

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 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.*

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	FEB 13, 1979	FEB 06, 1980	45 FR 8004
1 st Revision	JAN 20, 2023	JUN 23, 2023	88 FR 41031

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 and malfunctions. 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. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Authority: *T.C.A. Section 68-201-105 and ~-5-20 1 et seq. Administrative History: Original rule filed February 5, 1979: effective March 21, 1979. Amendment filed September 21, 1988: effective November 6, 1988. Repealed and new rule filed July 13, 1994: effective September 26, 1994.*

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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.

Authority: *T.C.A. Section 53-3412. Administrative History. Original Rule filed February 5, 1979, effective March 21, 1979. Amended: filed September 4, 1981; effective October 19, 1981.*

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Original Reg	FEB 13, 1979	FEB 06, 1980	45 FR 8004
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) Reserved

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

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1 st Revision	SEP 25, 2013	SEP 29, 2016	81 FR 66826

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.

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

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	FEB 13, 1979	FEB 06, 1980	45 FR 8004

1200-3-20-.06 REPORT REQUIRED UPON THE ISSUANCE OF NOTICE OF VIOLATION

- (2) The owner or operator of the violating air contaminant source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) of this rule. If the data required in paragraph (3) of this rule has previously been available to the Technical Secretary or the Technical Secretary's representative prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this shall be submitted within the twenty (20) daytime period.

- (3) Each report required in paragraph 1200-03-20-.06(2) 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) For malfunctions. The 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) If applicable, 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.
- (6) No emission during periods of malfunction, start-up, or shutdown that are in excess of the standards in Division 1200-03 or any permit issued thereto shall be allowed which can be proved to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-03-03 or the National Ambient Air Quality Standards

Authority: *T.C.A. Section 53-3412. Administrative History. Original Rule filed February 5, 1979, effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981.*

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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).
- (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.

Authority: *T.C.A. Section 53-3412. Administrative History. Original Rule filed February 5, 1979, effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981.*

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1200-3-20-.07 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.

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-.08 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.

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-.09 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 or 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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