

**I. General Information:**

Contact Person(s): Brian Rivera/William Schaad

Mailing Address: 140 Dameron Avenue, Knoxville, TN 37917

Phone: 865-215-5900 Email: [airquality@knoxcounty.org](mailto:airquality@knoxcounty.org)

Revision Type:  X  Amendment   New   Repeal

Knox County Air Quality Management Regulation (KCAQMR) Section(s) being Revised:

Section Number	Section Title
25.1	Construction Permit
25.7	Permit Fees
25.70	Major Source Operating Permit/Title V
41.3	New Source Review in Nonattainment Areas
45.2	Prevention of Significant Deterioration

**II. Description of KCAQMR Revision(s):**

On October 5, 2016, the Environmental Protection Agency (EPA) issued a final rule revising its public notice regulations for the New Source Review and Title V permit programs. This final rule removed the mandatory requirement to provide public notice for draft permits and other program actions by newspaper publication and instead provided for the electronic notice (e-notice) of these actions. Additionally, an April 2012 memorandum from the EPA states the following in regard to New Source Review (NSR) public notice:

*"[F]or purposes of minor NSR programs and permits, the "prominent advertisement" requirement at 40 CFR 51.161(b)(3) is media neutral. A state program may meet that requirement by using newspapers to publish those notices, or may opt to publish such notices elsewhere as long as it is reasonable to conclude that the public would have routine and ready access to any alternative publishing venues used and the use of the alternative publishing venues is consistent with the state's law or SIP."*

On January 21, 2021, the Tennessee Department of Environment and Conservation (TDEC) Division of Air Pollution Control revised their rules to provide for the electronic noticing for construction permits, permit rescissions, and major source permitting.

Following EPA's ruling and TDEC's rule revisions, the Knox County Department of Air Quality Management (Air Quality) is proposing a series of regulatory changes to eliminate the requirement of newspaper publishing of public notices and the associated public notice fees for construction permits, permit rescissions, and major source permitting. Based on CY 2020, it is projected these regulatory revisions will save Air Quality approximately \$775 per year.

**III. Redline/Strikeout of the Revised KCAQMR Section(s):**

KCAQMR Section 25.1-E.1 is amended by deleting it in its entirety and substituting instead the following:

1. The Director shall notify the public ~~by advertisement in a local newspaper via electronic notice on the Department's website~~ of all applicants seeking to obtain a permit to construct or modify an air pollution source. ~~This 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 comments. ~~The public shall have thirty (30) days from the date of advertisement to submit written comments to the Director~~ 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.

KCAQMR Section 25.7-E.2 is amended by deleting it in its entirety and substituting instead the following:

2. ~~Reserved. The applicant shall be assessed a fee for any public notice. The fee for the public notice on a minor source permit action will be \$75.00. The fee for a major source permit action will be assessed at the actual cost of publishing the notice.~~

KCAQMR Section 25.7-H.2 is amended by deleting it in its entirety and substituting instead the following:

2. ~~Reserved. The applicant shall be assessed a fee for any public notice. The fee for the public notice on a minor source permit action will be \$75.00. The fee for a major source permit action will be assessed at the actual cost of publishing the notice.~~

KCAQMR Section 25.70-G.7.e(2) is amended by deleting it in its entirety and substituting instead the following:

- (2) ~~Reserved. The applicant shall be assessed a fee for any public notice. The fee for the public notice on a minor source permit action will be \$75.00. The fee for a major source action will be assessed at the actual cost of publishing the notice.~~

KCAQMR Section 25.70-G.8.a is amended by deleting it in its entirety and substituting instead the following:

- a. ~~Notice shall be given: by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice; via electronic notice on the Department's website or 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; and by other means if necessary to assure adequate notice to the affected public;~~

KCAQMR Section 41.3-A.8.c is amended by deleting it in its entirety and substituting instead the following:

- c. If the Director rescinds a permit under Section 41.3, the public shall be given adequate notice of the rescission. ~~Publication by the Director~~ Electronic notice of an announcement of rescission ~~in a newspaper of general circulation in the affected region on the Department's website~~ within 60 days of the rescission shall be considered adequate notice.

KCAQMR Section 41.3-B.3 is amended by deleting it in its entirety and substituting instead the following:

3. Within seventy-five days after receipt of a completed application, the Director shall notify the public ~~by advertisement in a local newspaper~~ via electronic notice on the Department's website of the applicants seeking to obtain a permit to construct or modify an air pollution source. ~~Should newspaper publication of the notice be deemed necessary by the Director, the applicant shall bear the cost of publishing such publication in a newspaper of general circulation in the area where the source is located. This~~The notice shall specify the location of the proposed source or modification, the type of source or modification, the preliminary determination, the degree of increment consumption that is expected from the proposed source construction or modification and shall provide the opportunity for public comments. The public shall have ~~thirty (30) days~~ from the date of ~~advertisement~~ public notice to submit written comments to the Director. A public notice for a new major stationary source or major modification shall also include the opportunity for a public hearing, if a public hearing is requested in writing during the public comment period. 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.

KCAQMR Section 45.2-K.3 is amended by deleting it in its entirety and substituting instead the following:

3. Within seventy-five days after receipt of a completed application, the Director shall notify the public ~~by advertisement in a local newspaper~~ via electronic notice on the Department's website of ~~the application,~~ the preliminary determination, the degree of increment consumption that is expected from the ~~proposed stationary~~-source construction or modification, and the opportunity for comments at a public hearing, if a public hearing is requested in writing, as well as written public comments. ~~A copy of all materials that the applicant submitted, a copy of the preliminary determination, and a copy or summary of the other materials considered in making the preliminary determination shall be made available to the public. The 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.~~