

**Department of State
Division of Publications**

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Sequence Number: 03-05-16
Rule ID(s): 6134
File Date: 3/7/16
Effective Date: 6/5/16

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Environment & Conservation
Division:	Air Pollution Control
Contact Person:	Jeryl W. Stewart
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, Tennessee
Zip:	37243
Phone:	(615) 532-0605
Email:	Jeryl.Stewart@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-03-16	New Source Performance Standards
Rule Number	Rule Title
1200-03-16-.10	Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After April 21, 1976 and Prior to May 19, 1978
1200-03-16-.11	Standard of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced May 18, 1978
1200-03-16-.61	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After June 2, 1990

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-16
New Source Performance Standards

Amendments

The Table of Contents of Chapter 1200-03-16 New Source Performance Standards is amended by deleting the words "Standard of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After April 21, 1976 and Prior to May 19, 1978" and adding the word "Reserved" so that, as amended, the table of contents for 1200-03-16-.10 shall read: Reserved.

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

Table of Contents of Chapter 1200-03-16 New Source Performance Standards is amended by deleting the words "Standard of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced May 18, 1978" and adding the word "Reserved" so that, as amended, the table of contents for 1200-03-16-.11 shall read: Reserved.

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

Table of Contents of Chapter 1200-03-16 New Source Performance Standards is amended by deleting the words "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After June 2, 1990" and adding the word "Reserved" so that, as amended, the table of contents for 1200-03-16-.61 shall read: Reserved.

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

Rule 1200-03-16-.10 is amended by deleting the rule in its entirety and replacing it with the word "Reserved" so that, as amended, the rule shall read:

1200-03-16-.10 Reserved

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

Rule 1200-03-16-.11 is amended by deleting the rule in its entirety and replacing it with the word "Reserved" so that, as amended, the rule shall read:

1200-03-16-.11 Reserved

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

Rule 1200-03-16-.61 is amended by deleting the rule in its entirety and replacing it with the word "Reserved" so that, as amended, the rule shall read:

1200-03-16-.61 Reserved

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

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

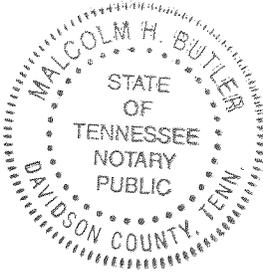
Board Member	Aye	No	Abstain	Absent	Signature (if required)
Vacant Working in Municipal Government					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants	✓				<i>John Benitez</i>
Karen Cisler Environmental Interests	✓				<i>Karen Cisler</i>
Dr. Wayne T. Davis Conservation Interests	✓				<i>Wayne T Davis</i>
Stephen Gossett Working for Industry with technical experience	✓				<i>Stephen Gossett</i>
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation				✓	
Richard Holland Working for Industry with technical experience	✓				<i>Richard Holland</i>
Chris Moore Working in management in Private Manufacturing	✓				<i>Chris Moore</i>
Michelle Owenby Commissioner's Designee, Dept. of Environment and Conservation	✓				<i>Michelle Owenby</i>
John Roberts Small Generator of Air Pollution representing Automotive Interests				✓	
Amy Spann Registered Professional Engineer	✓				<i>Amy Spann</i>
Larry Waters County Mayor	✓				<i>Larry Waters</i>
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development	✓				<i>Jimmy West</i>
Vacant Involved with Institution of Higher Learning on air pollution evaluation and control					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 07/08/2015, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/05/14

Rulemaking Hearing(s) Conducted on: (add more dates). 10/07/14



Date: 7/20/2015

Signature: Barry R. Stephens

Name of Officer: Barry R. Stephens, P.E.

Title of Officer: Technical Secretary

Subscribed and sworn to before me on: 7/20/2015

Notary Public Signature: Malcolm H. Butler

My commission expires on: 1/11/2017

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter

2/8/2016
Date

Department of State Use Only

Filed with the Department of State on: 3/7/16

Effective on: 6/5/16

Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no comments received during the public comment period.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

The amendments to Rules 1200-03-16-.10, 1200-03-16-.11, and 1200-03-16-.61 could potentially affect any small business that owns or operates a storage tank that is subject to these regulations. The effect would be beneficial in that they would not be subject to obsolete state regulations. Such businesses would be subject to current superseding federal regulations.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

None.

- (3) A statement of the probable effect on impacted small businesses and consumers.

The amendments to Rules 1200-03-16-.10, 1200-03-16-.11, and 1200-03-16-.61 could prevent small businesses from being subject to both an obsolete state regulation superseded by such federal regulations. There would be no effect on consumers.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

None.

- (5) A comparison of the proposed rule with any federal or state counterparts.

The provisions of Chapter 1200-03-16 are the state equivalent of federal regulations contained in 40 CFR Part 60. The amendments to Rules 1200-03-16-.10, 1200-03-16-.11, and 1200-03-16-.61 serve to allow the Division to avoid requiring subject facilities to be subject to both obsolete state regulations and their current federal equivalents.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Not applicable.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department anticipates that this amended rule will not have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1200-03-16-.10 Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After April 21, 1976 and Prior to May 19, 1978, Rule 1200-03-16-.11 Standard of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced May 18, 1978, and Rule 1200-03-16-.61 Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After June 2, 1990 are being deleted and reserved, as they have been made obsolete by revisions to the equivalent federal regulations.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

This amendment is being promulgated under the authority of T.C.A. § 68-201-101 et seq.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These amendments can potentially affect any entity that owns or operates a storage tank that is subject to the Rules 1200-03-16-.10, 1200-03-16-.11 or 1200-03-16-.61. There were no comments concerning these amendments.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Tennessee Air Pollution Control Board is not aware of any.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is no fiscal impact resulting from these amendments.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Jeryl W. Stewart
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243
(615) 532-0605

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Emily Urban
Assistant General Counsel
Office of General Counsel

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 532-0125
Emily.Urban@tn.gov

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

The Department is not aware of a request for any additional relevant information.

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Agency/Board/Commission:	Environment & Conservation
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Contact Person:	Jeryl W. Stewart
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Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

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1200-03-16	New Source Performance Standards
Rule Number	Rule Title
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1200-03-16-.11	Standard of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced May 18, 1978
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(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-16
New Source Performance Standards

Amendments

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

Table of Contents of Chapter 1200-03-16 New Source Performance Standards is amended by deleting the words "Standard of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced May 18, 1978" and adding the word "Reserved" so that, as amended, the table of contents for 1200-03-16-.11 shall read: Reserved.

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

Table of Contents of Chapter 1200-03-16 New Source Performance Standards is amended by deleting the words "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After June 2, 1990" and adding the word "Reserved" so that, as amended, the table of contents for 1200-03-16-.61 shall read: Reserved.

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

Rule 1200-03-16-.10 is amended by deleting the rule in its entirety and replacing it with the word "Reserved" so that, as amended, the rule shall read:

~~1200-03-16-.10 Reserved STANDARDS OF PERFORMANCE FOR STORAGE VESSELS FOR PETROLEUM LIQUIDS FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER APRIL 21, 1976 AND PRIOR TO MAY 19, 1978.~~

~~(1) Applicability:~~

- ~~(a) The provisions of this rule shall apply to each storage vessel for petroleum liquids commenced on or after April 21, 1976, which has a storage capacity greater than 151,416 liters (40,000 gallons), except as provided in subparagraph (1)(b), below.~~
- ~~(b) This rule does not apply to storage vessels for crude petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.~~
- ~~(c) 1. Has a capacity greater than 151,416 liters (40,000 gallons), but not exceeding 246,052 liters (65,000 gallons) and commences construction or modification after March 8, 1974, and prior to May 19, 1978.~~
 - ~~2. Has a capacity greater than 246,052 liters (65,000 gallons) and commences construction or modification after June 11, 1973, and prior to May 19, 1978.~~

~~(2) Definitions:~~

- ~~(a) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D323-82.~~
 - ~~1. Pressure vessels which are designed to operate in excess of fifteen (15) pounds per square inch gauge without emissions to the atmosphere except under emergency conditions.~~

2. ~~Subsurface caverns or porous rock reservoirs, or~~
3. ~~Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.~~
- (b) ~~"Petroleum liquids" means crude petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in ASTM D-396-78, gas turbine fuel oils Number 2-GT through 4-GT as specified in ASTM D-2880-78, or diesel fuel oils Number 2-D and 4-D as specified in ASTM D-975-78.~~
- (c) ~~"Petroleum refinery" means each facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.~~
- (d) ~~"Crude petroleum" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.~~
- (e) ~~"Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.~~
- (f) ~~"Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.~~
- (g) ~~"Custody transfer" means the transfer of produced crude petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.~~
- (h) ~~"Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary non-transportation related equipment used in the production of crude petroleum but does not include natural gasoline plants.~~
- (i) ~~"True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods specified by the Technical Secretary.~~
- (j) ~~"Floating roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.~~
- (k) ~~"Vapor recovery system" means a vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.~~
- (l) ~~"Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by method specified by the Technical Secretary.~~
- (3) ~~Standards for volatile organic compounds (VOC). The owner or operator of any storage vessel to which this rule applies shall store petroleum liquids as follows:~~
- (a) ~~If the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.~~
- (b) ~~If the true vapor pressure of the petroleum liquid, as stored, is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.~~

~~(4) Monitoring of Operations:~~

- ~~(a) Except as provided in subparagraph (d) of this paragraph, the owner or operator subject to this rule shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.~~
- ~~(b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Technical Secretary specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the samples(s).~~
- ~~(c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).~~
- ~~(d) The following are exempt from the requirements of this paragraph:
 - ~~1. Each owner or operator of each affected facility which stores petroleum liquids with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).~~
 - ~~2. Each owner or operator of each affected facility equipped with a vapor recovery and return or disposal system in accordance with the requirements of paragraph (3) of this rule.~~~~

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

Rule 1200-03-16-.11 is amended by deleting the rule in its entirety and replacing it with the word "Reserved" so that, as amended, the rule shall read:

~~1200-03-16-.11 Reserved **STANDARDS OF PERFORMANCE FOR STORAGE VESSELS FOR PETROLEUM LIQUIDS FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER MAY 18, 1978 AND PRIOR TO JULY 23, 1984.**~~

~~(1) Applicability:~~

- ~~(a) Except as provided in subparagraph (b) of this paragraph, the affected facility to which this rule applies is each storage vessel for petroleum liquids which has a storage capacity greater than 151,416 liters (40,000 gallons) and for which construction is commenced after May 18, 1978.~~
- ~~(b) Each petroleum liquid storage vessel with a capacity of less than 1,589,873 liters (420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer is not an affected facility and, therefore, is exempt from the requirements of this rule.~~

~~(2) Definitions:~~

- ~~(a) "Storage vessel" means each tank, reservoir, or container used for the storage of petroleum liquids, but does not include:
 - ~~1. Pressure vessels which are designed to operate in excess 204.9 kPa (15 psig) without emissions to the atmosphere except under emergency conditions,~~
 - ~~2. Subsurface caverns or porous rock reservoirs, or~~
 - ~~3. Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.~~~~

- (b) ~~“Petroleum liquids” means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D-396-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D-2880-78, or diesel fuel oils Nos. 2-D and 4-D as specified in ASTM D-975-78.~~
- (c) ~~“Petroleum refinery” means each facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.~~
- (d) ~~“Petroleum” means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.~~
- (e) ~~“Condensate” means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.~~
- (f) ~~“True vapor pressure” means the equilibrium partial pressure exerted by a petroleum liquid such as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating-Roof Tanks, 1962.~~
- (g) ~~“Reid vapor pressure” is the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D323-82.~~
- (h) ~~“Liquid mounted seal” means a foam or liquid-filled primary seal between the tank wall and the floating circumference of the tank.~~
- (i) ~~“Metallic shoe seal” includes but is not limited to a metal sheet held vertically against the tank wall by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.~~
- (j) ~~“Vapor mounted seal” means a foam-filled primary seal mounted continuously around the circumference of the tank so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.~~
- (k) ~~“Custody transfer” means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.~~
- (3) ~~Standard for volatile organic compounds (VOC).~~
- (a) ~~The owner or operator of each storage vessel to which this rule applies which contains a petroleum liquid which, as stored, has a true vapor pressure equal to or greater than 10.3 kPa (1.5 psia) but not greater than 76.6 kPa (11.1 psia) shall equip the storage vessel with one of the following:~~
1. ~~An external floating roof, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and is equipped with a closure device between the tank wall and the roof edge. Except as provided in item (a)1.(ii)(IV) of this paragraph, the closure device is to consist of two seals, one above the other. The lower seal is referred to as the secondary seal. The roof is to be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when this roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.~~
 - (i) ~~The primary seal is to be either a metallic shoe seal, a liquid mounted seal, or a vapor-mounted seal. Each seal is to meet the following requirements:~~
 - (l) ~~The accumulated area of gaps between the tank wall and the metallic shoe seal or the liquid mounted seal shall not exceed 212 cm² per meter of tank diameter (40.0 in² per ft of tank diameter) and the width of any portion of any gap shall not exceed 3.81 cm (1 1/2 in).~~

- ~~(II) The accumulated area of gaps between the tank wall and the vapor-mounted seal shall not exceed 21.2 cm² per meter of tank diameter (1.0 in² per ft of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (1/2 in).~~
- ~~(III) One end of the metallic shoe is to extend into the stored liquid and the other end is to extend to a minimum vertical distance of 61 cm (24 in.) above the stored liquid surface.~~
- ~~(IV) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.~~
- ~~(ii) The secondary seal is to meet the following requirements:
 - ~~(I) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in item (a)1.(ii)(II) of this paragraph.~~
 - ~~(II) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm² per meter of tank diameter (1.0 in² per ft of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (1/2 in).~~
 - ~~(III) There are to be no holes, tears, or other openings in the seal or seal fabric.~~
 - ~~(IV) The owner or operator is exempted from the requirements for secondary seals and the secondary seal gap criteria when performing gap measurements or inspections of the primary seal.~~~~
- ~~(iii) Each opening in the roof except for automatic bleeder vents and rim space vents is to provide a projection below the liquid surface. Each opening in the roof except for automatic bleeder vents, rim space vents and leg sleeves is to be equipped with a cover, seal or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use or as described in subpart (a) 1. (iv) of this paragraph. Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.~~
- ~~(iv) Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.~~

~~2. A fixed roof with an internal floating type cover equipped with a continuous closure device between the tank wall and the cover edge. The cover is to be floating at all times, (i.e., off the leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the cover is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible. Each opening in the cover except for automatic bleeder vents and the rim space vents is to provide a projection below the liquid surface. Each opening in the cover except for automatic bleeder vents, rim space vents, stub drains and leg sleeves is to be equipped with a cover, seal, or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the cover is floating except when the cover is being floated off or is being landed on the leg supports. Rim vents are to be set open only when the cover is being floated off the leg supports or at the manufacturer's recommended setting.~~

~~3. A vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such~~

~~VOC vapors and gases so as to reduce their emission to the atmosphere by at least 95 percent by weight.~~

~~4. A system equivalent to those described in parts (a) 1., (a) 2. and (a) 3. of this rule as provided in paragraph (5).~~

~~(b) The owner or operator of each storage vessel to which this rule applies which contains a petroleum liquid which, as stored, has a true vapor pressure greater than 76.6 kPa (11.1 psia); shall equip the storage vessel with a vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such VOC vapors and gases so as to reduce their emission to the atmosphere by at least 95 percent by weight.~~

~~(4) Testing and Procedures~~

~~(a) Except as provided in 1200-3-16-.01(5), compliance with the standard prescribed in paragraph 1200-3-16-.11(3) shall be determined as follows:~~

~~1. The owner or operator of each storage vessel to which this rule applies which has an external floating roof shall meet the following requirements:~~

~~(i) Determine the gap areas and maximum gap widths between the primary seal and the tank wall, and the secondary seal and the tank wall according to the following frequency:~~

~~(I) For primary seals, gap measurements shall be performed within 60 days of the initial fill with petroleum liquid and at least once every five years thereafter. All primary seal inspections or gap measurements which require the removal or dislodging of the secondary seal shall be accomplished as rapidly as possible and the secondary seal shall be replaced as soon as possible.~~

~~(II) For secondary seals, gap measurements shall be performed within 60 days of the initial fill with petroleum liquid and at least once every year thereafter.~~

~~(III) If any storage vessel is out of service for a period of one year or more, subsequent refilling with petroleum liquid shall be considered initial fill for the purposes of items (a)1.(i)(I) and (a)1.(i)(III) of this paragraph.~~

~~(ii) Determine gap widths in the primary and secondary seals individually by the following procedures:~~

~~(I) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.~~

~~(II) Measure seal gaps around the entire circumference of the tank in each place where a 1/8" diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the tank wall and measure the circumferential distance of each such location.~~

~~(III) The total surface area of each gap described in item (a)1.(ii)(II) of this paragraph shall be determined by using probes of various widths to accurately measure the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.~~

~~(IV) Keep records of each gap measurement at the plant for a period of at least two years following the date of measurement. Each record shall identify the vessel on which the measurement was performed and shall contain the date of the seal gap measurement, the raw data obtained in the measurement process required by subpart (a)1(iii) of this paragraph and the calculation required by subpart (a)1(iii) of this paragraph.~~

~~(V) If either the seal gap calculated in accord with subpart (a)1(iii) of this paragraph or the measured maximum seal gap exceeds the limitations specified by paragraph (3) of this rule, a report shall be furnished to the Technical Secretary within 60 days of the date of measurements. The report shall identify the vessel and list each reason why the vessel did not meet the specifications of paragraph (3). The report shall also describe the actions necessary to bring the storage vessel into compliance with the specifications of paragraph (3).~~

~~(iii) Add the gap surface area of each gap location for the primary seal and the secondary seal individually. Divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the appropriate ratio in the standard in 1200-3-16-.11(3)(a)1.(i) and (ii).~~

~~(iv) Provide the Technical Secretary prior notice of the gap measurement to afford the Technical Secretary opportunity to have an observer present.~~

~~2. The owner or operator of each storage vessel to which this rule applies which has a vapor recovery and return or disposal system shall provide the following information to the Technical Secretary on or before the date on which construction of the storage vessel commences:~~

~~(i) Emission data, if available, for a similar vapor recovery and return or disposal system used on the same type of storage vessel, which can be used to determine the efficiency of the system. A complete description of the emission measurement method used must be included.~~

~~(ii) The manufacturer's design specifications and estimated emission reduction capability of the system.~~

~~(iii) The operation and maintenance plan for the system.~~

~~(iv) Any other information which will be useful to the Technical Secretary in evaluating the effectiveness of the system in reducing VOC emissions.~~

~~(5) (Reserved).~~

~~(6) Monitoring of Operations.~~

~~(a) Except as provided in subparagraph (d) of this paragraph, the owner or operator subject to this rule shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.~~

~~(b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Technical Secretary specifically requests that the liquid be sampled, the actual storage temperatures determined, and the Reid vapor pressure determined from the sample(s).~~

~~(c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).~~

~~(d) The following are exempt from the requirements of this paragraph:~~

~~1. Each owner or operator of each storage vessel storing a petroleum liquid with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).~~

2. ~~Each owner or operator of each storage vessel equipment with a vapor recovery and return or disposal system in accordance with the requirements of 1200-3-16-.11 (3)(a)3. and (3)(b).~~

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

Rule 1200-03-16-.61 is amended by deleting the rule in its entirety and replacing it with the word "Reserved" so that, as amended, the rule shall read:

~~1200-03-16-.61~~ Reserved ~~STANDARDS OF PERFORMANCE FOR VOLATILE ORGANIC LIQUID STORAGE VESSELS (INCLUDING PETROLEUM LIQUID STORAGE VESSELS) FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER JUNE 2, 1990. (A new rule which limits emissions from volatile organic liquid storage vessels).~~

~~(1) Applicability~~

- ~~(a) Except as provided in subparagraphs (b), (c), and (d) of this paragraph, the affected facility to which this rule applies is each storage vessel with a capacity greater than or equal to 40 cubic meters (m³) that is used to store volatile organic liquids (VOL's) for which construction, reconstruction, or modification is commenced after June 2, 1990.~~
- ~~(b) Except as specified in subparagraphs (a) and (b) of paragraph (7), storage vessels with design capacity less than 75 m³ are exempt from the General Provisions (1200-3-16-.01) and from the provisions of this rule.~~
- ~~(c) Except as specified in subparagraph (a) and (b) of paragraph (7), vessels either with a capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure less than 3.5 kPa or with a capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure less than 15.0 kPa are exempt from the General Provisions (1200-3-16-.01) and from the provisions of this rule.~~
- ~~(d) This rule does not apply to the following:
 1. ~~Vessels at coke oven by-product plants.~~
 2. ~~Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere.~~
 3. ~~Vessels permanently attached to mobile vehicles such as trucks, railcars, barges, or ships.~~
 4. ~~Vessels with a design capacity less than or equal to 1,589.874 m³ used for petroleum or condensate stored, processed, or treated prior to custody transfer.~~
 5. ~~Vessels located at bulk gasoline plants.~~
 6. ~~Storage vessels located at gasoline service stations.~~
 7. ~~Vessels used to store beverage alcohol.~~~~

~~(2) Definitions.~~

- ~~(a) All terms that are used in this rule and are not defined below are given the same meaning as in paragraph 1200-3-16-.01(4).
 1. ~~"Bulk gasoline plant" means any gasoline distribution facility that has a gasoline throughput less than or equal to 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition~~~~

under Federal requirement or Federal, State or local law, and discoverable by the Technical Secretary and any other person.

2. ~~“Condensate” means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.~~
3. ~~“Custody transfer” means the transfer of produced petroleum and/or condensate, after processing and/or treatment in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.~~
4. ~~“Fill” means the introduction of VOL into a storage vessel but not necessarily to complete capacity.~~
5. ~~“Gasoline service station” means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage tanks.~~
6. ~~“Maximum true vapor pressure” means the equilibrium partial pressure exerted by the stored liquid at the temperature equal to the highest calendar month average of the liquid storage temperature for liquids stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored at the ambient temperature, as determined:
 - (i) ~~In accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks. (Reference 1200—3—16—.01(5)(g)); or~~
 - (ii) ~~As obtained from standard reference tests; or~~
 - (iii) ~~As determined by ASTM Method D2879-83 (Reference 1200—3—16—.01(5)(g)); or~~
 - (iv) ~~(Reserved)~~~~
7. ~~“Reid vapor pressure” means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases, as determined by ASTM D323-82 (reference 1200—3—16—.01(5)(g)).~~
8. ~~“Petroleum” means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.~~
9. ~~“Petroleum liquids” means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.~~
10. ~~“Storage vessel” means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:
 - (i) ~~Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors; or~~
 - (ii) ~~Subsurface caverns or porous rock reservoirs.~~~~
11. ~~“Volatile organic liquid” (VOL) means any organic liquid which can emit volatile organic compounds into the atmosphere except those VOL’s that emit only those compounds which the Technical Secretary has determined do not contribute appreciably to the formation of ozone. These compounds are identified in EPA statements on ozone abatement policy for SIP revisions (42 FR 35314, 44 FR 32042, 45 FR 32424, and 45 FR 48941).~~
12. ~~“Waste” means any liquid resulting from industrial, commercial mining or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.~~

~~(3) Standard for Volatile Organic Compounds (VOC)~~

~~(a) The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m³ but less than 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:~~

~~1. A fixed roof in combination with an internal floating roof meeting the following specifications:~~

~~(i) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.~~

~~(ii) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:~~

~~(I) A foam or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.~~

~~(II) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.~~

~~(III) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.~~

~~(iii) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.~~

~~(iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder walls, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.~~

~~(v) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.~~

~~(vi) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.~~

~~(vii) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a split fabric cover that covers at least 90 percent of the opening.~~

- (viii) ~~Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.~~
 - (ix) ~~Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.~~
2. ~~An external floating roof. An external floating roof means a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof. Each external floating roof must meet the following specifications:~~
- (i) ~~Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.~~
 - (I) ~~The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in part 4 of subparagraph (4)(b), the seal shall completely cover the annular space between the edge of the floating roof and tank wall.~~
 - (II) ~~The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in part 4 of subparagraph (4)(b).~~
 - (ii) ~~Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with slotted membrane fabric cover that covers at least 90 percent of the area of the opening.~~
 - (iii) ~~The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.~~
3. ~~A closed vent system and control device meeting the following specifications:~~
- (i) ~~The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections as determined in 1200-3-16-.43(6).~~
 - (ii) ~~The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements (1200-3-16-.01) of the General Provisions.~~
4. ~~A system equivalent to those described in parts (a)1, (a)2 or (a)3 of this paragraph as provided in paragraph (5) of this rule.~~

~~(b) The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m³ which contains a VOL that, as stored, has a maximum true pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:~~

- ~~1. A closed vent system and control device as specified in part 3 of subparagraph (3)(a).~~
- ~~2. A system equivalent to that described in subparagraph (b)1 as provided in paragraph (5) of this rule.~~

~~(4) Test Methods and Procedures~~

~~(a) The owner or operator of each storage vessel as specified in paragraph (3)(a) shall meet the requirements of parts 1, 2, or 3 of subparagraph (b) of this paragraph. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of paragraph (3).~~

~~1. After installing the control equipment required to meet part 1 of subparagraph (3)(a) (permanently affixed roof and internal floating roof), each owner or operator shall:~~

~~(i) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is on service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.~~

~~(ii) For vessels equipped with a liquid mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Technical Secretary in the inspection report required in part 3 of subparagraphs (6)(a) and (b). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.~~

~~(iii) For vessels equipped with a double seal system as specified in item II of subpart (3)(a)1(ii):~~

~~(I) Visually inspect the vessel as specified in subpart (a)1(iv) of this paragraph at least every 5 years; or~~

~~(II) Visually inspect the vessel as specified in subpart (a)1(i) of this paragraph.~~

~~(iv) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes (if any), and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in subpart (a)1(ii) of this~~

paragraph and at intervals no greater than 5 years in the case of vessels specified in subpart (a)1(iii) of this paragraph.

~~(v) Notify the Technical Secretary in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by subparagraphs (a)1(i) and (a)1(iv) of this paragraph to afford the Technical Secretary the opportunity to have an observer present. If the inspection required by subpart (a)1(ii) of this paragraph is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Technical Secretary at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Technical Secretary at least 7 days prior to the refilling.~~

~~(b) After installing the control equipment required to meet part 3 of subparagraph (3)(a) (external floating roof), the owner or operator shall:~~

~~1. Determine the gap areas and maximum gap widths between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel according to the following frequency:~~

~~(i) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.~~

~~(ii) Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.~~

~~(iii) If any sources ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of subparts (i) and (ii) of part (b)1 of this paragraph.~~

~~2. Determine gap widths and areas in the primary and secondary seals individually by the following procedures:~~

~~(i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.~~

~~(ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location.~~

~~(iii) The total surface area of each gap described in subpart (b)2(ii) of this paragraph shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.~~

~~3. Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each by the nominal diameter of the tank and compare each ratio to the respective standards in subpart (b)4 of this paragraph.~~

~~4. Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in subparts (i) and (ii) of part (b)4 of this paragraph:~~

- ~~(i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 cm² per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm.~~
 - ~~(I) One end of the mechanical shoe is to extend into the stored liquid, and the other end is to extend a minimum vertical distance of 61 cm above the stored liquid surface.~~
 - ~~(II) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.~~
 - ~~(ii) The secondary seal is to meet the following requirements:~~
 - ~~(I) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in subpart (b)2(iii) of this paragraph.~~
 - ~~(II) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm² per meter of tank diameter, and the width of any portions of any gap shall not exceed 1.27 cm.~~
 - ~~(III) There are to be no holes, tears, or other openings in the seal or seal fabric.~~
 - ~~(iii) If a failure that is detected during inspection required in part 1 of subparagraph (4)(b) cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Technical Secretary in the inspection report required in part (6)(b)4. Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.~~
- ~~5. Notify the Technical Secretary 30 days in advance of any gap measurements required by subpart (b)1 of this paragraph to afford the Technical Secretary the opportunity to have an observer present.~~
- ~~6. Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.~~
- ~~(i) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with VOL.~~
 - ~~(ii) For all the inspections required by part (b)6 of this paragraph, the owner or operator shall notify the Technical Secretary in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Technical Secretary the opportunity to inspect the storage vessel prior to refilling. If the inspection required by part (b)6 of this paragraph is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Technical Secretary at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Technical Secretary at least 7 days prior to the refilling.~~
- ~~(e) The owner or operator of each source that is equipped with a closed vent system and control device as required in parts (a)3 or (b)2 of paragraph (3) (other than flare) is exempt from rule 1200-3-16.01(5) of the General Provisions and shall meet the following requirements.~~

~~1. Submit for approval by the Technical Secretary as an attachment to the notification required by rule 1200—3—16—.01(7)(a)1. If the facility is exempt from rule 1200—3—16—.01(7)(a)1, as an attachment to the notification required by rule 1200—3—16—.01(7)(a)2, an operating plan containing the information listed below.~~

~~(i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this rule, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and minimum temperature of 816°C is used to meet the 95-percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this subparagraph.~~

~~(ii) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).~~

~~2. Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Technical Secretary, in accordance with part (c)1 of this subparagraph, unless the plan was modified by the Technical Secretary during the review process. In this case, the modified plan applies.~~

~~(d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in parts (a)3 or (b)2 of paragraph (3) shall meet the requirements as specified in the general control device requirements, subparagraph (e) and (f) of paragraph (7).~~

~~(5) (Reserved)~~

~~(6) Reporting and Record Keeping Requirements~~

~~The owner or operator of each storage vessel as specified in subparagraph (3)(a) shall keep records and furnish reports as required by subparagraphs (a), (b), or (c) of this paragraph depending upon the control equipment installed to meet the requirements of paragraph (3). The owner or operator shall keep copies of all reports and records required by this paragraph, except for the record required by (c)1, for at least 2 years. The record required by part (c)1 will be kept for the life of the control equipment.~~

~~(a) After installing control equipment in accordance with subpart (i) part (3)(a)1 (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.~~

~~1. Furnish the Technical Secretary with a report that describes the control equipment and certifies that the control equipment meets the specifications of parts (3)(a)1 and (4)(a)1. This report shall be an attachment to the notification required by rule 1200—3—16—.01(7)(a)3.~~

~~2. Keep a record of each inspection performed as required by subparts (4)(a)1(i), (ii), (iii), (iv). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).~~

~~3. If any of the conditions described in subpart (ii) of part (4)(a)1 are detected during the annual visual inspection (as required by that subpart), a report shall be furnished to the Technical Secretary within 30 days of the inspection. Each report shall identify the storage vessel, the~~

~~nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.~~

- ~~4. After each inspection required by subpart (iii) of paragraph (4)(a)1 that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in subpart 4(a)1(ii), a report shall be furnished to the Technical Secretary within 30 days of the inspection. The report shall identify the storage vessel and the reason why it did not meet the specifications of either subpart (i) of part (3)(a)1 or subpart (iii) of part (4)(a)1 and list each repair made.~~

~~(b) After installing control equipment in accordance with subpart (iii) of part (3)(a)1 (external floating roof), the owner or operator shall meet the following requirements:~~

- ~~1. Furnish the Technical Secretary with a report that describes the control equipment and certifies that the control equipment meets the specifications of subpart (ii) of part (3)(a)1 and subpart (ii) of part (4)(b)1. This report shall be an attachment to the notification required by rule 1200—3—16—.01(7)(a)3.~~

- ~~2. Within 60 days of performing the seal gap measurements required by part 1 of subparagraph (4)(b), furnish the Technical Secretary with a report that contains:~~

~~(i) The date of measurement.~~

~~(ii) The raw data obtained in the measurement.~~

~~(iii) The calculations described in parts 2 and 3 of subparagraph (4)(b).~~

- ~~3. Keep a record of each gap measurement performed as required by subparagraph (4)(b). Each record shall identify the storage vessel in which the measurement was performed and shall contain:~~

~~(i) The date of measurement.~~

~~(ii) The raw data obtained in the measurement.~~

~~(iii) The calculations described in subparagraph (4)(b) partd 2 and 3.~~

- ~~4. After each seal gap measurement that detects gaps exceeding the limitations specified by part 4 of subparagraph (4)(b), submit a report to the Technical Secretary within 30 days of the inspection. The report will identify the vessel and contain the information specified in part (b)2 of this paragraph and the date the vessel was emptied or the repairs made and date of repair.~~

~~(c) After installing control equipment in accordance with part 3 or 4 of subparagraph (3)(a) or (b) (closed vent system and control device other than a flare), the owner or operator shall keep the following records:~~

- ~~1. A copy of the operating plan.~~

- ~~2. A record of the measured values of the parameters monitored in accordance with part 2 of subparagraph (4)(c).~~

~~(d) After installing a closed vent system and flare to comply with paragraph (3), the owner or operator shall meet the following requirements:~~

- ~~1. A report containing the measurements required by part 1, 2, 3, 4, 5, and 6 of subparagraph (4)(b) of this paragraph, shall be furnished to the Technical Secretary as required by rule 1200—3—16—.01(7) of the General Provisions. The report shall be submitted within 6 months of the initial start up date.~~

- ~~2. Records shall be kept of all periods of operation during which the flare pilot flame is absent.~~

3. ~~Semiannual reports of all periods recorded under part 2 of subparagraph (6)(d) in which the pilot flame was absent shall be furnished to the Technical Secretary.~~

~~(7) Monitoring of Operations~~

- ~~(a) The owner or operator shall keep copies of all records required by this section, except for the record required by subparagraph (b) of this paragraph, for at least 2 years. The record required by subparagraph (b) of this paragraph will be kept for the life of the source.~~
- ~~(b) The owner or operator of each storage vessel as specified in subparagraph (1)(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage vessel with a design capacity less than 75 m³ is subject to no provision of this rule other than those required by this subparagraph.~~
- ~~(c) Except as provided in subparagraphs (f) and (g) of this paragraph, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.~~
- ~~(d) Except as provided in subparagraph (g) of this paragraph, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Technical Secretary within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor values for each volume range.~~
- ~~(e) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.
 1. ~~For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storages temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.~~
 2. ~~For crude oil or refined petroleum products the vapor pressure may be obtained by the following:
 - (i) ~~Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used to determine the maximum true pressure from nomographs contained in API Bulletin 2517 (Note: All references to API Bulletins refer to the American Petroleum Institute. Copies of the bullentins may be obtained by writing to A.P.I. Publications Department, 1220 L Street, N.W., Washington, D.C. 20005. Be sure and specify which bulletin you are requesting. There may be a charge for some bulletins.), unless the Technical Secretary or specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).~~
 - (ii) ~~The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa.~~~~~~
3. ~~For other liquids, the vapor pressure:
 - (i) ~~May be obtained from standard reference texts; or~~~~

- ~~(ii) — Determined by ASTM Method D2879-83; or~~
- ~~(iii) — (Reserved)~~
- ~~(iv) — (Reserved)~~

~~(f) — The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements:~~

- ~~1. — Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subparagraph (e) of this paragraph.~~
- ~~2. — For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in subparagraph (3)(a), an initial physical test of the vapor pressure is required; and a physical test at least once every six (6) months thereafter is required as determined by the following methods:~~

- ~~(i) — ASTM Method D2879-83; or~~
- ~~(ii) — ASTM Method D323-82; or~~
- ~~(iii) — (Reserved)~~

~~(g) — The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of paragraph (3) is exempt from the requirements of subparagraphs (c) and (d) of this paragraph.~~

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

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Vacant Working in Municipal Government					
Dr. John Benitez Licensed Physician with experience in health effects of air pollutants	X				
Karen Cisler Environmental Interests	X				
Dr. Wayne T. Davis Conservation Interests	X				
Stephen Gossett Working for Industry with technical experience	X				
Dr. Shawn A. Hawkins Working in field related to Agriculture or Conservation				X	
Richard Holland Working for Industry with technical experience	X				
Chris Moore Working in management in Private Manufacturing	X				
Michelle Owenby Commissioner's Designee, Dept. of Environment and Conservation	X				
John Roberts Small Generator of Air Pollution representing Automotive Interests				X	
Amy Spann Registered Professional Engineer	X				
Larry Waters County Mayor	X				
Jimmy West Commissioner's Designee, Dept. of Economic and Community Development	X				
Vacant Involved with Institution of Higher Learning on air pollution evaluation and control					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Air Pollution Control Board on 07/08/2015, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/05/14

Rulemaking Hearing(s) Conducted on: (add more dates). 10/07/14

Date: _____

Signature: _____

Name of Officer: Barry R. Stephens, P.E.

Title of Officer: Technical Secretary

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no comments received during the public comment period.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

The amendments to Rules 1200-03-16-.10, 1200-03-16-.11, and 1200-03-16-.61 could potentially affect any small business that owns or operates a storage tank that is subject to these regulations. The effect would be beneficial in that they would not be subject to obsolete state regulations. Such businesses would be subject to current superseding federal regulations.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

None.

- (3) A statement of the probable effect on impacted small businesses and consumers.

The amendments to Rules 1200-03-16-.10, 1200-03-16-.11, and 1200-03-16-.61 could prevent small businesses from being subject to both an obsolete state regulation superseded by such federal regulations. There would be no effect on consumers.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

None.

- (5) A comparison of the proposed rule with any federal or state counterparts.

The provisions of Chapter 1200-03-16 are the state equivalent of federal regulations contained in 40 CFR Part 60. The amendments to Rules 1200-03-16-.10, 1200-03-16-.11, and 1200-03-16-.61 serve to allow the Division to avoid requiring subject facilities to be subject to both obsolete state regulations and their current federal equivalents.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Not applicable.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department anticipates that this amended rule will not have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1200-03-16-.10 Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After April 21, 1976 and Prior to May 19, 1978, Rule 1200-03-16-.11 Standard of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced May 18, 1978, and Rule 1200-03-16-.61 Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After June 2, 1990 are being deleted and reserved, as they have been made obsolete by revisions to the equivalent federal regulations.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

This amendment is being promulgated under the authority of T.C.A. § 68-201-101 et seq.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These amendments can potentially affect any entity that owns or operates a storage tank that is subject to the Rules 1200-03-16-.10, 1200-03-16-.11 or 1200-03-16-.61. There were no comments concerning these amendments.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Tennessee Air Pollution Control Board is not aware of any.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is no fiscal impact resulting from these amendments.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Jeryl W. Stewart
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243
(615) 532-0605

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Emily Urban
Assistant General Counsel
Office of General Counsel

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 532-0125
Emily.Urban@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

The Department is not aware of a request for any additional relevant information.