

Proposed Rule
of the
Tennessee Department of Environment and Conservation
Division of Air Pollution Control

Chapter 1200-3-31
Case by Case Determinations
of Hazardous Air Pollutant Control Requirements

Presented herein is a proposed amendment of the Case by Case Determinations of Hazardous Air Pollutant Control Requirements of the Tennessee Department of Environment and Conservation submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Department of Environment and Conservation to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531 and in the Department of State, 312 8th Avenue North, 8th Floor William Snodgrass Tower, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty- five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Mrs. Lacey J. Hardin, Assistant Director, Division of Air Pollution Control, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243, telephone 615-532-0554.

The text of the proposed amendment is as follows:

Chapter 1200-3-31
Case by Case Determinations
of Hazardous Air Pollutant Control Requirements

Amendment

Paragraph (6) of rule 1200-3-31-.02 DEFINITIONS is amended by deleting the chemical Methyl Ethyl Ketone (MEK, 2-Butanone) (CAS No. 78-93-3) from the list of Hazardous Air Pollutants, so that as amended the paragraph shall read:

(6)	“Hazardous Air Pollutant” - means any of the following air contaminants:	
	CAS No.	Chemical name
	75070	Acetaldehyde
	60355	Acetamide
	75058	Acetonitrile
	98862	Acetophenone
	53963	2-Acetylaminofluorene
	107028	Acrolein
	79061	Acrylamide
	79107	Acrylic acid
	107131	Acrylonitrile
	107051	Allyl chloride

92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate(DEHP)
542881	Bis(chloromethyl) ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichloro benzidine
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide

57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl Chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichlorethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene

92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Arochlors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachoroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)

0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide compounds ¹
0	Glycol ethers ^{2, 6}
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ³
0	Nickel Compounds
0	Polycyclic Organic Matter ⁴
0	Radionuclides (including radon) ⁵
0	Selenium Compounds

¹X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or Ca(CN)₂

²Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n - OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH₂)_n - OH, Polymers are excluded from the glycol category.

³Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

⁴Includes organic compounds with more than or equal to 100°C which have a boiling point greater than or equal to 100°C

⁵A type of atom which spontaneously undergoes radioactive decay.

Authority: T.C.A. §§68-201-105 and 4-5-201 et. seq. Administrative History: Original rule file July 5, 1994; effective September 18, 1994. Amendment filed November 12, 1998; effective January 26, 1999.

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

Ms. Lacey Hardin
Division of Air Pollution Control
9th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1531
(615) 532-0554

Contact for disk acquisition:

Mr. Malcolm H. Butler
Division of Air Pollution Control
9th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1531
(615) 532-0600

Signature of the agency officer or officers directly responsible for proposing and drafting this rule:

 Barry R. Stephens
 Director
 Tennessee Division of Air Pollution Control

The roll-call vote of the Tennessee Air Pollution Control Board on this rulemaking hearing rule was as follows:

	Aye	No	Abstain
_____ Richard A. Bolton	_____	_____	_____
_____ Wilton Burnett, Jr.	_____	_____	_____
_____ Tracy R. Carter	_____	_____	_____
_____ Ngee-Sing Chong	_____	_____	_____
_____ Mary English	_____	_____	_____
_____ Sharon Goldsworthy	_____	_____	_____
_____ Stephen Gossett	_____	_____	_____
_____ Helen Hennon	_____	_____	_____
_____ Richard Holland	_____	_____	_____
_____ Robert D. Kirkpatrick	_____	_____	_____
_____ Ron Page	_____	_____	_____
_____ Rhedona Rose	_____	_____	_____
_____ Greer Tidwell, Jr.	_____	_____	_____
_____ Larry Waters	_____	_____	_____

I certify that this is an accurate and complete copy of the rulemaking hearing rule, lawfully promulgated and adopted by the Tennessee Air Pollution Control Board on the ____ day of _____, 2006.

The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed amendment as being placed on file in his office as amendment at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published.

Barry R. Stephens
Technical Secretary
Tennessee Air Pollution Control Board

Subscribed and sworn to before me this the _____ day of _____, 2006.

Notary Public

My commission expires on the _____ day of _____, _____.

The proposed amendment provided for herein has been examined by the Attorney General and Reporter of the State of Tennessee and approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers
Attorney General and Reporter

The proposed amendment set out herein was properly filed in the Department of State on the 30th day of June, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 27th day of October, 2006.