



The TN Division of Air Pollution Control has instituted a "Permit-by-Rule Transition Program" relating to sources that are required to apply for either an Air Quality Construction Permit or Air Quality State Operating permit. This transition program applies only to Gasoline Dispensing Facilities subject to 40 CFR 63 Subpart CCCCC (Gasoline Dispensing Facilities) and TN Air rule 1200-3-18-.24; and stationary emergency engines subject to 40 CFR 63 Subpart ZZZZ (Stationary Reciprocating Internal Combustion Engines), 40 CFR 60 Subpart IIII (Stationary Compression Ignition Internal Combustion Engines), and 40 CFR 60 Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines). *To qualify for the transition program, the below information and commitments must be submitted to the TN Division of Air Pollution Control at one of the above addresses (mail or email).* Facilities that qualify will be notified when Permit-by-Rule for their source category is implemented so these sources 1) can fulfill their commitment to submit a "Notice of Intent" to construct and/or operate under the Permit-by-Rule or 2) are now exempt from permitting altogether.

Permit-by-Rule Transition Program Qualification

SITE INFORMATION				
Organization's legal name		For APC use only	APC Company point number	
Site name (if different from legal name)			APC Log/Permit number	
Site address (St./Rd./Hwy.)				
City		Zip code		County name
CONTACT INFORMATION (RESPONSIBLE PERSON)				
Responsible person/Authorized contact			Phone number with area code	
Mailing address (St./Rd./Hwy.)			Fax number with area code	
City		State	Zip code	Email address
PERMIT-BY-RULE TRANSITION PROGRAM QUALIFICATIONS				
Type of source: (check all that apply)	Stationary Emergency Engine: <input type="checkbox"/>	If Stationary Emergency Engine, indicate number of engines: <input type="checkbox"/>	Gasoline Dispensing Facility: <input type="checkbox"/>	
<input type="checkbox"/> I commit to complying with the applicable regulatory requirements for the source for which I am submitting information.				
<input type="checkbox"/> I commit to updating TN Division of Air Pollution Control (APC) in a timely manner of any changes in the above information identifying the facility for which I am requesting a qualification for the Permit-by-Rule Transition Program.				
<input type="checkbox"/> Unless notified by APC that the source is exempt from permitting altogether, I commit to completing a Notice of Intent to operate under the Permit-by-Rule within 60 days after the effective date of the Tennessee Division of Air Pollution Control regulation allowing Permit-by-Rule for the applicable source category. [Tenn. Comp. R. & Regs. 1200-03-09-.07(5)(a) for eligible gasoline dispensing facilities and 1200-03-09-.07(5)(b) for eligible emergency engines.]				
<input type="checkbox"/> I certify that this source is not located at a facility that is subject to Title V Major source permitting or has applied for or obtained a Conditional Major permit.				

AUTHORIZED REPRESENTATIVE SIGNATURE AND DATE		
Signature of Authorized Representative (application must be signed before it will be processed)		Date
Authorized Representative's name (type or print)	Title	Phone number with area code

For the purpose of this program, a “stationary emergency engine” means any stationary reciprocating internal combustion engine that is operated to provide electrical power or mechanical work during an emergency situation. There is no time limit on operating during an emergency situation. This can include but is not limited to powering critical networks or equipment when local power is interrupted or pumping water in the case of fire or flood. Operating beyond the time limits outlined would result in the engine not being considered a stationary emergency engine for the purpose of this program.

Permit-by-Rule Transition Program Qualification form instructions

Emergency Engines and Gasoline Dispensing Facilities

The TN Division of Air Pollution Control (TN DAPC) is in the process of developing a new, faster, and less expensive method for sources to receive authorization to construct, modify, and operate sources of air pollution. This method is known as “Permit-by-Rule”. The Permit-by-Rule process will be available for specific industry or equipment categories. The first two categories that will be eligible are gasoline dispensing facilities (GDFs) and certain stationary emergency engines. Once the Permit-by-Rule process is available for a specific category, sources that fit into that category that would otherwise need to have an air quality permit will be able to simply submit a Notice of Intent to construct or operate under the Permit-by-Rule. They will then receive a Notice of Authorization from the TN DAPC. Permit-by-Rule turn-around time to issue a Notice of Authorization will likely be much shorter than the current time required for issuance of an individual air quality permit. Also, TN DAPC is in the process of revising its permitting regulations that would exempt most stationary emergency engines from permitting altogether. Once this change is made, owners and operators of such emergency engines won’t even have to submit a Notice of Intent.

Until the Permit-by-Rule process is implemented, the TN DAPC has adopted a “Permit-by-Rule Transition Program” for certain stationary emergency engines and GDFs that constructed or are operating without a current air quality permit. In order to qualify for this transition program, owners and operators of stationary emergency engines and GDFs that do not hold a current air quality permit and are not located at Title V Major or Conditional Major facilities can submit the Permit-by-Rule Transition Program Qualification form. Completion of this form, and compliance with the four commitments listed on the form, will safeguard owners and operators of the facility from enforcement by the TN DAPC for constructing and/or operating without a required permit. This information will also provide the TN DAPC with necessary information regarding the source and how to contact the source once the Permit-by-Rule process for that source category is available or to inform them if their stationary emergency engine is exempt from permitting altogether.

Sources that qualify for the transition program will still need to operate their source according to the requirements of the rules that apply to that source. Inspections and enforcement for violations other than having a valid permit may still occur.

Information on the requirements for these sources can be found on the Small Business Environmental Assistance Program web pages.

Emergency Generators: <http://www.tn.gov/environment/article/sbeap-spark-ignition-and-reciprocating-internal-combustion-engines>

Gasoline Dispensing Facilities: <http://www.tn.gov/environment/topic/sbeap-gasoline-dispensing-facilities>

If you need assistance, contact the Small Business Environmental Assistance Program by phone at 800-734-3619 or by email at BGSBEAP@tn.gov.

Instructions for Completing “Permit-by-Rule Transition Program Qualification” Form

Site information:

1. The organization’s legal name is the name under which the company as a whole operates in the event it may have multiple facilities or subsections. The right-hand portions of the first two lines are intended for APC Division use only.
2. The facility specific name if different from the organization’s legal name.
3. Site address should indicate as clearly as possible the actual source location including the county in which it is located.

Contact Information (Responsible Person)

4. This section should identify and provide contact information regarding the individual that TN DAPC should contact regarding the Permit-by-Rule Transition Program qualification request. TN DAPC will send all correspondence regarding this transition program as well as notification of implementation of the Permit-by-Rule process for stationary emergency engines or gasoline dispensing facilities (whichever is applicable). This information will also be used to notify sources of changes to permitting rules that will exempt certain stationary emergency engines from the requirement to obtain a permit. The individual specified in this section may be the Responsible Person that is required to sign the form (see below) or his authorized representative.

Transition Program Qualifications

5. Indicate whether this qualification submission is for an emergency generator(s) or gasoline dispensing facility (GDF) source. If for an emergency generator, indicate the number of engines at the facility.
6. In order to qualify for the transition, the responsible person must agree to four specific requirements. All four commitments must be acknowledged in order to qualify.
 - a. The responsible person must commit to all of the air quality regulatory requirements that apply to the stationary emergency engine and/or GDF, with the exception of the requirement to obtain a permit to construct or operate the source.
 - b. The responsible person must commit to updating the information provided on the Permit-by-Rule Transition Program Qualification form (e.g., contact information, number of engines) when such information changes. Updated information can be sent to TN DAPC by sending an email to air.pollution.control@tn.gov or sending a letter to the address shown on the form along with a copy of the qualification letter and original form.
 - c. Unless notified by the TN DAPC that the emergency engine is exempt from permitting altogether, the responsible person must commit to completing and submitting a “notice of intent” for coverage under the Permit-by-Rule for the source category in question once rulemaking that allows for such is completed by TN DAPC. In order for coverage under a Permit-by-Rule to be possible, TN DAPC must adopt the applicable state and federal air quality regulations for that source category into TN DAPC’s rules and must specifically list the source category in TN DAPC’s Permit-by-Rule regulation. It is TN DAPC’s intention to notify all facilities that apply and qualify for this transition program once coverage under the applicable Permit-by-Rule is available.
 - d. The responsible official must certify that the stationary emergency engine or GDF is not located at a Title V Major source or a Conditional Major source. A conditional major source is one that has taken limits to opt out of Title V permitting requirements.

Responsible Person Signature and Date

7. The form must be signed by the facility’s “Responsible Person”. The Responsible Person may be the owner, president, vice-president, general partner, plant manager, environmental/health/safety coordinator, or other person that is able to represent and bind the facility in environmental permitting affairs. The form should be dated and the Responsible Person’s name and title must be specified.