

**CHAPTER 1200-3-20**  
**LIMITS ON EMISSIONS DUE TO MALFUNCTIONS,**  
**START-UPS, AND SHUTDOWNS**

**1200-3-20-.01 PURPOSE**

- (1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source (incinerator, fuel burning installation, wood fire boiler or process emission source) can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

**Authority:** *T.C.A. Section 53-3412. Administrative History. Original Rule filed February 5, 1979, effective March 21, 1979.*

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**1200-3-20-.02 REASONABLE MEASURES REQUIRED**

- (1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. For sources identified in Chapter 1200-3-19, or by a permit condition or an order issued by the Board or by the Technical Secretary as being in or significantly affecting a nonattainment area, failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions, and shall be considered in violation of the emission standard exceeded and this rule.

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**1200-3-20-03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS**

- (1) When any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in these regulations, or of sufficient duration to cause damage to property or public health, the person responsible for such equipment shall promptly notify the Technical Secretary of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. Violations of the visible emission standard which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. In attainment and unclassified areas if emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24- hour period (or will not reoccur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

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1st Revision	DEC 09, 1981	JUN 24, 1982	47 FR 27272

**1200-3-20-.04 LOGS AND REPORTS**

- (1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions in excess of the standards in Division 1200-3 must be kept at the plant. This log must record at least the following:
    - 1. Stack or emission point involved.
    - 2. Time malfunction, startup, or shutdown and/or when first noticed.
    - 3. Type of malfunction and/or reason for shutdown.
    - 4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.
    - 5. The company employee making entry on the log must sign date and indicate the time of each log entry.
  - (b) The information under item (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.
  - (c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.
  - (d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.
- (2) The owner or operator of all sources located in non-attainment areas or having a significant impact on air quality in a nonattainment area (for the pollutant designated under Chapter 1200-3-19 or by the Technical Secretary) must submit a report to the Technical Secretary within 30 days after the end of each calendar quarter listing the times at which malfunctions, startups and/or shutdowns, which resulted in emissions discharged during such times. This report should also include total emissions during the quarter and be reported in a format specified by the Technical Secretary. If these emissions are required to be reported under rule 1200-3-110-.02 or under rules of Chapter 1200-3-16 then the report required by this paragraph is waived.

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**1200-3-20-.05 COPIES OF LOG REQUIRED**

- (1) The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the log request is received. The Technical Secretary can require submission of copies of the entire log.

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**1200-3-20-.06 SCHEDULED MAINTENANCE**

(1) General.

(a) In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Technical Secretary at least twenty-four hours prior to the planned shutdown where such equipment will result in the discharge of emissions in excess of the standards in this Division 1200-3. such prior notice shall include, but is not limited to the following:

1. Identification of the specific source (permit unit) to be taken out of service, as well as its location and permit number.
2. The length of time that the air pollution control equipment will be out of service.
3. The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.
4. Measures such as the use of off-shift labor and equipment that will be taken to minimize the emissions during the shutdown period.

(2) Exceptions to Shutdown Reporting Requirements

(b) When shutdowns referred to in paragraph .06, (a) of this rule are on a routine schedule, the report to the Technical Secretary may be furnished on an annual basis and shall list the dates and times of the routine scheduled shutdowns during the upcoming year, with the other information required in paragraph (a).

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**1200-3-20-.07 REPORT REQUIRED UPON THE ISSUANCE OF NOTICE OF VIOLATION**

- (1) In the case of excess emissions from any source (permit unit) subject to the rules and regulations a notice of violation shall automatically be issued except for visible emissions levels included as a permit condition under Chapter 1200-3-5-.02 (1). The owner or operator of the violating source shall submit within twenty (20) days after receipt of the notice of violation the following data to assist the Technical Secretary in deciding whether to excuse or proceed upon the violation. The Technical Secretary may extend this time period for another 20 days upon receipt in the Nashville office of a written request received during the initial 20 day period.
  
- (2) Each report shall include, as a minimum:
  - (a) The identity of the stack and/or other emission point where the excess emission(s) occurred;
  - (b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
  - (c) The time and duration of the emissions;
  - (d) The nature and cause of such emissions;
  - (e) Steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction;
  - (f) The steps taken to limit the excess emissions of the occurrence reported, and
  - (g) Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions if this is the case.
  
- (3) Failure to submit this report within the twenty (20) day period specified in paragraph (1) shall preclude the admissibility of the report data as an excuse for malfunctions, startups, and shutdowns in causing the excessive emissions.

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**1200-3-20-.08 SPECIAL REPORTS REQUIRED**

The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:

- (a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-3.
- (b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.
- (c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.
- (d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shut downs.
- (e) Information to determine if the excess emissions truly result from a malfunction.
- (f) Information to evaluate the impact of the emissions on the surrounding area.

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**1200-3-20-.09 RIGHTS RESERVED**

Nothing in this chapter shall be construed to limit the obligation of the source to attain and maintain the ambient air quality standard nor the authority of the Technical Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.

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**1200-3-20-.10 ADDITIONAL SOURCES COVERED**

The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirements in this chapter for those sources in nonattainment areas significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standards may be violated in the general vicinity where the source is located. There is sufficient reason for purposes of this rule to believe a standard may be violated if a value not to be exceeded more than once in a year is equaled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modeling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

**Authority:** *T.C.A. Section 53-3412. Administrative History. Original Rule filed October 2, 1979; effective November 16, 1979.*

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