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# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 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>	Jeryl W. Stewart
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15 <sup>th</sup> Floor Nashville, Tennessee 37243
<b>Phone:</b>	(615) 532-0605
<b>Email:</b>	<a href="mailto:Jeryl.Stewart@tn.gov">Jeryl.Stewart@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>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2 <sup>nd</sup> Floor Nashville, Tennessee 37243
<b>Phone:</b>	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the 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:	Conference Room A, 15 <sup>th</sup> Floor		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	12/03/13		
Hearing Time:	9:30 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

Rule 1200-03-16-.01 General Provisions, Rule 1200-03-16-.02 Fossil Fuel-Fired Steam Generating for which Construction is Commences After April 3, 1973, and Rule 1200-03-16-.59 Industrial-Commercial-Institutional Steam Generating Units are being amended by deleting paragraphs and subparagraphs of each rule, as they have been made obsolete by revisions to the equivalent federal regulations. Certain current language of each rule is being retained to preserve the validity of references set forth in other chapters of Division 1200-03.

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 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 December 3, 2013, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15<sup>th</sup> Floor, Nashville, TN 37243.

If you have any questions about the origination of this rule change, you may contact Mr. Jeryl Stewart at (615) 532-0605. 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, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15<sup>th</sup> Floor, Nashville, TN 37243, 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's general authority to promulgate rules.

Materials concerning the proposed actions will be available at [www.tn.gov/environment/ppo/#air](http://www.tn.gov/environment/ppo/#air) and also for public inspection during normal working hours starting on October 31, 2013, at the following locations:

Air Pollution Control Division William R. Snodgrass TN Tower 312 Rosa L. Parks Ave., 15 <sup>th</sup> Floor Nashville, TN 37243	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	Air Pollution Control Program Memphis /Shelby County 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	

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. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.01	General Provisions
1200-03-16-.02	Fossil Fuel-Fired Steam Generating for which Construction is Commenced After April 3, 1973
1200-03-16-.59	Industrial-Commercial-Institutional Steam Generating Units

(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

Rule 1200-03-16-.01 General Provisions is amended by deleting it in its entirety and replacing it with the following so that, as amended, the rule shall read as follows:

1200-03-16-.01 General Provisions

- (1) When a standard for visible emissions, particulate matter, sulfur oxides, or any other pollutant is specified for an affected facility in this chapter, it will supersede the standards in any other rule of the regulations. Otherwise, all the provisions of the other regulations, concerning those pollutants shall remain in full effect for all sources regulated under this chapter.
- (2) No person shall cause, suffer, allow, or permit emissions in excess of the standards in this chapter.
- (3) Applicability. Unless specifically defined in subsequent rules, the provisions of this chapter shall apply to the owner or operator of any source which contains any new or modified affected facility commenced after the date specified in each rule. Regardless of the specific emission standards contained in this chapter, new and/or modified sources in or significantly impacting upon a nonattainment area must comply with the provisions of paragraph (5) of Rule 1200-03-09-.01. Regardless of the specific emission standards contained in this chapter, all sources identified in paragraph (4) of Rule 1200-03-09-.01 shall comply with the standards set pursuant to chapter 1200-03-09.
- (4) Reserved
- (5) Reserved
- (6) Reserved
- (7) Reserved
- (8) Reserved
- (9) Reserved
- (10) Reserved
- (11) Reserved

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

Rule 1200-03-16-.02 Fuel Fired Steam Generators for Which Construction is Commenced After April 3, 1972 is amended by deleting it in its entirety and replacing it with the following so that, as amended, the rule shall read as follows:

1200-03-16-.02 Fuel Fired Steam Generators for Which Construction is Commenced After April 3, 1972.

- (1) Applicability
  - (a) The affected facilities to which the provisions of this rule apply are:
    1. Each fossil-fuel-fired steam generating unit of more than 73 mega watts heat input rate (250 million Btu per hour) commenced on or after April 3, 1972, and before November 6, 1988.
    2. Each fossil-fuel and each fossil-fuel and wood-residue-fired steam generating unit capable of firing fossil fuel at a heat input rate of more than 73 megawatts (250 million Btu per hour) that commenced construction or modification after November 6, 1988.
  - (b) Any change to an existing fossil-fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels as defined in this rule, shall not bring that unit under the applicability of this rule.
  - (c) Reserved
  - (d) Any facility covered under Rule 1200-03-16-.03 is not covered under this rule.
  - (e) Any affected facility meeting the applicability requirements of subparagraph (1)(a) of Rule 1200-03-16-.59 commencing construction, modification, or reconstruction after November 6, 1988 is not subject to this rule.
- (2) Reserved
- (3) Reserved
- (4) Reserved
- (5) Reserved
- (6) Reserved
- (7) Reserved

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

Rule 1200-03-16-.59 Industrial Commercial-Institutional Steam Generating Units is amended by deleting it in its entirety and replacing it with the following so that, as amended, the rule shall read as follows:

1200-03-16-.59 Industrial Commercial-Institutional Steam Generating Units

- (1) Applicability and Definition of Affected Facility
  - (a) The affected facility to which this rule applies is each industrial-commercial-institutional steam generating unit for which construction, modification, or reconstruction is commenced after November 6, 1988 and which has a heat input capacity from fuels combusted in the steam generating unit of more than 29 MW (100 million Btu/hour).
  - (b) Reserved
  - (c) Reserved
  - (d) Reserved
  - (e) Reserved

- (f) Reserved
  - (g) Any affected facility meeting the applicability requirements of subparagraph (a) of this paragraph commencing construction, modification, or reconstruction after November 6, 1988 is not subject to Rule 1200-03-16-.02.
- (2) Reserved
  - (3) Reserved
  - (4) Reserved
  - (5) Reserved
  - (6) Reserved
  - (7) Reserved
  - (8) Reserved
  - (9) Reserved
  - (10) Reserved

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

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: October 9, 2013

Signature: Quincy M. Styke III

Name of Officer: Quincy Styke

Title of Officer: Deputy Director



Subscribed and sworn to before me on: October 9, 2013

Notary Public Signature: Malcolm H. Butler

My commission expires on: 1-11-2017

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Filed with the Department of State on: 10/9/13

Tre Hargett

Tre Hargett  
Secretary of State

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