

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks, 8th Floor Snodgrass Tower  
 Nashville, TN 37243  
 Phone: 615.741.2650  
 Fax: 615.741.5133  
 Email: [sos.information@state.tn.us](mailto:sos.information@state.tn.us)

**For Department of State Use Only**

Sequence Number: 08-33-09  
 Notice ID(s): 1115  
 File Date: 08/27/2009

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Environment & Conservation
<b>Division:</b>	Air Pollution Control
<b>Contact Person:</b>	Vicki L. Lowe
<b>Address:</b>	9 <sup>th</sup> Floor L & C Annex 401 Church Street Nashville, Tennessee 37243-1531
<b>Phone:</b>	(615) 532-6811
<b>Email:</b>	<a href="mailto:Vicki.Lowe@tn.gov">Vicki.Lowe@tn.gov</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	12 <sup>th</sup> Floor 401 Church Street Nashville, Tennessee 37243
<b>Phone:</b>	(615) 532-0207 or for hearing impaired, TN Relay Service 1-800-848-0298
<b>Email:</b>	<a href="mailto:Beverly.Evans@tn.gov">Beverly.Evans@tn.gov</a>

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

Address 1:	9 <sup>th</sup> Floor L & C Annex		
Address 2:	401 Church Street		
City:	Nashville, Tennessee		
Zip:	37243-1531		
Hearing Date :	10/20/09		
Hearing Time:	9:30 AM	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

**Additional Hearing Information:**

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations, and the State Implementation Plan pursuant to T.C.A. § 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 amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-201 et Seq.

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 Tuesday, October 20, 2009, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9<sup>th</sup> Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

If you have any questions about the origination of this rule change, you may contact Vicki Lowe at (615) 532-6811. 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, 9<sup>th</sup> Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0600.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under T.C.A. § 68-201-105, the Board general authority to promulgate rules.

Materials concerning the proposed actions will be available at [www.state.tn.us/environment/apc/ppo/](http://www.state.tn.us/environment/apc/ppo/) and also for public inspection during normal working hours starting on September 17, 2009, at the following locations:

Air Pollution Control Division 9th Floor, L & C Annex 401 Church Street Nashville, TN 37243-1531	Pollution Control Division Metropolitan Health Dept. 311 23rd Avenue, North Nashville, TN 37203	Air Pollution Control Division Cookeville EFO 1221 South Willow Avenue Cookeville, TN 38506
Air Pollution Control Division Knoxville EFO 3711 Middlebrook Pk., Suite 220 Knoxville, TN 37921	Air Pollution Control Division Johnson City EFO 2305 Silverdale Road Johnson City, TN 37601-2162	Air Pollution Control Division Jackson EFO 1625 Hollywood Drive Jackson, TN 38305
Air Pollution Control Division Columbia EFO 2484 Park Plus Drive Columbia, TN 38401	Knox County Department of Air Quality Management 140 Dameron Avenue, Suite 242 Knoxville, TN 37917	Division of Air Pollution Control Memphis-Shelby Co. Health Dept. 814 Jefferson Avenue Memphis, TN 38105
Air Pollution Control Division Chattanooga EFO 540 McCallie Avenue, Suite 550 Chattanooga, TN 37402	Air Pollution Control Division Nashville EFO 711 R. S. Gass Boulevard Nashville, TN 37243	Kingsport Public Library 400 Broad Street Kingsport, TN 37660
Chattanooga-Hamilton County Air Pollution Control Bureau 6125 Preservation Drive Chattanooga, TN 37416	U.S. EPA, Region IV APTMD - 12th Floor, Atlanta Federal Center 61 Forsyth Street S.W. Atlanta, GA 30303 c/o Mr. Richard Schutt, Chief	

All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the proposed additions and/or revisions to the State Implementation Plan.

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

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

Chapter Number	Chapter Title
1200-03-29	Light-Duty Motor Vehicle Inspection and Maintenance
Rule Number	Rule Title
1200-03-29-.02	Definitions
1200-03-29-.04	Exemption from Motor Vehicle Inspection Requirements

(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 1200-03-29  
Light-Duty Motor Vehicle Inspection and Maintenance

Amendments

Rule 1200-03-29-.02 Definitions is amended by adding two new paragraphs (50) and (51) to definitions which shall read:

- (50) Low-speed vehicle means a four-wheeled vehicle manufactured as a non-road vehicle with a gross vehicle weight of less than 3,000 pounds, capable of twenty miles per hour (20 mph) but not capable of exceeding twenty-five miles per hour (25 mph) on a paved level surface.
- (51) Medium-speed vehicle means any four-wheeled vehicle manufactured as a non-road vehicle with a gross vehicle weight of less than 3,000 pounds, capable of thirty miles per hour (30 mph) but not capable of exceeding thirty-five miles per hour (35 mph) on a paved level surface.

Paragraph (1) of Rule 1200-03-29-.04 Exemption from Motor Vehicle Inspection Requirements is amended by adding subparagraph (h) so that, as amended, subparagraph (h) shall read:

(h) low-speed and medium-speed vehicles

Authority: T.C.A. § 68-201-105

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: August 27, 2009

Signature: Barry R. Stephens

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

Title of Officer: Director, Division of Air Pollution Control

Subscribed and sworn to before me on: August 27, 2009

Notary Public Signature: Elizabeth Annah Peeler

My commission expires on: April 24, 2010

Department of State Use Only

Filed with the Department of State on: 8-27-2009

Tre Hargett  
Tre Hargett  
Secretary of State

RECEIVED  
2009 AUG 27 PM 3:49  
SECRETARY OF STATE  
PUBLICATIONS