

25.0 PERMITS

25.1 Construction Permit

- A. On or after the effective date of these regulations, no person shall begin the construction of a new source or the modification of an existing source, which may result in the discharge of air contaminants without first having applied for and received from the Director a construction permit, or if applicable, submitted a notice of intent and obtained a notice of authorization, for the construction or modification of such air contaminant source.
- B. The Director shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the Director that the source can be expected to comply with the applicable regulations. The Director shall not approve such construction or modification permit if such construction or modification interferes with the attainment or maintenance of the secondary ambient air quality standards as set forth in these regulations.
- C. Any person responsible for the construction or modification of a potential air contaminant source shall obtain, on forms furnished by the Department, a valid Construction Permit. The Construction Permit shall become invalid if construction is not commenced within 18 months after receipt of the Construction Permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Director may extend the 18-month period upon a satisfactory showing that an extension is justified. An inspection of the source may be conducted by the Department. Any violation of these regulations shall invalidate the Construction Permit. Upon compliance with these regulations, it shall be necessary to apply for a new Construction Permit.
- D. Additional and/or more restrictive construction permit conditions may be established using the same procedures and criteria specified in Section 25.3.I
- E. Public Participation
 - 1. The Director shall notify the public via electronic notice on the Department's website of all applicants seeking to obtain a permit to construct or modify an air pollution source. The notice shall specify the location of the proposed source or modification, the type of source or modification, and shall provide the opportunity for public comment. Comment shall be in writing and submitted by U.S. mail or by email to the Director within 30 days after the date of public notice.
 - 2. The Director shall consider all written comments submitted in making a final decision. If requested the Director shall make all comments available for public inspection.

- F. Construction of a new air contaminant source or the modification of an air contaminant source which may result in the discharge of air contaminants must be in accordance with the approved construction permit application or notice of intent; the provisions and stipulations set forth in the construction permit or notice of authorization; and all provisions of the Knox County Air Quality Management Regulations.
- G. In the case where a source or modification was constructed without first obtaining a construction permit, a construction permit may be issued to the source or modification to establish as conditions of the permit, the necessary emission limits and requirements to assure that these regulatory requirements are met. All emission limits and requirements of the construction permit must be met prior to issuance of an operating permit for the source or modification.
- H. Application for a construction permit shall be made on forms available from the Department not less than ninety (90) days prior to the estimated starting date of construction. Sources identified in Section 41.0 or 45.0 shall make application for a construction permit as provided in such Section not less than one hundred twenty (120) days prior to the estimated starting date of construction.
- I. Within 30 days after receipt of a construction permit application, or any addition to such application, the Director shall examine the construction permit application to insure it is complete and notify the applicant in writing of any deficiency in the application or in the information submitted. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of Section 25.1-J, the date on which the Director received all required information.
 - 1. When notifying the applicant that the application is incomplete, the Director shall specify the deficiencies and provide notice of opportunity for the applicant to correct, within thirty (30) days after the applicant is notified, the deficiencies.
 - 2. If the deficiencies are not corrected within ninety (90) days after the applicant is notified, the Department will officially deny the permit based on the incomplete permit application.
- J. The Director shall act on applications for a construction permit in accordance with the following time lines:
 - 1. For a major source (as defined in Section 25.70-B.15), within one hundred eighty (180) days unless a longer time period is agreed to in writing by the applicant.
 - 2. For all other air contaminant sources, within ninety (90) days.
- K. The Director may elect to issue minor source combination construction/operating permits. Sources issued such permits are considered to be in compliance with Section 25.3-A, 25.3-C(2), and 25.3-M if all conditions in the permit are complied with and the permittee applies for renewal of the operating permit in line with Section 25.3-C(1) and as specified in the permit.

25.2 Applications for Permit

- A. (Reserved)
- B. (Reserved)
- C. Construction Permits issued under this section are based on the control of air contaminants only and do not in any way affect the applicant's obligation to obtain necessary permits from other governmental agencies.

25.3 Operating Permit

- A. Any person planning to operate an air contaminant source constructed or modified in accordance with a construction permit issued by the director in Section 25.1 shall apply for and receive from the Director an operating permit or, if applicable, submit a notice of intent and obtain a notice of authorization after initial start-up of the air contaminant source. Ninety (90) days shall be allowed for this, provided Section 25.3-C is complied with. If stack sampling has been required as a condition on the construction permit, this time period is extended to sixty (60) days after the stack sampling report is required, provided Section 25.3-C is complied with, except as otherwise allowed in Section 25.70.
- B. When the emissions from an air contaminant source regulated herein in existence on or before the effective date of these regulations exceeds the maximum allowable for such emissions as defined in these regulations, the owner or operator thereof shall, in addition to any other information required by the Director and before an Operating Permit for such existing source will be issued by the Director, file a plan for the reduction of such emissions to the extent that they do not exceed the maximum allowable for such emissions. Such plan shall include a time schedule for the accomplishment of such reductions and the final date for completion shall be not later than the date required for achieving a reduction to the maximum emission level.

Those existing air contaminant sources which must be in compliance with the applicable emission standards by October 1, 1972, shall have filed by April 1, 1970, or at such time thereafter as requested by the Director, a compliance plan for the reduction of such emissions to the extent that the emissions do not exceed the maximum allowable emissions.

Those air contaminant sources which must be in compliance with the applicable emission standards by July 1, 1975, must file by January 1, 1973, a compliance plan for the reduction of such emissions to the extent that the emissions do not exceed the maximum allowable emissions.

1. As a minimum the following information shall be included for each source: total weight of contaminant released per day; period or periods of operation; composition of the contaminant; temperature and moisture content of the air or gas stream in which the contaminant is contained; characterization of the variability of contaminant release with respect to rate, composition, and physical characteristics; height, velocity, and direction of air or gas stream at the point where released to the atmosphere and such other information as may be specifically requested by the Director. All such information shall be submitted on forms available from the Director. Where an air or gas cleaning device is incorporated in the air or gas stream preceding discharge to the atmosphere, the weight of material removed by the cleaning device, as well as the weight emitted, shall be stated.
 2. Each compliance plan must provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: letting of necessary contracts for construction or process charges, if applicable; initiation of construction; completion and startup of control system; performance tests; and submittal of performance test analysis and results.
 3. Any owner or operator required to submit a compliance schedule pursuant to this paragraph shall, within 10 days after the deadline for each increment of progress, certify to the Director whether or not the required increment of the approved compliance schedule has been met.
 4. Any person responsible for a potential air contaminant source shall obtain, on forms furnished by the Department, a valid Operating Permit. All Operating Permits shall be for a period of up to, but not exceeding, one (1) year as determined by the Department. All Operating Permits shall be renewed annually or at such time as the permit expires. An inspection of the source may be conducted by the Department. All applicants for an Operating Permit shall pay a fee as determined by the Director with the advice and consent of the Board. Any violation of these regulations shall invalidate the Permit. Upon compliance with these regulations, it shall be necessary to apply for a new Operating Permit. The Director shall not approve such Operating Permit if such operation interferes with the attainment of maintenance of the secondary ambient air quality standards as set forth in these regulations.
- C. Application for an operating permit shall be made on forms available from the Department and signed by the applicant. Such application for an operating permit shall be filed with the Director as follows:

1. At least thirty (30) days prior to the expiration of an existing operating permit. The Director shall act on all applications for the renewal of an operating permit within 30 days.
 2. Not more than fourteen (14) days after initial start-up of an air contaminant source constructed or modified in accordance with a construction permit issued by the Director. If stack sampling or other test data has been required as a condition on the construction permit, this time period is extended to the time specified on the construction permit for submittal of the test report(s).
- D. The Operating permit shall only be issued on evidence satisfactory to the Director that the operation of said source is in compliance with any standards or regulations adopted by the Board. Such evidence may include a requirement that the applicant conduct such tests as are necessary in the opinion of the Director to determine the kind or amount of air contaminants emitted from the equipment or control apparatus. Standard Operating Permits shall be valid for a period of one (1) year or for such longer period of time as the Director may designate. A permit issued for a period of less than one (1) year shall be designated as a temporary permit.
- E. Any person in possession of an Operating Permit shall maintain said Operating Permit readily available for inspection by the Director or his designated representative on the operating premises.
- F. Operation of all equipment, including standby equipment, shall be in accordance with the provisions and conditions set forth in the operating permit. Standby equipment shall only be used as specified in 13.52.
- G. (Reserved)
- H. (Reserved)
- I. Upon mutual agreement of any air contaminant source and the Director, an emission limit more restrictive than that otherwise specified in the Knox County Air Quality Management Regulations may be established. Also, upon mutual agreement of any air contaminant source and the Director, operating hours, process flow rates, or any other operating parameter may be established as a binding limit which the source must adhere to. Any items mutually agreed to shall be stated as a special condition for any permit or order concerning the source. Violations of this mutual agreement shall result in revocation of the issued permit. In addition to these provisions the following criteria must be met by any such agreements and the associated permits:

1. Operating permit holders must adhere to the terms and limitations of such permits (or subsequent revision of the permit made in accordance with the approved operating permit program), and any such permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA.
 2. All emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the State Implementation Plan (SIP) or enforceable under the SIP, the Department may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable" (e.g. standards established under Sections 111 and 112 of the Clean Air Act).
 3. The limitations, controls, and requirements in the operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.
 4. The permits are issued subject to public participation. This means that the Department will provide EPA and the public with a timely notice of the proposal and issuance of such permits, and to provide EPA, on a timely basis, with a copy of each proposed (or draft) and final permit intended to be federally enforceable. This process must also provide for an opportunity for public comment on the permit applications prior to issuance of the final permit. Timely notice will be at least 30 days.
- J. Operation of each air contaminant source shall be in accordance with the provisions and stipulations set forth in the operating permit, and all provisions of these regulations. A violation of any permit condition(s) shall therefore be considered a violation of these regulations and punishable as such.
- K. The owner or operator of any air contaminant source to which any of the following changes are made, but would not be a modification requiring a construction permit, must notify the Director thirty (30) days before the change is commenced. These changes are:
1. Change in air pollution control equipment,
 2. Change in stack height or diameter,
 3. Change in exit velocity of more than twenty five percent (25%) or exit temperature of more than fifteen percent (15%) (absolute temperature basis).

- L. (Reserved)
- M. No person shall operate an air contaminant source in Knox County without first obtaining from the Director an operating permit or, if applicable, submitting a notice of intent and obtaining a notice of authorization, except as specifically exempted in Section 25.6. New sources operating with a valid construction permit may operate with the construction permit for the time period specified in Section 25.3-A, except as otherwise allowed in Section 25.70.
- N. Any stack sampling report required on a construction permit is part of the operating permit application. Any stack sampling report required on an operating permit is a part of the application for renewal of that operating permit. “

25.4 General Provisions

- A. Notwithstanding these regulations, the owner or operator of any air contaminant source shall be responsible for complying with emission regulations as contained in these regulations at the earliest practicable time and for this purpose the Director shall have the authority and responsibility to require compliance with these regulations at an earlier date than indicated where such earlier compliance may reasonably be accomplished. Where compliance with any of these regulations requires a time schedule greater than 18 months from the effective date of these regulations, an acceptable progress report shall be filed with the Director at least semi-annually.
- B. Any person owning or operating a source which tends to discharge air contaminants constructed after October 1, 1969, and prior to the effective date of these regulations, shall be required to have applied for and received a valid operating permit from the Director within six (6) months after the effective date of these regulations or as otherwise requested by the Director.
- C. An operating permit, construction permit, or notice of authorization is transferable from one person to another person provided that:
 - 1. Written notification of the ownership change is submitted to the Director no later than thirty (30) days after the change; and
 - 2. The new owner or operator:
 - i. Does not make any changes to the stationary source that meet the definition of modification as defined in the Knox County Air Quality Management Regulations, and

- ii. Agrees to abide by the terms of the permit or notice of authorization, Knox County Air Quality Management Regulations, and any documented agreements made by the previous owner to the Director.
- D. No operating permit, construction permit, or notice of authorization is transferable from one air contaminant source to another air contaminant source or from one location to another location. The new operating permit, construction permit, or notice of authorization required by this paragraph will be governed by rules in effect at the time of its issuance.
- E. The Director may suspend or revoke any construction permit, operating permit, or notice of authorization if the holder fails to comply with the provisions, stipulations, or compliance schedules specified in the permit or notice of authorization; and the Knox County Air Quality Management Regulations. Upon suspension or revocation of a permit or notice of authorization, if the holder fails to take remedial action, then the holder shall become immediately subject to additional enforcement actions prescribed by law.

25.5 Reporting of Information

No person shall cause or permit the operation of any source without furnishing such performance test results, information, and records as may be required by the director in accordance with the applicable rules and regulations. The granting of a permit of any form shall not be construed by that person having such a permit as a license to violate any part of these regulations.

25.6 Exemptions

- A. The list of exempted air contaminant sources contained in this subsection shall not be used as insignificant activities when applying for a major source operating permit under Section 25.70 of these regulations. These exemptions shall not be used to lower the source's potential to emit below major source applicability thresholds or to avoid any applicable requirement. Aside from the provisions cited above, no person shall be required to obtain or file a request for a permit due to ownership, operation, construction or modification of the following types of air contaminant sources unless specifically required to do so by the Department. The exemptions in this Section shall not apply to any source regulated under Section 111 or 112 of the Clean Air Act.

1. Single stack of an air contaminant source that emits no hazardous air contaminants or pollutants, and which does not have the potential for emitting more than 0.50 pounds per hour of nonhazardous particulates and 0.5 pounds per hour of any regulated nonhazardous gas (particulates and gases not defined as hazardous air contaminants or pollutants), provided that the total potential particulate emissions from the air contaminant source amounts to less than two (2) pounds per hour, and the total regulated gaseous emissions from the air contaminant source amounts to less than two (2) pounds per hour. For the purpose of this part, an air contaminant source includes all sources located within a contiguous area, and under common control.
2. Any air contaminant source constructed and operated at a domestic residence solely for domestic use except for open burning which requires permit issuance or is expressly prohibited.
3. Equipment used exclusively to store, hold, or distribute propane.
4. Brazing, soldering, or welding operations which does not emit any hazardous air pollutant in amounts equal to or greater than 500 pounds per year.
5. Any modification to an existing process emission source, incinerator, or fuel-burning installation to add sources of equipment leaks (e.g. valves, flanges, pumps, compressors, etc.) as long as the estimated increase in annual emissions attributable to the modification does not exceed 2.5 tons per year. However, such emissions increases shall be considered when making major modification determinations pursuant to Section 41.0 and 45.0.
6. Storage tanks for waste motor lubricating oil with a capacity less than 10,000 gallons.
7. Mobile sources such as: automobiles, trucks, buses, locomotives, planes, boats, and ships. This exemption only applies to the emissions from the internal combustion engines used exclusively to propel such vehicles.
8. Diesel fuel or fuel oil storage tanks with a capacity of forty thousand (40,000) gallons or less.
9. Surface coating and degreasing operations which do not exceed a combined total usage of more than 30 gallons/month of coatings, thinners, clean-up solvents, and degreasing solvents at any one plant location, and does not exceed 500 pounds per year of each hazardous air pollutant.

10. Fuel burning sources that are either gas fired or #2 oil fired with a heat input rate under 5 million Btu/hour, where the combined total heat input rate at each location does not exceed 5 million Btu/hour.
11. Machining of metals where total solvent usage does not exceed more than 30 gallons/month at any one plant location, and does not exceed 500 pounds per year of each hazardous air pollutant.
12. Natural gas fired and #2 oil fired ovens which have no emissions other than products of combustion which have a heat input rate under 5 million Btu per hour, where the combined total heat input rate at each location does not exceed 5 million Btu/hour.
13. The procedures for the on-site remediation of soil or water contaminated with gasoline or diesel fuel as follows:
 - i. Landspreading, aeration or bioremediation of contaminated soil.
 - ii. Negative pressure venting of contaminated soil and/or installation and use of air strippers for treatment of contaminated water, provided emissions are no more than 2.5 tons per year of any regulated pollutant that is not a hazardous air pollutant, and less than 500 pounds per year of each hazardous air pollutant.
14. Emergency generators burning natural gas, propane, or #2 fuel oil with a total heat input of 4.5 million BTU/hour or less, and operating less than 500 hours per year.
15. Air-conditioning and ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.
16. Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.
17. Janitorial services and consumer use of janitorial products.
18. Internal combustion engines used for landscaping purposes.
19. Laundry activities, except for dry-cleaning and steam boilers.
20. Bathroom/toilet vent emissions.
21. Blacksmith forges.

22. Plant maintenance and upkeep activities (e.g., grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots) provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.

23. Drop hammers or hydraulic presses for forging or metalworking.

B. The list of exempted air contaminant sources contained in this subsection shall not be used as insignificant activities when applying for a major source operating permit under Section 25.70 of these regulations. These exemptions shall not be used to lower the source's potential to emit below major source applicability thresholds or to avoid any applicable requirement. The exempted air contaminant source must have a potential to emit of less than five (5) tons per year of each regulated air pollutant and less than one thousand (1000) pounds per year of any single hazardous air pollutant. Aside from the provisions cited above, no person shall be required to obtain or file a request for a permit due to ownership, operation, construction or modification of the following types of air contaminant sources unless specifically required to do so by the Department. The exemptions in this subsection shall not apply to any source regulated under Section 111 or 112 of the Clean Air Act.

1. Equipment used on farms for soil preparation, tending, or harvesting of crops, or for preparation of feed to be used on the farm where prepared.
2. Barbecue pits and cookers; if the products are edible (intended for human consumption), and are sold on site, or at one location.
3. Natural gas mixing and treatment operations including sampling and testing.
4. Air drying of wood.
5. Washing of trucks and vehicles where no solvent cleaners are used.
6. Sealing or cutting plastic film or foam with heat or hot wires provided no chlorofluorocarbons (CFCs) are emitted.
7. Combustion units designed and used exclusively for comfort heating purposes employing liquid petroleum gas, or propane or natural gas as fuel.

8. Water cooling towers (except for those at nuclear power plants), water treating systems for process cooling water or boiler feedwater, and water tanks, reservoirs, or other water containers designed to cool, store, or otherwise handle water (including rainwater) that has not been used in direct contact with gaseous or liquid process streams containing carbon compounds, sulfur compounds, halogens or halogen compounds, cyanide compounds, inorganic acids, or acid gases. This activity is not insignificant if chromium-based water treatment chemicals are used.
9. Equipment used exclusively to store, hold, or distribute natural gas.
10. Blast cleaning equipment using a suspension of abrasives in water.
11. Laboratory equipment, used for research and development or for chemical and physical analyses, including ventilating and exhaust systems for laboratory hoods used for air contaminants.
12. Equipment used for inspection of metal products.
13. Equipment used for compression molding and injection molding of plastics which emit no hazardous air pollutants.
14. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes, except those systems used to collect hazardous air contaminants regulated by Section 35.0.
15. Outdoor kerosene heaters.
16. Portable equipment used for the on-site painting of buildings, towers, bridges, and roads.
17. Firefighting equipment and the equipment used for training of firefighting.
18. Herbicide and pesticide mixing, application, and storage activities for on site use.
19. Maintenance activities, such as: machining of metals and plastic curing for nonproduction related operations, vehicle repair shops, carpenter shops, spraying, grinding and polishing operations, maintenance shop vents, and miscellaneous non-production surface cleaning, preparation, and painting operations. Repairs not involving structural changes where no new or permanent stationary source is installed. Internal combustion (IC) engine driven welders not part of a production process. Any maintenance activity is not insignificant if it is part of a manufacturing process.

20. Miscellaneous activities and equipment, such as: aerosol spray cans, cafeteria vents, locker room vents, photo copying, photographic processes, blue print machines, decommissioned equipment, solid waste dumpsters, fire training, and space heaters. Miscellaneous means as being unrelated to the primary business activity of the source.
21. Sampling systems used to withdraw materials for testing and analysis, and vents from process instrumentation systems, including area monitors.
22. Laboratories in primary and secondary schools and in schools of higher education used for instructional purposes.
23. Steam heated wood drying kilns excluding chemically treated wood.
24. Warehouse storage of packaged raw materials and finished goods emitting no hazardous air pollutants.
25. Electric stations, including transformers, and substations.
26. Groundwater monitoring wells.
27. Lubricants and waxes used for machinery lubrication.
28. Equipment used to transport or store process wastewater streams to a wastewater treatment facility (i.e. floor drains, sumps, drain headers, manhole covers).
29. Tank trucks, railcars, barges, and trailers excluding transfer operations at loading and unloading stations, and internal cleaning operations.
30. Dumpsters.
31. Environmental field sampling activities.
32. Machine blowdown with air for cleanup.
33. Sanitary sewer systems.
34. Treatment systems for potable water.
35. Equipment used for cooking food for immediate human consumption.

25.7 Permit Fees

All persons requesting a construction permit, operating permit or asbestos demolition/renovation removal permit shall pay a fee as described by the following fee schedule.

- A. Fees for permits or notice of authorizations required by Sections 25.7-E.1, 25.7-F, 25.7-G, 25.7-H.1, 25.7-I, and 25.7-J shall be included with the permit application or notice of intent. The fee to be paid shall be the sum of the fees for each applicable type of permit application or notice of intent and each action deemed necessary to evaluate the permit application or notice of intent.
- B. Any fee required by Sections 25.7-E.2, 25.7-E.3 and 25.7-H.2 shall be billed to the applicant. Payment of all fees thus billed shall be made within thirty (30) days of the invoice date. Permits for sources still delinquent after 60 days will be voided and will not be reissued until all accrued fees are paid and a new application is submitted.
- C. Permits or notice of authorizations may not be issued if the Department has not received all fees required by these regulations.
- D. All fees paid with regard to these regulations shall be non-refundable.
- E. Construction Permit
 1. Any person making application to this Department for a construction permit shall pay an initial filing fee of \$150.00 per fuel burning equipment, incinerator, and process emission source being constructed. This filing fee shall not be refundable if a permit is denied or if the application is withdrawn, nor shall it be applied to any subsequent application or notice of intent.
 2. Reserved.
 3. In addition to the fees in Sections 25.7-E.1 and 25.7-E.2, the largest of the following fees, if applicable, shall be paid by the applicant:
 - a. Prevention of Significant Deterioration (PSD) Review - \$2,000.

- b. Major Source or Major Modification Review requiring Modeling, except PSD - \$1,500.
- c. Minor Source or Minor Modification Review requiring Modeling - \$400.
- d. New Source Performance Standard (NSPS) Source Review - \$400.
- e. National Emission Standard for Hazardous Air Pollutant (NESHAP) Source Review - \$300.

F. Operating Permits

Beginning January 1, 2017 any person making application to the Department for an Operating Permit shall pay a fee of \$250. This fee shall not be refundable if a permit is denied or if the application is withdrawn, nor shall it be applied to any subsequent application. No fee is required for the renewal of an existing operating permit.

G. Temporary Operating Permits

Any person making application to the Department for a Temporary Operating Permit shall pay a processing fee of \$50. This fee shall not be refundable if a permit is denied or if the application is withdrawn, nor shall it be applied to any subsequent application.

H. Permit Modification

- 1. Any person making application to the Department for the modification of a permit shall pay a fee of \$150. This fee shall not be refundable if a permit is denied or if the application is withdrawn, nor shall it be applied to any subsequent application. No fee is required for modifications of a permit that:
 - a. correct clerical, typographical or calculation errors;
 - b. change the ownership of an air contaminant source provided the new owner or operator does not make any changes to the stationary source that meet the definition of modification as defined in the Knox County Air Quality Management Regulations;

- c. incorporates into an existing operating permit the requirements from a construction permit; or
- d. incorporates into an existing operating permit the requirements from a modification which did not require a construction permit pursuant to paragraph F. of the definition of a “modification” contained in Section 13.1.

2. Reserved.

I. Notice of Authorization

Any person submitting a notice of intent to the Department for a notice of authorization shall pay a fee of \$150. This fee shall not be refundable if a notice of authorization is denied or if the notice of intent is withdrawn, nor shall it be applied to any subsequent application or notice of intent. No fee is required for an air contaminant source operating under an existing operating permit submitting a notice of intent to the Department for a notice of authorization.

J. Asbestos Demolition/Renovation Removal Permits

Any person submitting a ten day notification form for an asbestos renovation/demolition project over the de minimis level of 160 square feet or 260 linear feet of regulated asbestos containing material, as stated in 40 CFR 61, Subpart M, National Emission Standard for Asbestos, will pay a fee of \$100 per notification. Permit fee is non-refundable if the permit is nullified or revoked by this Department.

K. Reserved.

L. Reserved.

25.8 Major Source Emission Fees

A. Reserved

B. Definitions

Unless specifically defined in this Section, the definitions from Section 13.0 will apply. All terms defined in this section apply only to the provisions of this section.

1. Air Contaminant is particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combinations thereof.
2. A Source Subject to Fees (Source) is any and all sources of emission of air contaminants, whether privately or publicly owned or operated, that is required to obtain a permit from the Department.
3. Annual Accounting Period is a twelve (12) month consecutive period from January 1st to December 31st, or as specified by the Department.
4. Allowable Emissions mean the emissions rate of a source calculated at full design capacity operating twenty-four (24) hours per day, every day of the annual accounting period or calculated at the operating time and/or other operating conditions specified in a permit, and the most stringent of the following:
 - (a) The applicable standards under these Regulations.
 - (b) The emission rate specified in a federally enforceable permit condition.
 - (c) If no allowable emission rate is specified in part (a) or part (b) above, the actual emissions will equal the allowable emission rate solely for the purposes of fee computation.
5. Actual Emissions mean the actual rate of emissions in tons per year of any regulated pollutant emitted from a source over the annual accounting period or any other period determined by the Department to be representative of normal source operation and consistent with the fee schedule approved pursuant to this section. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and in-place control equipment, types of materials processed, stored, or combusted during the preceding calendar year or such other time period established by the Department pursuant to the preceding sentence.
6. Reserved
7. "Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in paragraphs (a), (b), or (c) of this definition. For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single industrial grouping

if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

- (a) A major source under Section 112 of the Act, which is defined as:
 - (1) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (TPY) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act, 25 TPY or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
 - (2) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

- (b) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 TPY or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
 - (1) Coal cleaning plants (with thermal dryers);
 - (2) Kraft pulp mills;
 - (3) Portland cement plants;
 - (4) Primary zinc smelters;
 - (5) Iron and steel mills;

- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;
- (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;

- (26) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
 - (27) Any other stationary source category, which as of August 7, 1980, is being regulated under section 111 or 112 of the Act.
- (c) A major stationary source as defined in Part D of Title I of the Act, including:
- (1) For ozone nonattainment areas, sources with the potential to emit 100 TPY or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 TPY or more in areas classified as "serious", 25 TPY or more in areas classified as "severe", and 10 TPY or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 TPY of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;
 - (2) For ozone transport regions established pursuant to Section 184 of the Act, sources with the potential to emit 50 TPY or more of volatile organic compounds;
 - (3) For carbon monoxide nonattainment areas (1) that are classified as "serious", and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 TPY or more of carbon monoxide; and
 - (4) For particulate matter (PM-10) nonattainment areas classified as "serious", sources with the potential to emit 70 TPY or more of PM-10.
8. Reserved
9. "Regulated Air Pollutant" means the following:
- (a) Nitrogen oxides or any volatile organic compounds;
 - (b) Any pollutant for which a national ambient air quality standard has been promulgated;

- (c) (Reserved)
 - (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
 - (e) Any pollutant regulated under Section 112 of the Act.
- 10. Reserved
 - 11. Synthetic minor source means a source that would otherwise be considered a major source if it were not for federally enforceable permit limitations such as operating hours and/or production rates.
 - 12. "Act means the Clean Air Act, as amended, 42 USC 7401, et seq.

C. General Provisions

- 1. A source must meet all provisions and limitations specified in the permit(s) for construction and operation of the source.
 - 2. On or after the effective date of these regulations, all annual emission fees must be paid in full by the due date. Major sources subject to the provisions of 25.8-I shall continue to pay annual emission fees under the provision of 25.7 until January 1, 1995. Thereafter, the provisions of 25.8-I shall apply. Construction permit fees will remain under the provisions of 25.7.
 - 3. Reserved
 - 4. Reserved
 - 5. Reserved
 - 6. Reserved
 - 7. Reserved
 - 8. Reserved
- D. Reserved
 - E. Reserved
 - F. Reserved

G. Payment of Fees

1. All fees regulated by this section shall be payable to the Knox County Department of Air Quality Management.
2. Fees not paid, late fees, and returned checks are subject to the provisions of 25.8-H.
3. Returned checks for any reason (i.e. insufficient funds, account closed, etc.) are considered failure to pay until such time collected funds are forwarded to the Department. Returned checks are subjected to an additional \$20 handling charge.

H. Late Fees - Failure to Pay

1. The Director will not issue any certificate, permit, or other official document subject to a fee in this section until the required fee has been paid in full to the Department.
2. If any fee imposed under Section 25.8 is not paid within fifteen (15) days from the due date, a late payment penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each month during which any part of any fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. In addition, the fees not paid within fifteen (15) days after the due date shall bear interest at the maximum lawful rate from the due date to the date paid, compounded monthly.
3. Reserved
4. Reserved

I. Annual Emission Fees for Major Sources

1. An owner or operator of a major source must pay an annual emission fee to the Department.
2. The annual major source emission fee shall be based upon the source owner or operator's choice of actual emissions or allowable emissions. If the source owner or operator chooses actual emissions, the magnitude of the source's emissions must be proven to the satisfaction of the Director. The procedure for quantifying actual emission rates shall be specified in the major stationary source operating permit.

- (a) Before any operating permit application is submitted to the Department, the "responsible official" as that term is defined in 25.70 shall declare to the Director the source's decision to have its annual emission fees based upon allowable emissions or actual emissions. Once the choice has been declared, it may be altered only during the following period of eligibility. The periods occur upon renewal of major source operating permit or reissuance of a major source operating permit. Major source operating permits are those issued pursuant to 25.70. Once permitted, altering the existing choice shall be accomplished by a written request of the major source's responsible official, filed in the Department at least one hundred eighty (180) days prior to the renewal date of the major source operating permit.
 - (b) The choice of actual emission based fees or allowable emission based fees must be uniform on each of the source's permits. a combination of actual based fees and allowable based fees will not be allowed on one permit.
 - (c) Prior to the issuance of an effective Title V operating permit, unless otherwise approved by the Department, annual emission fees will be based on actual emissions.
- 3. Reserved
 - 4. The rate at which a source's annual emission fees are assessed for the annual accounting period of January 1, 1994, to December 31, 1994, shall be \$29.26 per ton of actual emissions per regulated pollutant adjusted for the Consumer Price Index for calendar year 1994. Each succeeding annual accounting period will have a new assessment rate derived by adjusting the previous annual accounting period's rate according to the Consumer Price Index published annually by the United States Department of Labor. Additional details regarding this process may be found at 40 CFR, Section 70.9(b)(2)(iv), published in the July 21, 1993, edition of the Federal Register, Volume 57, No. 140, page 32311. Notwithstanding any calculation of an annual fee using these rates, the annual fee that each major source is to pay shall not be less than \$7,500 for the annual accounting period.
 - 5. An emission cap of 4,000 tons per year per regulated pollutant shall apply to actual or allowable based emission fees. A major source annual emission fee will not be charged for emissions in excess of the cap or for the following emissions:

- (a) Carbon Monoxide
 - (b) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or
 - (c) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the Act.
6. Major sources subject to an actual emission based annual emission fee shall forecast their anticipated actual emissions for the upcoming annual accounting period and submit their calculations identifying the annualized emission magnitude of all regulated pollutants at the source on a permit-by-permit basis on January 1st of each year, or at such time as specified by the Department.
- (a) At the close of the annual accounting period, the source shall properly calculate their actual emissions for all regulated pollutants for the period and identify the actual emission magnitude of the regulated pollutants on a permit-by-permit basis. Those values and the corresponding actual annual emission fee for the period shall be submitted for review to the Department in writing, signed and dated by a "responsible official" of the source as that term is defined in 25.70. This submittal and the actual annual emission fee payment will be submitted as specified by the Department.
 - (b) Reserved
 - (c) Reserved
 - (d) Reserved
7. Major sources choosing an allowable based annual emission fee must conform to the following requirements:
- (a) If the source wishes to restructure its allowable emissions for the purposes of lowering its annual emission fees, a mutually agreed upon, more restrictive regulatory requirement may be established to minimize the allowable emissions and thus the annual emission fee. The more restrictive requirement must be specified on the permit, and must include the method used to determine compliance with the limitation. The documentation procedure to be followed by the major source owner or operator must also be included to insure that the limit is not exceeded. Restructuring the allowable emissions is permissible only in the annual accounting periods of eligibility

specified in 25.8-I-2(1) and only if the written request for restructuring is filed with the Department at least four months prior to the beginning of the annual accounting period of eligibility.

- (b) Beginning January 1, 1995, and each January 1st thereafter, major sources choosing to pay allowable emission based annual emission fees shall file an allowable emissions analysis with the Department which summarizes the allowable emissions of all regulated pollutants at the air contaminant sources of their facility. Based upon their allowable emissions analysis, the source shall also include a minimum annual emission fee payment of \$29.26 per ton of allowable emissions per regulated pollutant, adjusted for the Consumer Price Index for calendar year 1994. Each succeeding annual accounting period will have a new assessment rate derived by adjusting the previous annual accounting rate according to the associated calendar year's Consumer Price Index. Notwithstanding any calculation of an annual fee using these rates, the annual fee that each major source is to pay shall not be less than \$7,500 for the annual accounting period.
- 8. The Department will compile a report of all annual emission fees that it receives for the annual accounting period and reconcile the report to the Department's operating budget for the corresponding fiscal year. If insufficient revenues were received for the budgeted direct and indirect costs of the Department's regulatory activities pertaining to major sources, supplemental fees will be required. Upon Board approval, supplemental fees shall be assessed. The supplemental fee assessment will be sent to the source via certified mail and is due within thirty (30) days of receipt of the assessment.
 - 9. The Department may adjust a major source's emission fees to account for fees already paid for the remaining term of that source's last issued permit.

25.9 Minor Source and Synthetic Minor Source Emission Fees

A. Reserved

B. Definitions

Unless specifically defined in this section, the definitions from Section 13.0 will apply. All terms defined in this section apply only to the provisions of this section.

1. "Air Contaminant" is particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combinations thereof.
2. A "Source Subject to Fees" (Source) is any and all sources of emission of air contaminants, whether privately or publicly owned or operated, that is required to obtain a permit from the Department.
3. "Annual Accounting Period" is the calendar year (January 1 to December 31).
4. "Allowable Emissions" mean the emissions rate of a source calculated at full design capacity operating twenty-four (24) hours per day, every day of the annual accounting period or calculated at the operating time and/or other operating conditions specified in a permit, and the most stringent of the following:
 - (a) The applicable standards under these Regulations.
 - (b) The emission rate specified in a federally enforceable permit condition.
 - (c) If no allowable emission rate is specified in Section 25.9-B.4(a) or 25.9-B.4(b) above, the actual emissions rate will equal the allowable emission rate solely for the purposes of fee computation. The actual emission rate will be calculated as the maximum emissions expected at full design capacity operating twenty-four (24) hours per day, every day of the annual accounting period, or expected at the operating time specified in a legally enforceable permit.
5. "Actual Emissions" mean the actual rate of emissions in tons per year of any regulated pollutant emitted from a source over the annual accounting period or any other period determined by the Department to be representative of normal source operation and consistent with the fee schedule approved pursuant to this section. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and in-place control equipment, types of materials processed, stored, or combusted during the preceding calendar year or such other time period established by the Department pursuant to the preceding sentence.
6. "Minor Source" means any source or group of sources located within a contiguous area, and under common control which is not a major source or synthetic minor source for the purposes of this rule.
7. "Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of

the same person (or persons under common control) belonging to a single major industrial grouping and that are described in paragraphs (a), (b), or (c) of this definition. For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

(a) A major source under Section 112 of the Act, which is defined as:

- (1) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (TPY) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act, 25 TPY or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
- (2) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

(b) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 TPY or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

- (1) Coal cleaning plants (with thermal dryers);
- (2) Kraft pulp mills;
- (3) Portland cement plants;

- (4) Primary zinc smelters;
- (5) Iron and steel mills;
- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;
- (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
- (27) Any other stationary source category, which as of August 7, 1980, is being regulated under section 111 or 112 of the Act;

(c) A major stationary source as defined in Part D of Title I of the Act, including:

- (1) For ozone non-attainment areas, sources with the potential to emit 100 TPY or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 TPY or more in areas classified as "serious", 25 TPY or more in areas classified as "severe", and 10 TPY or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 TPY of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;
- (2) For ozone transport regions established pursuant to Section 184 of the Act, sources with the potential to emit 50 TPY or more of volatile organic compounds;
- (3) For carbon monoxide non-attainment areas (1) that are classified as "serious", and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 TPY or more of carbon monoxide; and
- (4) For particulate matter (PM-10) non-attainment areas classified as "serious", sources with the potential to emit 70 TPY or more of PM-10.

8. Reserved.

9. "Regulated Air Pollutant" means the following:

- (a) Nitrogen oxides or any volatile organic compounds;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;
- (c) Reserved;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
- (e) Any pollutant regulated under Section 112 of the Act.

10. Reserved

11. "Synthetic Minor Source" means a source that would otherwise be considered a major source if it were not for federally enforceable permit limitations such as operating hours and/or production rates.

12. "Act" means the Clean Air Act, as amended, 42 USC 7401, et seq.

13. "TM-A Source" means a minor source (as defined in Section 25.9-B.6) which operates under an operating permit, has a potential to emit of less than 25 tons per year for any regulated air pollutant, and is not a GDF source (as defined in Section 25.9-B.15).

14. "TM-B Source" means a minor source (as defined in Section 25.9-B.6) which operates under an operating permit, has a potential to emit of equal to or greater than 25 tons per year but less than 100 tons per year for any regulated air pollutant, and is not a GDF source (as defined in Section 25.9-B.15).

15. "GDF Source" means a minor source (as defined in Section 25.9-B.6) that the only permitted activity is the storage and dispensing of gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition.

16. "PBR-A Source" means a synthetic minor source (as defined in Section 25.9-B.11) which accepted federally enforceable permit limitations contained in Section 25.10 or 25.11 and has a potential to emit of less than 25 tons per year for any regulated air pollutant.

17. "PBR-B Source" means a synthetic minor source (as defined in Section 25.9-B.11) which accepted federally enforceable permit limitations contained in Section 25.10 or 25.11 and has

a potential to emit of equal to or greater than 25 tons per year but less than 80 tons per year for any regulated air pollutant.

18. “SM-A Source” means a synthetic minor source (as defined in Section 25.9-B.11) which has a potential to emit of less than 25 tons per year for any regulated air pollutant and is not a PBR-A source (as defined in Section 25.9-B.16).
19. “SM-B Source” means a synthetic minor source (as defined in Section 25.9-B.11) which has a potential to emit of equal to or greater than 25 tons per year but less than 80 tons per year for any regulated air pollutant and is not a PBR-B source (as defined in Section 25.9-B.17).
20. “SM-80 Source” means a synthetic minor source (as defined in Section 25.9-B.11) which has a potential to emit of equal to or greater than 80 tons per year but less than 100 tons per year for any regulated air pollutant.
21. “NOA-A Source” means a minor source (as defined in Section 25.9-B.6) which only operates stationary emergency internal combustion engines under a notice of authorization.
22. “NOA-B Source” means a minor source (as defined in Section 25.9-B.6) which only operates source categories other than a gasoline dispensing facility under a notice of authorization and is not a NOA-A source (as defined in Section 25.9-B.21).
23. “NOA-C Source” means a minor source (as defined in Section 25.9-B.6) which only operates under a notice of authorization and is not a NOA-B source (as defined in Section 25.9-B.22).

C. General Provisions

1. A source must meet all provisions and limitations specified in the permit(s) or notice of authorization for construction and operation of the source.
2. On or after the effective date of these regulations, all annual emission fees must be paid in full by the due date.
3. Any source exempted in Section 25.6 is exempt from the annual emission fee requirements of this Section 25.9. However, the emissions from any exempt source must comply with all rules and regulations of the Knox County Department of Air Quality Management.
4. Reserved.

- 5. Reserved.
- 6. Reserved.
- 7. Reserved.
- 8. Reserved.

D. Reserved.

E. Annual Emission Fees for Synthetic Minor Sources

- 1. An owner or operator of a synthetic minor source must pay an annual emission fee to the Department. The annual emission fee shall be based on the synthetic minor source’s category as defined in Section 25.9-B.16 through 25.9-B.20.
- 2. Beginning January 1, 2017 all synthetic minor source annual emission fees are due and payable to the Department in full by September 30 of each year.
- 3. A newly constructed synthetic minor source beginning operation on or after January 1 shall not be assessed an annual emission fee during the remainder of the annual accounting period.
- 4. Beginning January 1, 2017 synthetic minor sources shall be assessed an annual emission fee in accordance with the following table. Each succeeding annual accounting period will have a new annual emission fee derived by adjusting the previous annual accounting period’s annual emission fee according to the Consumer Price Index published annually by the United States Department of Labor.

Source Category	Annual Emission Fee
PBR-A Source	\$250.00
PBR-B Source	\$750.00
SM-A Source	\$750.00
SM-B Source	\$1500.00
SM-80 Source	\$2500.00

F. Annual Emission Fees for Minor Sources

1. An owner or operator of a minor source must pay an annual emission fee to the Department. The annual emission fee shall be based on the minor source's category as defined in Sections 25.9-B.13 through 25.9-B.15 and 25.9-B.21 through 25.9-B.23.
2. Beginning January 1, 2017 all minor source annual emission fees are due and payable to the Department in full by September 30 of each year. Beginning in January 1, 2018 all GDF source and NOA-C source annual emission fees are due and payable to the Department in full by May 31 of each year.
3. A newly constructed minor source beginning operation on or after January 1 shall not be assessed an annual emission fee during the remainder of the annual accounting period.
4. Beginning January 1, 2017 minor sources shall be assessed an annual emission fee in accordance with the following table. Each succeeding annual accounting period will have a new annual emission fee derived by adjusting the previous annual accounting period's annual emission fee according to the Consumer Price Index published annually by the United States Department of Labor.

Source Category	Annual Emission Fee
GDF Source	\$350.00
TM-A Source	\$250.00
TM-B Source	\$750.00
NOA-A Source	\$0.00
NOA-B Source	\$250.00
NOA-C Source	\$350.00

5. Upon mutual agreement of the minor source and the Director, a more restrictive regulatory requirement may be established to reduce the potential to emit of the source and thus the annual emission fee. The more restrictive requirement must be specified on the permit, and must include the method used to determine compliance with the limitation. The documentation procedure to be followed by the source owner or operator must also be included to insure that the limit is not exceeded. Exceedances of the mutual agreement limit will be considered by the Department as circumvention of the required annual emissions fee and a matter in which enforcement action must be pursued.
6. To reduce the amount of the fee as provided in Section 25.9-F.5, the minor source must submit a letter to the Department requesting the reduced emissions limit or limits and providing the method or methods that will be used to ensure compliance with the requested limit or limits. This request must be received at least ninety (90) days prior to

the applicable due date of the annual emission fee. Any request received after that deadline may only apply to the fee for the following year and not for the year being invoiced.

7. Reserved.

8. Reserved.

9. Reserved.

10. Reserved.

G. Payment of Fees

1. All fees regulated by this section shall be payable to the Knox County Department of Air Quality Management.
2. Fees not paid, late fees, and returned checks are subject to the provisions of Section 25.9-H.
3. Returned checks for any reason (i.e. insufficient funds, account closed, etc.) are considered failure to pay until such time collected funds are forwarded to the Department. Returned checks are subjected to an additional \$20 handling charge.

H. Late Fees - Failure to Pay

1. The Director will not issue any certificate, permit, or other official document subject to a fee in this section until the required fee has been paid in full to the Department.
2. If any fee imposed under Section 25.9 is not paid within fifteen (15) days from the due date, a late payment penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each month during which any part of any fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. In addition, the fees not paid within fifteen (15) days after the due date shall bear interest at the maximum lawful rate from the due date to the date paid, compounded monthly.
3. Reserved

4. Reserved

I. Fees Adjustment

The Department may adjust a synthetic minor source's or minor source's annual emission fees to account for fees already paid for the remaining term of that source's last issued permit.

25.10 Synthetic Minor Source Permit by Rule

A. General Requirements:

1. Accepting a Synthetic Minor Source Permit by Rule does not exempt that facility from the obligation to apply for and obtain a Construction (SIP) Permit and/or an Operating (SIP) Permit.
2. The Director may, after notice and opportunity for public participation, issue a Synthetic Minor Source Permit by Rule covering numerous similar sources. Any Synthetic Minor Source Permit by Rule shall identify criteria and standards by which sources may qualify for the Synthetic Minor Source Permit by Rule. To sources that qualify, the Director may grant the conditions and terms of the Synthetic Minor Source Permit by Rule. Notwithstanding the shield provisions of 40 CFR, Part 70.5(6)(f), the source shall be subject to enforcement action for operation without a Part 70 permit if the source is later determined not to qualify for the conditions and terms of the Synthetic Minor Source Permit by Rule.

B. Synthetic Minor Source Permit by Rule Standards:

1. Fuel-burning equipment burning natural gas/LPG and/or distillate oil:
 - a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds. Facilities for which the only source of regulated air pollutants is from combustion equipment (excluding turbines and other internal combustion engines) permitted to burn natural gas/LPG and/or distillate oil exclusively shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.1.a(1) and B.1.a(2) are met. Facilities that have potential emissions of greater than major source thresholds even

after this regulation is met or are not able to meet the conditions in paragraphs B.1.a(1) and B.1.a(2) shall obtain a Part 70 permit.

(1) **Monitoring and record keeping:** A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of distillate oil shall be recorded in gallons, and consumption of natural gas/LPG shall be recorded in cubic feet. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Department.

(2) **Fuel Usage:** Facility fuel usage shall be limited to 900 million cubic feet of natural gas (or 9 million gallons of LPG) and 1.6 million gallons of distillate oil during any twelve consecutive months.

b. A source may operate under this rule, provided that at least 90 percent of the stationary source's emissions in every 12 month period are associated with the operations limited by the rule.

2. Fuel burning equipment burning natural gas/LPG and/or residual oil

a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds. Facilities for which the source of regulated air pollutants is from equipment (excluding turbines and other internal combustion engines) permitted to burn only natural gas/LPG and/or residual fuel oil exclusively shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.2.a(1) and B.2.a(2) are met. Facilities that have potential emissions greater than major source thresholds even after this regulation is met or are not able to meet the conditions in paragraphs B.2.a(1) and B.2.a(2) shall obtain a Part 70 permit.

(1) **Monitoring and record keeping:** A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of residual fuel oil shall be recorded in gallons, and consumption of natural gas/LPG shall be recorded in cubic feet. This log shall be kept for five years past the date of last entry. The log shall be available for inspection or submittal to the Department.

- (2) Fuel usage: Annual facility fuel usage shall be limited to 1,000 million cubic feet of natural gas (or 10 million gallons of LPG) and 400,000 gallons residual fuel oil during any twelve consecutive months.
 - b. A source may operate under this rule, provided that at least 90 percent of the stationary source's emissions in every 12 month period are associated with the operations limited by the rule.
- 3. On-site power generation:
 - a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds. Facilities that operate fuel-burning equipment for purposes of generating emergency power, peaking power, and/or temporary on-site power and where such equipment burns natural gas/LPG and/or #2 fuel oil/diesel exclusively shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.3.a(1) and B.3.a(2) are met. Facilities that have potential emissions of greater than major source thresholds even after this regulation is met or are not able to meet the conditions in paragraphs B.3.a(1) and B.3.a(2) shall obtain a Part 70 permit.
 - (1) Monitoring and record keeping: A log of the monthly total horsepower hours for the facility based on the number of hours of operation of each unit per month times the maximum horsepower rating of that unit must be included in each month's log. The total horsepower hours for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Department.
 - (2) Power production limits: A facility's power generation is limited to a total of no more than 6.5 million horsepower hours during any twelve consecutive months.
- 4. Concrete mixing plants:
 - a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally

enforceable permit conditions limiting the source to below Part 70 major source thresholds. Concrete mixing plants shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.4.a(1) and B.4.a(2) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds even after this regulation is met or are not able to meet the conditions in paragraphs B.4.a(1) and B.4.a(2) shall obtain a Part 70 permit.

- (1) Monitoring and record keeping: A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Department.
- (2) Annual production: Production on the plant site shall be limited to 600,000 cubic yards during any twelve consecutive months.

5. Hot mix asphalt plants:

- a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds. Hot mix asphalt plants shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.5.a(1) and B.5.a(2) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds or are not able to meet the conditions in paragraphs B.5.a(1) and B.5.a(2) shall obtain a Part 70 permit.

- (1) Monitoring and record keeping: A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Department.

(2) Annual production:

- (a) New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only

shall limit production to 320,000 tons during any twelve consecutive months, or

- (b) New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, residual oil and coal in any combination shall limit production to 160,000 tons during any twelve consecutive months.

6. Reserved.

7. Coating operations:

- a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds. Coating operations shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.7.a(1) and B.7.a(2) are met. Facilities that have potential emissions of greater than major source thresholds even after this regulation is met or are not able to meet the conditions in paragraphs B.7.a(1) and B.7.a(2) shall obtain a Part 70 permit.

- (1) Monitoring and record keeping: A log of the monthly consumption of VOC and/or Hazardous Air Pollutant containing material must be kept. The total consumption for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to coatings, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Department.

- (2) Annual consumption: The consumption of any VOC and/or Hazardous Air Pollutant emitting materials by the facility (including but not limited to coatings, thinners, and solvents) shall be limited to 20,000 pounds during any twelve consecutive months.

8. Printing operations:

- a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally

enforceable permit conditions limiting the source to below Part 70 major source thresholds. Printing operations shall be deemed to have a Synthetic Minor Sources Permit by Rule if the conditions in paragraphs B.8.a(1) and B.8.a(2) are met. Facilities that have potential emissions of greater than major source thresholds even after this regulation is met or are not able to meet the conditions in paragraphs B.8.a(1) and B.8.a(2) shall obtain a Part 70 permit.

- (1) Monitoring and record keeping: A log of the monthly consumption of VOC and/or Hazardous Air Pollutant containing material must be kept. The total consumption for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to inks, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Department.
- (2) Annual consumption: The consumption of any VOC and/or Hazardous Air Pollutant emitting materials (including but not limited to inks, thinners, and solvents) by the facility shall be limited to 20,000 pounds during any twelve consecutive months.

9. Reserved.

10. Fiberglass molding and forming operations:

- a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds. Fiberglass molding operations shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.10.a(1) and B.10.a(2) are met. Facilities that have potential emissions greater than major source thresholds even after this regulation is met or are not able to meet the conditions in paragraphs B.10.a(1) and B.10.a(2) shall obtain a Part 70 permit.
 - (1) Monitoring and record keeping: A log of the combined monthly usage of polyester resin and gel coat must be kept. The previous twelve consecutive month's material usage total must be included in each month's log. Records for the combined weight of polyester resin and gel coat shall be recorded in pounds. This log shall be kept for five years

from the date of last entry. The log shall be available for inspection or submittal to the Department.

- (2) Material usage: Annual facility material usage shall be limited to 89,000 pounds during any twelve consecutive months for any combination of hand and spray lay-up operations. Annual facility material usage shall be limited to 120,000 pounds during any twelve consecutive months for spray lay-up operations only. This material input must represent the combined weight of polyester resin and gel coat used during any twelve consecutive months.

11. Ethanol distribution operations:

- a. Notwithstanding any other provision of these regulations, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds. Ethanol distribution operations shall be deemed to have a Synthetic Minor Source Permit by Rule if the conditions in paragraphs B.11.a(1) and B.11.a(2) are met. Facilities that have potential emissions greater than major source thresholds even after this regulation is met or are not able to meet the conditions in paragraphs B.11.a(1) and B.11.a(2) shall obtain a Part 70 permit.

- (1) Monitoring and record keeping: A log of the monthly ethanol throughput must be kept. The previous twelve consecutive month's throughput total must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Department.

- (2) Material throughput and emission controls: Annual facility ethanol throughput shall be limited to 5 million gallons during any twelve consecutive months. The loading and unloading of ethanol must make effective use of Stage I vapor recovery (vapor balance) system.

C. Additional Requirements

1. Each source is responsible for obtaining a copy of its applicable general permit and displaying the permit or a legible photocopy in a conspicuous place on or near the potential air contaminant source.
2. Prior to the effective date of Section 25.70, Major Source Operating Permits/Title V, additional and/or more detailed EPA approved provisions will be included and required for each Synthetic Minor Source Permit By Rule Standard and applicable facility, so as to meet all Federal enforceability requirements.
3. Sources subject to these rules must submit annual reports and compliance certifications as specified by the Department and addressing the applicable requirements, terms, and conditions of each standard.
4. Sources must submit a written report within one week to the Department containing the details of any exceedance of any applicable operational limits.
5. A source operating under a Synthetic Minor Source Permit by Rule must submit a written statement verifying this status to the Department. The Department will list such a status on the source's (SIP) operating permit or in other formal documentation. This documentation must be maintained at the source site. Such a source will subsequently be subject to enforcement actions for any non-compliance with these provisions unless the source has first obtained a formal release through a Part 70 or some other federally enforceable permit from the Department.

25.11 Limiting a Source's Potential to Emit of VOC by Recordkeeping

A. General Requirements:

1. This approach to limiting potential to emit of VOC (including VOC hazardous air pollutants) is available to sources which opt to assume limitations on emissions resulting from the use of VOC containing materials. It does not apply to sources which produce VOC as part of any process. Also, it does not apply to sources seeking recognition of emissions limitations based on the use of control devices.
2. A source must submit a written request to the Department to use the recordkeeping and reporting requirements of 25.11.B to limit their potential to emit of VOC. In the written request, the source must state the requested limit on the emission of VOC, any combination of VOC hazardous air pollutants, and any single VOC hazardous air pollutant during any consecutive 12-month period.

3. The applicable provisions of this Section will become enforceable conditions of the source's operating permit. The applicable provisions will be listed in the source's operating permit conditions.

B. Source Requirements:

1. A source that requested to limit VOC emissions from 25.0 tons to less than 99.9 tons, any combination of VOC hazardous air pollutants from 6.25 tons to less than 24.9 tons, and any single VOC hazardous air pollutant from 2.5 tons to less than 9.99 tons during any consecutive 12-month period must comply with the requirements of 25.11.B.1.a. through 25.11.B.1.e.
 - a. A log of the monthly consumption of each VOC containing material must be kept. The VOC and individual hazardous air pollutant content of each material must be included in each month's log. This log must be kept for 5 years from the date of last entry and be readily available for inspection or submittal to the Department.
 - b. A log of the monthly and 12-month rolling total VOC and individual hazardous air pollutant emissions must be kept. This log must be kept for 5 years from the date of last entry and be readily available for inspection or submittal to the Department.
 - c. The purchase records, invoices, and material safety data sheets (MSDS) or safety data sheets (SDS) of the VOC and hazardous air pollutant containing materials must be kept for 5 years and be readily available for inspection or submittal to the Department.
 - d. The monthly and 12-month rolling total VOC and individual hazardous air pollutant emissions log of 25.11.B.1.b shall be submitted to the Department by the 30th of July and January for the time period of January 1st through June 30th and July 1st through December 31st, respectively.
 - e. The source shall notify the Department within one week of any exceedance of any applicable requirement.
2. A source that requested to limit VOC emissions from 4.9 tons to less than 24.9 tons, any combination of VOC hazardous air pollutants from 1.25 tons to less than 6.25 tons, and any single VOC hazardous air pollutant from 0.5 tons to less than 2.5 tons during any consecutive 12-month period must comply with the requirements of 25.11.B.2.a through 25.11.B.2.e.

- a. A log of the monthly consumption of each VOC containing material must be kept. The VOC and individual hazardous air pollutant content of each material must be included in each month's log. This log must be kept for 5 years from the date of last entry and be readily available for inspection or submittal to the Department.
 - b. A log of the monthly and 12-month rolling total VOC and individual hazardous air pollutant emissions must be kept. This log must be kept for 5 years from the date of last entry and be readily available for inspection or submittal to the Department.
 - c. The purchase records, invoices, and material safety data sheets (MSDS) or safety data sheets (SDS) of the VOC and hazardous air pollutant containing materials must be kept for 5 years and be readily available for inspection or submittal to the Department.
 - d. The monthly and 12-month rolling total VOC and individual hazardous air pollutant emissions log of 25.11.B.2.b shall be submitted to the Department by January 31st of each year for the previous 12 months.
 - e. The source shall notify the Department within one week of any exceedance of any applicable requirement.
3. A source that requested to limit VOC emissions to less than 4.9 tons, any combination of VOC hazardous air pollutants to less than 1.25 tons, and any single VOC hazardous air pollutant to less than 0.5 tons during any consecutive 12-month period must comply with the requirements of 25.11.B.3.a through 25.11.B.3.c.
 - a. A log of the monthly consumption of each VOC containing material must be kept.
 - b. The purchase records, invoices, and material safety data sheets (MSDS) or safety data sheets (SDS) of the VOC and hazardous air pollutant containing materials must be kept for 5 years and be readily available for inspection or submittal to the Department.
 - c. The monthly consumption log of 25.11.B.3.a shall be submitted to the Department by January 31st of each year for the previous 12 months.
 - d. The source shall notify the Department within one week of any exceedance of any applicable requirement.

25.12 True Minor Source Permit-by-Rule

A. Definitions

As used in this Section, all terms not defined by this paragraph shall have the meaning given to them in Section 13.0.

1. “Permit-by-rule” means authorization from the Director for the owner or operator to construct, modify, or operate an eligible true minor air contaminant source if such construction, modification, or operation is in compliance with Section 25.12 and Knox County Air Quality Management Regulations specifically applicable to such source.
2. “Notice of authorization” or “NOA” means a confirmation from the Director of authorization to construct, modify, or operate a minor air contaminant source under a permit-by-rule.
3. “Notice of intent” or “NOI” means a written notification requesting authorization under a permit-by-rule.

B. Applicability

1. a. An owner or operator of a source that is a member of a category of air contaminant sources listed in Section 25.12-E may obtain a notice of authorization under a permit-by-rule to construct, modify, or operate the source instead of obtaining an individual construction or operating permit for such construction, modification, or operation if the air contaminant source is eligible. An eligible air contaminant source is an air contaminant source that is not excluded by Section 25.12-D and meets the qualifying criteria established by the applicable permit-by-rule. The Director may, with cause, refuse to issue a notice of authorization and require an owner or operator to follow the standard permitting procedures as otherwise required by Section 25.0.
- b. An owner or operator remains authorized pursuant to an NOA to construct, modify, or operate an air contaminant source under a permit-by-rule if the air contaminant source continues to be eligible and the owner or operator is in compliance with Section 25.12 and the applicable permit-by-rule. When required in writing by the Director, the owner or operator of a source that fails to meet the qualifying criteria established in the applicable permit-by-rule or fails to comply with Section 25.12 and the applicable permit-by-rule shall submit an application for an individual construction or operating permit or both.

2. Section 25.12 does not exempt any air contaminant source from any requirements of the federal Clean Air Act, the Knox County Air Quality Management Regulations (including being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under the Knox County Air Quality Management Regulations), or any requirement to list insignificant activities and emission levels in a Title V permit application. In addition, this rule does not relieve the owner or operator from the requirement of including the emissions associated with the exempt sources in any major NSR permitting action.

C. General provisions

The provisions of this paragraph apply to any owner or operator constructing, modifying, or operating an air contaminant source under an NOA unless otherwise stated in a permit-by-rule specific to such source.

1. Recordkeeping requirements

- a. The owner or operator shall collect and maintain the records required for each air contaminant source to which an NOA applies. These records shall be retained in the owner or operator's files for a period of not less than five (5) years and shall be made available to the Director or any authorized representative of the Director for review upon request.
- b. For the purposes of this subparagraph, records include, but are not limited to, any monitoring data, testing data, and support information required by the applicable permit-by-rule and shall be retained for a period of five (5) years from the date the record was created. Support information includes, but is not limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the specific permit-by-rule. Records may be maintained in computerized form.

2. Notification requirements for new installations

- a. The owner or operator of an air contaminant source to be installed on or after the effective date of a permit-by-rule electing to be authorized to construct, modify, or operate under the permit-by-rule shall submit an NOI in a form and manner prescribed by the Director prior to installation of the air contaminant source. The NOI must be submitted to the Director not less than seven (7) days prior to the estimated start date of construction, and shall contain the following information, at a minimum:

- (1) The owner's or operator's name and the facility contact's name;

- (2) The facility mailing address and telephone number;
 - (3) The location of the air contaminant source(s);
 - (4) A description of the air contaminant source(s), including any pollution control(s);
 - (5) A statement by the owner or operator that indicates the permit-by-rule under which construction, modification, or operation of the air contaminant source will be authorized;
 - (6) The estimated start date of construction; and
 - (7) A signed statement that the proposed air contaminant source(s) qualifies to be covered under this rule and the applicable permit-by-rule.
3. Notification requirements for existing permitted sources
- a. An owner or operator of an air contaminant source which is operating under an existing construction or operating permit may continue to operate in compliance with that permit or may submit an NOI in the form and manner prescribed by the Director that contains at a minimum the applicable information required by the Director under Section 25.12-C.3.a and a written notification to the Director that the owner or operator intends to relinquish the existing permit or permits.
 - b. The Director may issue the requested NOA and allow the owner or operator to relinquish a construction or operating permit pursuant to this paragraph if an NOA may be issued to the permittee pursuant to Section 25.12-B and the Director determines that the relinquishment will not result in the violation of any applicable laws. When an owner or operator submits an NOI and relinquishment notification pursuant to this paragraph, the Director, without prior hearing, shall make a final determination on the relinquishment notification and either issue the NOA and allow the relinquishment of the existing permit or permits or inform the permittee in writing of the Director's denial. The NOA is effective on the date the existing permit is relinquished.
4. Reporting requirements
- a. The owner or operator shall submit required reports in the following manner:

- (1) Reports of any monitoring or recordkeeping information required by a permit-by-rule shall be submitted to the Department at the physical address or e-mail address provided in the notice of authorization or as specified in an official notification from the Department.
- (2) A written report of any deviations (excursions) from emission limitations, operational restrictions, qualifying criteria, and control equipment operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in the permit-by-rule shall be submitted to the Department within thirty (30) days of the date the deviation occurred. The report shall describe the specific limitation or operational restriction exceeded, the probable cause of such deviation, and any corrective actions or preventive measures that have been or will be taken.

5. Scheduled maintenance/malfunction reporting

- a. Any scheduled maintenance of air pollution control equipment shall be performed in accordance with the requirements of the applicable permit-by-rule. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the Department in accordance with Section 34.0. Except as provided in Section 34.0, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is served by such control system(s).
6. Any person in possession of a notice of authorization under a permit-by-rule shall ensure that the notice of authorization is readily available for inspection by the Director or the Director's designated representative on the operating premises or an alternate location approved by the Director.

D. Exclusions from eligibility

1. No stationary source with the potential to emit one hundred (100) tons per year or more of any air pollutant subject to regulation is eligible to be authorized under a permit-by-rule.
2. No stationary source with the potential to emit ten (10) tons per year or more of a single hazardous air pollutant or twenty-five (25) tons per year or more of any combination of hazardous air pollutants is eligible to be authorized under a permit-by-rule.
3. Stationary sources of nitrogen oxides or volatile organic compounds located in areas designated serious, severe, or extreme non-attainment for ozone by the U.S.

EPA that otherwise would be eligible to be authorized under a permit-by-rule but have the potential to emit ten (10) tons per year or more of these precursor pollutants cannot be authorized under a permit-by-rule.

E. Source categories potentially eligible for permit-by-rule:

1. Gasoline dispensing facilities (GDFs).
2. Emergency stationary internal combustion engines where the combined total heat input rate at each location does not exceed 4.5 million BTU/hr. An emergency stationary internal combustion engine is an:
 - a. Emergency stationary reciprocating internal combustion engine subject to the provisions of Section 35.2.2-~~ZZZZ~~;
 - b. Emergency stationary compression ignition internal combustion engine subject to the provisions of Section 40.2-~~IIII~~; or
 - c. Emergency stationary spark ignition internal combustion engine subject to the provisions of Section 40.2-~~JJJJ~~.
3. Auto body refinishing operations, which includes paint stripping and surface coating of motor vehicles and mobile equipment, that do not complete more than 50 jobs per week (a job is defined as the total area to be refinished on an automobile body or light duty truck and may include the entire vehicle). However, no emission source subject to Section 46.0 shall qualify for permit-by-rule.

F. Source category specific provisions

1. Reserved.
2. Reserved.
3. The owner or operator of an auto body refinishing operation shall:
 - a. maintain a record of the number of jobs performed per week; and
 - b. if the auto body refinishing operation is exempt from the requirements of Section 35.2.2-~~HHHHHH~~, keep the purchase records, invoices, and safety data sheets (SDS) of the coatings consumed by the auto body refinishing operation.

25.70 Major Source Operating Permit/Title V

A. Program overview.

1. All sources subject to these regulations must obtain a permit to operate that assures compliance by the source with all applicable requirements.
2. Nothing in this part shall prevent the Department from establishing additional or more stringent requirements not inconsistent with the Act.

B. Definitions.

The following definitions apply to Section 25.70. Except as specifically provided in this section, terms used in this part retain the meaning accorded them under the applicable requirements of the Act.

1. "Act" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.
2. "Affected source" shall have the meaning given to it in the regulations promulgated under Title IV of the Act.
3. "Affected States" are all States:
 - a. Whose air quality may be affected and that are contiguous to the State in which a Part 70 permit, permit modification or permit renewal is being proposed; or
 - b. That are within 50 miles of the permitted source.
4. "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the Act.
5. "Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future-effective compliance dates):
 - a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant

requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.

- b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including Parts C or D, of the Act;
 - c. Any standard or other requirement under Section 111 of the Act, including Section 111(d);
 - d. Any standard or other requirement under Section 112 of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act;
 - e. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;
 - f. Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Act;
 - g. Any standard or other requirement governing solid waste incineration, under Section 129 of the Act;
 - h. Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act;
 - i. Any standard or other requirement for tank vessels, under Section 183(f) of the Act;
 - j. Reserved
 - k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and
 - l. Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Act.
6. "Area Source" means any stationary source of hazardous air pollutants that is not a major source.
7. "Designated representative" shall have the meaning given to it in Section 402(26) of the Act and the regulations promulgated thereunder.

8. "Draft permit" means the version of a permit for which the Department offers public participation under 25.70-G or affected state review under 25.70-H.
9. "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.
10. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Act.
11. The "EPA" or the "Administrator" means the Administrator of the EPA or his designee.
12. "Final permit" means the version of a Part 70 permit issued by the Department that has completed all review procedures required by 25.70-G and 25.70-H.
13. "Fugitive emissions" are those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
14. "General permit" means a Part 70 permit that meets the requirements of 25.70-F.
15. "Major source" means any stationary source [or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)] belonging to a single major industrial grouping and that are described in paragraphs a, b, or c of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.
 - a. A major source under Section 112 of the Act, which is defined as:

- (1) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (TPY) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
 - (2) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.
- b. A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
- (1) Coal cleaning plants (with thermal dryers);
 - (2) Kraft pulp mills;
 - (3) Portland cement plants;
 - (4) Primary zinc smelters;
 - (5) Iron and steel mills;
 - (6) Primary aluminum ore reduction plants;
 - (7) Primary copper smelters;
 - (8) Municipal incinerators capable of charging more than 250 tons of refuse per day;

- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plant;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;
- (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
- (27) Any other stationary source category, which as of August 7, 1980, is being regulated under section 111 or 112 of the Act;

- c. A major stationary source as defined in Part D of Title I of the Act, including:
 - (1) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;
 - (2) For ozone transport regions established pursuant to Section 184 of the Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;
 - (3) For carbon monoxide nonattainment areas (1) that are classified as "serious," and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and
 - (4) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10.
- 16. "Part 70 permit" or "permit" (unless the context suggests otherwise) means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to this part.
- 17. "Part 70 program" or "State program" means a program approved by the Administrator under this part.
- 18. "Part 70 source" means any source subject to the permitting requirements of this regulation as provided in 25.70-C.1 and 25.70-C.2.
- 19. "Permit modification" means a revision to a Part 70 permit that meets the requirements of 25.70-G.5.
- 20. "Permit revision" means any permit modification or administrative permit amendment.

21. "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder.
22. "Proposed permit" means the version of a permit that the Department proposes to issue and forwards to the Administrator for review in compliance with 25.70-H.
23. "Regulated air pollutant" means the following:
 - a. Nitrogen oxides or any volatile organic compounds;
 - b. Any pollutant for which a national ambient air quality standard has been promulgated;
 - c. Any pollutant that is subject to any standard promulgated under Section 111 of the Act;
 - d. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
 - e. Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including the following:
 - (1) Any pollutant subject to requirements under Section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act; and
 - (2) Any pollutant for which the requirements of Section 112(g)(2) of the Act have been met, but only with respect

to the individual source subject to Section 112(g)(2) requirement.

24. "Renewal" means the process by which a permit is reissued at the end of its term.
25. "Responsible official" means one of the following:
 - a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to such representative is approved in advance by the Department;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
 - d. For affected sources:
 - (1) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative for any other purposes under Part 25.70.
26. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate

applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

27. "Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Act.
28. "Title I Modification" or "modification under any provision of Title I of the federal Act" means any modification under Section 111 and Section 112 of the Federal Act and any physical change or change in method of operations that is subject to the preconstruction regulations promulgated under Parts C and D of the Federal Act.

C. Applicability

1. Part 70 sources.
 - a. Any major source;
 - b. Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act;
 - c. Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of this Act;
 - d. Any affected source; and
 - e. Any source in a source category designated by the Administrator pursuant to this Section.
2. Source category exemptions.
 - a. All sources listed in paragraph 1 of this section that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Act, are exempted by the Department from the obligation to obtain a Part 70 permit until such time as the Administrator completes a rulemaking to determine how the program should be structured for non-major sources and the appropriateness of any permanent exemptions in addition to those provided for in paragraph 2.d of this section.

- b. In the case of nonmajor sources subject to a standard or other requirement under either Section 111 or Section 112 of the Act after July 21, 1992, publication, the Administrator will determine whether to exempt any or all such applicable sources from the requirement to obtain a Part 70 permit at the time the new standard is promulgated.
 - c. Any source listed in paragraph 1 of this section exempt from the requirement to obtain a permit under this section may opt to apply for a permit under a Part 70 program.
 - d. The following source categories are exempted from the obligation to obtain a Part 70 permit:
 - (1) All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and
 - (2) All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation.
3. Emissions units and Part 70 sources.
- a. For major sources, the Department shall include in the permit all applicable requirements for all relevant emissions units in the major source.
 - b. For any nonmajor source subject to the Part 70 permitting under paragraphs 1 or 2 of this section, the Department shall include in the permit all applicable requirements applicable to emissions units that cause the source to be subject to 25.70.
4. Fugitive emissions. Fugitive emissions from a Part 70 source shall be included in the permit application and the Part 70 permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.
- D. Reserved
- E. Permit applications.

1. Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this section.
 - a. Timely application.
 - (1) A timely application for a source applying for a Part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the Department may establish.
 - (2) Part 70 sources required to meet the requirements under Section 112(g) of the Act, or to have a permit under the preconstruction review program approved into the applicable implementation plan under Part C or D of Title I of the Act, shall file a complete application to obtain the Part 70 permit or permit revision within 12 months after commencing operation or on or before such earlier date as the Department may establish. Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.
 - (3) For purposes of permit renewal, a timely application is one that is submitted at least six months prior to the date of permit expiration, or such other longer time as may be approved by the Administrator that ensures that the term of the permit will not expire before the permit is renewed. In no event shall this time be greater than 18 months.
 - (4) Applications for initial Phase II acid rain permits shall be submitted to the Department by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.
 - b. Complete application. To be deemed complete, an application must provide all information required pursuant to paragraph 3 of this section, except that applications for permit revision need supply such information only if it is related to the proposed change. Information required under paragraph 3 of this section must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. The program shall require that a responsible official certify the submitted information

consistent with paragraph 4 of this section. Unless the Department determines that an application is not complete within 60 days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in 25.70-G.1.d. If, while processing an application that has been determined or deemed to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a permit, as set forth in 25.70-G.2, shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Department.

- c. Confidential information. In the case where a source has submitted information to the State under a claim of confidentiality, the Department may also require the source to submit a copy of such information directly to the Administrator.
2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.
3. Standard application form and required information. Information as described below for each emissions unit at a Part 70 source shall be included in the application. The Administrator may approve as part of a State program a list of insignificant activities and emissions levels which need not be included in permit applications. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount. The Department may use discretion in developing application forms that best meet program needs and administrative efficiency. The forms and attachments chosen, however, shall include the elements specified below:
 - a. Identifying information, including company name and address (or plant name and address if different from the company name),

owner's name and agent, and telephone number and names of plant site manager/contact.

- b. A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with each alternate scenario identified by the source.
- c. The following emissions-related information:
 - (1) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this paragraph 3. The Department shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule.
 - (2) Identification and description of all points of emissions described in paragraph 3.c(1) of this section in sufficient detail to establish the basis for fees and applicability of requirements of the Act.
 - (3) Emissions rates in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.
 - (4) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules.
 - (5) Identification and description of air pollution control equipment and compliance monitoring devices or activities.
 - (6) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Part 70 source.
 - (7) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to Section 123 of the Act).

- (8) Calculations on which the information in items (1) through (7) above is based.
- d. The following air pollution control requirements:
 - (1) Citation and description of all applicable requirements, and
 - (2) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
 - e. Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or of this regulation or to determine the applicability of such requirements.
 - f. An explanation of any proposed exemptions from otherwise applicable requirements.
 - g. Additional information as determined to be necessary by the Department to define alternative operating scenarios identified by the source pursuant to 25.70-F.1.i or to define permit terms and conditions implementing 25.70-N or 25.70-F.1.j.
 - h. A compliance plan for all Part 70 sources that contains all the following:
 - (1) A description of the compliance status of the source with respect to all applicable requirements.
 - (2) A description as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
 - (c) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

- (3) A compliance schedule as follows:
- (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
 - (c) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- (4) A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation.
- (5) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

- i. Requirements for compliance certification, including the following:
 - (1) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph 4 of this section and Section 114(a)(3) of the Act;
 - (2) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;
 - (3) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department; and
 - (4) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.
- j. The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act.

- 4. Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

F. Permit content.

- 1. Standard permit requirements. Each permit issued under this regulation shall include the following elements:
 - a. Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.
 - (1) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

- (2) The permit shall state that, where an applicable requirement of the Act is more stringent than a requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
 - (3) If an applicable regulation allows a determination of an alternative emission limit at a Part 70 source, equivalent to that contained in the regulation to be made in the permit issuance, renewal, or significant modification process, and the Department elects to use such process, any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
- b. Permit duration. The Department shall issue permits for a fixed term of 5 years in the case of all affected sources and for a term not to exceed 5 years in the case of all other sources. Notwithstanding this requirement, the Department shall issue permits for solid waste incineration units combusting municipal waste subject to standards under Section 129(e) of the Act for a period not to exceed 12 years and shall review such permits at least every 5 years.
- c. Monitoring and related recordkeeping and reporting requirements.
- (1) Each permit shall contain the following requirements with respect to monitoring:
 - (a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to Sections 504(b) or 114(a)(3) of the Act;
 - (b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to paragraph 1.c(3) of this section. Such monitoring requirements shall

assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph 1.c(1)(b); and

- (c) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
- (2) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:
- (a) Records of required monitoring information that include the following:
 - 1. The date, place as defined in the permit, and time of sampling or measurements;
 - 2. The date(s) analyses were performed;
 - 3. The company or entity that performed the analyses;
 - 4. The analytical techniques or methods used;
 - 5. The results of such analyses; and
 - 6. The operating conditions as existing at the time of sampling or measurement;
 - (b) Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

- (3) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
 - (a) Submittal of reports of any required monitoring at least every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 25.70-E.4.
 - (b) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The term "prompt", in relation to the degree and type of permit deviations likely to occur, will be defined within each permit according to an EPA approved protocol, such as the EPA/Local Implementation Agreement.
- d. Reserved
- e. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.
- f. Provisions stating the following:
 - (1) The permittee must comply with all conditions of the Part 70 permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
 - (2) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
 - (3) The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request

by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- (4) The permit does not convey any property rights of any sort, or any exclusive privilege.
 - (5) The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of records required to be kept by the permit. For information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.
- g. A provision to ensure that a Part 70 source pays fees to the Department consistent with the fee schedule.
 - h. Emissions trading: A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emission trading and other similar programs or processes for changes that are provided for in the permit. Such provisions must meet the requirements of 40 CFR 70.4(b)(12)(i) and (iii).
 - i. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Department. Such terms and conditions:
 - (1) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
 - (2) Reserved
 - (3) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this part.

- j. Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
 - (1) Shall include all terms required under paragraphs 1 and 3 of this section to determine compliance.
 - (2) Reserved
 - (3) And must meet all "applicable requirements", the requirements of 40 CFR 70 and any additional requirements of the Knox County Air Quality Management Regulations.
- 2. Federally-enforceable requirements.
 - a. All terms and conditions in a Part 70 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.
 - b. Notwithstanding paragraph 2.a of this section, the Department shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of 25.70-G, 25.70-H, or of this section, other than those contained in this paragraph 2.
- 3. Compliance requirements. All Part 70 permits shall contain the following elements with respect to compliance:
 - a. Consistent with paragraph 1.c of this section, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a Part 70 permit shall contain a certification by a responsible official that meets the requirements of 25.70-E.4.
 - b. Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director or an authorized representative to perform the following:

- (1) Enter upon the permittee's premises where a Part 70 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (3) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - (4) As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- c. A schedule of compliance consistent with 25.70-E.3.h.
- d. Progress reports consistent with an applicable schedule of compliance and 25.70-E.3.h to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the Department. Such progress reports shall contain the following:
- (1) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - (2) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- e. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
- (1) The frequency (not less than annually or such more frequent periods as specified in the applicable requirement or by the Department) of submissions of compliance certifications;

- (2) In accordance with 25.70-F.1.c, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;
- (3) A requirement that the compliance certification include the following:
 - (a) The identification of each term or condition of the permit that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent;
 - (d) The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with paragraph 1.c of this section; and
 - (e) Such other facts as the Department may require to determine the compliance status of the source;
- (4) A requirement that all compliance certifications be submitted to the Administrator as well as to the Department; and
- (5) Such additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Act.

f. Such other provisions as the Department may require.

4. General permits.

- a. The Department may, after notice and opportunity for public participation provided under 25.70-G.8, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other Part 70 permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Department shall grant the conditions and terms of the general permit. The source shall be subject to enforcement action for operation without a Part 70 permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be authorized for affected sources under the acid rain program

unless otherwise provided in regulations promulgated under Title IV of the Act.

- b. Part 70 sources that would qualify for a general permit must apply to the Department for coverage under the terms of the general permit or must apply for a Part 70 permit consistent with 25.70-E. The Department may, in the general permit, provide for applications which deviate from the requirements of 25.70-E, provided that such applications meet the requirements of Title V of the Act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under 25.70-G.8, the Department may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.
5. Temporary sources. The Department may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include the following:
 - a. Conditions that will assure compliance with all applicable requirements at all authorized locations;
 - b. Requirements that the owner or operator notify the Department at least 10 days in advance of each change in location; and
 - c. Conditions that assure compliance with all other provisions of this section.
6. Reserved
7. Emergency provision.
 - a. Definition. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed

equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- b. Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph 7.c of this section are met.
- c. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
 - (4) The permittee immediately notified the Department by phone or fax and submitted written notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph 1.c(3)(b) of this section. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- d. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- e. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

G. Permit issuance, renewal, reopenings, and revisions.

- 1. Action on application.
 - a. A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

- (1) The Department has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under 25.70-F.4;
 - (2) Except for modifications qualifying for minor permit modification procedures under 25.70-G.5.b and c, the Department has complied with the requirements for public participation under paragraph 8 of this section;
 - (3) The Department has complied with the requirements for notifying and responding to affected States under 25.70-H.2;
 - (4) The conditions of the permit provide for compliance with all applicable requirements and the requirements of this part; and
 - (5) The Administrator has received a copy of the proposed permit and any notices required under 25.70-H.1 and 25.70-H.2, and has not objected to issuance of the permit under 25.70-H.3 within the time period specified therein.
- b. Except as provided under the EPA approved initial transition plan or under regulations promulgated under Title IV or Title V of the Act for the permitting of affected sources under the acid rain program, the program shall provide that the Department take final action on each permit application (including a request for permit modification or renewal) within 18 months, or such lesser time approved by the Administrator, after receiving a complete application.
- c. The Department will establish reasonable procedures to ensure priority is given to taking action on applications for construction or modification under Title I, parts C and D of the Act.
- d. The Department shall promptly provide notice to the applicant of whether the application is complete. Unless the Department requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. For modifications processed through minor permit modification procedures, such as those in paragraphs 5.b and c of this section, completeness determination may not be required of the Department.

- e. The Department shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Department shall send this statement to EPA and to any other person who requests it.
 - f. The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under Title I of the Act.
2. Requirement for a permit. Except as provided in the following sentence, the applicable provision of 25.70-F.1.h and j, and paragraphs 25.70-G.5.b(5) and c(5) of this section, no Part 70 source may operate after the time that it is required to submit a timely and complete application under an approved permit program, except in compliance with a permit issued under 25.70 regulations. If a Part 70 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation of this part until the Department takes final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to paragraph 1.d of this section, and as required by 25.70-E.1.b, the applicant fails to submit by the deadline specified in writing by the Department any additional information identified as being needed to process the application.
3. Permit renewal and expiration.
- a. The Regulations shall provide that:
 - (1) Permits being renewed are subject to the same procedural requirements, including those for public participation, affected State and EPA review, that apply to initial permit issuance; and
 - (2) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with paragraph 2 of this section and 25.70-E.1.a(3).
 - b. If the Department fails to act in a timely way on a permit renewal, EPA may invoke its authority under Section 505(e) of the Act to terminate or revoke and reissue the permit.
4. Administrative permit amendments.

- a. An "administrative permit amendment" is a permit revision that:
 - (1) Corrects typographical errors;
 - (2) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
 - (3) Requires more frequent monitoring or reporting by the permittee;
 - (4) Allows for a change in ownership or operational control of a source where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department;
 - (5) Incorporates into the Part 70 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 25.70-G and 25.70-H that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in 25.70-F; or
 - (6) Incorporates any other type of change which the Administrator has determined as part of the approved Part 70 program to be similar to those in paragraphs 4.a(1) through (4) of this section.
- b. Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.
- c. Administrative permit amendment procedures. An administrative permit amendment may be made by the Department consistent with the following:
 - (1) The Department shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may

incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this paragraph.

- (2) The Department shall submit a copy of the revised permit to the Administrator.
- (3) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

d. Reserved

5. Permit modification. A permit modification is any revision to a Part 70 permit that cannot be accomplished under the program's provisions for administrative permit amendments under paragraph 4 of this section.

a. Program description. The Department shall provide adequate, streamlined, and reasonable procedures for expeditiously processing permit modifications. The Department may meet this obligation by adopting the procedures set forth below or ones substantially equivalent. The Department may also develop different procedures for different types of modifications depending on the significance and complexity of the requested modification, but not modification procedures that provide for less Department, EPA, or affected State review or public participation than is provided for in this regulation.

b. Minor permit modification procedures.

(1) Criteria.

(a) Minor permit modification procedures may be used only for those permit modifications that:

1. Do not violate any applicable requirement;
2. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
3. Do not require or change a case-by-case determination of an emission limitation or

other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

a. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I; and

b. An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Act;

5. Are not modifications under any provision of Title I of the Act; and

6. Are not required by the Department to be processed as a significant modification.

(b) Notwithstanding paragraphs 5.b(1)(a) and 5.c(1) of this section, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA. The Department may establish additional requirements for such permit modifications.

(2) Application. An application requesting the use of minor permit modification procedures shall meet the requirements of 25.70-E.3 and shall include the following:

- (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - (b) The source's suggested draft permit;
 - (c) Certification by a responsible official, consistent with 25.70-E.4, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
 - (d) Completed forms for the Department to use to notify the Administrator and affected States as required under 25.70-H.
- (3) EPA and affected State notification. Within 5 working days of receipt of a complete permit modification application, the Department shall meet its obligation under 25.70-H.1.a and 2.a to notify the Administrator and affected States of the requested permit modification. The Department promptly shall send any notice required under 25.70-H.2.b to the Administrator.
- (4) Timetable for issuance. The Department may not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Department that EPA will not object to issuance of the permit modification, whichever is first, although the Department can approve the permit modification prior to that time. Within 90 days of the Department's receipt of an application under minor permit modification procedures or 15 days after the end of the Administrator's 45-day review period under 25.70-H.3, whichever is later, the Department shall:
- (a) Issue the permit modification as proposed;
 - (b) Deny the permit modification application;
 - (c) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

- (d) Revise the draft permit modification and transmit to the Administrator the new proposed permit modification as required by 25.70-H.1.
 - (5) Source's ability to make change. The Department may allow the source to make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the Department takes any of the actions specified in paragraphs 5.b(4)(a) through (c) of this section, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
 - (6) Reserved
- c. Group processing of minor permit modifications. Consistent with this paragraph, the Department may modify the procedure outlined in paragraph 5.b of this section to process groups of a source's applications for certain modifications eligible for minor permit modification processing.
 - (1) Criteria. Group processing of modifications may be used only for those permit modifications:
 - (a) That meet the criteria for minor permit modification procedures under paragraph 5.b(1)(a) of this section; and
 - (b) That collectively are below the threshold level approved by the Administrator. This threshold shall be 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 25.70-B, or 5 tons per year, whichever is least.

- (2) Application. An application requesting the use of group processing procedures shall meet the requirements of 25.70-E.3 and shall include the following:
 - (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
 - (b) The source's suggested draft permit.
 - (c) Certification by a responsible official, consistent with 25.70-E.4, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
 - (d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under paragraph 5.c(1)(b) of this section.
 - (e) Certification, consistent with 25.70-E.4, that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification.
 - (f) Completed forms for the Department to use to notify the Administrator and affected States as required under 25.70-H.
- (3) EPA and affected State notification. On a quarterly basis or within 5 business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under paragraph 5.c(1)(b) of this section, whichever is earlier, the Department promptly shall meet its obligation under paragraphs 1.a and 2.a of 25.70-H to notify the Administrator and affected States of the requested permit modifications. The Department shall send any notice required under 25.70-H.2.b to the Administrator.
- (4) Timetable for issuance. The provisions of paragraph 5.b(4) of this section shall apply to modifications eligible

for group processing, except that the Department shall take one of the actions specified in paragraphs 5.b(4)(a) through (d) of this section within 180 days of receipt of the application or 15 days after the end of the Administrator's 45-day review period under 25.70-H.3, whichever is later.

(5) Source's ability to make change. The provisions of paragraph 5.b(5) of this section shall apply to modifications eligible for group processing.

(6) Reserved

d. Significant modification procedures.

(1) Criteria. Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. At a minimum, every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with this part that would render existing permit compliance terms and conditions irrelevant.

(2) Significant permit modifications shall meet all requirements of this regulation including those for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal. The Department shall design and implement this review process to complete review on the majority of significant permit modifications within 9 months after receipt of a complete application.

6. Reopening for cause.

a. Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

(1) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be

completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by an EPA approved program pursuant to Section 25.70-M.

- (2) Reserved
 - (3) The Department or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - (4) The Administrator or the Department determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- b. Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.
 - c. Reopenings under paragraph 6.a of this section shall not be initiated before a notice of such intent is provided to the Part 70 source by the Department at least 30 days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.
7. Reopenings for cause by EPA.
- a. If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to paragraph 6 of this section, the Administrator will notify the Department and the permittee of such finding in writing.
 - b. The Department shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Administrator may extend this 90-day period for an additional 90 days if he finds that a new or revised permit application is necessary or that the Department must require the permittee to submit additional information.

- c. The Administrator will review the proposed determination from the Department within 90 days of receipt.
 - d. The Department shall have 90 days from receipt of an EPA objection to resolve any objection that EPA makes and to terminate, modify, or revoke and reissue the permit in accordance with the Administrator's objection.
 - e. If the Department fails to submit a proposed determination pursuant to paragraph 7.b of this section or fails to resolve any objection pursuant to paragraph 7.d of this section, the Administrator will terminate, modify, or revoke and reissue the permit after taking the following actions:
 - (1) Providing at least 30 days' notice to the permittee in writing of the reasons for any such action. This notice may be given during the procedures in paragraphs 7.a through d of this section.
 - (2) Reserved.
8. Public participation. Except for modifications qualifying for minor permit modification procedures, all permit proceedings, including initial permit issuance, significant modifications, and renewals, shall provide adequate procedures for public notice including offering an opportunity for public comment and a hearing on the draft permit. These procedures shall include the following:
- a. Notice shall be given via electronic notice on the Department's website and by other means designated by the Director if necessary to assure adequate notice to the affected public. Should newspaper publication of the notice be deemed necessary the applicant shall bear the cost of publishing the newspaper notice in a newspaper of general circulation in the area where the source is located. The electronic notice shall be available for the duration of the public comment period and shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit, and how to request and/or attend a public hearing on the draft permit. Notice shall also be given by the Director to persons on a mailing list developed by the Department, including those who request in writing to be on the list;
 - b. The notice shall identify the affected facility; the name and address of the permittee; the name and address of the Department; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit

draft, the application, all relevant supporting materials, including those set forth in 40 CFR 70.4(b)(3)(viii) and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures required by this part; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

- c. The Department shall provide such notice and opportunity for participation by affected States as is provided for by 25.70-H;
- d. Timing. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing.
- e. The Department shall keep a record of the commenters and also of the issues raised during the public participation process so that the Administrator may fulfill his obligation under Section 505(b)(2) of the Act to determine whether a citizen petition may be granted, and such records shall be available to the public.

H. Permit review by EPA and affected States.

- 1. Transmission of information to the Administrator.
 - a. The Department shall provide to the Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final Part 70 permit. The applicant may be required by the Department to provide a copy of the permit application (including the compliance plan) directly to the Administrator. Upon agreement with the Administrator, the Department may submit to the Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information shall be provided in computer-readable format compatible with EPA's national database management system.
 - b. The Administrator may waive the requirements of paragraphs 1.a and 2.a of this section for any category of sources (including any class, type, or size within such category) other than major sources according to the following:
 - (1) By regulation for a category of sources nationwide, or

- (2) At the time of approval of a State program for a category of sources covered by an individual permitting program.
 - c. The Department shall keep for 5 years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the State program complies with the requirements of the Act or of this part.
2. Review by affected states.
- a. The Department shall give notice of each draft permit to any affected State on or before the time that the Department provides this notice to the public under 25.70-G.8, except to the extent 25.70-G.5.b or c requires the timing of the notice to be different.
 - b. The Department, as part of the submittal of the proposed permit to the Administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under 25.70-G.5.b or c), shall notify the Administrator and any affected State in writing of any refusal by the Department to accept all recommendations for the proposed permit that the affected State submitted during the public or affected State review period. The notice shall include the Department's reasons for not accepting any such recommendation. The Department is not required to accept recommendations that are not based on applicable requirements or the requirements of this part.
3. EPA objection.
- a. The Administrator will object to the issuance of any proposed permit determined by the Administrator not to be in compliance with applicable requirements or requirements under 40 CFR 70. No permit for which an application must be transmitted to the Administrator under paragraph 1 of this section shall be issued if the Administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.
 - b. Any EPA objection under paragraph 3.a of this section shall include a statement of the Administrator's reasons for objection and a description of the terms and conditions that the permit must include to respond to the objections. The Administrator will provide the permit applicant a copy of the objection.

- c. Failure of the Department to do any of the following also shall constitute grounds for an objection:
 - (1) Comply with paragraphs 1 or 2 of this section;
 - (2) Submit any information necessary to review adequately the proposed permit; or
 - (3) Process the permit under the procedures approved to meet 25.70-G.8 except for minor permit modifications.
 - d. If the Department fails, within 90 days after the date of an objection under paragraph 3.a of this section, to revise and submit a proposed permit in response to the objection, the Administrator will issue or deny the permit in accordance with the requirements of the Federal program promulgated under Title V of the Act.
4. Public petitions to the Administrator. If the Administrator does not object in writing under paragraph 3 of this section, any person may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in 25.70-G.8, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the Administrator objects to the permit as a result of a petition filed under this paragraph, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the Department has issued a permit prior to receipt of an EPA objection under this paragraph, the Administrator will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in 25.70-G.7.d or e(1) and (2) except in unusual circumstances, and the Department may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.
5. Prohibition on default issuance. No Part 70 permits (including a permit renewal or modification) will be issued until affected States and EPA have had an opportunity to review the proposed permit as required under this section.

I. Reserved

J. Effective Date

This regulation will become effective upon formal approval by EPA of the Knox County Title V permit program.

K. Stringency

1. In any case where the Administrator of the US EPA determines that the provisions of the Tennessee Division of Air Pollution Control Rule 1200-3-9-.02(11) are more stringent than those of Section 25.70, sources will be subject to the more stringent provisions.
2. The Department, with EPA approval, may require additional advance notice from sources regarding any changes in operations.

L. Insignificant Activities and Emissions

The Department may, with EPA approval, choose to allow a source to identify as insignificant activities those items listed and provided for in this regulation.

1. The following activities/emissions sources may not be required to be included in a Title V Permit application:
 - a. Reserved.
 - b. Maintenance and upkeep:
 - (1) Maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality, nature, or quantity of potential emissions of any regulated air pollutants; and
 - (2) Housekeeping activities or building maintenance procedures;
 - c. Air conditioning or ventilation: comfort air conditioning or comfort ventilating systems which do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
 - d. Laboratory equipment:

- (1) Laboratory equipment used exclusively for chemical or physical analysis for quality control or environmental monitoring purposes; or
 - (2) Non-production laboratory equipment used at health or educational institutions for chemical or physical analyses, bench scale experimentation or training, or instruction;
- e. Hot water heaters which are used for domestic purposes only and are not used to heat process water;
 - f. Fuel use related to food preparation by a restaurant, cafeteria, residential cooker or barbecue grill where the products are intended for human consumption;
 - g. Clerical activities such as operating copy machines and document printers, except operation of such units on a commercial basis;
 - h. Hand held equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic artwork, precision parts, leather, metals, plastics, fiber board, masonry, carbon, glass, or wood;
 - i. Equipment for washing or drying fabricated glass or metal products, if no VOCs are used in the process and no oil or solid fuel is burned.
 - j. Water cooling towers (except at nuclear power plants); water treatment systems for process cooling water or boiler feed water; and water tanks, reservoirs, or other water containers not used in direct contact with gaseous or liquid process streams containing carbon compounds, sulfur compounds, halogens or halogen compounds, cyanide compounds, inorganic acids, or acid gases;
 - k. Domestic sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silo for dry material, or grease trap waste handling or treatment facilities);
 - l. Stacks or vents to prevent escape of sewer gases through plumbing traps;
 - m. Vacuum cleaning systems for housekeeping, except at a source with hazardous air pollutants;
 - n. Alkaline/phosphate washers and associated cleaners and burners;

- o. Mobile sources;
 - p. Livestock and poultry feedlots and associated fuel burning equipment other than incinerators;
 - q. Outdoor kerosene heaters;
 - r. Equipment used for hydraulic or hydrostatic testing;
 - s. Safety devices, excluding those with continuous emissions; and
 - t. Brazing, soldering, or welding equipment that is used intermittently or in a non-continuous mode.
2. The following activities/emissions sources must be listed in the application. Emissions from these activities may not have to be quantified upon Department approval.
- a. All gas fired, #2 oil fired, infrared, electric ovens with no emissions other than products of fuel combustion;
 - b. Combustion units with rated input capacity less than 10 million btu/hr that are fueled by:
 - (1) Liquified petroleum gas or natural gas supplied by a public utility; or
 - (2) Commercial fuel oil #2 or lighter;
 - c. Equipment used for inspection of metal products;
 - d. Equipment used exclusively for forging, pressing, drawing, spinning, or extruding metals;
 - e. Equipment used exclusively to mill or grind coatings, and molding compounds where all materials charged are in paste form;
 - f. Mixers, blenders, roll mills, or calendars for rubber or plastics for which no materials in powder form are added and in which no organic solvents, diluents, or thinners are used;
 - g. All storage tanks used exclusively to store fuel oils, kerosene, diesel, jet fuel, crude oil, natural gas, or liquified petroleum gas

(the application must list the size of the tank, date constructed and/or modified, type tank, and material stored);

- h. Space heaters utilizing natural or LPG gas and used exclusively for space heating;
- i. Back-up or emergency use generators, boilers or other fuel burning equipment which is of equal or smaller capacity than normal main operating equipment, cannot be used in conjunction with normal main operating equipment, and does not emit, have or cause the potential to emit of any regulated air pollutant to increase;
- j. Blast cleaning equipment using a suspension of abrasives in water;
- k. Die casting machines;
- l. Foundry sand mold forming equipment to which no heat is applied and from which no organics are emitted;
- m. Bark and wood - waste storage and handling;
- n. Log wetting areas;
- o. Log flumes;
- p. Sodium hydrosulfide storage tank;
- q. Smelt dissolving tank view ports;
- r. Spout cooling water storage;
- s. Effluent drains;
- t. White water chest;
- u. Repulper vents;
- v. Clay storage tank;
- w. Alum storage tank;
- x. Starch storage tank;
- y. Steam vents and leaks;

- z. Deaerator vents;
 - aa. Mill air and instrument air system;
 - bb. Demineralizer water storage tank;
 - cc. Acid storage tank;
 - dd. Process water tank;
 - ee. Air purification system vents;
 - ff. Effluent neutralizing tank/system;gg.
- Dregs washer;
- hh. Lime silo;
 - ii. Lime mud mix tank;
 - jj. Lime mud slurry tank;
 - kk. H₂O₂ storage tank;
 - ll. Green liquor tank; and
 - mm. Tall oil storage tank.
3. The application shall include all emissions sources and quantify emissions if needed to determine major source status, to determine compliance with an applicable requirement and/or the applicability of any applicable requirement such as a NSPS, NESHAP, MACT standard, etc., or collect any permit fee owed under the approved fee schedule.
 4. The applicant shall include all emission sources with a potential to emit:
 - a. Greater than 1 pound per hour of any regulated pollutant that is not a hazardous air pollutant;
 - b. Greater than 0.1 pound per hour of any hazardous air pollutant.
 5. Reserved.

6. The addition of any insignificant activity shall be handled as an administrative amendment unless the addition is a Title I modification or requires a permit to construct.

M. Continued Effectiveness of Permits, Conditions, and Terms

1. If a timely and complete application for a permit renewal is submitted consistent with Section 25.70-E.1.b, but the Department has failed to issue or deny the renewal permit before the end of the term of the previous permit, then:
 - a. The permit shall not expire until the renewal permit has been issued or denied, or
 - b. All the terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied.

N. Operational Flexibility

1. Consistent with paragraphs 1.a through c of this section the Department will allow changes within a permitted facility without requiring a permit revision if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions): provided that the facility provides the Administrator and the Department with written notification as required below in advance of the proposed changes, which shall be a minimum of 21 days, unless the Department provides in its regulations a different time frame for emergencies. The source, Department, and EPA shall attach each such notice to their copy of the relevant permit. The following provisions implement this requirement of an approvable Part 70 permit program:
 - a. The Department shall allow permitted sources to make Section 502(b)(10) changes without requiring a permit revision if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emission allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).
 - (1) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term

or condition that is no longer applicable as a result of the change.

- b. Reserved
- c. The Department shall, if a permit applicant requests it, issue permits that contain terms and conditions, including all terms required under 25.70-F.1 and 3 to determine compliance allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Department shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.
 - (1) The written notification required above shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

O. Off-Permit Changes and Prohibitions

- 1. The Department will allow changes that are not addressed or prohibited by the permit, other than those described in Section 25.70-P, to be made without a permit revision providing they meet the requirements of 25.70-O.1.a through c.
 - a. Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
 - b. Sources must provide contemporaneous written notice to the Department and EPA of each such changes, except for changes that qualify as insignificant under the provisions adopted pursuant to 25.70-E.3. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

- c. Reserved
- d. The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

P. General Off-Permit Prohibitions

Sources are prohibited from making, without a permit revision, changes that are not addressed or prohibited by the Part 70 permit, if such changes are subject to any requirements under Title IV of the Act or are modifications under any provision of Title I of the Act.

Q. Final Agency Action on Permits: Failure to Act

Solely for the purposes of obtaining judicial review in State court for failure to take final action, "final permit action" shall include the failure of the Department to take final action on an application for a permit, a permit renewal, or a permit revision within 18 months, or such lesser time approved by the Administrator, after receiving a complete application.

The Department's failure to take final action within 90 days of receipt of an application requesting minor permit modification procedures (or 180 days for modifications subject to group processing requirements) must be subject to judicial review by State court.

R. Public access to Permit Information

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to Section 114(c) of the Act. The contents of a Part 70 permit shall not be entitled to protection under Section 115(c) of the Act.]