

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
AIR POLLUTION CONTROL**

**CHAPTER 0400-30-38  
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

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**0400-30-38-.01 FEDERAL STANDARDS FOR HAZARDOUS AIR POLLUTANTS.**

- (1) The provisions of the subparts and appendices of 40 C.F.R. Part 63 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, 2023, edition of the Code of Federal Regulations (C.F.R.), except as provided in subparagraph (a) of this paragraph.
- (a) Any reference contained in 40 C.F.R. Part 63 (as published in the July 1, 2023, edition of the Code of Federal Regulations) to the:
1. Administrator shall instead be a reference to the Technical Secretary of the Tennessee Air Pollution Control Board, except for specific authorities that have not been delegated to the State of Tennessee; and
  2. EPA regional office shall instead be a reference to the EPA Region IV office.
- (b) List of federal regulations under 40 C.F.R. Part 63:
1. 40 C.F.R. Part 63 Subpart A: General Provisions;
  2. 40 C.F.R. Part 63 Subpart B: Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j);
  3. 40 C.F.R. Part 63 Subpart D: Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants;
  4. 40 C.F.R. Part 63 Subpart F: National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry;
  5. 40 C.F.R. Part 63 Subpart G: National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater;
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25. 40 C.F.R. Part 63 Subpart AA: National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants;
26. 40 C.F.R. Part 63 Subpart BB: National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants;
27. 40 C.F.R. Part 63 Subpart CC: National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries;

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130. 40 C.F.R. Part 63 Subpart BBBB: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;
131. Reserved;
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151. 40 C.F.R. Part 63 Subpart WWWWWW: National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations;
152. 40 C.F.R. Part 63 Subpart XXXXXX: National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories;
153. 40 C.F.R. Part 63 Subpart YYYYYY: National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities;
154. 40 C.F.R. Part 63 Subpart ZZZZZZ: National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries;
155. 40 C.F.R. Part 63 Subpart AAAAAA: National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing;
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  164. Appendix B to Part 63: Sources Defined for Early Reduction Provisions;
  165. Appendix C to Part 63: Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit;
  166. Appendix D to Part 63: Alternative Validation Procedure for EPA Waste and Wastewater Methods; and
  167. Appendix E to Part 63: Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions.
- (2) The provisions of the subparts and appendices of 40 C.F.R. Part 61 listed in subparagraph (b) of this paragraph are hereby incorporated by reference as published in the July 1, 2023, edition of the Code of Federal Regulations (C.F.R.), except as provided in subparagraph (a) of this paragraph.
- (a) Any reference contained in 40 C.F.R. Part 61 (as published in the July 1, 2023, edition of the Code of Federal Regulations) to the:
    1. Administrator shall instead be a reference to the Technical Secretary, except for specific authorities that have not been delegated to the State of Tennessee; and
    2. EPA regional office shall instead be a reference to the EPA Region IV office.
  - (b) List of Federal Regulations under 40 C.F.R. Part 61:
    1. 40 C.F.R. Part 61 Subpart A: General Provisions;
    2. 40 C.F.R. Part 61 Subpart B: National Emission Standards for Radon Emissions From Underground Uranium Mines;
    3. 40 C.F.R. Part 61 Subpart C: National Emission Standard for Beryllium;
    4. 40 C.F.R. Part 61 Subpart D: National Emission Standard for Beryllium Rocket Motor Firing;
    5. 40 C.F.R. Part 61 Subpart E: National Emission Standard for Mercury;
    6. 40 C.F.R. Part 61 Subpart F: National Emission Standard for Vinyl Chloride;
    7. Reserved;

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8. 40 C.F.R. Part 61 Subpart H: National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities;
9. 40 C.F.R. Part 61 Subpart I: National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H;
10. 40 C.F.R. Part 61 Subpart J: National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene;
11. 40 C.F.R. Part 61 Subpart K: National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants;
12. 40 C.F.R. Part 61 Subpart L: National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants;
13. 40 C.F.R. Part 61 Subpart M: National Emission Standard for Asbestos, except:
  - (i) The following definitions of “facility” and “visible emissions” shall replace the definitions “facility” and “visible emissions” in 40 C.F.R. § 61.141:

“Facility” means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units under the same roof); any public bridge; any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this rule is not excluded, regardless of its current use or function.

“Visible emissions” mean any emissions that are visually detectable without the aid of instruments, coming from RACM, asbestos-containing waste material, a regulated area, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor. The definition of “regulated area” contained in 29 C.F.R. § 1910.1001(b) is hereby incorporated by reference as published in the July 1, 2023 edition of the Code of Federal Regulations.

- (ii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.145(a) without impacting the remainder of 40 C.F.R. § 61.145(a):

Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity, and prior to the commencement of the demolition or renovation, an asbestos inspector or an asbestos management planner, accredited in accordance with Chapter 0400-13-02, shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The accredited inspector or management planner

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shall inspect all areas of the facility that will be affected by the demolition or renovation operation to identify the locations of all suspect ACM. For a pre-demolition inspection, destructive sampling techniques shall be utilized. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

- (iii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(1):

Provide the Technical Secretary with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

- (iv) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(2):

Update/revise the notice when any previously notified information changes, including but not limited to, when the amount of asbestos affected increases or decreases more than twenty percent, when the start or completion date changes, when the disposal site changes, or the project has been cancelled.

- (v) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(A)(2):

Provide the Technical Secretary with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

- (vi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(B)(2):

For demolitions covered by paragraph (a)(2) of this section, provide the Technical Secretary written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or by hand or electronic delivery is acceptable.

- (vii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(3)(iv)(C):

In no event shall an operation covered by this paragraph begin on a date other than the date contained in the original written notice, or the new start date contained in a revised written notice.

- (viii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(ii):

Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator. Printed name and signature of the facility owner and operator (or

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their representative) certifying that the notification information is correct.

- (ix) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(4)(iii):

Type of operation: demolition or renovation. An indication of whether asbestos is present.

- (x) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(b)(5):

The information required in paragraph (b)(4) of this section must be reported using a form available from the Technical Secretary.

- (xi) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.145(c)(8):

Effective one year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every two years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Technical Secretary at the demolition or renovation site. Accreditation as an asbestos supervisor in accordance with Chapter 0400-13-02 shall satisfy the requirement of this paragraph.

- (xii) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.149(e)(1) without impacting the remainder of 40 C.F.R. § 61.149(e)(1):

Maintain asbestos waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

- (xiii) The following paragraph shall replace the paragraph in 40 C.F.R. § 61.150(a)(1)(v):

For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated prior to being placed into the waste transport vehicle.

(Rule 0400-30-38-.01, continued)

- (xiv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.150(d)(1) without impacting the remainder of 40 C.F.R. § 61.150(d)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information:

- (xv) The following introductory paragraph shall replace the introductory paragraph in 40 C.F.R. § 61.154(e)(1) without impacting the remainder of 40 C.F.R. § 61.154(e)(1):

Maintain waste shipment records, using a form available from the Technical Secretary or equivalent form, and include the following information;

14. 40 C.F.R. Part 61 Subpart N: National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants;
15. 40 C.F.R. Part 61 Subpart O: National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters;
16. 40 C.F.R. Part 61 Subpart P: National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities;
17. 40 C.F.R. Part 61 Subpart Q: National Emission Standards for Radon Emissions From Department of Energy Facilities;
18. 40 C.F.R. Part 61 Subpart R: National Emission Standards for Radon Emissions From Phosphogypsum Stacks;
19. Reserved;
20. 40 C.F.R. Part 61 Subpart T: National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings;
21. Reserved;
22. 40 C.F.R. Part 61 Subpart V: National Emission Standard for Equipment Leaks (Fugitive Emission Sources);
23. 40 C.F.R. Part 61 Subpart W: National Emission Standards for Radon Emissions From Operating Mill Tailings;
24. Reserved;
25. 40 C.F.R. Part 61 Subpart Y: National Emission Standard for Benzene Emissions From Benzene Storage Vessels;
26. Reserved;
27. Reserved;
28. 40 C.F.R. Part 61 Subpart BB: National Emission Standard for Benzene Emissions From Benzene Transfer Operations;

(Rule 0400-30-38-.01, continued)

29. Reserved;
30. Reserved;
31. Reserved;
32. 40 C.F.R. Part 61 Subpart FF: National Emission Standard for Benzene Waste Operations;
33. Appendix A to Part 61: National Emission Standards for Hazardous Air Pollutants, Compliance Status Information;
34. Appendix B to Part 61: Test Methods;
35. Appendix C to Part 61: Quality Assurance Procedures;
36. Appendix D to Part 61: Methods for Estimating Radionuclide Emissions; and
37. Appendix E to Part 61: Compliance Procedures Methods for Determining Compliance With Subpart I.

**Authority:** T.C.A. §§ 4-5-201, et seq., and 68-201-101, et seq. **Administrative History:** Original rule filed January 8, 2018; effective April 8, 2018. Amendments filed September 29, 2022; effective December 28, 2022. Amendments filed August 6, 2025; effective November 4, 2025.

**0400-30-38-.02 RESERVED.**

**Authority:** T.C.A. §§ 4-5-201, et seq., and 68-201-101, et seq. **Administrative History:** Original rule filed January 8, 2018; effective April 8, 2018. Amendments filed September 29, 2022; effective December 28, 2022.