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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.

Agency/Board/Commission:	Air Pollution Control Board
Division:	Air Pollution Control
Contact Person:	Michelle Oakes
Address:	Davy Crockett Tower, Floor 7 500 James Robertson Parkway Nashville, Tennessee 37243
Phone:	(615) 253-9933
Email:	Michelle.Oakes@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:	Davy Crockett Tower, Floor 6 500 James Robertson Parkway Nashville, Tennessee 37243
Phone:	615-532-0200 Hearing-impaired callers may use the TN Relay Service 1-800-848-0298
Email:	kathryn.reitz@tn.gov

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

Address 1:	Davy Crockett Tower, Floor 7, Conference Room B		
Address 2:	500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	06/05/2024		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Alternate Hearing Option

Method 1:	<p>You may also join electronically.</p> <p>Microsoft Teams Need help? Join the meeting now Meeting ID: 255 689 716 800 Passcode: 5fx2YJ</p>
Method 2:	<p>Join on a video conferencing device Tenant key: stateoftn@m.webex.com Video ID: 111 069 707 0 More info</p>

Method 3:	Dial-in by phone +1 629-209-4396, 510829298# United States, Nashville Find a local number Phone conference ID: 510 829 298#
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Additional Hearing Information:

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Rachael Maitland at (423) 836-8925 or tdec.titlevi@tn.gov for more information. Si le resulta difícil leer, hablar o entender inglés, TDEC puede proporcionar servicios de traducción o interpretación sin cargo. Comuníquese con Rachael Maitland al (423) 836-8925 o tdec.titlevi@tn.gov para obtener más información.

The Air Pollution Control Board (Board) is repealing rules that were identified through the retrospective rule review as out-of-date, redundant, or as superseded by more recent federal regulations as follows:

- Rule 1200-03-07-.06 is proposed for repeal, as the designation of new stationary source standards by the Environmental Protection Agency is covered by the incorporation by reference of federal standards in Chapter 0400-30-39.
- Chapter 1200-03-25 has been superseded by current federal regulations and is proposed for repeal. 40 C.F.R. part 60 subpart Ec (Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators) came into effect in 1997 and has been updated several times beginning in 2009; it applies to each individual hospital/medical/infectious waste incinerator (HMIWI) for which construction is commenced after December 1, 2008 or for which modification is commenced after April 6, 2010. Chapter 1200-03-25 has not been updated since 1988, so has been superseded by this updated federal standard.
- Rule 1200-03-27-.07 is proposed for repeal. The Voluntary NOx Emissions Reduction Program described by this rule is not implemented by the Department and has not been used by the regulated community.

There will be a public hearing before the Technical Secretary of the Board regarding the proposed repeals. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated sections 4-5-201 to -231 and will take place in Conference Room B of the Davy Crockett Tower, Floor 7, 500 James Robertson Parkway, Nashville, Tennessee 37243.

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 days prior to June 5, 2024, 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, Davy Crockett Tower, Floor 6, 500 James Robertson Parkway, Nashville, Tennessee 37243, (615) 532-0200. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Materials concerning the proposed actions will be available at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-air.html>.

If you have any questions about this proposed rulemaking, please contact Michelle Oakes at (615) 253-9933. For complete copies of the text of the notice, please contact Michelle Oakes, Department of Environment and Conservation, Davy Crockett Tower, Floor 7, 500 James Robertson Parkway, Nashville, Tennessee 37243 or via e-mail at Michelle.Oakes@tn.gov.

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. 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 June 5, 2024, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, Davy Crockett Tower, Floor 7, 500 James Robertson Parkway, Nashville, Tennessee 37243. Additionally, comments may be submitted via

attachments through electronic mail until the close of business on June 5, 2024. Comments may be submitted via e-mail to Air.Pollution.Control@tn.gov.

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
1200-03-07	Process Emission Standards
Rule Number	Rule Title
1200-03-07-.06	Standards of Performance for New Stationary Sources

Chapter Number	Chapter Title
1200-03-25	Standards for Infectious Waste Incinerators
Rule Number	Rule Title
1200-03-25-.01	Purpose
1200-03-25-.02	General
1200-03-25-.03	Existing Source Compliance Schedules
1200-03-25-.04	Definitions
1200-03-25-.05	Emission Standards
1200-03-25-.06	Performance Specifications
1200-03-25-.07	Monitoring Requirements
1200-03-25-.08	Testing Requirements
1200-03-25-.09	Record Keeping and Reporting Requirements
1200-03-25-.10	Inspection and Maintenance

Chapter Number	Chapter Title
1200-03-27	Nitrogen Oxides
Rule Number	Rule Title
1200-03-27-.07	Voluntary NOx Emissions Reduction Program

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1200-03-07
Process Emission Standards

Repeal

Rule 1200-03-07-.06 Standards of Performance for New Stationary Sources is repealed.

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

~~1200-03-07-.06 Standards of Performance for New Stationary Sources.~~

~~The Board shall from time to time, after public hearing, designate additional standard(s) of performance for new stationary sources as promulgated by the Environmental Protection Agency and published in the Federal Register.~~

Chapter 1200-03-25
Standards for Infectious Waste Incinerators

Repeal

Chapter 1200-03-25 Standards for Infectious Waste Incinerators is repealed.

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

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1200-03-25-.10 Inspection and Maintenance~~

~~1200-3-25-.01 Purpose~~

~~It is the purpose of this chapter to establish emission standards and performance specifications for new and existing incinerators that burn infectious waste so as to prevent undesirable levels of air contaminants in the atmosphere.~~

~~1200-3-25-.02 General~~

- ~~(1) — Incinerators which burn infectious waste generated by Hospitals, Nursing Homes or Ambulatory Surgical Treatment Centers, as such facilities are defined in T.C.A. § 68-11-201, are subject to the provisions of this chapter.~~
- ~~(2) — An owner or operator shall not burn infectious waste except in a multiple-chamber incinerator with a solid hearth, or in a device found to be equally effective for the purpose of air contaminant control as an approved multiple-chamber incinerator as determined by the Technical Secretary but not a described in 1200-3-25-.06(1)(c).~~
- ~~(3) — The Technical Secretary may establish an emission limit more restrictive than that otherwise specified in this chapter and/or an emission limit for any air contaminant discharged from the infectious waste incinerator that is not specified in this chapter. These emission limits shall be a special condition on any~~

~~permit or order concerning the source and shall be ratified by the Air Pollution Control Board. Violation of the special condition shall be grounds for revocation of the issued permit or order pursuant to the UAPA.~~

~~1200-3-25-.03 Existing Source Compliance Schedules~~

- ~~(1) Incinerators in existence before November 6, 1988 must be in compliance, on or before 18 month from November 6, 1988, with the standards and requirements of this chapter. Each owner or operator of an existing incinerator shall either demonstrate compliance with the requirements of this chapter or submit a compliance schedule detailing the plan of action to achieve compliance within the above 18-month time frame to the Technical Secretary within 180 days from November 6, 1988.~~
- ~~(2) Individual compliance schedules for existing incinerators approved under this rule must contain the following increments of progress and achieve final compliance with the specified emission standards and requirements.
 - ~~(a) Date contract will be awarded~~
 - ~~(b) Date initial construction will commence~~
 - ~~(c) Date construction will be completed~~
 - ~~(d) Date final compliance will be achieved~~
 - ~~(e) Date of compliance demonstration~~~~
- ~~(3) The individual compliance schedule must be received and approved by the Technical Secretary prior to the date of the first increment of progress.~~

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

~~1200-3-25-.04 Definitions~~

~~Unless specifically defined in this chapter, the definitions from Chapter 1200-3-2 will apply:~~

- ~~(1) "Incinerator" means any device used in the process of controlled combustion of waste for the purpose of reducing the volume and minimizing the potential for harm to public health from the waste charged by destroying combustible matter leaving the noncombustible ashes or residue.~~
- ~~(2) "Infectious waste" means solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease. For purposes of this Rule, all of the following types of wastes shall be considered to be infectious wastes:
 - ~~(a) Wastes contaminated by patients who are isolated due to communicable disease, as provided in the U.S. Centers for Disease Guidelines for Isolation Precautions in Hospital, (July, 1983).~~
 - ~~(b) Cultures and stocks of infectious agents: including specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.~~
 - ~~(c) Waste human blood and blood products such as serum, plasma, and other blood components.~~
 - ~~(d) Pathological wastes, such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy.~~
 - ~~(e) All discarded sharps (e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.~~
 - ~~(f) Contaminated carcasses, body parts, and bedding of animals that were exposed to pathogens in research, in the production of biologicals, or in the "in vivo" testing of pharmaceuticals.~~~~

~~(g) — Other wastes determined to be infectious by the facility.~~

~~(3) — “In existence” means that the owner or operator has (1) begun, or caused to begin, a continuous program of physical on-site construction of the facility, or (2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, or to undertake a program of construction at the facility to be completed in a reasonable time, or (3) that the owner or operator possesses a valid operating permit.~~

~~(4) — “Continuous program of physical on-site construction” means significant and continuous site preparation work such as major clearing or excavation followed by placement of footings, pilings, and other materials of construction, assembly, or installation of unique facilities or equipment at the site of the source.~~

~~(5) — “Substantial loss” generally means a loss which would equal or exceed 10 percent of the total project cost.~~

~~(6) — “Anti-neoplastic agents” means chemotherapy drugs or compounds used in the treatment of cancer. For the purpose of this rule, containers or other items containing residues of anti-neoplastic agents shall not be considered anti-neoplastic agents.~~

~~(7) — “Residues of anti-neoplastic agents” means the portion of compound that remains in a container or other item after all the compound has been removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and no more than 2.5 centimeters (one inch) of material remain on the bottom of the container or other item, or no more than 3 (three) percent by weight of the total capacity of the container remains in the container or other item.~~

~~(8) — “Multiple-chamber incinerator” means an incinerator consisting of at least two refractory lined combustion chambers (primary and secondary) in series, physically separated by refractory walls, interconnected by gas passage ports or ducts.~~

~~(9) — “Afterburner” means an auxiliary burner for destroying unburned or partially burned combustion gases after they have passed from the combustion chamber.~~

~~(10) — “Batch Incinerator” means an incinerator that is loaded while the chamber(s) is cold and is not recharged until the burndown cycle is complete.~~

~~(11) — “Biologicals” means noxious organisms.~~

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

~~1200-3-25-.05 Emission Standards~~

~~(1) — Particulate matter shall not be in excess of 0.1 grains per dry standard cubic foot of exhaust gas corrected to 12 percent CO₂.~~

~~(2) — The Technical Secretary shall specify on the construction and/or operating permits as permit conditions, the hydrogen chloride (HCl) emission level that is reasonable available control technology (RACT) so that the air quality impact from a source shall not exceed 70.0 micrograms per cubic meter HCl, 24-hour average. The owner or operator of the infectious waste incinerator may choose to limit the operating hours of the source to meet the impact level.~~

~~(3) — Visible Emission Standards~~

~~(a) — No owner or operator subject to the provisions of this chapter shall cause to be discharged into the atmosphere from any affected facility any gases which exhibit greater than 10 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 20 percent opacity. This opacity standard shall not apply to burner startups when only firing auxiliary fuel without waste being burned.~~

~~(b) — Visible determination of opacity of emissions shall be determined by the reference method as specified in Rule 1200-3-16-.01(5)(g) of the Official Compilation of the Rule and Regulations of the State of Tennessee and the Federal Register, Vol. 39, No. 219, November 12, 1974.~~

1200-3-25-.06 Performance Specifications

~~(1) Temperature and Residence Time Requirements~~

- ~~(a) The incinerator secondary chamber shall be maintained at a minimum temperature of 1600°F, except as specified in subparagraph (c) of this paragraph.~~
- ~~(b) The minimum secondary chamber residence time for those incinerators not in existence on November 6, 1988 shall be 1.0 second. The minimum secondary chamber residence time for incinerators in existence on November 6, 1988 shall be sufficient to prevent excess visible emissions as specified in subparagraph 1200-3-25-.05(3)(a).~~
- ~~(c) Owners or operators which have an incinerator in existence on November 6, 1988 without a secondary chamber and equipped with an afterburner operated at a minimum temperature of 1600°F may choose to meet a more restrictive visible emission standard of zero percent opacity in lieu of meeting the secondary chamber requirements. The opacity shall be evaluated using Tennessee Visible Emission Evaluation (TVEE) Method 3 approved by the Tennessee Air Pollution Control Board on December 12, 1984 and amended on May 30, 1985 and included in the State Implementation Plan. TVEE Method 3 was approved by EPA on March 19, 1986 and published in the Federal Register, Vol. 51, No. 53, Page 9445, May 19, 1986.~~
- ~~(d) An infectious waste incinerator used to combust anti-neoplastic agents must be operated with the secondary chamber at a minimum exit temperature of 1800°F with a secondary chamber design residence time of not less than 1.5 seconds.~~

~~(2) The firing of the incinerator burners shall be controlled automatically to maintain the specified minimum secondary chamber or afterburner temperature.~~

~~(3) Charging Systems~~

- ~~(a) Incinerators shall be equipped with an automatic mechanical loading device, and an interlock system shall be provided to prevent charging until the secondary chamber exit temperature of 1600°F is established except as provided for below.~~
- ~~(b) The owner or operator of an incinerator, except a batch incinerator, in existence on November 6, 1988 which is manually fed may submit a written request to the Technical Secretary that manual feeding be allowed. The request must include a plan detailing the methods and operating procedure to be employed in manually charging the incinerator. The Technical Secretary shall determine if the plan provided is acceptable. The plan must be submitted to the Technical Secretary within 180 days of November 6, 1988 and the operation of the incinerator by this plan shall become a condition of the operating permit.
 - ~~1. The owner or operator of the incinerator must post or file on the operating premises a copy of the approved plan.~~
 - ~~2. The approval of the plan shall not relieve the owner or operator of the duty to comply with all other applicable emission requirements.~~
 - ~~3. Any violation of the permit conditions or other requirements of this chapter may result in the Technical Secretary requiring that an automatic mechanical loading device be installed.~~~~
- ~~(c) Batch incinerators shall incorporate a lockout system which will prevent ignition of the waste until the exit temperature of the secondary chamber or the afterburner reaches 1600°F and prevent recharging until the combustion and burndown cycles are complete.~~

~~(4) Startup and Shutdown Requirements~~

- ~~(a) No waste shall be charged to an incinerators other than a batch incinerator until the secondary~~

~~chamber or afterburner has achieved a minimum temperature of 1600°F, except as specified in subparagraph (b) of this paragraph. The secondary chamber or afterburner must achieve and maintain the required minimum temperature for 15 minutes before charging begins.~~

~~(b) No waste shall be charged to an incinerator used to combust anti-neoplastic agents until the secondary chamber has achieved a minimum temperature of 1800°F. The secondary chamber must achieve and maintain the required minimum temperature for 15 minutes before charging begins.~~

~~(c) During incinerator shutdowns the secondary chamber or afterburner minimum temperature of 1600°F is to be maintained using auxiliary burners until the wastes are completely combusted and the burndown cycle is complete. For incinerators used to combust anti-neoplastic agents, the secondary chamber must be maintained at a minimum temperature of 1800°F during a shutdown until all wastes are completely combusted and the burndown cycle is complete.~~

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

1200-3-25-.07 Monitoring Requirements

~~The secondary chamber or afterburner temperature shall be continuously monitored and recorded. Sensors shall be installed, maintained, and operated such that the flames from the burners do not impinge upon the sensors. The secondary chamber temperature shall be measured at or beyond the chamber exit. The temperature sensing device shall have an accuracy that is $\pm 25^\circ\text{F}$ over its operating range. The recorders must have a minimum chart speed of one (1) inch per hour for strip chart recorders and a maximum of 24 hours per chart for circular recorders.~~

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

1200-3-25-.08 Testing Requirements

~~(1) For incinerators in existence before November 6, 1988, a particulate matter stack test shall be conducted within 180 days of November 6, 1988. For owners or operators with an approved compliance schedule stack testing will be conducted as specified in the approved schedule.~~

~~(2) For incinerators where construction commenced on or after November 6, 1988, stack testing for particulate matter must be conducted within 60 days after achieving the maximum capacity at which the incinerator will be operated, but not later than 180 days after initial startup.~~

~~(3) In lieu of requiring a source to stack test, the Technical Secretary may approve a previously conducted stack testing report for an identical unit tested under operating conditions representative of worst-case emission release.~~

~~(4) The owner or operator must furnish the Technical Secretary with a written report of the results of any stack testing.~~

~~(5) Stack testing for particulate matter shall be conducted in the manner prescribed in Ruler 1200-3-12-.03 of the Official Compilation of the Rules and Regulations of the State of Tennessee.~~

~~(6) Stack testing for hydrogen chloride may be required by the Technical Secretary. The stack testing shall be conducted in a manner prescribed by the Technical Secretary.~~

~~(7) Performance tests shall be conducted under such conditions as the Technical Secretary shall specify to the facility operator based upon representative performance of the affected facility. The owner or operator shall make available to the Technical Secretary such records as may be necessary to determine the conditions of the performance test(s). Operations during startups, shutdowns, and malfunctions shall not constitute representative conditions of performance tests.~~

~~(8) The owner or operator shall provide the Technical Secretary twenty (20) days' notice of the performance test to afford the Technical Secretary the opportunity to have an observer present.~~

~~(9) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as described in Rule 1200-3-10-.01 of the Official Compilation of the Rule and Regulations of the~~

State of Tennessee.

- ~~(10) — The Technical Secretary may require air contaminant stack testing as determined to be necessary to assure continuous compliance with the standards of this chapter and any emission limit stipulated as a permit condition.~~

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

~~1200-3-25-.09 Record Keeping and Reporting Requirements~~

- ~~(1) — Records shall be maintained at the source for a minimum of 2 years from the date compiled and shall be made available for review upon request of the Technical Secretary or his agent.~~
- ~~(2) — Operating procedures, startup procedures, and shutdown procedures for infectious waste incinerators shall be approved by the Technical Secretary and posted on-site at or near the incinerator.~~

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

~~1200-3-25-.10 Inspection and Maintenance~~

- ~~(1) — Inspection and maintenance schedules for infectious waste incinerators are to be posted or kept on-site at or near the incinerator.~~
- ~~(2) — Records shall be kept of inspections, maintenance, and repairs.~~

Chapter 1200-03-27
Nitrogen Oxide

Repeal

Rule 1200-03-27-.07 Voluntary NOx Emissions Reduction Program is repealed.

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

~~1200-03-27-.07 Voluntary NOx Emissions Reduction Program.~~

- ~~(1) — The purpose of this rule is to provide a method by which sources that emit NOx but are not subject to the requirements of Rule .06 of this chapter can voluntarily make emission reductions and thereby earn marketable NOx allowances for use in the EPA's NOx Budget Trading Program.~~
- ~~(2) — Terms used in this rule shall have the meanings given in Rule .06 of this chapter, Rule .02 of this chapter, and other rules of Division 1200-03, in this order of precedence.~~
- ~~(3) — Any owner or operator of a stationary source may submit to the Technical Secretary a NOx emission reduction proposal, as described in paragraph (6) below, for reducing NOx emissions during control periods, if each emission unit from which NOx reductions at the source will be obtained meets the following criteria at the time a NOx emission reduction proposal is submitted and during each control period thereafter for which creditable emission reductions are claimed:~~
- ~~(a) — Discharges NOx emissions through a stack;~~
- ~~(b) — Is fossil fuel fired;~~
- ~~(c) — Has a major source operating permit issued under Chapter 1200-03-09-.02 or a comparable local program rule;~~
- ~~(d) — Is not subject to the requirements of Rule .06 of this chapter, including opt-in units;~~
- ~~(e) — Is in compliance with all NOx emission requirements applicable to the source and unit so that any NOx reductions made pursuant to this rule are surplus to those requirements;~~

- ~~(f) Installed or implemented a NOx emission control strategy after July 1, 2002;~~
 - ~~(g) Conducted an emission baseline determination using the protocol described in paragraph (5) below prior to initiating the NOx emission control strategy;~~
 - ~~(h) Makes emission reductions that are not the result of shutting down; and~~
 - ~~(i) Is not an IC engine that according to EPA's final NOx SIP Call inventory had actual average daily NOx emissions of one ton or more during the five-month period May 1 through September 30, 1995.~~
- ~~(4) Any owner or operator of an eligible unit may participate by:~~
- ~~(a) Submitting a NOx emission reduction proposal in accordance with paragraph (6) below;~~
 - ~~(b) Making NOx emission reductions during a control period that are federally enforceable, quantifiable, and surplus to regulatory requirements; and~~
 - ~~(c) Submitting a quantification report, in accordance with paragraph (7) below, after any control period for which creditable reductions are claimed.~~
- ~~(5) Emission reductions made at a participating unit shall be quantified using an emission reduction quantification protocol approved by the EPA or approved by the Technical Secretary and submitted to EPA for approval. The emissions measurements recorded and reported in accordance with this protocol shall be used to determine the emission reductions made by the source under this rule and eligible to be issued as allowances for use in the EPA's NOx Budget Trading Program. Each participating unit shall comply with the applicable monitoring requirements prescribed by the approved protocol.~~
- ~~(6) Each NOx emission reduction proposal shall contain the elements and be processed as follows:~~
- ~~(a) Each NOx emission reduction proposal shall include the following:
 - ~~1. Information identifying each emission reduction unit from which NOx emission reductions have been or will be achieved, including the name, location, operating permit number, and identification number of the source and unit;~~
 - ~~2. Description of the NOx controls present on the unit prior to making emission reductions;~~
 - ~~3. Explanation of the methods used to achieve the NOx emission reductions;~~
 - ~~4. Identification of the emission reduction quantification protocol, approved by the EPA or approved by the Technical Secretary and submitted to EPA for approval, that will be used to calculate the proposed emission reductions; and~~
 - ~~5. Emissions baseline determination for each unit made in accordance with the approved protocol described in paragraph (5) above.~~~~
 - ~~(b) The Technical Secretary shall notify in writing the owner or operator submitting a NOx emission reduction proposal of his decision with respect to the proposal. If the Technical Secretary disapproves a proposal, this written notice shall include a statement of the specific reasons for the disapproval of the proposal. Following such a disapproval the owner or operator may submit an amended or a different NOx emissions reduction proposal for the unit.~~
- ~~(7) Each NOx emission reduction quantification report shall be submitted and processed as follows:~~
- ~~(a) By October 30 following the control period during which the emission reductions were made, the owner or operator of the participating unit must submit a quantification report to the Technical Secretary stating the reductions achieved during the control period.~~
 - ~~(b) The quantification report shall include the following:~~

- ~~1. The amount in tons of the NO_x emission reductions made during the control season, calculated based on the approved quantification protocol and including supporting calculations and documentation;~~
 - ~~2. Certification by the owner or operator that the NO_x reductions achieved during the control period were calculated based on the approved protocol; and~~
 - ~~3. A written statement signed by the owner or operator certifying the following: Based on information and belief formed after reasonable inquiry, I believe the statements and information in this document are true, accurate and complete.~~
- ~~(c) The Technical Secretary shall review the quantification report and either approve the emission reductions as being in accordance with the quantification protocol or disapprove them. If they are approved, the Technical Secretary shall notify the EPA of such approval in accordance with paragraph (8) below. If they are disapproved, the Technical Secretary shall notify the source in writing and shall state the specific reasons for the disapproval. The source may rectify the deficiencies in its quantification report and submit an amended report.~~
- ~~(8) Upon approval of a quantification report, the Technical Secretary shall notify the EPA of the number of allowances to be transferred from the state's general account into an account of the source or its designee for use in the federal NO_x Budget Trading Program. The total number of allowances to be transferred shall be ninety percent (90%) of the creditable NO_x emission reductions achieved by the unit. The remaining ten percent (10%) shall be retired by the state. The Administrator shall record the transfer.~~
- ~~(9) Each NO_x allowance issued for NO_x emission reductions meeting the requirements of this rule is an authorization to emit one ton of NO_x in accordance with the federal NO_x Budget Trading Program.~~
- ~~(10) Within 90 days after the NO_x allowance transfer deadline for the NO_x Budget Trading Program, the Technical Secretary shall provide the Administrator a report reconciling the allowances transferred for the purpose of this rule, including:~~
- ~~(a) The number of allowances deposited into the state's general account for the control period immediately preceding such deadline;~~
 - ~~(b) The number of allowances earned by sources pursuant to this rule; and~~
 - ~~(c) The number of unused allowances, which shall be retired.~~
- ~~(11) The owner or operator of a source submitting a quantification report that contains an error that affects an allocation must notify the Technical Secretary in writing within 30 days of the error.~~
- ~~(12) If the owner or operator of a unit has submitted a quantification report that incorrectly overstated the amount of emission reductions achieved and, as a result of this report, allowances in excess of those that should have been have been transferred from the state's general account were transferred into another account for use in the federal NO_x Budget Trading Program, the owner or operator shall place into the state's general account an amount of allowances equal to three times the amount of the overstatement within 30 days of discovery of the overstatement by the owner or operator.~~
- ~~(13) The owner or operator of a source, or its designee, shall maintain all records used to calculate the emission reductions in accordance with the quantification protocol. Each record shall be maintained for five (5) years following the date the record is created and shall be made available for inspection by the Technical Secretary or his representative immediately upon request.~~
- ~~(14) After the third control period this program has been in effect, and every three years thereafter, the Technical Secretary shall evaluate the program and submit a report to the board, summarizing the results of the evaluation.~~

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: April 10, 2024

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Director of the Division of Air Pollution Control

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State