

**LEGAL 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 the promulgation of amendments to the Tennessee Air Pollution Control Regulations, and the State Implementation Plan 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 amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 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, Tennessee 37243-1531, at 9:30 a.m. on Tuesday, October 20, 2009. 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 Tuesday, October 20, 2009, 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 Tuesday, October 20, 2009, or the date such party intends to review such filings, to allow time to provide such aid or service. Contact Ms. Beverly Evans, Tennessee Department of Environment and Conservation ADA Coordinator, 12th 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 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, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0600.

Summary of Proposed Change

[Part 29. of subparagraph \(b\) of paragraph \(4\) of Rule 1200-03-09-.01](#) Construction Permits is being amended by adding two (2) compounds to the list of compounds excluded from the definition of Volatile Organic Compounds (VOC) on the basis that these compounds have been determined to have negligible photochemical reactivity contribution to tropospheric ozone formation. The aforementioned part will be updated by adding the new compounds propylene carbonate and dimethyl carbonate to the list of compounds there by making the State rule read identical to the Federal rule.

[Paragraph \(2\) of Rule 1200-03-10-.02](#) Monitoring of Source Emissions, Recording, and Reporting of the Same are Required is being amended by adding a new subparagraph (d) to allow facilities Subject to Rule 1200-03-09-.02(11) to synchronize the reporting of data generated by continuous emissions monitoring systems required by Rule 1200-03-10-.02 with reports required by Rule 1200-03-09-.02(11).

[Subparagraph\(c\) of Paragraph \(7\) of Rule 1200-03-16-.01](#) General Provisions New Source Performance Standards, Rule 1200-03-16-.22 Coal Preparation Plants, and Rule 1200-03-16-.53 Nonmetallic Mineral Processing Plants are being repealed, as they have been made obsolete by revisions to the equivalent federal regulations.

[Rule 1200-03-18-.01](#) Definitions is being amended by adding two (2) compounds to the list of compounds excluded from the definition of Volatile Organic Compounds (VOC) in Paragraph 1200-03-18-.01(88) and Exempt Compounds in Paragraph 1200-03-18-.01(26) on the basis that these compounds have been determined to have negligible photochemical reactivity contribution to tropospheric ozone formation. The two aforementioned paragraphs will be updated by adding the new compounds propylene carbonate and dimethyl carbonate to the list of compounds there by making the State rule read identical to the Federal rule.

[Rule 1200-03-20-.03](#) Notice Required When Malfunction Occurs and Paragraph (2) of Rule 1200-03-20-.04 Logs and Reports are being repealed as they have been made obsolete by current federal reporting requirements.

[Rule .02 Definitions in Chapter 1200-03-29](#) Light-Duty Motor Vehicle Inspection and Maintenance is being amended by adding definitions for low and medium speed vehicles. Rule .04 Exemption from Motor Vehicle Inspection Requirements is being amended to exempt low and medium speed vehicles from vehicle testing requirements. These type vehicles are manufactured as non-road vehicles and therefore are not subject to an emissions test.

[Rule 1200-03-34-.01](#) is replaced with a new rule (also 1200-03-34-.01) since this rule has undergone extensive revisions to meet new Federal requirements. These revisions are required by section 6011 of the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 6011, amending Section 176(c)(4) of the Clean Air Act requiring States to amend Conformity State Implementation Plans (SIPs). Tennessee’s Conformity SIP is contained in rule 1200-03-34-.01 in the Air Pollution Control Division’s regulations. This rule provides Federal, State and Local air pollution control, transportation, and transportation planning agencies with criteria and procedures on the consultation process for the development of Transportation Plans, Transportation Improvement Programs, Project level analyses and State Implementation Plans.

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://www.tn.gov/environment/apc/ppo/> and also for public inspection during normal working hours starting on September 17, 2009, at the following locations:

Air Pollution Control Division 9th Floor, L & C Annex 401 Church Street Nashville, TN 37243	Chattanooga – Hamilton County Air Pollution Control Bureau 6125 Preservation Drive Chattanooga, TN 37416	Air Pollution Control Division Cookeville EFO 1221 South Willow Ave. Cookeville, TN 38506
Air Pollution Control Division Knoxville EFO 3711 Middlebrook Pk 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 2484 Park Plus Drive Columbia, TN 38401	Knox County Department of Air Pollution Control 140 Dameron Avenue Knoxville, TN 37917-6413	Division Air Pollution Control Memphis - Shelby Co. Health Dept. 814 Jefferson Avenue Memphis, TN 38105
Air Pollution Control Division Chattanooga EFO Suite 550 540 McCallie Ave. Chattanooga, TN 37402 - 2013	Pollution Control Division Metropolitan Health Department 311 23rd Ave. North Nashville, TN 37203	U.S. EPA, Region IV APTMD - 12th Floor Atlanta Federal Center 61 Forsyth Street S.W. Atlanta, Georgia 30303

c/o Mr. Dick Schutt, Chief

Air Pollution Control Division Kingsport Public Library
Nashville EFO 400 Broad Street
711 R. S. Gass Blvd. Kingsport, TN 37660
Nashville, TN 37243

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 amendment. 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 Tuesday, October 20, 2009, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee, 37243-1531.

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