

25.0 PERMITS

25.1 Construction Permits

- 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 for the construction or modification of such 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. All Construction Permits shall be for a period of up to but not exceeding one (1) year as determined by the Department. All Construction 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 a Construction 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 construction permit.

25.2 Applications for Permit

- A. The application for a Construction Permit shall be made on forms available from the Director within ninety (90) days prior to the estimated starting date of construction. The Director shall act on all applications for a Construction Permit within 90 days.
- 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 a source constructed or modified in accordance with a Construction Permit issued by the Director, in section 25.1, shall apply for and receive an Operating Permit from the Director.
- 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 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 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 may be specifically requested by the Director. All such information shall be submitted on forms available from 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 towards 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 or

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 within thirty (30) days prior to the expiration of an existing Operation Permit. The Director shall act on all applications for an Operating Permit within 30 days.
- 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 each source shall be in accordance with the provisions and stipulations set forth in the Operating Permit.
- G. An Operating Permit is not transferable from one person to another person, from one source to another source, or from one location or facility to another location or facility.
- H. The director may suspend or revoke either a construction or an operating permit if the permit holder fails to comply with the provisions, stipulations, or compliance schedules specified in the permit. Upon permit revocation, if the permit holder fails to take remedial action, he shall become immediately subject to enforcement actions prescribed in these regulations.
- 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 Pollution Control 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. Violation 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 revisions 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.

25.4 Compliance Schedule

- A. Irrespective of any of the provisions of 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.

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. Mobile sources such as: automobiles, trucks, buses, locomotives, planes, boats, and ships.

- B. Particulate emissions from a single stack, of an air contaminant source, discharging less than 0.5 pounds per hour of non-hazardous particulates or the total particulate emissions from an air contaminant source amounting to less than two (2) pounds per hour of non-hazardous particulates, whichever is the more restrictive.
- C. 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.
- D. A construction or operating permit shall not be required for one and two family dwelling units..
- E. Reserved.
- F. Gas-fired fuel-burning equipment of less than 300,000 BTU per hour capacity when used exclusively for comfort heating.
- G. Notwithstanding the exemptions granted in the sections above, no person shall discharge, from any source whatsoever, such quantities of air contaminants or other materials which cause or have a tendency to cause injury, detriment, annoyance, or adverse effect to the public.

25.7 Payment of Fees

All persons requesting a construction permit or operating permit shall pay a fee as determined by the Director with the advice and consent of the Board.

25.10 Permit by Rule

- A. General Requirements:
 - 1. Accepting a 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 Permit by Rule covering numerous similar sources. Any Permit by Rule shall identify criteria and standards by which sources may qualify for the Permit by Rule. To sources that qualify, the Director may grant the conditions and terms of the 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 Permit by Rule.
- B. 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) permitted to burn natural gas/LPG and/or distillate oil exclusively shall be deemed to have a Permit by Rule if the conditions in paragraphs (1) and (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 (1) and (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.

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 Permit by Rule if the conditions in paragraphs (1) and (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 (1) and (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 Permit by Rule if the conditions in paragraphs (1) and (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 (1) and (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 Permit by Rule if the conditions in paragraphs (1) and (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 (1) and (2) shall obtain a Part 70 permit.

- (1) Monitoring and record keeping: A log of the monthly production must be kept. The total production of 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 Permit by Rule if the conditions in paragraphs (1) and (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 (1) and (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 Permit by Rule if the conditions in paragraphs (1) and (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 (1) and (2) shall obtain a Part 70 permit.
 - (1) Monitoring and recordkeeping: 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 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 Permit by Rule if the conditions in paragraphs (1) and (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 (1) and (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 polymer resin and gel coat used during any twelve consecutive months.

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 to each 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 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.

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