines included under the plan will be equivalent to or greater than the owner/operator's Facility Seasonal NO_x 2007 Tonnage Reduction, based on the difference between the Past NO_x Emission Rate and the Projected NO_x Emission Rate multiplied by the Projected Operating Hours for each Affected Engine, and taking into account any credit under Part (3)(a)5. of this paragraph.
 - (vi) Provisions for monitoring, reporting and recordkeeping for each Affected Engine.
 - (b) The Projected NO_x Emission Rate in g/bhp-hr for each Affected Engine must be included in a federally enforceable permit.
- (4) Any owner or operator subject to the requirements of Paragraph (3) shall comply with the following reporting, monitoring, and recordkeeping requirements:

- (a) Monitoring requirements. Each Affected Engine subject to this rule shall comply with the following requirements.
1. Complete an initial performance test consistent with the requirements of 40 CFR part 60, Appendix A, following installation of emission controls required to achieve the emission rate limit specified in Subparagraph (3)(b) of this rule.
 2. Perform periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of a source's compliance with the emission rate limit specified in Subparagraph (3)(b) of this rule. Such periodic monitoring may include either:
 - (i) Performance tests consistent with the requirements of 40 CFR part 60, Appendix A, or portable monitors using ASTM D6522-00;
 - (ii) A parametric monitoring program that specifies operating parameters, and their ranges, that will provide reasonable assurance that each engine's emissions are consistent with the requirements of Paragraph (3) of this rule;
 - (iii) A predictive emissions measurement system that relies on automated data collection from instruments; or
 - (iv) A continuous emission monitoring system that complies with 40 CFR parts 60 or 75.
- (b) Recordkeeping Requirements.
1. Maintain all records necessary to demonstrate compliance with the requirements of this rule for a period of 2 calendar years at the plant at which the subject engine is located. The records shall be made available to the Technical Secretary and EPA upon request.
 2. For each engine subject to the requirements of this rule, the owner or operator shall maintain records of:
 - (i) Identification and location of each engine subject to the requirements of this rule.
 - (ii) Calendar date of record.
 - (iii) The number of hours the unit is operated during each ozone season compared to the Projected Operating Hours.
 - (iv) Type and quantity of fuel used.
 - (v) The results of all compliance tests.
- (c) Reporting requirements. Any owner or operator subject to the requirements of this rule shall submit results of all compliance tests to the Technical Secretary.

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

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(615) 532-0569

Contact for disk acquisition:

Mr. Martin Smith
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(615) 532-0569

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 28th day of February, 2005.

Malcolm H. Butler
Notary Public

My commission expires on the 30th day of July, 2005.

This notice of rulemaking set out herein was properly filed in the Department of State on the 28 day of Feb., 2005.

Riley C. Darnell

Riley C. Darnell
Secretary of State

By: *M. Mull*

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