

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

**CHAPTER 1200-03-21
GENERAL ALTERNATE EMISSION STANDARDS**

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1200-03-21-.01 GENERAL ALTERNATE EMISSION STANDARD.

- (1) In lieu of satisfying the standards and requirements of other chapters of this division, air contaminant sources with a certificate of alternate control shall not emit particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide or volatile organic compounds in excess of the respective limits on said certificate. Air contaminant sources applying for a certificate of alternate control shall not be considered a modification under Rule 1200-03-02-.01(aa) provided the rated capacity in terms of heat input, charging rate, or process weight does not change for any fuel burning installation, incinerator, or process emission source respectively.
- (2) The owner or operator of any air contaminant source that discharges particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, or volatile organic compounds regulated by other rules in these regulations can apply to the Technical Secretary for a Certificate of Alternate Control for an air contaminant source(s) or a portion of an air contaminant source(s), and he may grant the request if the following conditions are met:
 - (a) The air contaminant source or portion thereof is reducing or will be after a specific date taking actions to reduce emissions of particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide or volatile organic compounds at least as much as required under other rules of these regulations even though affected specific source(s) (i.e. permit unit) at the air contaminant source may not be meeting the mass emission standard(s) specified in the other rules of these regulations. Calculations to determine equivalence to standards limiting the pounds of volatile organic compounds per gallon of material shall be on the basis of equivalent solids applied. Under the conditions of the certificate, the total final emission limits of each given pollutant must be equivalent or less for each pollutant than under otherwise applicable rules. These limits shall include limits applied in pounds per hour, or if hourly emissions cannot be determined, per as short a period over which emissions can be determined, and in tons per year for the entire air contaminant source.
 - (b) If a schedule of compliance is required, it must be included as a condition on the certificate. In no case shall the final compliance data be beyond a date that would cause interference with the attainment of the Reasonable Further Progress line specified for a specific nonattainment area.
 - (c) The air contaminant source shall verify through modeling, consistent with the requirements specified in 40 CFR Part 51 Appendix W, that this alternate emission standard will yield equivalent or improved air quality for the pollutant involved. The provisions of 40 CFR Part 51 Appendix W are hereby adopted by reference as published in the July 1, 2019 edition of the Code of Federal Regulations (CFR). For volatile organic compound emissions, modeling for ozone impacts may be required. Air quality need not improve or stay the same at every location affected by the alternate emission standard, but on balance, the air quality of the affected area must not be

(Rule 1200-03-21-.01, continued)

adversely affected. This will be demonstrated by modeling all included emission points at the proposed alternative levels and at the allowable emission level for sources subject to emissions standards in Chapter 1200-03-19 for the pollutant involved. The lower of either the allowable emission under other chapters in Division 1200-03 or actual emissions shall be used in all other modeling. In addition, the source shall demonstrate that the use of the alternate emission standard will not interfere with the attainment or maintenance of any ambient air quality standard nor violate any applicable ambient air quality standard nor violate any applicable ambient air increment.

- (d) The pollutants involved in the alternate emission standard must be comparable emissions, and no interpollutant trades are allowed. Air contaminant sources subject to the standards in Chapter 0400-30-38 cannot apply the alternate emission standard to hazardous air contaminants. Air contaminant sources subject to emission standards in Chapter 0400-30-39 or paragraph (4) of Rule 1200-03-09-.01 or subparagraph (5)(b) of Rule 1200-03-09-.01 cannot use an alternate emission standard, except for reductions in actual emissions below the level required in these rules. Such reduction may be used as credit for existing source. However, all applicable standards and requirements established under paragraph (4) of Rule 1200-03-09-.01, under Chapters 0400-30-38 and 0400-30-39, and according to a lowest-achievement-emission-rate (LAER) determination under paragraph (5) of Rule 1200-03-09-.01 must be complied with and are not superseded or replaced by the alternate emission standard.
 - (e) A fee of one thousand dollars (\$1,000.00) for each pollutant for each source to be covered by a certificate has been paid to the Department at the time the application is made to cover the cost of review of the request for the certificate of alternate control.
 - (f) Air contaminant sources utilizing the alternate emission standards: (1) must be in compliance with all applicable emission limits; (2) if not in compliance, must be meeting the requirements in an approved compliance schedule; or (3) if not in compliance, must be subject to a court order which includes a compliance schedule and allows for timely modification of the decree without delaying the final compliance date. Under no circumstances can the alternate emission standard delay or defer a specified compliance date nor shall the certificate insulate the source from any penalties or sanctions for noncompliance or affect the source's liability to comply with any regulations, order, or compliance plan.
 - (g) The provisions of the Emission Trading Policy Statement, *Federal Register*, Vol. 51, No. 233, December 4, 1986, are being satisfied.
- (3) The alternate emission standards and certificate conditions must be subjected to a public hearing and submitted to the EPA for approval as a revision to the State Implementation Plan. The owner or operator requesting this alternate emission control emission standard shall be responsible for all costs associated with publishing the required legal notices.
 - (4) Good engineering practice stack heights shall be utilized on all stack changes associated with the alternate control standards for particulate matter, sulfur dioxide, carbon monoxide, and nitrogen dioxide.
 - (5) The owner or operator of the facility must:
 - (a) Post or file on the operating premises a copy of the certificate of alternative control.
 - (b) Keep all pollution control equipment in good operating condition and utilize said equipment at all times.

(Rule 1200-03-21-.01, continued)

- (6) The certificate of alternate control will be revoked after administrative hearing by the Technical Secretary or the Board if it is found that any of the requirements of paragraph (2) have been violated and/or if any of the requirements of paragraph (5) have been frequently and flagrantly violated after the certificate was issued and/or if violation of the requirements of paragraph (4) and/or conditions placed on their certificate under paragraph (9) are not corrected promptly on written notice.
- (7) The certificate of alternate control does not relieve the owner or operator of the duty of meeting all emission requirements in other rules for sources commenced after the effective date of the rule.
- (8) Upon revocation of the certificate of alternative control, the sources at the facility must comply with other rules in these regulations that would have been applicable had the certificate not been issued.
- (9) The Technical Secretary shall specify the new emission limits as conditions on the certificate and if other than reference test methods are to be used to determine compliance, these should be specified on the certificate or the operating permit. Other conditions needed to insure and verify compliance may be placed on the certificate as conditions.
- (10) The owner and operator is hereby placed on notice that the certificate shall become void should the Board find it proper to amend the regulations covering any source listed on the certificate if the effect is to reduce the allowable emission of the source. The certificate in this instance shall be deemed void ninety (90) days after receipt of notice from the Technical Secretary of the effective date of the revised regulations.

Authority: T.C.A. §§ 4-5-201, et seq.; 68-201-101, et seq.; and 68-201-105. **Administrative History:** Original rule filed July 25, 1980; effective September 8, 1980. Amendment filed February 4, 1993; effective March 18, 1993. Amendments filed January 22, 2021; effective April 22, 2021. Amendments filed September 29, 2022; effective December 28, 2022. Amendments filed September 16, 2024; effective December 15, 2024.

1200-03-21-.02 APPLICABILITY.

This chapter applies only to those air contaminant sources which apply for a certificate of alternate control or a revision to a certificate of alternate control after March 18, 1993.

Authority: T.C.A. §§ 4-5-201, et seq., and 68-201-105. **Administrative History:** Original rule filed February 4, 1993; effective March 18, 1993.