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Sequence Number: 10-47-09
 Notice ID(s): 1154
 File Date: 10/28/2009

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.

| | |
|---------------------------------|---|
| Agency/Board/Commission: | Environment & Conservation |
| Division: | Air Pollution Control |
| Contact Person: | Malcolm H. Butler |
| Address: | 9 th Floor L & C Annex 401 Church Street Nashville, Tennessee 37243-1531 |
| Phone: | (615) 532-0600 |
| Email: | Malcolm.Butler@tn.gov |

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: | TDEC ADA Coordinator 12 th Floor 401 Church Street Nashville, Tennessee 37243 |
| Phone: | (615) 532-0207 or for hearing impaired, TN Relay Service 1-800-848-0298 |
| 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 : | 12/21/09 | | |
| 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 an amendment to the Tennessee Air Pollution Control Regulations, and 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, § 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 Monday, December 21, 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.

If you have any questions about the origination of this rule change, you may contact Ms. Lacey Hardin at (615) 532-0554. 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.

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. The fees proposed below, including the \$7,500 minimum fee, may be revised based on comments received from the public, the regulated community, and any other affected entities. The Tennessee Air Pollution Control Board will consider all comments and set the fee appropriately.

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 October 29, 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
1421 Hampshire Pike
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 Ms. Kay Prince, 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 |
|----------------|---------------------------------------|
| 1200-03-26 | 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>)

Chapter 1200-03-26
Administrative Fees Schedule

Amendment

Subparagraph (d) of paragraph (9) of rule 1200-03-26-.02 Construction and Annual Emission Fees is amended by striking "\$39.00" in the first sentence and inserting "\$40.00" in its place; by striking "\$28.50" in the second sentence and inserting "\$29.50" in its place; by striking the three citations to the period "July 1, 2008 through June 30, 2009" and inserting in their places "July 1, 2009 through June 30, 2010;" so that, as amended, the subparagraph shall read:

- (d) The rate at which major source actual-based annual emission fees are assessed shall be \$40.00 per ton for the annual accounting period July 1, 2009 through June 30, 2010. The rate at which major source allowable-based annual emission fees are assessed shall be \$29.50 per ton for the annual accounting period July 1, 2009 through June 30, 2010. 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 for the annual accounting period July 1, 2009 through June 30, 2010. An annual revision to these rates and the minimum fee must result in the collection of sufficient fees to fund the activities identified in subparagraph 1200-3-26-.02(1)(c). These annual rates and the minimum fee shall be supported by the Division's annual workload analysis that is approved by the Board.

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.



My Comm. Exp. April 24, 2010

Date: October 28, 2009

Signature: Barry R. Stephens

Name of Officer: Barry R. Stephens

Title of Officer: Director, Air Pollution Control Division

Subscribed and sworn to before me on: October 28, 2009

Notary Public Signature: Elizabeth Annah Peeler

My commission expires on: April 24, 2010

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Filed with the Department of State on: 10/28/09

Tre Hargett by [Signature]
Tre Hargett
Secretary of State

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