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Sequence Number: 11-24-14  
 Notice ID(s): 2280  
 File Date: 11/24/14

# 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 and Conservation
<b>Division:</b>	Air Pollution Control
<b>Contact Person:</b>	Malcolm H. Butler William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor
<b>Address:</b>	Nashville, Tennessee 37243
<b>Phone:</b>	(615) 532-0600
<b>Email:</b>	<a href="mailto:malcolm.butler@tn.gov">malcolm.butler@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 William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor
<b>Address:</b>	Nashville, Tennessee 37243 1-866-253-5827 (toll free) or (615) 532-0200
<b>Phone:</b>	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, 15th Floor		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	01/21/15		
Hearing Time:	9:30 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

On July 13, 2010, the Attorney General of the state of Tennessee issued General Opinion No. 10-86. In this opinion, he determined that local air pollution control programs cannot regulate State owned facilities. Because the state of Tennessee needs to directly collect construction and annual operating fees from regulated state-owned facilities located in counties with local programs to pay for the cost of regulating these facilities, the affected counties must be added to the payment schedule found in Rule 1200-03-26-.02(6)(c). The Division proposes this amendment to require state owned facilities in Davidson, Hamilton, Knox and Shelby counties to start paying their construction and annual operating fees directly to the State instead of paying these fees to the local program in the counties in which they are located.

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 amendment. 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 January 21, 2015, 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, Tennessee 37243.

If you have any questions about the origination of this rule change, you may contact Mr. Malcolm H. Butler at (615) 532-0600. 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 H. Butler, Environmental Protection Specialist, Regulatory Development and Complex Sources, Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15<sup>th</sup> Floor, Nashville, Tennessee 37243.

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 <http://tn.gov/environment/ppo/#air> and also for public inspection during normal working hours starting on December 19, 2014, 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. 2500 Charlotte Avenue Nashville, TN 37209-4129	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 County Health Dept. 814 Jefferson Avenue Memphis, TN 38105
Air Pollution Control Division Chattanooga EFO 1301 Riverfront Parkway, Suite 206 Chattanooga, TN 37402	Air Pollution Control Division Nashville EFO 711 R. S. Gass Boulevard Nashville, TN 37216	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 R. 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 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.)

<b>Chapter Number</b>	<b>Chapter Title</b>
1200-03-26	Administrative fees Schedule
<b>Rule Number</b>	<b>Rule Title</b>
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

Amendments

Paragraph (1) of Rule 1200-03-26-.02 Construction and Annual Emissions Fees is amended by deleting subparagraph (a) in its entirety and substituting instead the following:

- (a) It is the purpose of this rule to establish construction fees, annual emission fees, and permit review fees for sources subject to permitting by the Division of Air Pollution Control sufficient to supplement existing state and federal funding that covers reasonable costs (direct and indirect) associated with the development, processing, and administration of the air pollution control program. This will provide for better quality evaluation of the impact of air emissions on the citizens of Tennessee, and timely permitting services for sources subject to permitting requirements.

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

Paragraph (6) of Rule 1200-03-26-.02 Construction and Annual Emission Fees is amended by deleting subparagraph (c) in its entirety and substituting instead the following:

- (c) Beginning December 1, 1991 all minor and conditional major source annual emission fees are due and payable to the Division in full according to Schedule I of this subparagraph. The county that a source is located in determines when the minor source annual emission fee is due. If a source is located on contiguous property in more than one county, the county appearing earliest in the calendar year shall be used to determine the due date of the annual emission fee. The fee must be paid to the Division in full by the first (1st) day of the month that the fee is due. The Technical Secretary may extend this due date an additional ninety (90) days where he finds that the minor source owner or operator's fee notice was mailed by the Division to an incorrect mailing address.

SCHEDULE I

Month the Annual Emissions Fee is Due (Accounting Period)  
Counties in the Monthly Grouping

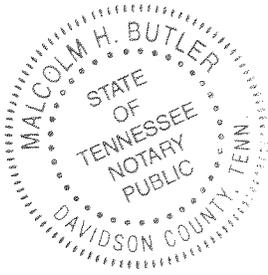
January	Anderson, Bedford, Benton Bledsoe, Blount, Bradley and Campbell
February	Cannon, Carroll, Carter, Cheatham, Chester, Claiborne, Clay and Cocke
March	Coffee, Crockett, Cumberland, Davidson, Decatur, DeKalb, Dickson, Dyer and Fayette
April	Fentress, Franklin, Gibson, Giles, Grainger, Greene and Grundy
May	Hamblen, Hamilton, Hancock, Hardeman, Hardin, Hawkins, Haywood

and Henderson

June	Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lake, Lauderdale, Lawrence and Lewis
July	Lincoln, Loudon, McMinn, McNairy, Macon and Madison
August	Marion, Marshall, Maury, Meigs, Monroe, Montgomery, Moore and Morgan
September	Obion, Overton, Perry, Pickett, Polk, Putnam and Rhea
October	Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, and Shelby
November	Smith, Stewart, Sullivan, Sumner, Tipton, Trousdale, Unicoi and Union
December	Van Buren, Warren, Washington, Wayne, Weakley, White, Williamson and Wilson

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: 11/21/2014

Signature: Barry R. Stephens

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

Title of Officer: Director, Tennessee Division of Air Pollution Control

Subscribed and sworn to before me on: 11/21/2014

Notary Public Signature: Malcolm H. Butler

My commission expires on: 1/11/2017

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Filed with the Department of State on: 11/24/14

Tre Hargett

Tre Hargett  
Secretary of State

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