

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 Title V Program 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 Monday, August 25, 2008. Anyone desiring to make oral comments at this public hearing is requested to prepare a written copy of their comments to be submitted to the hearing officer at the public hearing.

Written comments not submitted at the public hearing will be included in the hearing record only if received by the close of business on Monday, August 25, 2008, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to Monday, August 25, 2008, 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, 12th Floor, 401 Church Street, Nashville TN 37243, (615) 532-0207. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Mr. Malcolm Butler at (615) 532-0600. Copies of documents concerning this matter are available for review at the office of the Technical Secretary and at certain public depositories. For information about reviewing these documents, please contact Mr. Malcolm Butler, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0600.

Summary of Proposed Change

Paragraph (7) of rule 1200-03-26-.02 Construction and Annual Emission Fees is amended by adding a new subparagraph (e), so that, as amended, the new subparagraph (e) shall read: When a fee overpayment has been made as a result of an error by the source, an owner or operator may seek a credit or refund for such fee overpayment within One year from the date on which the Division of Air Pollution Control received payment of the fee.

Chapter 1200-03-26 Administrative Fees Schedule

Amendment

Paragraph (7) of rule 1200-03-26-.02 Construction and Annual Emission Fees is amended by adding a new subparagraph (e), so that, as amended, the new subparagraph (e) shall read:

- (e) When a fee overpayment has been made as a result of an error by the source, an owner or operator may seek a credit or refund for such fee overpayment within One year from the date on which the Division of Air Pollution Control received payment of the fee.

Authority: T.C.A. §§68-201-105, 4-5-202 et Seq. Administrative History: Original rule filed June 1, 1990; effective July 16, 1990. Repeal and new rule filed July 5, 1994; effective September 18, 1994. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed March 23, 1998; effective June 6, 1998. Amendment filed March 26, 1999; effective June 9, 1999. Amendment filed April 17, 2000; effective July 1, 2000. Amendment filed December 21, 2000; effective March 6, 2001. Amendment filed January 14, 2002; effective March 30, 2002. Amendment filed May 23, 2003; effective August 6, 2003. Amendment filed May 17, 2004; effective July 31, 2004. Amendment filed March 29, 2005; effective June 12, 2005. Amendment filed April 13, 2006; effective June 27, 2006. Amendment filed June 30, 2006; effective October 27, 2006. Amendment filed October 17, 2006; effective December 31, 2006. Amendment filed April 16, 2007; effective June 30, 2007.

This notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2008. (FS 06-38-08; DBID 876)