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Sequence Number: 10-19-12
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 File Date: 10/18/12

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.

| | |
|---------------------------------|---|
| Agency/Board/Commission: | Environment and Conservation |
| Division: | Air Pollution Control |
| Contact Person: | Lacey J. Hardin |
| Address: | 9 th Floor L & C Annex 401 Church Street Nashville, Tennessee 37243-1531 |
| Phone: | (615) 532-0545 |
| Email: | Lacey.Hardin@gov.tn |

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:

| | |
|---------------------|--|
| ADA Contact: | ADA Coordinator |
| Address: | 12 th Floor L&C Tower 401 Church Street Nashville, Tennessee 37243 |
| Phone: | (866) 253-5827 (toll free) or (615) 532-0200. Hearing impaired callers may use the Tennessee Relay Service ((800) 848-0298). |
| Email: | beverly.evans@tn.gov |

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

| | | | |
|----------------|----------------------------------|---|----------------------------------|
| Address 1: | 9 th Floor, L&C Annex | | |
| Address 2: | 401 Church Street | | |
| City: | Nashville, Tennessee | | |
| Zip: | 37243-1531 | | |
| Hearing Date : | 12/10/12 | | |
| Hearing Time: | 9:30 AM | <input checked="" type="checkbox"/> CST/CDT | <input type="checkbox"/> EST/EDT |

Additional Hearing Information:

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board for the promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan under the authority of Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be distributed to the members of the Tennessee Air Pollution Control Board for their review in regard to the proposed rule amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. §§ 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 TN 37243-1531, at 9:30 a.m. on December 10, 2012.

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 10, 2012, at the following address: 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 December 10, 2012, 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, L & C Annex, 401 Church Street, Nashville TN 37243, (615) 532-0200. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of these rule changes or the Workload Analysis, you may contact Ms. Lacey Hardin or Mr. Malcolm Butler at (615) 532-0554. For information about reviewing these documents, please contact Ms. Lacey Hardin or Mr. Malcolm Butler, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0554.

Summary of Proposed Changes

Rule 1200-03-26-.02 Construction and Annual Emission Fees is being revised by increasing the Title V fee rate to insure continued services to Title V sources and removing references to a specific fiscal year for the major source annual emission fee rates so that the fee rate remains in effect until the subparagraph is revised.

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/ and also for public inspection during normal working hours starting on November 6, 2012 at the office of the Technical Secretary and the public depositories listed below:

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
1421 Hampshire Pike
Columbia, TN 38401

Knox County Department of
Air Quality Management
140 Dameron Avenue, Suite 242
Knoxville, TN 37917

Air Pollution Control Division
Memphis Environmental Field Office
8383 Wolf Lake Drive
Bartlett, TN 38133-4119

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. Scott Davis, 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 promulgation of amendments to the Tennessee Air Pollution Control Regulations and the State Implementation Plan. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 p.m. CDT on Monday, December 10, 2012, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee, 37243-1531.

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 |
|----------------|---------------------------------------|
| 1200-03-26 | Administrative Fees Schedule |
| Rule Number | Rule Title |
| 1200-03-26-.02 | Construction and Annual Emission Fees |

(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>)

Amendments

Chapter 1200-03-26
Administrative Fees Schedule

Subparagraph (d) of paragraph (9) of Rule 1200-03-26-.02 Construction and Annual Emission Fees is amended by deleting subparagraph (d) in its entirety and replacing it with the following so that, as amended, subparagraph (d) shall read as follows:

- (d) The rate at which major source actual-based annual emission fees are assessed for non-EGU sources shall be \$40.00 per ton and the rate at which major source allowable-based annual emission fees are assessed for non-EGU sources shall be \$29.50 per ton. Notwithstanding any calculation of an annual fee using these rates, the annual fee that each major source is to pay shall not be less than \$7,500. The rate at which major source actual-based annual emission fees are assessed for EGU sources shall be \$56.00 per ton and the rate at which major source allowable-based annual emission fees are assessed for EGU sources shall be \$45.50 per ton. These annual emission fee rates remain in effect until the effective date of an amendment to this subparagraph. Any revision to these rates must result in the collection of sufficient fees to fund the activities identified in subparagraph (1)(c) of this rule. These fee rates shall be supported by the Division's annual workload analysis that is approved by the Board. For purposes of this subparagraph, an electric utility generating unit (EGU) means any steam electric generating unit or stationary combustion turbine that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW net-electrical output to any utility power distribution system for sale. Also, any steam supplied to a steam distribution system for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale is considered in determining the electrical energy output capacity of the affected EGU.

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 18, 2012

Signature: _____

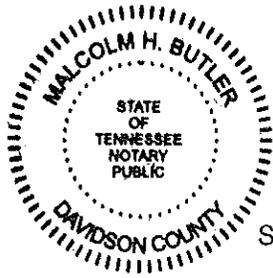
Barry R. Stephens

Name of Officer: _____

Barry R. Stephens

Title of Officer: _____

Technical Secretary TAPCB



Subscribed and sworn to before me on: _____

October 18, 2012

Notary Public Signature: _____

Malcolm H. Butler

My commission expires on: _____

May 6, 2013

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Filed with the Department of State on: _____

10/18/12

Tre Hargett

Tre Hargett
Secretary of State

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