

Notice
of
Public Hearing

Tennessee Department of Environment and Conservation
Division of Air Pollution Control

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider subject matter on a subject of possible rulemaking under active consideration of the Board. The comments received at the hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the potential development of further rulemaking action. This notice is given pursuant to TCA § 4-5-204(e) as an invitation for public comment on a subject under consideration for rulemakings. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq.

The hearing will take place in the 9th Floor Conference Room of the L & C Annex located at 401 Church Street, Nashville, Tennessee 37243-1531 on December 20, 2005, at 9:30 a.m.

Written comments will be included in the hearing records if received by the close of business on December 20, 2005 at the office of the 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 20, 2005 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, 12st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0207. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Jeryl Stewart at 615-532-0605. For complete copies of the text of the notice, please contact Lida Galbreath, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243 (615) 532-0606.

Basis for Hearing

In addition to a specific proposed amendment of rule chapter 1200-3-3 which appears in a separate notice of rulemaking hearing herein, the Air Pollution Control Board is soliciting comments on broader issues associated with the secondary ambient standard for gaseous fluorides expressed as hydrogen fluoride. This hearing is authorized pursuant to TCA § 4-5-204(e) for receiving comments that could lead to development of a specific rulemaking proposal. Because the Board indicated its interest in considering a range of alternatives as listed below, there is a need to develop significant aspects of these alternatives and, more basically, to select among the alternatives prior to formulating a proposal to rule chapter 1200-3-3. Unlike the ambient standards established by Chapter 1200-3-3 for the "criteria pollutants" such as ozone, particulate matter, sulfur dioxide, and lead there is no federal ambient standard for hydrogen fluoride, nor has there ever been one. The Clean Air Act established two types of national air quality standards. Primary standards set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

The Tennessee Air Pollution Control Board welcomes comments on such issues as (1) whether there should be a primary standard established for gaseous fluorides expressed as hydrogen fluoride, and if so at what level should it be set; (2) if only a secondary standard is desirable, then should the standard remain the same or be set a different level; or (3) should the Air Pollution Control Board retain a state-only secondary standard at all.

Statutory Authority: T.C.A. §§4-5-204(e) and 68-201-108(b)

For a copy of this notice of public hearing, contact:

Mr. Jeryl Stewart
Division of Air Pollution Control
9th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1531
(615) 532-0605

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Division of Air Pollution Control.

Barry R. Stephens
Barry R. Stephens
Director

Tennessee Division of Air Pollution Control

Subscribed and sworn to before me this the 31 day of October, 2005.

Malcolm H. Butler
Notary Public

My commission expires on the 30 day of May, 2009.



This act of rulemaking set out herein was properly filed in the Department of State on the 31 day of _____, 2005.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: Mull

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