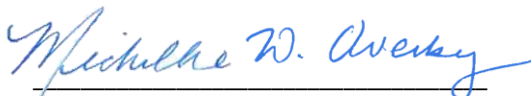


**APC-EFO-P-01-Field Services eBook-010123**  
**Division of Air Pollution Control: Field Services Program Policy eBook**


**DISCLAIMER:** This document is policy only and does not create legal rights or obligations. It is intended to provide division staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

**EFFECTIVE DATE:** January 1, 2023

**SIGNATURES:**



Division Director



Reviewer- Office of General Counsel



Reviewer- Deputy Director of Field Services



Drafter/Preparer- Environmental Manager 3

**PURPOSE:** The purpose of the Field Services Program Policy eBook is to provide policy guidance on a wide variety work topics in one location to ensure each inspector has the knowledge to perform their duties at the highest level of excellence.

The eBook includes other policy and guidance documents that currently have not been assigned a document identification number. When such documents are reviewed and assigned an identifier, the eBook policy will be updated.



## Division of Air Pollution Control Field Services Program Policy eBook

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**ATTACHMENTS**

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**OPEN BURNING:**

**GUIDELINES FOR OPEN BURNING WOOD WASTE AND VEGETATION**  
**OPEN BURNING COMPLAINT PROCEDURE**  
**INVESTIGATING COMPLAINTS ON RESIDENTIAL PROPERTY**  
**OPEN BURNING ADVISEMENT TEMPLATE LETTER**  
**OPEN BURNING NOV TEMPLATE WITH PRIOR ADVISEMENT**  
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**OPEN BURNING VIOLATION END DATE POLICY**  
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**FIRE TRAINING WORKFLOW FOR INSPECTORS**  
**DRAFT FIRE TRAINING OUTREACH EMAIL**  
**FIRE TRAINING INSPECTOR CHECKLIST**  
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**NATURAL DISASTER:**

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**APC POINT CLOSURE AND APC FILE CLOSURE PROCESS POLICY**  
**APC-SWM ASBESTOS MEMORADUM OF AGREEMENT (MOA)**  
**ASBESTOS MEMO**  
**VISIBLE EMISSIONS EVALUATION (VEE) METHODS QUICK REFERENCE SHEET**

**DRAFT PERMIT REVIEWS:**

**DRAFT CONSTRUCTION PERMIT EFO AND COMPANY REVIEW POLICY**  
**DRAFT PERMIT REVIEW CHECKLIST**

**INTERNAL PERMIT COMMENTS RETENTION:**

**INTERNAL PERMIT COMMENTS RETENTION PROCEDURE**

**MONITOR REQUESTS:**

**AMBIENT AIR MONITORING REQUEST PROCEDURE**

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### Division of Air Pollution Control: Field Services Program Policy eBook

## INTRODUCTION

The work Air Pollution Control inspectors perform encompasses a wide variety of topics, which include but are not limited to complaints, monitoring, and inspections. The aim of this policy document or eBook is to provide information in one location so that each inspector has the knowledge to perform their duties at the highest level of excellence.

## COMPLAINT INVESTIGATION PROCEDURE

Division of Air Pollution Control personnel will follow the Division's standard complaint investigation procedures when investigating each assigned complaint.

Within one business day of receipt, DAPC staff will enter initial complaint information into the APC database, including indoor air inquiries. Except during inclement weather or other circumstances beyond the inspector's control, the inspector will initiate investigation of each assigned complaint within five business days of receipt by the Division.

During the initial visit, the inspector will determine the validity and division jurisdiction of each assigned complaint. If not under Division jurisdiction, the inspector will refer the complaint to the proper agency, if any, within five business days.

Within fifteen calendar days of the conclusion of the investigation, the inspector will notify known complainants in writing of investigation results, enter all findings into APC database in detail (all data points), and upload all supporting documentation (e.g. permits, NOVs, property data, photos).

Within fifteen calendar days of the conclusion of the investigation, the inspector will notify the APC Field Services Environmental Manager that the complaint record is ready for Quality Assurance procedures. The manager, within seven business days of being notified by the inspector that a complaint investigation record and its supporting documentation is uploaded and ready for review, will conduct quality assurance checks and ensure deficiencies were corrected prior to entering the "Date Completed" date in the APC database.

The managers will review the status of complaints in their area at a minimum of once per month to ensure that the complaints are investigated within the stipulated deadline dates. Each quarter (calendar basis), the manager will provide a status report to the DDFO of investigated complaints that have been in the system for more than thirty days and are listed as "Awaiting Response", "Investigation Under Review", or "Open".

Complaints must be closed within 60 days after the investigation date except for situations where the manager must ask for an extension based on extenuating circumstances. If the field office is unable to complete the complaint investigation in 60 days, the manager must request via e-mail an extension by day fifty to the Division of Air Pollution Control Director and Deputy Director of Field Office Operation. The request must state the extenuating circumstances for the extension. The Director will review the request and respond via email to the manager and Deputy Director either approving or denying the extension.

The APC Technical Lead will maintain a monthly spreadsheet of the number of complaints investigated by each Field Office, the number not investigated by the deadline date, restricted access and the number of indoor air complaints and submit it to the DDFO by the fifteenth of the following month. The DDFO will review the information and submit a quarterly report to the Director.

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**CHAPTER ONE – OPEN BURNING**

Open burning is defined as any burning of material where the products of combustion are emitted directly to the atmosphere without passing directly through a stack. While some instances of open burning are allowed in Tennessee such as fires used for cooking, campfires and outdoor fireplaces, most materials, for example household trash, plastic, and tires, are prohibited to burn. Therefore, the State of Tennessee has established controls on open burning to help prevent negative impacts on health and environment. Chapter 4 (1200-03-04) of the Air Pollution Control (APC) Rules dictates that open burning is prohibited and includes exceptions to this prohibition. The following sections will offer guidance for certain situations that inspectors may encounter while investigating open burning complaints.

**SECTION 1.1|WOOD WASTE AND VEGETATION**

As mentioned previously, there are exceptions to the prohibition in Chapter 4. Specifically, 1200-03-04-.04(1)(d) &(e), dictate that wood waste and vegetation can be burned in the State of Tennessee, under certain conditions. This section will briefly summarize the restrictions. More detailed information can be found in the document titled “Guidelines for Open Burning Wood Waste and Vegetation”, which is included in the Attachments.

Wood waste as defined in 1200-03-04-.02(1)(g), is any product, such as sawdust or bark, that has not lost its basic character as wood. Plant life of herbaceous nature (leaves or evergreen needles) and manufactured lumber products (plywood or particle board) are not considered wood waste. While it is maybe legal to burn wood waste solely for disposal, there are restrictions if wood waste is burned for disposal within 200 feet of an occupied building, such as having at least one person present during the burn.

When evidence of burned wood waste is discovered within 200 feet of an occupied structure, you must establish whether or not the wood waste was open burned for disposal purposes. Unless otherwise instructed, you must only attempt to interview the following adults:

- The person(s) that conducted the open burning;
- The property owner(s) where the open burning occurred; and/or
- The resident(s) where the open burning occurred.

To establish whether or not a structure is occupied, you must only attempt to interview the following adults unless otherwise instructed:

- If not anonymous, the complainant(s) that live within 200 feet; and/or
- If not anonymous, the complainant(s) that live within 100 feet (ask if written permission was provided).

If the complainant is anonymous, do not attempt to interview occupants of structures within 200 feet unless otherwise instructed.

Vegetation grown on the property of the burn site is legal to burn.

If wood waste and vegetation are to be disposed together, then restrictions apply for both. Please see attachment “Guidelines for Open Burning Wood Waste and Vegetation” for further information.

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## SECTION 1.2|MARIJUANA AS VEGETATION

Situations have been presented concerning using open burning to dispose of marijuana.

In conclusion, marijuana seized as contraband by law enforcement officials may be open burned at any location for the sole purpose of destruction per 1200-03-04-.04(1)(i). The allowed priming materials are listed in the exception.

## SECTION 1.3|FIRE TRAINING

TAPCR 1200-03-04-.04 includes an exception for fires set by or at the direction of responsible fire control persons solely for training purposes. The person responsible for such burning, unless conducted at a recognized fire training academy, must certify compliance with the following requirements via written statement. The certification must be delivered to the Division of Air Pollution Control at the appropriate regional Environmental Field Office at least 10 working days prior to commencing the burn:

- The open burning is being conducted solely for fire training purposes.
- All vinyl siding, carpet, vinyl flooring, asphalt roofing materials, and any other materials expressly prohibited in TAPCR 1200-03-04-.03, have been removed. However, the provisions of TAPCR 1200-03-04-.03(4) as it pertains solely to “other rubber products” and “other plastics” are waived for incidental plastic or rubber materials which are an integral part of a structure used for fire training, such as plastic plumbing, fixtures, and conduit; electrical wiring insulation, connections, switches, and fixtures; interior trim; glues and resins in manufactured wood products; and vinyl window and door frames. Sheathing, decking, roofing, exterior siding and trim, and structural load-bearing members whose composition is primarily rubber or plastics are not considered incidental.
- All regulated asbestos containing materials have been removed in accordance with TAPCR 1200-03-11-.02.
- A traffic hazard will not be caused by the air contaminants generated by the fire training.
- Additionally, all structures used for fire training are subject to 40 CFR Part 61, Subpart M: National Emission Standards for Hazardous Air Pollutants for Asbestos. These Federal requirements include, but are not limited to, the following:
  - Persons planning to demolish a structure by fire must submit an intent to demolish notification no fewer than ten (10) working days prior to beginning demolition activities regardless of if asbestos is present. The notification must be submitted to the DAPC. Notification forms are available [here](#) and may be submitted electronically to [Asbestos.NESHAP.Program@tn.gov](mailto:Asbestos.NESHAP.Program@tn.gov).
  - All structures must be thoroughly inspected for the presence of asbestos.
  - All regulated asbestos containing material must be removed and the removal process must follow the requirements specified by Subpart M, including having at least one on-site representative, such as a foreman or management-level person or other authorized

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representative, trained in the provisions of Subpart M and the means of complying with it, present during removal activities.

Furthermore, any structure used for live fire training, except for detached single-family homes, is subject to the TDEC Asbestos Accreditation Requirements found at Chapter 1200-01-20. These Rules are applicable to all persons and firms who perform asbestos activities in schools or public and commercial buildings.

Inspectors should adhere to the fire training workflow for fire training activities.

**Fire Training Workflow for Inspectors**  
**Draft Fire Training Outreach Email**  
**Fire Training Inspector Checklist**  
**Fire Training Asbestos Rationale**

#### SECTION 1.4|DEAD ANIMALS

Specifically, TAPCR 1200-03-04-.04(1)(f) allows the burning of bodies of dead animals, including poultry, where no other safe and/or practical disposal method exists. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oil, vegetation grown on the property of the burn site, and/or wood waste.

If a situation arises, please consult your manager, DDFO, OGC and other pertinent personnel about the appropriate action.

#### SECTION 1.5|EVIDENCE DESTRUCTION

Specifically, TAPCR 1200-03-04-.04(1)(i) allows law enforcement agencies to use open burning to destroy controlled substances and illegal drugs seized as contraband.

If a situation arises, please consult your manager, DDFO, OGC and other pertinent personnel about the appropriate action.

#### SECTION 1.6|BURNING OF EXPLOSIVE WASTES

Per TAPCR 1200-03-04-.04(1)(k), exception to prohibition allows for fires that solely consist of non-radioactive, explosive, shock sensitive, chemically unstable, or highly reactive wastes, packaging, or contaminated or potentially contaminated combustible materials. Priming materials are limited to #1 or #2 grade fuel oils and wood waste. Open burning conducted under this exemption shall only be done when no other safe means of disposal exists.

#### SECTION 1.7|NATURAL DISASTER

Per TAPCR 1200-03-04-.04(l), open burning may be conducted by anyone for materials resulting only from a natural disaster, as long as certain criteria have been met. Everyone must comply with the listed basic conditions. For any governmental collective burn site, a three (3) day advanced notice to the appropriate regional Environmental Field Office is required.

Natural Disaster Workflow for Inspectors



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[Guidelines for Open Burning of Natural Disaster Debris](#)

[Natural Disaster Inspector Checklist](#)

[Natural Disaster Concurrence letter](#)

[Natural Disaster outreach email template](#)

## CHAPTER TWO – OTHER COMPLAINTS

### SECTION 2.1|FUGITIVE DUST

In accordance with the Division’s VEE Manual, and Chapter 1200-03-08 Fugitive Dust regulations, a Method 4 VEE can be conducted during complaint investigations alleging fugitive dust.

Some facilities have a permit with a fugitive dust limit. If a Method 4 VEE is conducted at one of these facilities and the limit is exceeded, the inspector will consult with their manager. If a permit does not include a limit for fugitive dust, or a facility/property does not require an APC permit, the inspector will consult with their manager.

When a violation is not identified as a result of the investigation, the status will often result in “No Problem Found”.

### SECTION 2.2|FREON

Freon is a refrigerant used for most home heating, ventilating, and air conditioning (HVAC). It is made up of hydrogen, carbon, fluorine, and chlorine, or HCFC (hydro chlorofluorocarbons). EPA declared R-22 Freon as an Ozone Depleting Substance, and mandated that its production, distribution and use would be phased out. R-22 Freon was replaced by several Freon variations, such as R-410A, R-134A, and R-409A blend, which are more environmentally sound and won’t deplete the ozone layer.

TAPCR 1200-03-09-.04(5)(g)2 identifies air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Clean Air Act as an insignificant activity. Therefore, since Freon and its variants are regulated by EPA, complainants should be referred to Region 4 EPA Customer Services at 800-424-8802, when HVAC companies or individuals are accused of releasing Freon or refrigerant from AC units into the atmosphere.

### SECTION 2.3|INDOOR AIR QUALITY

The State of Tennessee does not regulate indoor air quality. Outreach information may be given to citizens who would like further information.

#### Radon

If a citizen contacts the field office with indoor air quality concerns in regards to radon, the State of Tennessee has a radon outreach program called the Tennessee Radon Program. All questions and requests for radon testing kits should be referred to the program. If the citizen has an email account, then the radon outreach email should be sent. If they do not have email, then give them the Radon Hotline number 800-232-1139 to call.

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Mold

If a citizen contacts the field office with mold concerns, then the mold outreach email should be sent to them with a PDF of EPA’s “A Brief Guide to Mold, Moisture and Your Home” attached.

If they do not have email, then mail them the mold outreach letter with a paper copy of EPA’s “A Brief Guide to Mold, Moisture and Your Home” included with the letter.

Offices with AWS implemented should have mold outreach packets pre-made (the mold outreach letter and a paper copy of EPA’s “A Brief Guide to Mold, Moisture and Your Home”) and easily accessible to support staff. Support staff can be emailed with the citizens contact information for mailing the packets to them.



EPA Mold Guide.pdf

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Indoor Air Quality

If a citizen contacts the field office with general indoor air quality concerns, then the indoor air quality outreach email should be sent to them with a PDF of EPA’s “Care for Your Air: A Guide to Indoor Air Quality” attached. If they do not have email, then mail them the indoor air quality outreach letter with a paper copy of EPA’s “Care for Your Air: A Guide to Indoor Air Quality” included with the letter.

Offices with AWS implemented should have indoor air quality outreach packets pre-made (the indoor air quality outreach letter and a paper copy of EPA’s “Care for Your Air: A Guide to Indoor Air Quality”) and easily accessible to support staff. Support staff can be emailed with the citizens contact information for mailing the packets to them.



EPA Guide to Indoor  
Air Quality.pdf

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Indoor Air Quality Email

Mr./Ms. **Name**,

Thank you for your inquiry concerning indoor air quality. There are not any State of Tennessee agencies that regulate indoor air quality. The Tennessee Department of Health has a Healthy Homes website that contains information concerning indoor air quality issues.

<https://www.tn.gov/health/cedep/environmental/healthy-homes.html>

The Environmental Protection Agency’s (EPA) Indoor Air Quality website has information on indoor air quality. EPA’s “Care for Your Air: A Guide to Indoor Air Quality” is attached to this email.

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<https://www.epa.gov/indoor-air-quality-iaq>

Thank you again for your inquiry concerning indoor air quality. Please feel free to contact me if you have any additional questions or concerns.

Thank you,

Indoor Air Quality Mailing

Thank you for your inquiry concerning indoor air quality. There are not any State of Tennessee agencies that regulate indoor air quality. The Tennessee Department of Health has a Healthy Homes website that contains information concerning indoor air quality issues.

<https://www.tn.gov/health/cedep/environmental/healthy-homes.html>

The Environmental Protection Agency's (EPA) Indoor Air Quality website has information on indoor air quality. EPA's "Care for Your Air: A Guide to Indoor Air Quality" is included with this letter.

<https://www.epa.gov/indoor-air-quality-iaq>

Thank you again for your inquiry concerning indoor air quality. Please feel free to contact me if you have any additional questions or concerns.

Thank you,

Mold Email

Mr./Ms. **Name**,

Thank you for your indoor air quality inquiry concerning mold. There are not any State of Tennessee agencies that regulate indoor air quality. The Tennessee Department of Health has a Healthy Homes website that contains information on indoor air quality issues.

<https://www.tn.gov/health/cedep/environmental/healthy-homes.html>

The Mold section of Healthy Homes has general mold information and gives guidance on how to prevent and clean up mold.

<https://www.tn.gov/health/cedep/environmental/healthy-homes/hh/mold.html>

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The Environmental Protection Agency's (EPA) Indoor Air Quality website has information on mold and EPA's "Brief Guide to Mold, Moisture and Your Home" is attached to this email.

<https://www.epa.gov/indoor-air-quality-iaq>

Thank you again for your inquiry concerning indoor air quality. Please feel free to contact me if you have any additional questions or concerns.

Thank you,

Mold Mailing

Thank you for your indoor air quality inquiry concerning mold. There are not any State of Tennessee agencies that regulate indoor air quality. The Tennessee Department of Health has a Healthy Homes website that contains information on indoor air quality issues.

<https://www.tn.gov/health/cedep/environmental/healthy-homes.html>

The Mold section of Healthy Homes has general mold information and gives guidance on how to prevent and clean up mold.

<https://www.tn.gov/health/cedep/environmental/healthy-homes/hh/mold.html>

The Environmental Protection Agency's (EPA) Indoor Air Quality website has information on mold and EPA's "Brief Guide to Mold, Moisture and Your Home" is included with this letter.

<https://www.epa.gov/indoor-air-quality-iaq>

Thank you again for your inquiry concerning indoor air quality. Please feel free to contact me if you have any additional questions or concerns.

Thank you,

Radon Email

Ms. **Name**,

Thank you for your indoor air quality inquiry concerning Radon. The Tennessee Radon Program can assist you with your Radon concerns. You may contact the program by email at [TDEC.Radon@tn.gov](mailto:TDEC.Radon@tn.gov) or by phone at 800-232-1139. You may also contact Lexi Brown with the Office of Policy & Sustainable Practices by email at [lexi.brown@tn.gov](mailto:lexi.brown@tn.gov) or by phone at 615-532-5944 for Radon information.

This is the link to the Tennessee Radon Program's website

<https://www.tn.gov/environment/program-areas/opsp-policy-and-sustainable-practices/opsp-sustainable-practices/tennessee-radon-program.html>

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You may obtain a free Radon Test Kit from the Tennessee Radon Program.

[https://tdec.tn.gov/Radon\\_Online/frmRADON\\_Online.aspx](https://tdec.tn.gov/Radon_Online/frmRADON_Online.aspx)

Thank you again for your inquiry concerning Radon. Please feel free to contact me if you have any additional questions or concerns.

Thank you,

## SECTION 2.4|ODOR

Inform the complainant that Tennessee has no odor regulations. Create a complaint record for all odor complaints. During investigations, observe emission points in operation and conduct a VEE if the opacity is greater than 50% of the opacity limit.

In addition, review required records since the previous inspection and document the outcome in the complaint description and write-up. Include any information from startups, shutdowns, and malfunctions that occurred during any timeframe(s) identified by the complainant. Do not accept any records the facility considers to be confidential, including via email. When a violation is not identified as a result of the investigation, the status will often result in “No Violation Found”.

A violation is never documented based solely on an odor identified during a complaint investigation or inspection. However, odors may result from excess emissions/opacity, lack of maintenance, and poor management practices.

### Odor Complaint Investigations/Facility related (DAPC permitted and unpermitted sites)

- Discuss all odor complaints with EFO manager prior to investigation.
- Ask complainant to provide detail information (e.g. date, time, weather, duration, etc.) on the event.
- Conduct an unannounced on-site inspection to observe the operations.
  - Conduct a VEE if the opacity is greater than 50% of the opacity limit (used Method 2/20% for unpermitted sources when applicable).
- If permitted by DAPC, review records to ensure the facility is complying with its permit limits. Otherwise, determine if there are any potential regulated air pollution sources at the site.
- Review weather conditions during the event.
  - Based on the situation, you may elect to consult the Technical Services Lead (EC4) regarding weather conditions.
- If multiple agencies/programs are involved, the inspector will consult with the Field Office manager and DDFO to determine if a joint meeting is appropriate.
- If a Field Office receives multiple complaints during the week/month on the same facility, the complaints will be investigated weekly, and the results of the investigations will be addressed in one response letter to the complainant(s).

### Odor Investigations/Non-Facility related

- Discuss all odor complaints with EFO manager prior to investigation.
- Ask complainant to provide detail information (e.g. date, time, weather, duration, etc.) on the event.
- Drive to the area of concern (neighborhood) and attempt to identify any potential sources.
- If a source or facility cannot be identified as a result of the complaint investigation, the status will often result in “No Jurisdiction.”

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The following complaints can be referred to other Divisions or Departments:

- Odors from lakes, creeks, ponds, other natural waters, sewage, wastewater plants, septic tanks, storm drains and animal feeding operations can be referred to the Division of Water Resources.
- Odors from garbage or solid waste accumulated on a property can be referred to the Division of Solid Waste Management.
- Odors from utility gas leaks can be referred to the local utility supplier.

## SECTION 2.5|STACK OPACITY

1. **Complaint Receipt or Intake** – Gathering the proper information concerning the specifics of the complaint helps APC to make efficient use of our time and resources. All information provided by the complainant should be entered into the “Complaint Description and Write-up” field when entering the complaint in APC Database. Examples of such information are listed below:
  - a. Determine if the emissions are stack-related, from roads and parking lots or fugitive emissions. This determination helps the inspector properly prepare for the complaint investigation. Investigation of Fugitive Dust complaints is referenced in Section 2.1 of the eBook.
  - b. Identification of the source of the complaint. If the facility has multiple emission points; it saves a great deal of time if we can determine which stack is associated with the opacity complaint. Examples include:
    - i. Stack location (i.e. front, back, east corner of the building)
    - ii. Stack description (height, shape, color)
  - c. Time and duration of the opacity issue. It is also helpful to determine if potential excess emissions are occurring on an ongoing basis or just at certain times during the day.  
Example:
    - i. Concrete batch plants often have high emissions as the cement is being loaded into the silo. This information can help the inspector to plan the site visit for the appropriate time (i.e. when the cement is being loaded into the silo).
2. **Preparation for the complaint investigation** – Opacity complaints require very detailed documentation to ensure the success of any enforcement initiated as a result of the complaint investigation. The VEE is a snapshot that is taken by the inspector to either document compliance or non-compliance at that particular instance. If the VEE is not conducted properly, Compliance Validation and the Enforcement Section will not be able to defend the VEE if the enforcement case is contested. This often leads to return visits to conduct additional VEEs. In order to efficiently and accurately investigate the complaint, preparation prior to the site investigation is essential. Such preparation should include some or all of the following items:
  - a. File Review (APC Database Review) – This review at a minimum should include a review of the following data:
    - i. Active Permits – This should identify the applicable opacity limit and visible emission observation method for the emission source (stack) in question. This is essential to completing a valid VEE. If this source is exempt from permitting, and no specific standard applies (e.g., NSPS), then TVEE Method 2 is used to determine compliance.

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- ii. Complaint History – A review of this data would identify any previous opacity issues that have occurred since late 2008, for this emission source or other similar emission sources at the facility. Possible causes and corrective actions from previous complaints could be helpful during the investigation of the current complaint. If VEEs were completed by a previous inspector who still works with APC, it may be helpful to contact the inspector to gather any relevant information concerning the process and the previous VEE(s).
  - iii. Previous VEEs - If VEEs have been completed in the past, they may include process and control device operating parameters. This information can assist the inspector in identifying changes that may have led to increased emissions (i.e. increased production, baghouse pressure drop changes, flows rates, pH values, etc.).
  - iv. Source Test Acknowledgment Letters - These documents should provide production rates and control equipment parameters that were documented during the past Source Testing events. Similar to the previous VEE comments, this information can assist the inspector in identifying changes that may have led to increased emissions (i.e. increased production, baghouse pressure drop changes, flows rates, pH values, etc.).
- b. Review of Maps and Aerial Photos – This information can assist the inspector in determining the optimal time to conduct the complaint investigation and the best location to conduct the VEE. In order to conduct valid VEEs the sun position, the plume background and wind direction must be considered. Often based on the layout of the facility, it is much easier to conduct valid VEEs in either the morning or the afternoon. Google Earth is a great tool to use prior to the site inspection. It is often possible to get a ground level view of the facility and surrounding area and determine the best locations and times to conduct a VEE.
- c. Review of the Weather Conditions/Forecast – Weather plays a critical role in the investigation of opacity complaints. APC guidance currently gives inspectors 5 workdays to investigate the complaints. This allows the inspector the flexibility to plan the complaint investigation for a day when the conditions are best suited to conduct a valid VEE. Weather parameters to consider include the following:
- i. Cloud Cover – Overcast days are not the optimum conditions to conduct VEEs. A sunline documenting the proper orientation of the sun is generally not available on overcast days. If the inspector is using the sky as the background, the lack of a contrasting background (depending on the color of the emissions) can make it difficult to accurately determine the opacity of the stack emissions.
  - ii. Precipitation – VEEs should not be completed when precipitation is occurring for many of the same reasons outlined in item (i).
  - iii. Temperature / Humidity – These values are especially important if the stack in question has a steam plume. Depending on the temperature and humidity, steam plumes can persist for long distances before they dissipate. As inspectors, we must observe the plume immediately after the steam has dissipated (the break point). If the steam plume persists, it can make it difficult to locate a contrasting background (especially if the emissions are white or light-colored and there is cloud cover in the area). When possible, steam plumes should be read on hot, dry days.

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- iv. Wind Direction and Speed – Extremely windy days make completing VEEs more difficult, especially if there are multiple stacks in a particular area of the facility. Often such situations lead to plume impaction (i.e., intermingling plumes). In order to complete a valid VEE that documents non-compliance, the inspector must be able to observe each plume individually. Wind direction can also adversely affect the ability of the inspector to conduct a valid VEE. Generally, such issues occur when stacks are located in close proximity to one another as noted above. See additional notes concerning wind direction provided in item 4(b.) below.
3. **Additional Preparation** – The following items should be considered when preparing for the site inspection:
    - a. Copy of the permit – to determine the applicable VEE Method, verify source description and permitted production rates.
    - b. VEE Forms (CN-0841) for stack emissions, VEE form CN-1058 for Fugitive Dust Crossing the Property Line – See Section 2.1 of the eBook (Fugitive Dust Complaints) for more information about Fugitive Dust Complaint
    - c. Clipboard
    - d. Compass – used to determine North Arrow, Direction from Observer and Wind Direction.
    - e. Watch / Stopwatch – opacity observations must be completed on 15 second intervals. Two (2) stopwatches are suggested when conducting Method 4 VEEs (Fugitive Dust Crossing the Property Line)
    - f. Pen / Pencil
    - g. Sling Psychrometer or Cell Phone with a Weather App – used to determine relative humidity when observing stacks with steam plumes. Cell phone weather apps are quick and easy to use to obtain wind speed and direction, temperature and humidity data. However, the local weather stations can sometimes be a considerable distance away from the actual site. A sling psychrometer and anemometer will give instantaneous, accurate data at a specific location.
  4. **Observation Location** – Upon arrival in the area, the inspector must find a location where a valid VEE can be completed. The following factors should be considered when choosing the location to conduct the VEE:
    - a. Sun location – the sun must be oriented in the 140-degree sector to inspector’s back.
    - b. Wind Direction – the inspector is required to read perpendicular to the plume rather than down the length of the plume.
    - c. Distance to the Stack – A general rule for reading vertical emission points is that the observation location should be approximately 3 stacks heights away from the stack itself. The distance is intended to encourage the inspector to determine opacity from a position perpendicular to the plume. This guidance does not apply to horizontal emissions points.
    - d. Plume Background – a suitable plume background is necessary. This normally involves locating a background that is in contrast to the color of the emissions. Examples:
      - i. Blue sky or white clouds when reading black smoke
      - ii. Green trees for reading white smoke.



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- e. On-site or off-site - It is best to complete the VEE without entering the property if the VEE is the result of a complaint investigation. This prevents the facility from shutting the operation down upon our arrival or changing the operation itself to reduce emissions. However, there may be times when a valid VEE cannot be completed without entering the property.
5. **Completing the VEE** – The following guidance is intended to supplement the training provided during the visible emission certification training.
- a. The inspector should make sure that they have the equipment listed in Section #3 above.
  - b. It is best not to conduct VEEs between the hours of 11:00 a.m. and 1:00 p.m. during the months of May-October (page 2 of the VEE course manual) since the sun is overhead and the opacity readings would be biased against the facility. VEEs can be completed during this period if the visible emissions are well below the permitted opacity limit. If the emissions are near or above the permit limit, the VEE must be completed before or after the mid-day timeframe. VEEs can be completed between 11:00 a.m. – 1:00 pm. during the months of November – April, since the sun does not reach as high of an apex in the sky during the winter months.
  - c. The inspector should find the optimum location based on the guidance in Item #4 above.
  - d. **Completing the VEE Form** – All applicable data fields on the form should be completed while at the site. Most items on the form are self-explanatory. Selected items that may be problematic are referenced in detail below:
    - i. **Process Equipment Operating Mode** – rate at which the referenced process is operating (pounds per hour, tons per hour, MMBtu/hour, etc.). The idea is to document the operation of the process itself at the time of the VEE. These values can be used as a comparison if follow-up VEEs are required or if another complaint is received. Normal is not considered an acceptable entry unless accompanied by the process rate, however, startup or shutdown are acceptable entries.
    - ii. **Control Equipment Operating Mode** – parametric monitoring value for the control device, if available. Cyclones will not have an operating mode. In such cases the inspector can just state that the control device is in operation or that the control device is operating normally. There may also be cases where more than one parametric monitoring value is available. The inspector would want to list all of the available values using the comments section, if space becomes an issue. The idea is to document the operation of the control device at the time of the VEE. These values can be used as a comparison if follow-up VEEs are required or if another complaint is received. A couple of examples of operating modes are provided below:
      - **Baghouse** – pressure drop (inches of water, inches of mercury).
      - **Scrubber** – scrubber flow (gallon per minute), pH of the scrubbing liquid.
    - iii. **Height above Ground Level** – The value may be available in the permit application or the permit. If not, company officials should be able to locate the stack height in their records. Estimations can be used if no other data is available.

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- iv. Describe Visible Emissions - See page 16 of the **Visible Emissions Evaluation Instruction Manual** for drawing and descriptions that should be used to complete this area of the VEE form.
  - v. Point In The Plume At Which Opacity Was Determined – The inspector would describe the specific location where the opacity of the stack was determined. Examples:
    - Stack exit
    - 100 feet downstream if a steam plume was present.
  - vi. Number of Readings Above % Were – A value will only be entered in this location if TVEE Method 2 is used. If TVEE Method 1 or EPA Method 9 is being used, N/A should be entered.
  - vii. Describe Emission Point – This area of the VEE form is used to identify the stack that was being observed. Examples include baghouse #2 stack, round black stack, red rectangular stack, round concrete stack.
  - viii. Wet Bulb Temperature – This area would be completed if a sling psychrometer was used to determine relative humidity (RH, percent). The sling psychrometer uses wet bulb and dry bulb temperatures to determine relative humidity. Cell phone weather apps can be used to obtain humidity data. However, the local weather stations that apps use can sometimes be a considerable distance away from the actual site. The values obtained using a weather app will be less accurate than the data obtained via a sling psychrometer as ambient moisture conditions could be different at the specific site location based on the local topography. If a cell phone app or other means of determining relative humidity is used, this area can be left blank or completed with N/A.
  - ix. Comments Section – This area is used to provide additional information concerning the VEE. Often it is used when the areas on the form are not large enough to enter all relevant data. If you completed your VEE certification while wearing sunglasses, they must be worn while completing the VEE. A statement such as “sunglasses worn” must be added here in case the VEE was contested in court.
- e. Length of the VEE – It is very important for the inspector to know which VEE method is applicable to the source being observed, so that any potential violations can be properly documented. Examples are provided below:
- i. TVEE Method 1 – Two consecutive minutes of readings are required. The inspector must complete a minimum of eight, 15-second observations. It is best to document multiple 2-minute readings if possible to further establish the compliance status of the emission point/source.
  - ii. TVEE Method 2 – Compliance is based on the number of aggregate 15-second readings that are 15% or greater than the permitted standard. For example, if a 20% opacity limit applies to the source, all readings of 35% opacity or greater are counted toward the aggregate total. In order to document non-compliance, the inspector would need to continue the observation until at least twenty-one (21) 15-second readings of 35% or greater were noted during the 1-hour observation period. It may not be necessary to complete a full one-hour VEE if a sufficient number of values that are 15% or greater than the standard have been documented. Obviously, it is always good to strengthen our case by

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- documenting all 15-second readings that are 15% or greater than the standard during the 1-hour observation period.
- iii. TVEE Method 3 - For all sources (usually NESHAPS sources) with zero % opacity conditions, the inspector would need to collect at least 6 minutes of 15-second readings.
  - iv. EPA Method 9 – At least 6 minutes of 15 second readings must be conducted to document a violation. In certain instances, the second highest 6-minute average is used to determine compliance. In such cases, at least 12 minutes of 15-second readings must be completed. The second highest 6-minute average cannot contain any 15-second readings that were included in the highest 6-minute average. If the opacities noted during observation are near the permitted opacity limit, the inspector will provide the completed VEE to the Smoke School Instructor for verification.
    - Note – This information was taken from the Document titled **Visible Emissions Evaluation Methods Quick Reference Sheet (Attachment 1)**.
- f. Data Reduction - Based on the data provided in item (e) above, the data should be reduced so that the compliance determination process can begin. Examples are provided below:
- i. TVEE Method 1 – The 2-minute average opacities shall be determined by adding each of the eight (8) 15-second readings together and dividing by 8. If another vehicle passes and obscures your view at a 15-second reading interval, then you would add the totals of the remaining 15-second readings and divided by 7. An asterisk should be listed on the VEE form for that particular 15-second interval when the reading could not be taken.
  - ii. TVEE Method 2 – Compliance is based on the number of aggregate 15-second readings that are 15% or greater than the permitted standard. If 21 or more such values occur during a 1-hour observation period, then the emissions source is in violation of TVEE Method 2. As noted in section (d)(vi) above, this value will be listed in the section titled Number of Readings Above % Were
  - iii. TVEE Method 3 – Compliance is based on an observation period of at least 6 minutes. If the total cumulative opacity for all 15-second readings is greater than 10% during any 6 minutes period, then the emission source is in violation of TVEE Method 3. Examples that would document a violation:
    - Three (3) 15-second readings of 5% ( $5\% + 5\% + 5\% = 15\%$ ).
    - One 15-second reading of 5% and one 15-second reading of 10% ( $5\% + 10\% = 15\%$ )
    - One 15-second reading of 15% or greater.
  - iv. EPA Method 9 – Compliance is based on either the highest 6-minute average or the 2<sup>nd</sup> highest 6-minute average based on the type of emission source and the associated standard and permit conditions. The highest and 2<sup>nd</sup> highest 6-minute average should be determined based on the Excel spreadsheet provided to staff by the Compliance Validation Section. As noted earlier, the second highest 6-minute average cannot contain any 15 second readings that were included in the highest 6-minute average. In order to determine the 2<sup>nd</sup> highest 6-minute average, the field staff would have to look at the formulas provided in each cell

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to locate the 2<sup>nd</sup> highest 6-minute average that does not include any 15 second readings that were included in the highest 6-minute average. The inspector will provide the completed VEE to the Smoke School Instructor for verification.

1. Note 1 – This information was taken from the Document entitled Visible Emissions Evaluation Methods Quick Reference Sheet (**Attachment 1**) and Visible Emissions Evaluation Instruction Manual (Section 2 – Page 2 of 20).
- g. Compliance Determination – The following steps should be taken to verify that the VEE was completed based on the proper guidance and any associated enforcement action is warranted and can be defended by APC:
  - i. The Manager in each Field Office will review and QA the VEE to ensure that the form is filled out correctly and that the proper compliance determination has been made. The VEE form will be signed and dated by the Manager.
  - ii. The signed VEE must be emailed to Smoke School Instructor for final approval.
  - iii. If the VEE is approved by the Smoke School Instructor, the inspector and manager will proceed with the enforcement case, create an Enforcement Action Request (EAR) and issue a Notice of Violation (NOV) following the steps provided in the Enforcement Manual.
  - iv. If the VEE is not approved the Smoke School Instructor, comments concerning why the VEE could not be approved will be provided to the inspector and Manager. If a potential visible emissions violation is ongoing, the inspector should return to conduct another VEE, which addresses any deficiencies identified during the Compliance Validation review. If a potential violation is noted during the return visit, the Compliance Determination process will start again as noted in items (i) – (iv).
    1. If a violation is noted, a return trip to the facility should be conducted to determine if the actions taken by the facility have brought the emission source back into compliance with the applicable emission standard. An official VEE will be completed to document the current compliance status of the emission source with the applicable visible emission limit. The inspector should work with their Field Office Manager to determine an appropriate deadline to complete the follow-up VEE. If the facility is found to be in compliance with the emissions limit, the VEE should be finalized and uploaded to Smog Log. If the emission source fails to comply with the applicable visible emission limit, the inspector should start the VEE verification process outlined above in paragraph 5(g). If the VEE is verified, then the enforcement process will be initiated.
6. Enforcement –The Manager will follow the normal procedures for referring EARs to the Enforcement staff for review and further processing.
7. Complaint Closure – Once a compliance determination has been made and any required enforcement action has been referred to the Enforcement Section, the inspector will:
  - a. Send a reply letter to the complainant if a name and address is provided.
  - b. The inspector will review the information that has been added to APC Database for accuracy.
  - c. The inspector will notify the Manager that the complaint is ready for QA and closure.

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**SECTION 2.6|ASBESTOS**

Asbestos is regulated under 1200-03-11-.02, Hazardous Air Pollutants. Facilities affected are any commercial, institutional, industrial and public building, and any structure, installation or building containing condominiums, or individual units operated as a residential cooperative. A single-family dwelling that has four or less units is exempt unless it is being used for non-residential purposes or more than one is being demolished for a larger project.

The following are a few scenarios concerning a registered asbestos complaint:

- An individual has called and stated that someone is tearing down an old house that they believe has asbestos shingles and siding. They have noticed that some of the material has been burned and is concerned of their possible exposure to hazardous material. Although this is a single-family dwelling, since the complainant alleged the site contains asbestos, the inspector will contact the APC Asbestos Renovation/Demolition Contact. The APC Asbestos Renovation/Demolition Contact will conduct an inspection to help confirm the presence of asbestos to determine if there is a violation of Division Rule 1200-03-04-.03(4) (Open Burning).
- An individual has called stating they are concerned about a renovation project at an old school known to contain asbestos. They were concerned of the exposure of the demolition workers as well as whether the material was being removed and disposed of properly. In this case, the information would be referred to the APC Asbestos Renovation/Demolition Contact, either by asking the complainant to contact the APC Asbestos Renovation/Demolition Contact directly or field staff forwarding the complaint information to the APC Asbestos Renovation/Demolition Contact.
- A complaint was received that a hospital located in Hamilton County was undergoing renovation that had asbestos abatement a few years prior. The complainant is concerned that the current renovation could also contain asbestos and is not being handled properly. Since this is located in one of the four local programs, the complainant would be directed to contact the local program to investigate.

If a complaint is received and the complainant has expressed concerns about exposure to asbestos containing materials (ACM) the information would be referred to the APC Asbestos Renovation/Demolition Contact, either by asking the complainant to contact APC's Asbestos Renovation/Demolition Contact directly or field staff forwarding the complaint information to APC's Asbestos Renovation/Demolition Contact.

If a complaint is received in one of the four local counties, please instruct them to contact the local Air Pollution Control program. Their contact information is on the back of the TN Asbestos NESHAP Program pamphlet. For those located in Davidson County, a pamphlet is available for download on their webpage that contains direct contacts, <http://www.nashville.gov/Health-Department/Environmental-Health/Air-Pollution-Control/Pollution-Downloads.aspx>. Likewise Hamilton County and Shelby County also have a detailed web page concerning Asbestos that includes an email link and phone number to gather further information, <http://apcb.org/index.php/permitting/asbestos> and <http://tn-shelbycountyhealth.civicplus.com/175/Asbestos>, respectively.

Note: In the near future, asbestos will be regulated under Amended Chapter 0400-30-38. The Division will be incorporating all NESHAP regulations in this chapter, including Asbestos.

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**SECTION 2.7|OTHER**

The vast majority of types of complaints that properly belong in the concerning “Other” types of complaint category are about things that the TN Division of Air Pollution Control (APC) does not regulate. The two most common examples of types of “Other” complaints about things that we do regulate include allegations that a source is not permitted, or that allege vehicle tampering.

**Types of Complaints best characterized as “Other”, along with corresponding guidance:**

**Balloon release** – TCA 68-101-108 imposes limitations on release of balloons into the atmosphere in certain counties, but does not charge any state agency with implementation or enforcement. Thus, TDEC-APC does not enforce this statute. Merely explain this situation to a complainant. Do not field-investigate or refer the complaint to anyone. (Status = No Jurisdiction)

**Blasting** – The TN Department of Commerce and Insurance regulates blasting, and investigates blasting complaints. Do not field-investigate the complaint. Refer the complainant to the TN Department of Commerce and Insurance’s State Fire Marshal’s Office at 615-741-7190. However, explain to the complainant that the State Fire Marshal’s Office may not investigate fugitive dust complaints that result from blasting. Additionally, because of practicality, explain APC does not consider the dust from blasting itself to be subject to any reasonable control measures requirement for fugitive dust. (Status = No Jurisdiction)

**“Chem-trails”/“Jet-trails”** – APC does not regulate aircraft flight or associated exhaust or water vapor. Do not field-investigate the complaint. (Status = No Jurisdiction)

**Cigarette smoke outdoors** - APC does not regulate cigarette smoke. Do not field-investigate the complaint. (Status = No Jurisdiction)

**Complaints that obviously are not APC complaints that are referred to another Division** (e.g., illegal dump referred to SWM, but nobody alleged open burning) - Do not field-investigate the complaint. (Status = Referred to other Agency/Section)

**Electromagnetic Fields (EMFs)** - APC does not regulate EMFs. Do not field-investigate the complaint. (Status = No Jurisdiction)

**Fireworks** - APC does not regulate fireworks detonation. Do not field-investigate the complaint. (Status = No Jurisdiction)

**Mobile source or “non-road” engine source emissions (e.g., locomotive; bulldozer)** - Aside from oversight of the motor vehicle inspection and maintenance program in certain counties and vehicle tampering, TNAPC has no legal authority or jurisdiction over mobile sources. Do not field-investigate the complaint. (Status = No Jurisdiction) [These are not to be confused with stationary internal combustion engines (“RICE”), which we often do regulate.]

**Meth Labs** - APC does not regulate active or inactive methamphetamine labs or methamphetamine-contaminated properties. Do not field-investigate the complaint. (Status = No Jurisdiction)

**Mold emitted by facility, or caused by facility** - APC does not regulate biological pollutants, including mold. If a complaint simply alleges mold emissions or mold growth, then explain that APC does not regulate biological pollutants, including mold, and do not field-investigate the complaint. (Status = No Jurisdiction)

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**Noise** - APC does not regulate noise. Do not field-investigate the complaint. (Status = No Jurisdiction)

**Oil and gas drilling or production** – APC does not regulate emissions from oil and gas drilling or production. Do not field-investigate the complaint. Refer the complainant to the TN Oil and Gas Program, Roxanne Reiley at 865-770-8812. (Status = No Jurisdiction) [This is not to be confused with natural gas compressor stations, which we often do regulate.]

**Pesticide/herbicide/fungicide/defoliant spraying** – The TN Department of Agriculture regulates the application of pesticide/herbicide/fungicide/defoliant. Do not field-investigate the complaint. Refer the complainant to the TN Department of Agriculture. (Status = No Jurisdiction)

**Propane gas release** - The TN Department of Commerce and Insurance regulates propane gas dealerships. Do not field-investigate the complaint. Refer the complainant to the TN Department of Commerce and Insurance’s State Fire Marshal’s Office at 615-741-7190. (Status = No Jurisdiction)

**Radiation** - Do not field-investigate the complaint. Refer the complainant to the TN Division of Radiological Health. (Status = No Jurisdiction)

**Residential Boilers/Wood Stoves** – APC does not regulate residential boilers/wood stoves. Enter the complaint as “Other” and put “Residential Boiler” in the field below. The investigation status will be “No Jurisdiction.”

**Source not permitted (especially painting)** – Unless a source is obviously exempt or insignificant, direct the facility to submit to the APC Permitting section within thirty days, either a permit application, or a justification for insignificance/exemption. Track to make sure the facility submits as directed, and then the complaint may be considered complete (Status = Referred to other Agency/Section. Referred To = APC Permitting). If the source is obviously exempt or insignificant, and if there is no visible emissions violation, then Status = No Violation Found.

**Vehicle tampering** – APC has a motor vehicle tampering rule 1200-03-36. Currently, the TNAPC does not have a licensed mechanic to investigate this type of complaint. Enter the complaint as “Other” and put “Vehicle Tampering” in the field below. Refer the complainant to the EC1 in the Nashville Field Office. They will discuss the issue with the complainant and refer the complaint to EPA if appropriate.

**Workplace Indoor Air Issues-** APC does not regulate indoor air (Status = No Jurisdiction) – The complainant would be referred to TOSHA

**How should these be logged?**

Asbestos, Fugitive Dust, Odor, Open Burning, Stack Opacity: Each of these should be logged using their specific complaint types, not as “Other”.

Concentrated animal feeding operations (CAFOs) odor and dust = Odor or Fugitive Dust.

Emissions with no known source = Fugitive Dust or Odor.

Material deposition = Fugitive Dust or Stack Opacity.

Non-residential heating/smoke = Stack opacity.

Residential heating/smoke = Stack opacity (Status = No jurisdiction).

Sandblasting or paint overspray/no filters/no booth (inside or outside) = Fugitive Dust or Stack Opacity.

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Smog/Poor air quality/Something in air causing breathing issues or burning eyes/Health concerns = If possible, use best fit of Fugitive Dust or Stack Opacity or Odor. If totally not discernable, then = Other.

Wildfire smoke = Open burning.

Zoning/Suitability of source to area = Do not log as a complaint if source does not exist; If source exists, use best-fit of Fugitive Dust or Stack Opacity or Odor.

## **CHAPTER THREE – INSPECTION PROCEDURES**

The following is the Field Services Program Inspection Procedure.

### **SECTION 3.1 | FACILITY INSPECTIONS**

The Deputy Director of APC Field Office Operations provides a list of Title 5, Conditional Major and special True Minor facilities to be inspected beginning October 1<sup>st</sup> to the Field Office managers. These lists are based upon the Compliance Monitoring Strategy Plan submitted to the EPA. Field managers will work with their staff to develop an annual work plan for that office so that all inspections are assigned to a specific inspector based upon their individual workloads.

EPA uses the terms “Full Compliance Evaluation” (FCE) for a comprehensive inspection which meets their criteria, and “Partial Compliance Evaluation” (PCE) for inspections that target only part of a facility or for a series of inspections at facilities listed as Mega-Sources where three partial inspections equal one FCE.

Each fiscal year, October 2022 – September 2023 for example, all assigned T5 and CM facilities will either be designated as a PCE or FCE. Each assigned facility must be addressed every fiscal year as follows:

- CM or T5 facilities designated as a PCE: There is no need to receive or acknowledge an annual CM report, SAR, or ACC prior to the final site visit to a facility.
- CM facilities designated as an FCE: Acknowledge the annual CM report in smoglog prior to the final site visit to a facility.
- T5 facilities designated as an FCE: Each fiscal year, there may be T5 facilities designated as an FCE that require their ACC to be acknowledged in smog log prior to the final site visit to a facility. At the beginning of each fiscal year, the EM3 will inform staff of any assigned facilities with this requirement. Otherwise, there is no need to first receive or acknowledge an SAR or ACC in smog log prior to the final site visit.

The following applies to all inspection reports: When an SAR, ACC, or CM report is acknowledged in smog log after the final site visit to a facility, do not include it in the Review Status of Required Reports table in the inspection report. Instead, include these in the next inspection report. This also applies to reports reviewed by Permitting, Compliance Validation staff, etc. However, if a violation is discovered during your report review and the discovery occurred after the final site visit to a facility, take the following steps: 1) issue the NOV, 2) acknowledge the report in smog log, 3) conduct another site visit, and 4) finalize and upload the inspection report.

### **SCOPE OF FACILITY INSPECTIONS**



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Each APC inspection will be comprehensive and will cover all permits in effect during the review period except that each Mega-Source inspection will be a partial inspection so the entire facility is inspected in the span of no more than three inspection years (see attached list). The review period for Title 5 and Conditional Major facilities will be from the previous inspection (usually last year) to the last site visit date for the current inspection. The review period for True Minor facilities will be from the previous inspection to the last site visit date for the current inspection, not to exceed a maximum of two years (730 days) back from the last site visit date.

The site visit and inspection report are the final components of the field services piece of the FCE for these facilities and therefore, must be completed within the federal fiscal year that the FCE is scheduled for completion. The inspection report must document the outcome of all report reviews as well as the site visit components. Except as approved by the EFO manager, the inspection report must be completed within forty-five days of the site inspection date (or, for an annual inspection consisting of multiple site visits, within forty-five days of the date of the last site visit for that annual inspection).

### **INSPECTIONS AND APC DATABASE**

In order to document the total amount of time spent on a specific facility for the field services inspection, all time must be tracked at the inspection record level in the APC database.

Inspection records should not be created for True Minor facilities unless a comprehensive inspection can be completed during the inspection year when the inspection record is created. Receipt of a complaint against a True Minor facility is an example of a reason to conduct a comprehensive inspection. Before creating an inspection record for a True Minor source, obtain approval from your Manager.

For Title 5 and Conditional Major facilities, create the next inspection record as soon as the inspection report for the current year is completed so all time associated with the next inspection can be tracked.

Inspection Date:

- For Inspection Date, use October 1<sup>st</sup> as a future date until the site visit month is projected.

Inspection Type:

- Choose the appropriate type from the drop-down box

On-Site:

- Choose either yes or no

Inspection Notification:

- Choose the appropriate type from the drop-down box

Mega Source:

- Change to yes if the facility is listed as a Mega-Source facility on page 30

Mega-Source Current Inspection Cycle:

- Choose the appropriate current inspection cycle from the drop-down box

Status:

- Click on Status for Help in choosing correct Status entry.

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#### Notes:

- When Status is Out of Compliance, add the NOV issue date(s) and brief reason for each NOV. Example: “NOV issued December 3, 2012, for failure to apply for permit renewal in timely manner.”
- When no site visit was made for inspection, add “No site visit – records review only”
- Note the reason for a Technical Assistance

#### Resource Tracking:

- Track all time associated with file review, site inspection, AI report/NOV write-up, etc.

#### All Notice(s) of Violation for this Facility:

- This is a compilation of NOV documents shown automatically and is used to help ensure that all NOVs since previous inspection are listed on AI report form.

Upload AI report and each piece of supporting documentation as separate, PDF documents. Do not string them together as one PDF.

The AI report is always uploaded from the Inspection record page (page 201). To upload an AI report, click on the “Upload Inspection Documents” button in the Inspection Reports region. The inspection report document description is pre-populated with the same information you already chose for the Inspection Type. Eastman MSOPs are an exception and the MSOP number should be added at the end of the pre-selected name.

## SECTION 3.2| ELECTRONIC/PAPER REPORT SUBMITTALS TO DIVISION

In order to document the total amount of time spent on report reviews, all time must be tracked on the reports tracking page in the APC database. If there is a violation associated with a report, the inspector will record the time associated with the violation to the specific report tracking page.

Reports submitted to the division from facilities and reviewed by the inspector are to be uploaded to the APC Database by the inspector (5-7 business days) upon receipt. Each report submitted on or before its due date will be reviewed completely within 20 days of receipt. If there is a violation, the inspector should follow the current enforcement guidelines.

All reports document a facility’s actions for a specific time period in the past as spelled out in a permit or permits. Each report is to be uploaded from the Permit page (page 51) to the correct Report Tracking Log number at page 71 in the “APC Report Documents” region.

- The appropriate Report Tracking record should be associated with the permit in effect at the time the report is due even if a different permit was in effect for part of the documentation period, as long as conditions were unchanged from the old permit to the new permit.
  - Facility should make reference to all permits that were in effect during the documentation period.
  - The Conditional Major permits have a condition that requires a facility to include a compliance statement for specific conditions in the permit. Conditional Major reports need to include a compliance statement with the specific conditions listed.
  - An incoming report that documents different limits/requirements of different permits for the documentation period must specify which limits are from which permit, or facility can

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- submit separate reports for different permits and different conditions to account for entire documentation period.
- Recently issued Conditional Major permits require the facility to include a compliance certification statement (if required by the permit). Reports submitted with unsigned certification statements will be deemed incomplete.
  - One report can include information from more than one reporting requirement type. Most commonly, a Title 5 report will also include MACT reporting requirements.
    - From the Permit page (page 51), in the Report Tracking region, choose the first report type log tracking number and enter Received, Postmark, Received in EFO, and Acknowledged dates, as well as Adequate, Deviations Reported and Compliance Status information.
    - Again, from the Permit page (page 51), in the Report Tracking region, choose the second report type log tracking number and enter the same information as in the first report type log tracking number.
    - Upload the report only once and, in the document description, include both Report Tracking numbers.
    - Do not upload this combined report once as a Title 5 report and again as a MACT report

All T5 and CM facilities should be encouraged to submit their reports electronically (each report as a single, separate PDF) to the EFO if that is where the reports are reviewed, regardless of the language of their permit. The division officially encourages facilities to submit reports electronically, while assuring that no enforcement action will be taken if the permit language states otherwise, and giving the e-mail addresses where reports should be submitted.

All additional information requests relating to a report submitted to the division will be tracked from the applicable report tracking log page (Additional Info Requested region). Each separate information request will have its own entry. Identify the type of information requested in the Notes section on the reports tracking page.

### **Reports Received in EFO but not Reviewed in EFO**

Some reports are sent to a field office, but the report is not being reviewed by field office staff. These could be MACT reports or other types of reports. When this happens, the Manager will forward the report to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov) with an explanation as to the type of report being sent to the CO.

### **Reports Being Reviewed by EFO Staff**

See Report Review Decision Tree and 2016 Title 5 Workshop/Presentation to Field Staff by TJB, March 2016, for details regarding report reviews by field staff.

### **Report Naming Convention**

See “APC Documents Description” within this eBook.

In the APC Database, Title 5 reports are to be described as follows:

SAR xxxxx\* Jan-June 20\*\*

ACC xxxxx\* Jan-Dec 20\*\*

SAR xxxxx\* Oct 20\*\*-Mar 20\*\*

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ACC xxxxx\* July 20\*\*-June 20\*\*

MACT SAR xxxxx\* July-Dec 20\*\*

In the APC Database, Conditional Major reports are to be described as follows:

CM report xxxxx\* Jan-Dec 20\*\*

Note: \* is the report log tracking number

Reports received electronically must be in PDF format or must be converted to PDF prior to being uploaded. Scanned reports are converted to/saved as PDF.

Effective dates for select documents:

- Title 5 report – date beside signature on a signed certification statement.
- Conditional Major report – date of cover letter unless there is a separate date beside signature on a signed certification statement.

### SECTION 3.3|FACILITY REPORTS WITH NON-COMPLIANCE

Reports reviewed by field staff are part of the annual inspection work for that inspection cycle.

#### **For reports submitted on or before the due date**

In order to meet FRV and HPV timelines for a report which includes data showing non-compliance, a comprehensive review of each submitted report must be made within 20 days of receipt of the report by the division. Then, the NOV must be issued (dated and mailed) in accordance with current enforcement guidance. If additional, clarifying information is requested in a letter or e-mail to the company, the NOV must still be issued (dated and mailed) in accordance with current enforcement guidance. All additional information requested to supplement a report is to be tracked through the APC Database.

#### **For reports submitted after the due date**

The day after the due date of a report becomes the Date of Discovery when the report is past due. In order to meet current enforcement guidance for ICIS-Air violation data entry, violations for late reports must be entered into SmogLog within 45 days of Date of Discovery\*\*. The violation will be for late submittal of a report. These NOV's should include the requirement to submit the report within 20 days of receipt of the NOV to the appropriate field office, and whoever generates the NOV is responsible for tracking whether the report was received or not.

When the report is submitted as required by the NOV, a comprehensive review must be made within 20 days of receipt of the report by the division. If the report contains data showing non-compliance, an additional NOV must be issued (dated and mailed) in accordance with current enforcement guidance. The Enforcement case worker should be contacted to determine if an additional EAR should be created or if the additional violations can be added to the existing EAR for the late report.

In the event the report is not submitted as required by the NOV, another NOV is not required since failure to submit a report will be addressed in the subsequent Order. The inspector will notify the Enforcement section manager and caseworker when a report is not submitted as required in the NOV.

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\*\*For all compliance reports, the APC database already has interactive reports (IRs) that can be used to great benefit in knowing when reports are due and when they haven't been received. **This is a feature everyone is required to use.**

- At the top of the APC database, go to APC Reports
- In the Permit Section Reports, go to Reports Tracking
- See Public IRs #15 through #20

### Documentation/Follow-up of non-compliance

All draft NOV's are to be reviewed by the manager. The manager will have final approval on open burning, late report submittal and late notification of responsible official change NOV's. For other NOV's, the inspector will send the NOV to the FS EC4 for final approval prior to issuance. E-mail the draft to the FS EC4 and the DDFO. The NOV may be issued when it has been approved by the FS EC4. If the FS EC4 is on extended leave, the manager will have final approval. NOV's issued to local, state or federal officials must be discussed with the DDFO. The DDFO will notify the Director of the issuance of the NOV. For such NOV's, the draft, once approved by the FS EC4, will then be sent to the DDFO. The DDFO will notify staff when the NOV is approved for issuance.

When an inspection results in a finding of non-compliance, and the non-compliance is something that does not require an extended time frame to correct or is not continuing in nature, issuance of the NOV should be delayed until the issue is resolved so language in the NOV can include that the violation has been corrected. It is important to remember that violations must be entered in the EAR in accordance with the current Enforcement Manual Policy.

Examples of non-complying issues that can be handled this way are:

- not keeping required logs or not keeping logs in the required format
- failure to notify division of change in responsible official
- a stack height or configuration not complying with the permit
- not submitting Method 24 analyses results
- not submitting start-up certification, etc.

When an inspection results in a finding of non-compliance for issues that require resolution by a compliance schedule, application and issuance of a construction/operating permit, or will otherwise take a long time to resolve, the inspector will track compliance with the deadlines. NOV details will be documented in the AI report. The inspection report will show that the facility was out of compliance and that they remain out of compliance because of the unresolved issues of non-compliance.

However, it is important to remember that an NOV must be issued (dated and mailed) in accordance with current enforcement guidance. If the corrective action for the non-compliance cannot be completed prior to the NOV issuance deadline, then the inspector must issue the NOV with a compliance schedule to include specific information to be submitted, where the information is to be submitted, and a deadline for submittal.

In the event the information is not submitted as required by the NOV, another NOV is not required since failure to submit the information will be addressed in the subsequent Order. The Enforcement section

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manager and assigned caseworker will be notified by the inspector when information is not submitted as required in the NOV.

#### SECTION 3.4|PARAMETRIC MONITORING CONDITIONS

Inspections result in a compliance determination based on the inspector's findings related to whether or not a violation was documented. However, be aware that "excursion" is a term related to parametric monitoring. Parametric monitoring conditions on a permit are meant to assure compliance instead of demonstrate compliance. Failure to comply with a parametric monitoring condition initially results in an "excursion" instead of an "exceedance".

An "excursion" means a departure from an indicator range established for monitoring, consistent with any averaging period specified for averaging the results of the monitoring.

An "exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

Examples of parametric monitoring conditions include, but are not limited to, operating at a certain pressure drop, maintaining a certain liquid flow in a scrubber, operating an incinerator at a certain minimum temperature, etc. Questions about what constitutes a parametric monitoring condition should be discussed with the Permitting manager or DDFO.

When any parametric monitoring requirement is not adhered to and the de minimis level is exceeded, the inspector will discuss with the EFO manager and appropriate action will be considered. If there is a question about whether the excursion rises to the level of a violation, the inspector should consult with their manager, Enforcement, the assigned permit writer, or the DDFO. When a facility takes more parametric readings than required by the permit, the inspector will discuss the matter with the EFO manager.

The de minimis allowance does not apply to emission, input, process, or production limits. Therefore, when any emission, input, process, or production limit is exceeded, the inspector will discuss with the EFO manager and appropriate action will be considered.

In most cases, any other instances of non-compliance related to records/report review or anything else that an inspector discovers through the course of their involvement with a facility will be addressed by EFO staff with the issuance of a Notice of Violation. If there are any questions about if a Notice of Violation should be issued, consult with your EFO manager. If there are numerous, on-going compliance issues involving both central office staff and field staff, coordination between all parties is necessary so that, if possible, only one NOV, addressing all issues, is generated.

#### SECTION 3.5|VISIBLE EMISSIONS EVALUATIONS DURING THE SITE INSPECTION

Each inspector must observe all emission points during the site inspection.

- When there are no visible emissions observed, the inspector will document that fact within the inspection report after the appropriate permit condition(s).

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- If any emission point cannot be observed specifically, or if a source was not operating during the site visit, the inspector will document that fact within the inspection report after the appropriate permit condition.
- Any time a source historically has visible emissions problems, the inspector must see it in operation, even if a return visit is needed.
- If the inspector observes visible emissions from any stack at <50% of the standard for that stack, a formal VEE is not required. The inspector will document that fact within the inspection report after the appropriate permit condition (including emission point description and a statement that opacity was well within limits).

## SECTION 3.6|INSPECTION REPORT FORMAT

Inspection reports will follow the official template in the eBook.

**State Category:** Enter either “T5”, “CM”, or “TM”, based upon the classification of the facility at the time it was targeted for inspection.

**Date Inspected** All site visit dates (including attempted site visits) are to be noted here and all corresponding dates in Resource Tracking should show mileage. “Inspection date” on Inspection Record page (201) in the database is the last site visit date if there are multiple site visits completed.

**All Inspection Participants:** Include name, title, and contact information for all participants.

**Time Period covered by this inspection, from/to** - “From” usually matches date shown just above at “Date of the last annual inspection”. However, for Non-Title V facilities, if Date of last annual inspection was over two years (730 days) prior to current Date Inspected, then enter a date exactly two years prior to current Date Inspected. “To” matches current Date Inspected.

**Notices of Violations Table** - The first general facility table contains information about any Notices of Violations issued to the facility since the last inspection. For True Minor facilities that have not been inspected, the inspector will address any NOVs issued in the past two years (730 days). When there is no information to record, insert NA or N/A in each cell of the one row to show that this table was intentionally left without data. Delete all other unused lines of each table after the first one.

- If an NFA or an Order has been issued, then the violation(s) has been addressed. The inspector will enter “yes” in the table.
- If an NFA or Order has not been issued, then the violation(s) has not been addressed. The inspector will enter “no” in the table.

**Field Services Inspection Compliance Status** – The status will be “Out” if the facility was issued an NOV by Field Services personnel anytime during the inspection timeframe. The inspector will explain the “Out” status in the comments section. If the NOV was included in the previous inspection report, the inspector will not include it in the current inspection report.

**Description of Facility Operations** - This is the section of the inspection report where at a minimum, the facility’s operations are described. Include as much information as needed to inform the reader about the facility.

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**Review Status of Required Reports** - This second general facility table summarizes all reports due and/or reviewed since the last inspection report and whether they have been reviewed or not, regardless of the APC section responsible for the review(s). All information is available in the APC database from the Reports Tracking record. This table is meant to ensure that all reports are accounted for and reviewed by APC staff. When there is no information to record, insert NA or N/A in each cell of the one row to show that this table was intentionally left without data. Delete all other unused lines of each table after the first one.

**Permit Status** – This table documents important information about each permit in effect at the facility during the review period

- Include a separate table for each different permit number.
- When there are no substantive changes from one permit to the next (e.g., CP to OP, OP renewals), permits may be “consolidated” by merely including a table for the more recent permit, and including a comment such as “This one table also covers permit xxxxxx as there are no substantive changes from that previous permit.”
- “Base” permits (i.e., permits covering all sources at a facility) must be included even if they were partially superseded before review period if subsequent permits are not all inclusive.
- Always calculate the actual date for the Next Application Due Date and enter that date in the corresponding column.
- Enter a date within the Next Application Received Date column when an application has been received, to show that it was both submitted and submitted on time.
- Administrative Amendment and Modification dates are all listed in one table for that permit number. Just below the table, include comments to explain the changes.
- Enter any other Comments as needed for clarification.

**Inclusion of Actual Permits** – After each Permit Status table, the inspection report will include a Word-version copy of that permit in effect during the time period covered by the inspection.

- After each permit condition, make a statement as appropriate to address all requirements of that specific condition. The inspector will make a statement of facts found during the inspection, but will not record the individual compliance determination for each condition within the inspection report.
- Note that a compliance method is not specified or that the condition is informational only, if that is the case.
- After the visible emission evaluation conditions, the inspector will include enough information to determine if the facility is complying with the visible emission standards. One option is to include the following tabular format in the comments section of the facility wide condition that limits opacity. Another option is to provide a narrative in the comments for each condition that includes an opacity limit for a specific source.

○ **For Title V**

Point Source/Stack ID	In Operation during site visit	Opacity Limit	Opacity during site visit	VEE required by opacity matrix or permit?	Due date for previous required VEE	Date Previous VEE Conducted	Due date for next required VEE



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01/H2	Yes	20%	5%	Yes	10/31/19	10/20/19	12/31/24
02/S6	No	10%	NA	No	NA	NA	NA
02/S7	Yes	20%	0%	No	NA	NA	NA

o **For non-TV:**

Point Source/Stack ID	In Operation during site visit?	Opacity Limit	Opacity during site visit
03/K5	Yes	20%	5%
04/none	No	15%	NA

- For sources utilizing Method 9, the opacity matrix asks “Is each allowable emission greater than 10 tons per year from colorless pollutants”?
  - o Some permit conditions include a pounds per hour or pounds per hour daily average limit instead of a tons per year limit. The following calculation is used to calculate the tons per year allowed from each colorless pollutant. When the limit is 2.28 lb/hr or less, the allowable is less than 10 tons per year.

$$2.28 \text{ lb/hr} \times 8760 = 19,972.8 \text{ lbs}/2,000 = 9.9864 \text{ annual tons}$$

$$2.29 \text{ lb/hr} \times 8,760 \text{ hours} = 20,060.4 \text{ lbs}/2,000 = 10.0302 \text{ annual tons}$$

- Permits require many types of records/logs to be kept to show compliance with permit limits. Some records/logs must be kept on-site but are not required to be submitted; other records/logs must be kept on-site and are also submitted; other records/logs must be kept on-site with only summary information submitted. Each record/log review must follow the [Report Review Decision Tree](#) guidance.
- After the appropriate permit condition statement, specify if the facility is current with its fees.
 

Steps to check on facility fee status:

  - o Go to APC Reports tab in Smog Log
  - o Under the Financial Reports section, go to “APC Financial Review Report”
  - o In the search bar at the top, type in the facility ID
  - o If the facility is current with its fees, the inspector will state in the inspection report that as of the inspection date the database indicated that the facility was current on fees.

If the database indicates an outstanding balance for the facility, the inspector will state in the inspection report that the fee status has been referred to the Emissions Inventory Manager.

- After the appropriate permit condition statement, specify the entire records review period (from whenever review stopped during last site visit to whenever review stopped during current site visit). This is to show a continuum of records review from one inspection to the next. Indicate “Full” when a specific record/log has been reviewed for the entire review time frame.
- After the appropriate permit condition statement, indicate “Spot” when a specific record/log has only been spot-checked. Also, include the date(s) of the spot-checked records and which specific records/logs were spot-checked, if any.
- After the appropriate permit condition statement, for conditions that include limits, include a comparison of maximum emissions or process inputs, etc., during the review period, and also specify the review period, with information indicating if the review was a full check and/or spot check. Be sure to include the timeframe of maximum emissions or inputs (e.g., 140 tons Toluene for 12 months ending May 2017; 415 TPH, daily average, on August 16, 2014; 5435 hours during calendar year 2016). Information would come from the maximum number recorded for the review period from any logs/records/reports required. Note if there is not a requirement to record information to show compliance with any emissions or process parameter limit.
- After the appropriate permit condition statement, address all work practice standards, which might be included in “regular” permit conditions, MACT requirements, or a CAM plan.

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- After the appropriate permit condition statement, for each control device operating parameter that defines and/or limits how that control device is to be operated, record the instantaneous value for the limiting parameter during the site inspection (what you see as you walk by the control panel). Examples: Baghouse BH-3 pressure drop = 3.4” H<sub>2</sub>O; Scrubber water flow rate = 560 cfm; RTO #2 temperature = 1200° F. In order to record values during the site visit, obviously the process and control device must be operating. Otherwise, clearly denote that the source was not in operation (e.g., “Source NIO during site visit.”).

**Additional Information section** – Answer each question in this section with explanations given as directed after the question.

#### SECTION 3.7|INSPECTION QA/QC

The report must be signed and dated by the inspector and verified and signed by the Manager. Reports generated by Managers will be signed and verified by that same Manager.

After final, signed AI reports are uploaded to the APC database, then QA reviews are completed electronically. Both the Manager and the DDFO have a QA date field on the APC database Inspection record page 201 that is completed after each of their reviews. Inspections are not considered “Final” until the DDFO’s Final QA date field is completed.

See APC database QA Expectations within this eBook for details of requirements for staff related to completion of specific data elements. These elements are expected to be completed correctly before the inspection is considered complete and before the inspection documents/APC database entries are approved and finalized by the Managers.

The DDFO will conduct QAs on inspections personally completed by the Managers. The Managers are expected to closely QA their subordinates’ work as the DDFO will conduct only random QAs on inspections completed by those inspectors.

#### SECTION 3.8|FILE CLOSURES

Some inspections are conducted specifically to verify that a file should be closed and a facility status or category made inactive or exempt in the APC database. No facility is made “Inactive” without having first been verified with a site visit, with an inspection record generated in the APC database. The FS EM will decide case by case if a site visit is required for exempt facilities (“EX”).

The “[APC Point Closure and APC File Closure Process Guidance](#)” document within this eBook describes all the steps in correctly closing a facility and the point sources. Please make sure these steps are completed before requesting that the Facility Status be changed from “Active” to “Inactive” or requesting that the Facility Category be changed to “EX”. [Note: Inspection reports are no longer required for True Minor facility file closures. Title V and Conditional Major file closures include either a full or modified inspection report, depending upon the circumstances (Consult with your EFO manager)].

To request a facility status change, e-mail the DDFO (cc Applicable FS manager, Emission Inventory manager, ICIS-Air Coordinator, and Admin. manager) with the request that the Facility Status be changed to “Inactive” and explaining why. DDFO will be responsible for actually making that change in the APC database.

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**SECTION 3.9| STATE REVIEW FRAMEWORK**

The State Review Framework (SRF) is the method EPA uses to audit state programs with primary authority for enforcing federal programs. The audits are on a five-year cycle and involve a look back at data entered by the state into ICIS-Air

Each person in the Field Services Program will work to meet all deadlines set forth to ensure our part of the SRF metrics are met in a timely manner.

**SECTION 3.9A| TITLE 5 MEGA-SOURCE LIST**

October 1, 2022 – September 30, 2023

01-0020	US. DOE (Y-12)
05-0008	Arconic Inc.
36-0002	Packaging Corporation of America
37-0028	Holston Army Ammunitions Plant
53-0081	Tate & Lyle Ingredients Americas
75-0155	Nissan North America
82-0003	Eastman Chemical Company

**CHAPTER FOUR – DRAFT PERMIT REVIEW**

**SECTION 4.1|DRAFT CONSTRUCTION PERMIT EFO AND COMPANY REVIEW POLICY**

This policy is intended to address the draft permit review process after the permitting peer review and before the final permit is issued. The checklist shall be followed when reviewing the draft permit. Please see attachment “[Draft Construction Permit EFO and Company Review Policy](#)” for further information.

**SECTION 4.2|DRAFT PERMIT REVIEW CHECKLIST**

The field services draft permit review checklist will be used by field staff when reviewing draft permits. The checklist is a tool for the inspector to use when reviewing the draft permits. The inspector will address any concerns by using the track changes and comment functions on the word document of the permits and/or email to the permit writer.

The individual reviewing the permit will enter the date of review in the APC database. The date is entered on the permitting page, or modification page if an amendment or modification, under “Dates of Other Permitting Activities”. A statement should be made in the notes section stating whether comments were made.

[Draft Permit Review FS Checklist](#)

**APPENDIX**

**GUIDELINES FOR OPEN BURNING WOOD WASTE AND VEGETATION**

## **Guidelines for Open Burning Wood Waste and Vegetation Tennessee Department of Environment and Conservation Division of Air Pollution Control**

In Tennessee, the rules for burning wood waste and vegetation are different but both can be burned under certain conditions. These conditions are explained here and apply even if you have a burn permit issued by the Division of Forestry or any other local agency. Remember, plant life such as leaves, evergreen needles, and grasses, are not considered “wood waste.” Manufactured lumber products, such as plywood, fiberboard, particleboard, and paneling, painted or artificially stained wood, and chemically treated lumber are not considered “wood waste.” Paper and cardboard are not considered “wood waste.”

Wood waste and other vegetation may be used as fuel for cooking of food or for ceremonial, recreational, or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces. However, open burning for other purposes is often subject to certain restrictions:

### **Restrictions for open burning wood waste**

The following rules apply to wood waste burned for disposal purposes within 200 feet of an occupied building (including homes):

- At least 1 person shall be constantly present at the burning.
- No more than 2 burns in a 30-day period.
- Each burn cannot last longer than 48 hours.
- Burning within 100 feet of an occupied building (including homes) may only occur if an adult occupant of the building gives written permission and has not rescinded the permission in writing.

### **Restrictions for open burning vegetation**

Burning vegetation grown on the property of the burn site is acceptable. However, the following rules apply for disposal of vegetation by burning (other than wood) not grown on the property of the burn site:

- Burning cannot be within 1/2 mile of an airport, hospital, nursing home, school, Federal or State highway, national reservation, national or state park, wildlife area, national or state forest, and/or occupied structures (including homes) located on another property.
- The person responsible for such burning must certify the distance requirements in writing at least 10 working days prior to burning. The certification must include the types and amounts of materials projected to be burned. Call 1-888-891-TDEC for details.

Remember, if you are burning wood waste and vegetation together, the restrictions for both apply.

Got questions about outdoor burning?

Call TDEC at 1-888-891-TDEC or visit <https://www.tn.gov/environment/program-areas/apc-air-pollution-control-home/apc/open-burning.html> .

Revised July 24, 2018

## Amended Portion of Tennessee Air Quality Act Concerning Wood Waste Open Burning

From: <http://www.lexisnexis.com/hottopics/tncode/>

Tenn. Code Ann. § 68-201-115 (2016)

**68-201-115.** Local pollution control programs -- Exemption from state supervision -- Applicability of part to air contaminant sources burning wood waste -- Open burning of wood waste.

(c) (1) All new certificates of exemption shall be for a fixed term not to exceed two (2) years. This part does not apply to emissions from any air contaminant source, as defined in this part, which burns wood waste solely for the disposition of such wood waste; provided, however, that open burning of wood waste within two hundred feet (200') of an occupied building by any person other than an occupant of the building shall only be conducted as follows:

(A) At least one (1) person shall be constantly present at the burning during the entire time of the burn;

(B) Each burn shall not exceed forty-eight (48) hours in duration;

(C) Burning shall not occur more than twice in any thirty-day period; and

(D) If the burning occurs within one hundred feet (100') of an occupied building, it may only occur if an adult occupant of the building gives written authorization for the burn to occur and has not rescinded the authorization in writing.

(2) Provided further, however, that, if a local government has enacted or enacts more stringent requirements concerning such open burning of wood waste, those provisions shall control over the requirements of this subsection (c).

[Acts 1967, ch. 367, § 15; 1971, ch. 266, § 1; 1971, ch. 365, §§ 1, 2; 1972, ch. 787, § 1; 1973, ch. 325, §§ 4, 6; 1974, ch. 598, § 1; 1975, ch. 359, § 1; 1977, ch. 116, § 1; 1977, ch. 169, § 2; impl. am. Acts 1978, ch. 934, §§ 22, 36; Acts 1979, ch. 299, § 7; 1981, ch. 131, § 29; T.C.A., § 53-3422; Acts 1984, ch. 788, § 12; T.C.A., § 68-25-115; Acts 1994, ch. 658, §§ 1-3; 2007, ch. 559, § 1; 2013, ch. 156, § 1.]

**FIRE TRAINING WORKFLOW FOR INSPECTORS**

### **Fire Training Workflow for Inspectors**

**Step 1:** Upon contact from a fire control agency wishing to conduct fire training, explain that the following steps must be completed:

- 1.) The fire control agency must complete a thorough asbestos inspection on the acquired structure.
- 2.) If fire training will proceed, the fire control agency must submit an intent to demolish notification to the Asbestos NESHAP Program no fewer than 10 working days prior to beginning demolition activities regardless of if asbestos is present.
- 3.) The fire control agency must remove all asbestos containing material in accordance with Federal, State, and Local requirements.
- 4.) The fire control agency must remove all vinyl siding, carpet, vinyl flooring, asphalt roofing materials, and any other materials expressly prohibited in TAPCR 1200-03-04-.03.
- 5.) The fire control agency must submit the certification required by TAPCR 1200-03-04 to the DAPC at the appropriate regional TDEC Field Office at least ten (10) working days prior to commencing the burn.

Use the fire training inquiry email template to follow-up with the fire control agency within 1 business day of the initial inquiry.

Note: Not all inquiries will result in a fire training event. Therefore, time spent on initial inquiries should be recorded as “Environmental Assistance” under the Non-Title V cost type.

**Step 2:** Sites in the APC database usually identify one location. However, because one fire department’s live fire training usually involves a multitude of single-use locations, APC decided to use an alternate approach for those APC database Sites. When a compliance certification is received, check to see if the requesting agency has an existing site in Smog Log.

➤ If no site exists, create one using the following descriptions:

- Site = xxxxxxxx Fire Department Headquarters
- Site Location = [street address for that fire department’s headquarters]
- Site City = [address city for that fire department’s headquarters]
- Zip = [zip code for that fire department’s headquarters]



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- Create a Fire Training Technical Assistance Inspection record.
  - The inspection status will be “Future Inspection”.
  - Time associated with the fire training inspection will be logged in this inspection record under the Non-Title V cost type.
- Upload the certification document and any attachments to the appropriate site in Smog Log using the correct APC document description.
- Send a courtesy email to [Asbestos.NESHAP.Program@tn.gov](mailto:Asbestos.NESHAP.Program@tn.gov) with the following information:
  - Name and contact info. for the fire control agency
  - Address of training structure

Note: The preparation and planning process can take a few months in some instances. If a compliance certification is submitted before the structure is ready for inspection, continue to reach out to the agency periodically to make sure that plans are still progressing as discussed. Note progress in the notes section on Smog Log page 201. In the event that the agency’s plans for the acquired structure are cancelled, make a note on Smog Log page 201, change the inspection status to “Guidance Provided”, and notify the respective EM.

**Step 3:** Complete a site visit with the fire control agency at the proposed structure before fire training commences.

- Complete the inspector checklist and examine the interior and exterior of the structure to verify that all expressly prohibited materials have been removed in accordance with TAPCR 1200-03-04-.03(4).\*
  - If any expressly prohibited material (excluding incidentals) has not been removed, make a note on the checklist. Request that the agency remove those materials prior to the burn and email the inspector photographic evidence of removal before training is commenced.
    - For example, it is acceptable to leave the asphalt shingles on the roof to maintain the integrity of the interior of the structure so long as they are removed just prior to the training exercise.

\*As previously stated, fire control agencies must submit an intent to demolish notification to the Asbestos NESHAP Program no fewer than 10 working days prior to beginning

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demolition activities regardless of if asbestos is present. The Asbestos NESHAP Program will verify that the fire control agency has met the asbestos related requirements including identification and removal and notify the inspector via email when complete. The Field Services site visit will verify that all other expressly prohibited materials have been removed in accordance with TAPCR 1200-03-04-.03(4). If asbestos containing material is identified by the asbestos inspection, Field Services will confirm that it has been removed during the site visit.

**Step 4:** Once the site visit has been made and the structure is verified as having been properly prepared, inform the fire control agency via email that the inspection process is complete.

- Upload the completed inspector checklist to Smog Log page 201.
- Change the inspection status to “In Compliance”.
- Verify that all time has been entered and that all documents have been properly uploaded.
- Notify the respective EM that the inspection is complete.

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DRAFT FIRE TRAINING OUTREACH EMAIL

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**(Use this template for a fire training inquiry. Use “Air Pollution Control Live Fire Training Requirements” for the subject line.)**

Dear Lieutenant/Captain/Chief \_\_\_\_\_,

Thank you for your recent inquiry regarding live fire training in \_\_\_\_\_ County.

The Tennessee Department of Environment and Conservation (TDEC), Division of Air Pollution Control (DAPC) open burning rules include an exception for fires set by or at the direction of responsible fire control persons solely for training purposes. The person responsible for such burning, unless conducted at a recognized fire training academy, must certify compliance with the following requirements via written statement:

- The open burning is being conducted solely for fire training purposes.
- All vinyl siding, carpet, vinyl flooring, asphalt roofing materials, and any other materials expressly prohibited in Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-04-.03, have been removed. However, the provisions of TAPCR 1200-03-04-.03(4) as it pertains solely to “other rubber products” and “other plastics” are waived for incidental plastic or rubber materials which are an integral part of a structure used for fire training, such as plastic plumbing, fixtures, and conduit; electrical wiring insulation, connections, switches, and fixtures; interior trim; glues and resins in manufactured wood products; and vinyl window and door frames. Sheathing, decking, roofing, exterior siding and trim, and structural load-bearing members whose composition is primarily rubber or plastics are not considered incidental.
- All regulated asbestos containing materials have been removed in accordance with TAPCR 1200-03-11-.02.
- A traffic hazard will not be caused by the air contaminants generated by the fire training.

Additionally, all structures used for fire training are subject to 40 CFR Part 61, Subpart M: National Emission Standards for Hazardous Air Pollutants for Asbestos. These Federal requirements include, but are not limited to, the following:

- Persons planning to demolish a structure by fire must submit an intent to demolish notification no fewer than ten (10) working days prior to beginning demolition activities regardless of if asbestos is present. The notification must be submitted to the DAPC. Notification forms are available [here](#) and may be submitted electronically to [Asbestos.NESHAP.Program@tn.gov](mailto:Asbestos.NESHAP.Program@tn.gov).
- All structures must be thoroughly inspected for the presence of asbestos.
- All regulated asbestos containing material must be removed and the removal process must follow the requirements specified by Subpart M, including having at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of Subpart M and the means of complying with it, present during removal activities.

Furthermore, any structure used for live fire training, except for detached single-family homes, is subject to the TDEC Asbestos Accreditation Requirements found at Chapter 1200-01-20. These Rules are applicable to all persons and firms who perform asbestos activities in schools or public and commercial buildings. For more

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information about the TDEC Asbestos Accreditation Requirements, along with a list of accredited training providers, firms, and individuals, please click [here](#).

When a structure is considered for live fire training, the DAPC recommends that the **Fire Control Agency** complete the following steps in the order that they appear:

- 1.) Complete a thorough asbestos inspection on the acquired structure.
- 2.) If fire training will proceed, submit the intent to demolish notification to the Division. Remember the notification must be submitted no fewer than ten (10) working days prior to beginning demolition activities regardless of if asbestos is present.
- 3.) Remove all asbestos containing material in accordance with Federal, State, and Local requirements.
- 4.) Remove all vinyl siding, carpet, vinyl flooring, asphalt roofing materials, and any other materials expressly prohibited in TAPCR 1200-03-04-.03. Note that incidental plastic or rubber materials which are an integral part of a structure used for fire training, such as plastic plumbing, fixtures, and conduit; electrical wiring insulation, connections, switches, and fixtures; interior trim; glues and resins in manufactured wood products; and vinyl window and door frames do not have to be removed.
- 5.) Submit the certification required by TAPCR 1200-03-04 to the DAPC at the appropriate regional [TDEC Field Office](#) at least ten (10) working days prior to commencing the burn. DAPC staff will contact you to schedule a site visit after your certification has been received. The proposed structure will be evaluated for compliance with the requirements of the Rule.

General questions related to asbestos identification and removal should be directed to the DAPC NESHAP Program at 615-532-6828. Questions related to the disposal of demolition debris, including asbestos containing material, should be directed to the TDEC Division of Solid Waste Management at 615-532-0780 or [Solid.Waste@tn.gov](mailto:Solid.Waste@tn.gov).

I have attached a copy of the Division's open burning regulations, as well as a fire training pamphlet for your edification. Please feel free to contact me if you have further questions regarding this matter.

Thanks,

*(your email signature goes here)*

**FIRE TRAINING INSPECTOR CHECKLIST**



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
 DIVISION OF AIR POLLUTION CONTROL**

**Inspector Checklist for Live Fire Training Structures**

<b>A.) RESPONSIBLE FIRE CONTROL PERSON CONTACT INFORMATION</b>			
Responsible Person (first, last, title):			
Fire Control Organization:			
Mailing address (St./Rd./Hwy.):			Phone Number:
City:	State:	Zip Code:	Email address:
<b>B.) SITE CONTACT INFORMATION</b>			
Contact Person (first, last, title):			
Fire Control Organization:			
Mailing address (St./Rd./Hwy.):			Phone Number:
City:	State:	Zip Code:	Email address:
<b>C.) PROPOSED STRUCTURE INFORMATION</b>			
Structure/Property Physical Address (St./Rd./Hwy.):			
City:		State:	Zip Code:

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County:	Map/Parcel Number (if no physical address):		
Brief description of proposed structure (i.e. size, type, residential or non-residential):			
<b>D.) LIVE FIRE TRAINING EVENT DETAILS</b>			
Date Fire Training Certification Submitted:	Projected Start Date of Live Fire:		
Person In-Charge (first, last, title):	Phone Number:		
<b>E.) ASBESTOS</b>			
1. The fire control agency has submitted an intent to demolish notification to the Asbestos NESHAP Program.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
2. The fire control agency has completed a thorough asbestos inspection via:  <input type="checkbox"/> Accredited Asbestos Inspector <input type="checkbox"/> Non-accredited Asbestos Inspector	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3. The fire control agency has removed all asbestos containing material identified by the inspection.	N/A <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Note: If any of the above are "No", the item must be completed before fire training may commence.			
<b>F.) EXCEPTION REQUIREMENTS</b>			
Review requirements 1 through 4 below with the entity and inspect the interior and exterior of the structure for the presence of non-incidentally expressly prohibited materials. Record all remaining material to be removed in the notes section and obtain evidence of removal before fire training commences.			
1. The open burning is being conducted solely for fire training purposes.			
2. All vinyl siding, carpet, vinyl flooring, asphalt roofing materials, and any other materials expressly prohibited in TAPCR 1200-03-04-.03, have been removed.*			



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\*The provisions of TAPCR 1200-03-04-.03(4) as it pertains solely to “other rubber products” and “other plastics” are waived for incidental plastic or rubber materials which are an integral part of a structure used for fire training, such as plastic plumbing, fixtures, and conduit; electrical wiring insulation, connections, switches, and fixtures; interior trim; glues and resins in manufactured wood products; and vinyl window and door frames. Sheathing, decking, roofing, exterior siding and trim, and structural load-bearing members whose composition is primarily rubber or plastics are not considered incidental.

3. All regulated asbestos containing materials have been removed in accordance with TAPCR 1200-03-11-.02.

4. A traffic hazard will not be caused by the air contaminants generated by the fire training.

Notes:

Inspector (first, last, EFO):

Date:

**FIRE TRAINING ASBESTOS RATIONALE**

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Fire Training Asbestos NESHAP and TN Accreditation Rule Applicability

Per EPA guidance, all structures used for fire training are subject to the Asbestos NESHAP because they become classified as “institutional” when used for such purposes.

NESHAP Requirements:

- All structures used for fire training must be thoroughly inspected for the presence for asbestos.
- The NESHAP does not require the inspector to be trained but does recommend that he/she attend an asbestos inspector training course. However, the TN Asbestos Accreditation Rule includes additional inspection requirements.
- All responsible fire control persons who plan to demolish a structure by fire must submit an intent to demolish notification to the TN Asbestos Program no fewer than 10 days prior to beginning demolition activities regardless of if asbestos is present.
- The removal of ACM from all structures used for fire training must comply with the requirements specified in subpart 8 of the NESHAP:

(8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.

Asbestos Accreditation Rule Requirements:

- All structures used for fire training must comply with the Asbestos Accreditation Rule requirements unless the structure is a detached single-family home.
- Detached single-family homes are excluded from the definition of “public and commercial building” and must only comply with the NESHAP requirements specified above.
- The Asbestos Accreditation Rule requirements include:
  - Having an asbestos survey completed by an accredited person
  - ACM removal activities must be completed by accredited persons.

Attachments:



EPA Verification Fire Training Burns : 19921021.pdf



fire-training-helms- 19921021.pdf



fire-training-coble- 19920728.pdf



fire-training-bradle y-19920807.pdf



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NATURAL DISASTER OUTREACH EMAIL TEMPLATE

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**(Use this template for a Natural Disaster initial outreach email. Be sure to copy the regional TEMA contact, the local Highway Superintendent, and the County Mayor. Use “Open Burning of Natural Disaster Debris” for the email subject line.)**

Emergency Management Directors,

This email concerns the recent weather/natural disaster event in your area, and possible associated clean-up efforts.

The Tennessee Department of Environment and Conservation, Division of Air Pollution Control, open burning rules include an exception for anyone conducting open burning of materials resulting only from a natural disaster, subject to certain conditions. The recent weather/natural disaster event in your area may qualify under the open burning exception. If a government decides to propose a collective burn site to dispose of debris from the natural disaster, please visit [Guidelines for Open Burning Natural Disaster Debris](#) for further information and instructions. **Especially note that any governmental collective burn site requires a 3-day advance notice to the appropriate regional Environmental Field Office prior to commencing the burn.**

Please note that open burning conducted under this exception is only allowed where no other safe and/or practical means of disposal is available. The alternative use of chippers and grinders, landfilling, or on-site burial of waste in lieu of burning, if lawful, is encouraged for everyone. If, after careful consideration of alternative disposal methods, a government decides to burn natural disaster debris, the Division recommends proposing collective burn site locations that will have minimal impact on public health and safety. For example, stay away from and downwind of homes and congested areas, schools, hospitals, highways, etc.

Upon receipt of a three-day advance notification, Air Pollution Control personnel will request the information specified below. This information will be used not only for the Division’s records but also for reporting purposes to the Federal Emergency Management Agency.

1. Person responsible for proposed burning and their address/phone/email
2. Site contact person for proposed burning and their address/phone/email
3. Specific address of burn site (Map and Parcel numbers if no 911 address is available)
4. Coordinates of burn site (Latitude/Longitude)
5. Projected start date of burn
6. Projected end date of burn
7. Description of material to be burned

Division personnel will contact the government entity to schedule a site visit to the proposed location before burning is commenced. The inspector will evaluate the site’s suitability based on the requirements of [TAPCR 1200-03-04.04 \(l\)](#) and [T.C.A. §68-201-115 \(c\)](#) and respond in writing for your records. If the location is unsuitable, the Division will evaluate any proposed alternate sites for suitability.

Additional approval processes may be required by other Divisions of TDEC, including, but not limited to, the [Division of Water Resources](#) and the [Division of Solid Waste Management](#). In order to help ensure that all applicable TDEC regulations are met, governments should contact these Divisions prior to beginning any operations at a collective site.



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Please share this information with other appropriate officials in your area. Feel free to contact me if you need clarification or have concerns.

Thanks,

*(your email signature goes here)*

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NATURAL DISASTER CONCURRENCE LETTER

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**(Sample concurrence letter)**

[Month XX, 20\*\*]

[Name]

[Name County Emergency Management Agency]

[Address ]

[City, TN zip code]

Reference: [Name County Storm Debris Disposal Site #X of Y located...]

Dear [Mr./Ms./Mrs./ Name]:

Please let this letter serve as response that the Division of Air Pollution Control (APC), based upon the information provided and a site evaluation conducted on [date], concurs that the [description of property] property located at [location] meets the State's APC guidelines for open burning of natural disaster debris resulting from the recent [description of natural disaster event] in [name] County. However, please note that you must make a reasonable effort to remove all expressly prohibited material from any remains before ignition.

Below are some pertinent excerpts from the Tennessee Air Pollution Control open burning regulations:

**1200-03-04-.03 OPEN BURNING PROHIBITED.**

- (1) No person shall cause, suffer, allow, or permit open burning except as specifically exempted by Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION.
- (4) The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION.

**1200-03-04-.04 EXCEPTIONS TO PROHIBITION.**

- (1) Open burning, as listed below, may be conducted subject to specified limitations. This grant of exception shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.
  - (e) Fires disposing of "wood waste" solely for the disposition of such wood waste as provided in T.C.A. §68-201-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.



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- (1) Fires consisting solely of materials resulting from a natural disaster, and when conducted in conformity with the following conditions:
1. Fires disposing of structural and household materials and vegetation are allowed only when those structures or materials are destroyed or severely damaged by natural disaster. Input from Emergency Management personnel may be requested in determining qualification with this criterion. The provisions of Rule 1200-03-04-.03(4) pertaining to structural and household materials may be waived if the persons seeking to open burn under this provision make a reasonable effort to remove all expressly prohibited material from the structural remains before ignition. The Technical Secretary reserves the right to inspect the proposed materials to be burned before ignition. The alternative use of chippers and grinders, landfilling, or on-site burial of waste in lieu of burning, if lawful, is encouraged;
  2. If a governmental collective burn site for disposing of structural and household materials and vegetation damaged by a natural disaster is planned, the person responsible for such burning must notify the Division of Air Pollution Control of the proposed location. The notification must be delivered to the Division of Air Pollution Control at the appropriate regional Environmental Field Office at least three (3) days prior to commencing the burn. The Division may request that alternate sites be identified to minimize impact to air quality. The alternative use of chippers and grinders in lieu of burning is encouraged;
  3. A traffic hazard will not be caused by the air contaminants generated by the fire;
  4. No fire shall be ignited while any air pollution emergency episode is in effect in the area of the burn; and
  5. Open burning conducted under this exception is only allowed where no other safe and/or practical means of disposal is available.
- (3) Any exception to the open burning prohibition granted by this Rule Chapter does not relieve any person of the responsibility to obtain a permit required by any other agency, or of complying with other applicable requirements, ordinances, or restrictions.

If further clarification is needed, contact me at [\[your phone number\]](#) or by email at [\[your e-mail address\]](#).

Sincerely,



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[Name]

Environmental Inspector

Division of Air Pollution Control

**GUIDELINES FOR OPEN BURNING OF NATURAL DISASTER DEBRIS**

[**Important Note:** This is what is on our new webpage, but is not intended for use as a handout]

## **Guidelines for Open Burning of Natural Disaster Debris Tennessee Department of Environment and Conservation Division of Air Pollution Control**

Tennessee Air Pollution Control open burning rules include an exception for anyone conducting open burning of materials resulting only from a natural disaster, subject to certain conditions (1200-03-04 Open Burning). Everyone must comply with the listed basic conditions. **Additionally, any governmental collective burn site requires a 3-day advance notice to the appropriate regional Environmental Field Office. Go to TDEC field offices for contact information.**

A government should only propose collective burn locations that will have minimal impact on public health and safety. For example, stay away from homes and congested areas, schools, hospitals, highways, etc.

Air Pollution Control staff will evaluate each location in a timely manner and obtain the following information:

1. Person responsible for proposed burning and their address/phone/email
2. Site contact person for proposed burning and their address/phone/email
3. Specific address of burn site (Map and Parcel numbers if no 911 address is available)
4. Coordinates of burn site (Latitude/Longitude)
5. Projected start date of burn
6. Projected end date of burn
7. Description of material to be burned

Upon receipt of a governmental collective burn site notification, Air Pollution Control staff will conduct a site evaluation, and will respond in writing for your records. If the location is unsuitable, the Division may request that alternate sites be identified to minimize impact to air quality.

The alternative use of chippers and grinders, landfilling, or on-site burial of waste in lieu of burning, if lawful, is encouraged.

Please contact your appropriate Division of Solid Waste Management regional office (TDEC field offices) for requirements concerning management and disposal of generated ash.

To see if the federal government has declared your area as eligible for federal assistance, go to [www.fema.gov/disasters](http://www.fema.gov/disasters).

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NATURAL DISASTER INSPECTOR CHECKLIST



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
 DIVISION OF AIR POLLUTION CONTROL**

**INSPECTOR CHECKLIST FOR OPEN BURNING OF NATURAL DISASTER DEBRIS AT GOVERNMENTAL COLLECTIVE SITES**

A. NOTIFICATION OF INTENT TO BURN DETAILS:		
Notification Received Date:	Notification Method: Letter <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> In-person <input type="checkbox"/>	APC Natural Disaster Coordinator (NDC) Initial Notification Date:
Government Entity:		
Specific Date(s) and Description of Natural Disaster Event (i.e. 03/01/XX Tornado):		
Burn Site Physical Address (St./Rd./Hwy.):		Site # ____ of ____
City:	State: TN	Zip Code:
County:	Map/Parcel Number (if no physical address):	
Latitude:	Longitude:	
Projected Start Date of Burn:	Projected End Date of Burn:	
Description of materials to be burned (types, amounts, origin):		
B. CONTACTS:		
<b><u>Government Entity Responsible Person (first, last, title):</u></b>		
Mailing Address (St./Rd./Hwy.):		Phone Number:

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City:	State: TN	Zip Code:	Email Address:
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**Site Contact (first, last, title):**

Mailing Address (St./Rd./Hwy.):	Phone Number:
---------------------------------	---------------

City:	State: TN	Zip Code:	Email Address:
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**C. EXCEPTION CONDITIONS:**

Provide a copy of the Open Burning Rule to the entity and explain the following requirements from the conditions of the exceptions to prohibition found at TAPCR 1200-03-04-.04 (I):

- i.) The structural and/or household materials and vegetation to be burned at the governmental collective site must be the result of damage caused by a natural disaster as defined by TAPCR 1200-03-04-.02(1)(c).
- ii.) A reasonable effort must be made to remove all expressly prohibited materials from the structural remains before ignition.
- iii.) The alternative use of chippers and grinders, landfilling, or on-site burial of waste in lieu of burning, if lawful, is encouraged.
- iv.) A traffic hazard must not be caused by the air contaminants generated by the fire.
- v.) No fire shall be ignited while any air pollution episode is in effect in the area of the burn.
- vi.) Open burning conducted under this exception is only allowed where no other safe and/or practical means of disposal is available.

**D. DISTANCE REQUIREMENTS:**

T.C.A. §68-201-115(c) places requirements on the open burning of wood waste for disposal within 200 feet of an occupied building. If the open burning of wood waste for disposal is planned and the proposed site is located 200 feet or less from an occupied building, the inspector will provide a copy of T.C.A. §68-201-115(c) and review the following with the entity:	≤ 200 feet	<input type="checkbox"/>
	> 200 feet	<input type="checkbox"/>

- i.) At least 1 person shall be constantly present at the burning during the entire time of the burn.
- ii.) Each burn shall not exceed 48 hours in duration.
- iii.) Burning shall not occur more than twice in any 30-day period.
- iv.) If the burning occurs within 100 feet of an occupied building, it may only occur if an adult occupant of the building gives written authorization for the burn to occur and has not rescinded the authorization in writing.

**E. SUITABILITY:**

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<p>According to TAPCR 1200-03-04-.04 (l)(2), the Division may request that alternate sites be identified to minimize impact to air quality. The inspector should use his/her discretion when determining a site's suitability. Factors that may result in a request for an alternate site to be identified include proximity to homes and congested areas, schools, hospitals, and highways, as well as, prevailing wind direction. The inspector will take these factors into consideration and check the corresponding box at right to indicate the site's suitability. If a site is considered unsuitable, the inspector will provide details in the comments below and discuss the issue with the EFOM before a final determination is made. Alternate sites must also be inspected for suitability.</p>		Suitable <input type="checkbox"/>
		Unsuitable <input type="checkbox"/>
Comments:		
Inspector (first, last):	Date of Site Visit:	Concurrence Letter <input type="checkbox"/>
		Alternate Site Request <input type="checkbox"/>
Notifications, Correspondence, Photos, Field Notes and Response Letter Have Been Uploaded To:		
Site ID 158946: Chattanooga EFO <input type="checkbox"/>	Site ID 158948: Columbia EFO <input type="checkbox"/>	Site ID 158950: Cookeville EFO <input type="checkbox"/>
Site ID 158951: Jackson EFO <input type="checkbox"/>	Site ID 158952: Johnson City EFO <input type="checkbox"/>	Site ID 158953: Knoxville EFO <input type="checkbox"/>
Site ID 158954: Nashville EFO <input type="checkbox"/>		
Completion Email Sent To NDC & DDFO <input type="checkbox"/>	Courtesy Email Sent To Forestry Dispatchers <input type="checkbox"/>	

**Notes:**



NATURAL DISASTER WORKFLOW FOR INSPECTORS

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**Natural Disaster Workflow for Inspectors<sup>1</sup>**

**Step 1:** Following a natural disaster event in your field office region, an initial natural disaster outreach email (template in eBook) will be sent to each county EMA contact within 3 working day(s).

- Be sure to copy the highway superintendent, county mayor, and regional TEMA contact.

Please Note: Natural disaster alerts will primarily be received from the Natural Disaster Coordinator (NDC); however, in the event that an alert is received from a different source, immediately notify the NDC via email so that he/she can begin documenting the event.

**Step 2:** Notification for a proposed governmental collective burn site is received.

- There is no stipulation as to how the notification must be made (phone, email, in-person, etc.). However, according to TAPCR 1200-03-04-.04(1)(1)(2), the notification must be made by the person responsible for such burning and delivered to the appropriate EFO at least 3 days prior to commencing the burn.
  - If the inspector encounters a situation in which the notification was not received prior to commencing the burn, he or she will contact the respective EFOM and DDFO for guidance on how to proceed.
- The NDC and respective DSWM EFOM will be immediately alerted of the notification via email.
  - The email will include, at a minimum, the name, affiliation, and contact information for the requestor, and the name and contact information for the assigned inspector.

Please Note: If the Division is alerted of a government entity's plans to burn natural disaster debris from a different source (DSWM, NDC, etc.) but notification has not been received from the entity, the Division will attempt to contact the entity within 1 working day to inquire about the entity's plans and, if necessary, explain the Division's requirements.

**Step 3:** The site evaluation process begins with the inspector checklist.<sup>2</sup>

- Within 1 working day of receiving the notification described in Step 2 above, the inspector will complete Sections A. and B. of the checklist.
  - The DSWM requires submittal of written approval requests for temporary storage of solid waste generated from disaster recovery activities that contain much of the same information that the Division requests in Sections A. and B. of the checklist. Therefore, in order to minimize redundancies for external customers, the DSWM has agreed to immediately share the written approval request with the DAPC. The written approval requests will be

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emailed to the appropriate DAPC EFO manager for dissemination to the assigned inspector.

- Within 1 working day of receiving the notification described in Step 2 above, the inspector will provide a copy of the Open Burning Rule to the entity and explain the exception conditions detailed in Section C. of the checklist.
  - If the open burning of wood waste for disposal is planned and the proposed site is located 200 feet or less from an occupied building, the inspector will provide a copy of T.C.A. §68-201-115(c) and review the requirements detailed in Section D. of the checklist with the entity.

Please Note: The requirements specified at TAPCR 1200-03-04-.04(1)(j) for burning vegetation from off-site do not apply to natural disaster debris.

- If the entity continues with plans to burn after a review of the requirements, the inspector will schedule a site visit to the proposed location during which time he/she will determine the site's suitability and check the corresponding box in Section E. of the checklist.
  - The inspector will try to coordinate the site visit with DSWM personnel so that the inspectors can meet together with local officials to explain the requirements of both Divisions and answer questions. Within 1 working day of having received the notification described in Step 2, the inspector will contact the appropriate DSWM EFO manager to determine if a coordinated site visit is possible. Coordinated site visits should be made within 3 working days of having received the notification described in Step 2.
    - Regardless of whether such coordination efforts are successful, the Division will make a site visit within 3 working days of having received the notification described in Step 2.
- TAPCR 1200-03-04-.04(1)(1)(2) allows the Division to request that alternate sites be identified to minimize impacts to air quality.
  - Factors that may result in a request for an alternate site to be identified include proximity to homes and congested areas, schools, hospitals, and highways, as well as, prevailing wind direction.
    - If the site is considered unsuitable, the inspector will provide details on the checklist and discuss the issue with the EFOM before a final decision is made. Alternate site requests should be made in writing

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within 3 working days of having received the notification described in Step 2. and include the specific reasons why the request is being made. The Division will evaluate any proposed alternate sites for suitability.

**Step 4:** If the site is considered suitable, a concurrence letter/email (template in eBook) is issued within 3 working days of having received the notification described in Step 2.

- If email is used, the inspector will “Request a Delivery Receipt” and “Request a Read Receipt.”
- If U.S. Mail is used, the letter will be sent certified.

**Step 5:** The natural disaster governmental collective burn site(s) information is uploaded as a zip file to one of the following corresponding Smog Log EFO sites:

Site ID 158946: Chattanooga EFO	Site ID 158948: Columbia EFO
Site ID 158950: Cookeville EFO	Site ID 158951: Jackson EFO
Site ID 158952: Johnson City EFO	Site ID 158953: Knoxville EFO
Site ID 158954: Nashville EFO	

- The documentation will include all notifications, correspondence, photos, field notes, concurrence letter/email, etc.
- The inspector will use the following APC Document Description for the Smog Log naming convention: “(insert description of site and event), (Month) 20xx.”
  - Example: Cheatham County Landfill Ice Storm Debris, February 2020
- If additional pertinent information is received after the initial zip file has been uploaded, the inspector will add the additional information to the file and re-upload it.

**Step 6:** A notification email is sent to the NDC and DDFO after all documentation has been uploaded.

- The email will include the APC Document Description for the specific event, along with the Site ID where the zip file is uploaded.

**Step 7:** A courtesy email is sent to the Division of Forestry’s primary dispatchers.

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- The email will be sent in group format to all primary dispatchers. The email will notify Forestry of APC's approval of the collective site and will include a copy of the completed inspector checklist. The Division of Forestry Fire Chief and the respective EFOM will be copied.
  - See "Attachment 1: Forestry Dispatch Zone Contact Information" for email addresses.

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<sup>1</sup>All time associated with a natural disaster event should be coded as Non-Title V, Environmental Response. A description of the natural disaster event, government entity, and location of the collective site will be provided in the comments section.

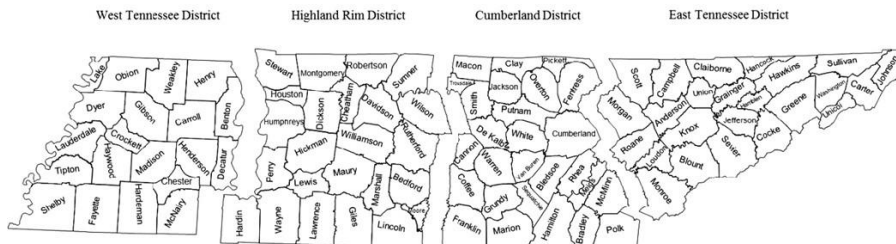
<sup>2</sup>The Division's inspection process for governmental collective burn sites for natural disaster debris must be completed for each natural disaster event, regardless of whether or not the Division has historically approved the site for the same purpose.

# Attachment 1:



## Dispatch Zone Contact Information

3/11/2021



### State Dispatch Zones

Zone	Dispatch Contact (Primary)	District Fire Management	Nashville Fire Management
West Tennessee District	<b>Craig Christie</b> Office: 731-967-6611 Cell: 731-695-2164 <a href="mailto:Craig.Christie@tn.gov">Craig.Christie@tn.gov</a>	<b>Ryan Morris</b> Office: 731-967-6607 Cell: 865-414-6642 <a href="mailto:Ryan.J.Morris@tn.gov">Ryan.J.Morris@tn.gov</a>	<b>Wade Waters-Chief</b> Office: 615-837-5425 Cell: 615-761-7819 <a href="mailto:Wade.Waters@tn.gov">Wade.Waters@tn.gov</a>
Highland Rim District	<b>James Phillips</b> Office: 615-797-9899 Cell: 615-604-4315 <a href="mailto:James.A.Phillips@tn.gov">James.A.Phillips@tn.gov</a>	<b>Michael Holder</b> Office: 615-797-3117 Cell: 615-651-9843 <a href="mailto:Michael.Holder@tn.gov">Michael.Holder@tn.gov</a>	<b>Robin Bible-Haz</b> Office: 615-837-5537 Cell: 615-504-9212 <a href="mailto:Robin.Bible@tn.gov">Robin.Bible@tn.gov</a>
Cumberland District	<b>Joseph Troxel</b> Office: 931-526-9502 Cell: 615-961-1997 <a href="mailto:Joseph.Troxel@tn.gov">Joseph.Troxel@tn.gov</a>	<b>Regina Anderson</b> Office: 931-526-9502 Cell: 931-217-0081 <a href="mailto:Regina.Anderson@tn.gov">Regina.Anderson@tn.gov</a>	<b>Vacant</b>
East Tennessee District	<b>Charles Via</b> Office: 865-594-5440 Cell: 865-776-2114 <a href="mailto:Charles.Via@tn.gov">Charles.Via@tn.gov</a>	<b>Angela Wilkerson</b> Office: 865-594-6432 Cell: 865-304-0020 <a href="mailto:Angela.Wilkerson@tn.gov">Angela.Wilkerson@tn.gov</a>	<b>Nathan Waters</b> Office: 865-549-7862 Cell: 865-776-2111 <a href="mailto:Nathan.Waters@tn.gov">Nathan.Waters@tn.gov</a>
			<b>Dave Fiorella-Ops</b> Office: 615-837-5470 Cell: 615-571-3726 <a href="mailto:David.Fiorella@tn.gov">David.Fiorella@tn.gov</a>
			<b>Jason Rickman-Equip</b> Office: 615-837-5430 Cell: 615-626-0824 <a href="mailto:Jason.Rickman@tn.gov">Jason.Rickman@tn.gov</a>

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## OPEN BURNING COMPLAINT PROCEDURE

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**OPEN BURNING COMPLAINT PROCEDURE**  
**Effective October 1, 2018**

<b>Open Burning Situations</b>	<b>Response to Open Burning Situations</b>
Inspector cannot access the open burning site or pictures were not allowed.	1-Notification of investigation results to complainant if not anonymous 2-Record investigation details in the APC database 3- Investigation Status = “Restricted Access” 4- Explain in Status Detail field 5- Outreach letters, rules and brochures to educate person doing burning and property owner, or letter, etc. only to property owner if no one else is identified
No open burning evidence found	1-Notification of investigation results to complainant if not anonymous 2-Record investigation details in the APC database 3-Investigation Status = “No Violation Found”
Open burning evidence found but materials are not identifiable (cannot determine if legal or illegal)	1-Notification of investigation results to complainant if not anonymous 2-Record investigation details in the APC database 3-Investigation Status = “Unidentifiable Material” 4-Explain in Status Detail field 5-Outreach letters, rules and brochures to educate person doing burning and property owner, or letter, etc. only to property owner if no one else is identified
Open burning evidence shows only legal materials burned	1-Notification of investigation results to complainant if not anonymous 2-Record investigation details in the APC database 3-Investigation Status = “No Violation Found”
Open burning evidence shows illegal materials burned but there is no proof of responsibility	1-Notification of investigation results to complainant if not anonymous 2-Record investigation details in the APC database 4-Investigation Status = “Advisement Letter” 5-Explain in Status Detail field 6-Advisement letters, rules and brochures to educate property owner or business owner
Open burning evidence shows only wood waste burned within 100/200 feet of an occupied building, and/or household waste burned (regardless of distance), and/or only non-expressly prohibited materials burned, *and/or small quantities of expressly prohibited materials burned, with proof of who did it, and no previous Advisement or NOV/NFA or NOV.	1-Notification of investigation results to complainant if not anonymous 2-Record investigation details in the APC database 4-Investigation Status = “Advisement Letter” 5-Explain in Status Detail field 6-Advisement letter, rules and brochures to educate person doing burning
Open burning evidence is sufficient to issue NOV– know who did it/can prove it, or don’t know who did it but property owner or business owner was previously given Advisement letter	1-Notification of investigation results to complainant if not anonymous 2-Record investigation details in the APC database 4-Investigation Status = “NOV” 5-Issue NOV and include rules and brochure to responsible person, or to property owner or business owner if previously advised

\*This is based on manager’s discretion



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INVESTIGATING COMPLAINTS ON RESIDENTIAL PROPERTY

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**Appendix A**

**GUIDANCE FOR FIELD INSPECTORS INVESTIGATING COMPLAINTS**  
**ON RESIDENTIAL PROPERTY**

1. You may approach a residence and knock on the front door to ask for permission to investigate an open burn that is near the house or near frequently used areas such as the garden, garage, or barn; unless: (a) the property is gated; or (b) there is a no-trespassing sign posted on the property
  - a. If the resident answers, explain your position with the Department and the right of access given to you under Tennessee Code Annotated section 68-201-107 to investigate for alleged violations of the Air Quality Act (i.e., open burning)
  - b. If the resident gives you permission, you may investigate the property. Please make sure you obtain this permission from an *adult* resident. If the resident revokes permission after you have started your investigation, you should leave the property. However, please keep any observation notes or photographs taken before the investigation ended.
  - c. If you knock and the resident does not answer or refuses to give you access, you must only make observations from the sidewalk/path that you used to approach the front door or a public point outside the property. In other words, if you walk to the front door and can observe burn remains or an ongoing burn from the sidewalk/path leading to the front door, you may take notes or photos from that sidewalk or path. If you are unable to see any evidence of an open burn from the sidewalk or path leading to the front door, you may not walk around the house, garage, etc., looking for such evidence. In that case, you may only make observations from a public point outside the property, but you can leave an open burning brochure and/or a business card at the front door.
  - d. If the property is gated or there is a no-trespassing sign on the property, you must only make observations from a public point outside the property; do not approach the front door to ask for permission to investigate.
    - i. If the property is gated, you may leave an open burning brochure and/or a business card at the gate.
    - ii. If there is a no-trespassing sign, the house is occupied by a renter, and the landlord has made an open burning complaint, you may only approach the front door or access the property if the landlord accompanies you in accordance with the landlord's rights of property access under the rental agreement.
2. You may investigate an open burn that is in an "open field" without getting permission from the resident. These are burns that are not near the residence or near any frequently used areas such as a garden, garage, or barn but are instead located "out in the open," away from the house and those frequently used areas. If an area that looks like an "open field" is fenced, gated, or posted (No Trespassing, etc.), do not proceed with the investigation (do not climb the fence or enter through the gate). You must only make observations from a public point outside the property, but you may leave an open burning brochure and/or a business card at the gate.

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3. If you arrive at a property where TEMA and/or a local fire department is investigating a burn, you are still limited to the rules above. If you are the first to arrive at the scene of a serious, ongoing fire, please call TEMA or the local fire department; do not enter the residential property to investigate.
4. If the residential property includes a private business that is the subject of an open burning complaint, follow the rules above unless the business is one in which members of the public are invited (e.g., retail store or auto shop). If the business invites members of the public, you may enter the business to ask for permission to investigate.
5. If the residential property is a construction site, but the house looks as if it could be occupied, follow the rules above; unless the property is gated or there is a no-trespassing sign, you may approach the front door and leave an open burning brochure and/or business card if the resident is not there. You may also make any observations from the sidewalk/path leading to the front door. *See* 1.c., above. If the residence is under construction or demolition such that it appears that no one is living there (e.g., you can see the wall frames, the roof is not yet constructed or is in the process of being removed), or if the property is obviously abandoned (e.g., the roof is caved in), the property is unlikely to be deemed “residential.” In that case, you can access the property without asking for permission to investigate (even if there is a no-trespassing sign located on the property) as long as you can do so safely.
6. If the residential property is in a mobile home park, follow the rules above; unless the property is gated or there is a no-trespassing sign, you may approach the front door and leave an open burning brochure and/or business card if the resident is not there. You may also make any observations from the sidewalk/path leading to the front door. *See* 1.c., above. If you are unsure which resident may have participated in the open burn, you may approach multiple mobile homes to inquire. If the property is gated or there is a no-trespassing sign on or near the mobile home, you may only make observations from a public point outside the property.
7. If you receive multiple complaints about a property that you cannot access due to the resident’s refusal, you should contact the local sheriff or police to ask them to accompany you to the site to again ask for permission to investigate. If the resident continues to deny you access even with the sheriff/local police present, or if you are unable to access the property on multiple occasions for any other reason, please contact the Office of General Counsel to begin the process for obtaining a court order to access the property.
8. If you are unable to access a property, you may inform the complainant of what you were able to observe (if anything) from a public point outside the property and that you were unable to gain full access to the property due to the resident not being home, the driveway being gated, etc.

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OPEN BURNING ADVISEMENT TEMPLATE LETTER

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<First Advisement Letter>

<LETTERHEAD>

**ADVISEMENT LETTER**

<Date>

<Name>

<Street Address>

<City>, <State> <Zip Code>

CERTIFIED MAIL <Number>  
RETURN RECEIPT REQUESTED

RE: Complaint of Prohibited Open Burning  
Site ID <Number>, Complaint <Number>

Dear <Mr./Ms.> <Name>,

On <Date>, the Division of Air Pollution Control conducted an investigation at <Address> in <County name> County (\*\*Keep Inside Parenthesis\*\* <Official Property Identification Information> \*\*Keep Inside Parenthesis\*\*) in response to a complaint of prohibited open burning. The inspector identified <Number> site<s> where prohibited open burning had occurred. Furthermore, the inspector observed burned <Brief Summary of Materials Observed>.

Open burning emits large quantities of toxic pollutants into the air with minimal atmospheric dispersion, which can seriously interfere with air quality and negatively impact human health. With limited exceptions, it is unlawful for any person to cause, suffer, allow or permit open burning in the state of Tennessee.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-04-.03(1) states that, "No person shall cause, suffer, allow, or permit open burning except as specifically exempted by Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION."

<If expressly prohibited materials have been open burned during any of the investigations, add the following rule citation. Otherwise, leave it out.> (Delete before sending)

Furthermore, TAPCR 1200-03-04-.03(4), states that, "The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited, and such materials shall

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not be included in any open burning conducted under the provisions of Rule 1200-3-4-.04 EXCEPTIONS TO PROHIBITION.”

**<Use for OWNERS>** - As the property owner, you are responsible for incidents of prohibited open burning that occur on your property, which may include a civil penalty and could result in criminal prosecution. This is true even if you did not cause, or allow someone else to cause, the prohibited open burning. It is your responsibility to affirmatively take the necessary steps to prevent acts of prohibited open burning on your property.

**<Use for TENANTS>**- You are responsible for incidents of prohibited open burning that occur where you reside, which may include a civil penalty and could result in criminal prosecution.

There are instances when open burning is allowed in the state of Tennessee. For example, fires used for the cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces, are allowed. Additionally, open burning of vegetation grown on the same property as the burn site is allowed, and open burning of untreated wood waste is allowed provided certain legal requirements are met. Please see attached open burning rule. However, please be aware that a Safe Debris Burning Permit may be required by the Division of Forestry within the Tennessee Department of Agriculture. For additional information regarding the Safe Debris Burning Permit visit [www.burnsafetn.org](http://www.burnsafetn.org). You should also contact the authorities in your area to determine whether there are any local requirements or restrictions on burning.

Having considered the specific facts and circumstances in this matter, the Division of Air Pollution Control has elected to not take any further enforcement action. Instead, you are being issued this Advisement Letter. By issuing this Advisement Letter, the Division of Air Pollution Control is providing you explicit notice regarding the prohibitions and associated penalties for acts of unlawful open burning.

Further instances of prohibited open burning may result in enforcement action and the assessment of a civil penalty. The maximum civil penalty for unlawful acts of open burning is \$25,000. Additionally, prohibited open burning is a Class C misdemeanor and could result in criminal prosecution, punishable by up to 30 days of confinement and a fine of up to \$10,000.

If you have any technical questions regarding this matter, you may contact me at **<Inspector's Telephone Number>** or by e-mail at **<Inspector's E-Mail Address>**.

Sincerely,

**<Name>**  
Inspector  
Division of Air Pollution Control  
**<Specific>** Environmental Field Office

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Enclosures:

Learn Before You Burn Pamphlet

Open Burning Rule

<Insert Two Best Inspection Photographs- Optional>

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OPEN BURNING NOV TEMPLATE WITH PRIOR ADVISEMENT



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**<LETTERHEAD>**

**<NOV WITH Prior Advisement Letters> (DELETE BEFORE PRINTING)**

<Date>

CERTIFIED MAIL <Number>  
RETURN RECEIPT REQUESTED

<Name>  
<Street Address>  
<City>, <State> <Zip Code>

RE: Complaint of Prohibited Open Burning  
Site ID <Number>, Complaint <Number>

Dear <Mr./Ms.> <Name>,

On <Date>, the Division of Air Pollution Control conducted an investigation at <Address> in <County name> County (Map \_\_\_\_, Parcel \_\_\_\_) in response to a complaint of prohibited open burning. The inspector identified <Number> site<s> where prohibited open burning had occurred. Furthermore, the inspector observed burned <Brief Summary of Materials Observed>. This is the <Number> recent complaint of prohibited open burning. The Division of Air Pollution Control investigated <a prior complaint/prior complaints> of prohibited open burning on <Date(s)>. On <Date>, you were issued an < Advisement Letter and/or Notice of Violation & Warning Letter> <This Depends on what was Sent Previously> (see attached) containing a summary of the regulations against prohibited open burning. The previous letter also explicitly advised that you could be held responsible for further incidents of prohibited open burning.

Specifically, you were advised of the following:

Open burning emits large quantities of toxic pollutants into the air with minimal atmospheric dispersion, which can seriously interfere with air quality and negatively impact human health. With limited exceptions, it is unlawful for any person to cause, suffer, allow or permit open burning in the state of Tennessee.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-04-.03(1) states that, "No person shall cause, suffer, allow, or permit open burning except as specifically exempted by Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION."

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<If expressly prohibited materials have been open burned during any of the investigations, add the following rule citation. Otherwise, leave it out.> (Delete before sending

Furthermore, TAPCR 1200-03-04-.03(4), states that, “The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION.”

**<Use for OWNERS>** - As the property owner, you are responsible for incidents of prohibited open burning that occur on your property, which may include a civil penalty and could result in criminal prosecution. This is true even if you did not cause, or allow someone else to cause, the prohibited open burning. It is your responsibility to affirmatively take the necessary steps to prevent acts of prohibited open burning on your property.

**< Use for TENANTS>** - You are responsible for incidents of prohibited open burning that occur where you reside, which may include a civil penalty and could result in criminal prosecution.

<The Advisement Letter and/or Notice of Violation & Warning Letter > <This Depends on what was Sent Previously> explained that any further instances of prohibited open burning would result in enforcement action and the assessment of a civil penalty. The Tennessee Air Quality Act authorizes the Division of Air Pollution Control to take enforcement action against individuals who violate the Act or its Regulations. Having considered the specific facts and circumstances in this matter and the <Number> prior notices, you are being issued this **Notice of Violation**.

If you have any information proving the violation did not occur or any mitigating circumstances regarding this incident of open burning, you may submit that information in writing to the Technical Secretary, William R. Snodgrass Tennessee Tower, 312 Rosa L Parks Avenue, 15<sup>th</sup> Floor, Nashville, Tennessee 37243. You may also e-mail that information to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov). The information must be submitted to the Division of Air Pollution Control within 20 days of this **Notice of Violation** being issued in order to ensure the information is timely considered by the Division of Air Pollution Control.

If you have any technical questions regarding this matter, you may contact <Inspector’s Name> at <Inspector’s Telephone Number> or by e-mail at <Inspector’s E-Mail Address>, and questions concerning the enforcement process should be directed to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov).

Sincerely,

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<Name>

Manager

Division of Air Pollution Control

<Specific> Environmental Field Office

Enclosures:

Advisement Letter Issued on <Date>

Learn Before You Burn Pamphlet

Open Burning Rule

Guidelines for Open Burning Wood Waste and Vegetation

<Insert Two Best Inspection Photographs>

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OPEN BURNING NOV TEMPLATE WITH NO PRIOR ADVISEMENT

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**<NOV with NO Prior Advisement Letters>**

**<LETTERHEAD>**

**<Date>**

CERTIFIED MAIL **<Number>**  
RETURN RECEIPT REQUESTED

**<Name>**

**<Street Address>**

**<City>, <State> <Zip Code>**

RE: Complaint of Prohibited Open Burning  
Site ID **<Number>**, Complaint **<Number>**

Dear **<Mr./Ms.> <Name>**,

On **<Date>**, the Division of Air Pollution Control conducted an investigation at **<Address>** in **<County name>** County (**\*\*Keep Inside Parenthesis\*\*<Official Property Identification Information> \*\*Keep Inside Parenthesis\*\***) in response to a complaint of prohibited open burning. The inspector identified **<Number>** site<s> where prohibited open burning had occurred. Furthermore, the inspector observed burned **<Brief Summary of Materials Observed>**.

Open burning emits large quantities of toxic pollutants into the air with minimal atmospheric dispersion, which can seriously interfere with air quality and negatively impact human health. With limited exceptions, it is unlawful for any person to cause, suffer, allow or permit open burning in the state of Tennessee.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-04-.03(1) states that, "No person shall cause, suffer, allow, or permit open burning except as specifically exempted by Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION."

**<If expressly prohibited materials have been open burned during any of the investigations, add the following rule citation. Otherwise, leave it out.> (Delete before sending)**

Furthermore, TAPCR 1200-03-04-.03(4), states that, "The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION."

**<Use for OWNERS>** - As the property owner, you are responsible for incidents of prohibited open burning that occur on your property, which may include a civil penalty and could result in criminal prosecution. This is true even if you did not cause, or allow someone else to cause, the prohibited open burning. It is your responsibility to affirmatively take the necessary steps to prevent acts of prohibited open burning on your property.

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**<Use for TENANTS>** - You are responsible for incidents of prohibited open burning that occur where you reside, which may include a civil penalty and could result in criminal prosecution.

There are instances when open burning is allowed in the state of Tennessee. For example, fires used for the cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces, are allowed. Additionally, open burning of vegetation grown on the same property as the burn site is allowed, and open burning of untreated wood waste is allowed provided certain legal requirements are met. Please see attached open burning rule. However, please be aware that a Safe Debris Burning Permit may be required by the Division of Forestry within the Tennessee Department of Agriculture. For additional information regarding the Safe Debris Burning Permit visit [www.burnsafetn.org](http://www.burnsafetn.org). You should also contact the authorities in your area to determine whether there are any local requirements or restrictions on burning.

The Tennessee Air Quality Act authorizes the Division of Air Pollution Control to take enforcement action against individuals who violate the Act or its Regulations. Having considered the specific facts and circumstances in this matter, you are being issued this **Notice of Violation**.

If you have any information proving the violation did not occur or any mitigating circumstances regarding this incident of open burning, you may submit that information in writing to the Technical Secretary, William R. Snodgrass Tennessee Tower, 312 Rosa L Parks Avenue, 15<sup>th</sup> Floor, Nashville, Tennessee 37243. You may also e-mail that information to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov). The information must be submitted to the Division of Air Pollution Control within 20 days of this **Notice of Violation** being issued in order to ensure the information is timely considered by the Division of Air Pollution Control.

If you have any technical questions regarding this matter, you may contact **<Inspector's Name>** at **<Inspector's Telephone Number>** or by e-mail at **<Inspector's E-Mail Address>**, and questions concerning the enforcement process should be directed to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov).

Sincerely,

**<Name>**

Manager

Division of Air Pollution Control

**<Specific>** Environmental Field Office

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Enclosures:

Learn Before You Burn Pamphlet

Open Burning Rule

<Insert Two Best Inspection Photographs>

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OPEN BURNING VIOLATION END DATE POLICY



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### **Open Burning Violation End Date Policy**

In the APC database, page 634, violations are defined as part of the Enforcement Action Request (EAR) process. For open burning, the “Discovery Date”, the “Violation Begin” date, and the “Violation End” date can all be the date of investigation at the site. There is no need to make multiple site visits for illegal open burning merely to try to determine when an active fire is extinguished.

Per the APC database context-sensitive help, populate the “Pollutant” item with “Not Applicable”.



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OPEN BURNING RESTRICTED ACCESS EXAMPLE OUTREACH LETTER

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**<LETTERHEAD>**

Date

Name

Address

RE: Complaints of Prohibited Open Burning  
Site ID #; Complaint #

Dear Mr./Ms. Name:

On Date, the Division of Air Pollution Control received a complaint of prohibited open burning on your property located at address in Name County (Map #, Parcel #). On Date, I attempted but was unable to investigate the complaint due to the restricted access to the property. Thus, we do not know if any prohibited open burning occurred on your property. Also, not all instances of open burning are necessarily prohibited. However, I want to take this opportunity to inform you of the following:

Open burning emits large quantities of toxic pollutants into the air with minimal atmospheric dispersion, which can seriously interfere with air quality and negatively impact human health. With limited exceptions, it is unlawful for any person to cause, suffer, allow or permit open burning in the state of Tennessee. Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-04-.03(1) states that, "No person shall cause, suffer, allow, or permit open burning except as specifically exempted by Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION."

Furthermore, TAPCR 1200-03-04-.03(4), states that, "The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION."

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Name

Date

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There are instances when open burning is allowed in the state of Tennessee. For example, fires used for the cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces, are allowed. Additionally, open burning of vegetation grown on the same property as the burn site is allowed, and open burning of untreated wood waste is allowed provided certain legal requirements are met. Please see attached open burning rule. However, please be aware that a Safe Debris Burning Permit may be required by the Division of Forestry within the Tennessee Department of Agriculture. For additional information regarding the Safe Debris Burning Permit visit [www.burnsafetn.org](http://www.burnsafetn.org). You should also contact the authorities in your area to determine whether there are any local requirements or restrictions on burning.

We appreciate your cooperation in maintaining the air quality in Tennessee. If further clarification is needed, feel free to contact me at [your phone number](#) or by email at [your e-mail address](#).

Sincerely,

Name

Manager

Division of Air Pollution Control

Enclosures:

Learn Before You Burn Pamphlet

Open Burning Rule

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OPEN BURNING REPLY TO COMPLAINANT EXAMPLE



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<LETTERHEAD>

Date

Name

Address

RE: Complaints of Prohibited Open Burning

Site IDs#; Complaints #

Dear Mr./Ms. Name:

This letter is concerning the five complaints you filed Date, alleging prohibited open burning at five separate locations in Name County. I conducted or attempted site investigations Date, but found no problem at any location.

Complaint #: I only found remains of open burning of site-grown vegetation at address, where the owner-resident was adamant that they never burn garbage.

Complaint#: At address, the yard, including the driveway, was fenced with a closed gate at the public road, so my access was restricted. I did not observe any issue from the public road, but I did mail an educational outreach letter to the property owner.

Complaint #: I found no evidence of any burning at address, where the owner-resident was adamant that they never burn anything, and that they very frequently take all of their trash to the convenience and recycling centers.

Complaint # At address, the house has a “No Trespassing” sign, so my access was restricted. I did not observe any issue from the public road, but I did mail an educational outreach letter to the property owner.

Complaint #: At address, the house has a “No Trespassing” sign, so my access was restricted. I did not observe any issue from the public road, but I did mail an educational outreach letter to the property owner. Subsequently, the owner-resident called me and adamantly stated that they have not burned anything prohibited, and that they only burned some site-grown vegetation several months ago.



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Name  
Date  
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Please note that not all instances of open burning are prohibited.

With limited exceptions, it is unlawful for any person to cause, suffer, allow or permit open burning in the state of Tennessee, and the open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited. However, there are instances when open burning is allowed in the state of Tennessee. For example, fires used for the cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces, are allowed, provided those fires do not contain any expressly prohibited material. Additionally, open burning of vegetation grown on the same property as the burn site is allowed, and open burning of untreated wood waste is allowed provided certain legal requirements are met. Please see attached open burning rule.

We appreciate your concern for the air quality in Tennessee. If further clarification or assistance is needed, feel free to contact me at **your phone number** or by email at **[your e-mail address](#)**.

Sincerely,

Name  
Manager  
Division of Air Pollution Control

Enclosures:  
Learn Before You Burn Pamphlet  
Open Burning Rule

We value your opinion. Please take a few minutes to **[complete our customer service survey](#)** [<http://tn.gov/environment/article/contact-tdec-customer-service-form>].

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**AMBIENT MONITORING REQUEST PROCEDURE**



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**Ambient Air Monitoring Request Procedure**

**Ambient air monitor request sent to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov) by a concerned citizen:**

- A citizen submits a request to the Division's e-mail address ([Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov)) for the installation of an ambient air monitor in their area.
- This request is forwarded to Kyle Spangle and the Field Office manager for review.
- Mr. Spangle and the Field Office manager will evaluate the situation together and determine the appropriate approach. They may consult the Permit manager assigned to the facility for further technical input prior to the decision.
- If the request is related to a recent complaint, the Field Office manager will incorporate the Division's monitor request response in the complaint response letter.

**Ambient air monitor request sent by a government official:**

- A government official submits a request either directly to the Director or to the Division's e-mail address ([Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov)) for the installation of an ambient air monitor.
- This request is forwarded to the Director and Kyle Spangle for review.
- The Director and Mr. Spangle will evaluate the situation together and determine the appropriate approach. They may consult the Field Office manager and Permit manager for further technical input prior to the decision.
- The Division will advise the government official of its decision after thorough review of the situation.

**Ambient air monitor request sent in writing directly to the Director by a concerned citizen:**

- A citizen submits a written request directly to the Director for the installation of an ambient air monitor in their area.
- This request is forwarded to the Director and Kyle Spangle for review.
- The Director and Mr. Spangle will evaluate the situation together and determine the appropriate approach. They may consult the Field Office manager and Permit manager for further technical input prior to the decision.
- The Division will advise the citizen of its decision after thorough review of the situation.

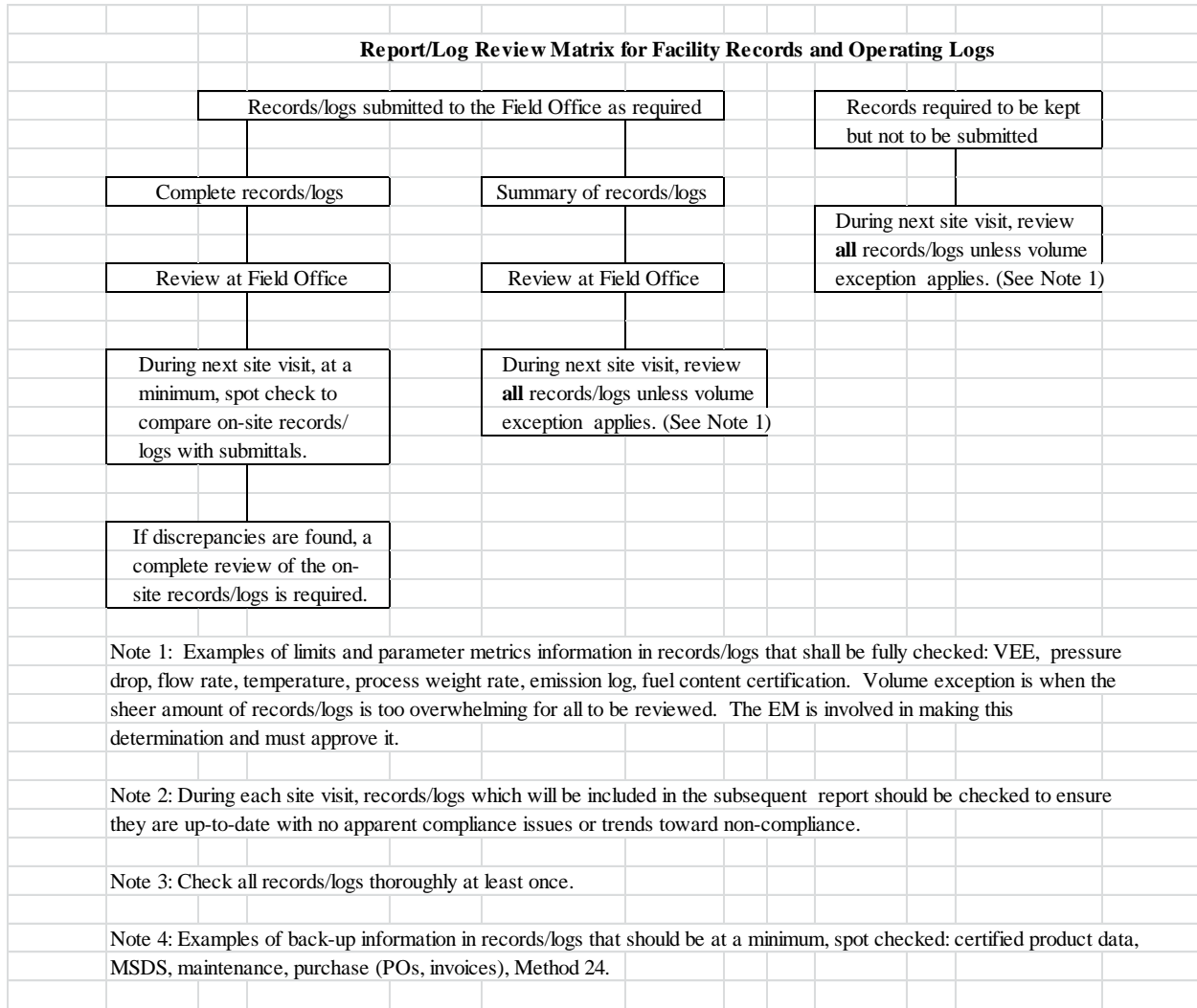
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REPORT REVIEW DECISION TREE

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## REPORT REVIEW DECISION TREE

TABLE 5: REVIEW OF FACILITY RECORDS AND OPERATING LOGS



CONTINUOUS EMISSION MONITORING REPORT REVIEW PROCESS

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**Continuous Emission Monitoring Report Review Process:**

The Continuous Emission Monitoring (CEM) excessive emission reports are submitted to the Compliance Validation section for review on a quarterly or semi-annual basis but a summary of the information must also be included in the semi-annual reports (SAR). In order to eliminate the redundancy, the division is gradually revising the Title V permits so that the summary reports only are submitted during the SAR submittal and not the entire reports now submitted to Compliance Validation on a quarterly or semi-annual basis. Permit revision efforts have concentrated on facilities where there is little likelihood of excess emissions or monitor problems.

If a permit condition states that the summary excessive emission reports must be included in the SAR, field service personnel will scan the information within seven business days of receiving the report to determine if the facility reported any excessive emissions during the timeframe. If the facility does not report any issues with the CEM data, the field inspector will review the report and make the determination, which will then be final. If the facility's excessive emission data reports indicate excess emissions beyond permitted de minimis levels or require malfunctions to be excused to achieve permitted de minimis levels, or have less than 95% operational availability of the CEM, this portion of the SAR will be sent to Compliance Validation section for review and final determination. The Field Services manager will e-mail the report to the Compliance Validation manager within ten business days of receiving the report.

The Compliance Validation section will review the excessive data information in the report and will determine if the facility has demonstrated compliance with the applicable standard opacity, gaseous, and monitor operational availability requirements during the reporting period. After reviewing the report, Compliance Validation personnel will e-mail Field Services personnel their determination. This determination must be made within forty-five calendar days of division's receipt of the report.

Compliance Validation personnel will notify FS personnel if they request additional information from the facility regarding the excessive emission report. FS personnel will document this additional information request on the reports tracking page in the database.



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2016 TITLE 5 WORKSHOP/PRESENTATION TO FIELD STAFF

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Note:

The 2016 Title 5 workshop information and TJB's March 2016 presentation are located on Field Services APC database site.

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APC DOCUMENTS DESCRIPTION



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**APC Documents Descriptions – Effective October 1, 2021**  
**(do not use special characters in the file name)**

Description/Keywords	Outgoing or Incoming	Type of File
CM report ***** Jan- Dec. 20**	Incoming	Report
20** Vehicle emissions test results	Incoming	Report
20** VEE	Incoming	Visible Emissions Report – ACD
Advisement	Outgoing	Letter
Advisement receipt	Reference	Certified Mail Receipt
ACC ***** Jan-Dec 20**	Incoming	Report
ACC/SAR/MACT SAR ***** Jan-June 20** adequacy	Outgoing	Letter
Application’s BRIEF source description (e.g. Asphalt plant pt. 03)	Incoming	Application
Application reminder	Outgoing	Letter
Application withdrawal	Incoming	Email
Clerk audit response July 20**	Outgoing	Letter
Closure notification	Incoming	Letter
Completeness	Outgoing	Letter
Correction action proposal	Incoming	Form
Damages	Reference	Form
Economic benefit	Reference	Form
Emission summary	Reference	Form
Fire Department incident	Incoming	Report
Fire training certification	Incoming	Letter
Fleet notification of requirements	Outgoing	Letter
Forestry Division incident	Incoming	Report
HPV determination (or “LPV determination”)	Reference	HPV Checklist
Incompleteness	Outgoing	Letter
Insignificance	Outgoing	Letter
Internal Comments Permit XXXX	Reference	Internal Permit Comments
Logs	Incoming	Report
Map	Reference	Image
MACT SAR ***** Jan-June 20**	Incoming	Report
MSDS	Incoming	Form
Name change notification	Incoming	Form
NFA (Note: This is for a separate NFA letter from the NOV)	Outgoing	Letter
NOV receipt	Reference	Certified Mail Receipt
NOV retraction	Outgoing	Letter
Open burning checklist	Reference	Form
Open burning of tires and plastic	Outgoing	Notice of Violation
Op flex notification	Incoming	Letter
Op flex concurrence	Outgoing	Letter
Outreach	Outgoing	Letter
Permit’s BRIEF source description (e.g. Asphalt plant pt.03)	Outgoing	Permit
Photo	Reference	Image
Property data	Reference	Form

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**APC Documents Descriptions – Effective October 1, 2021**

Description/Keywords	Outgoing or Incoming	Type of File
Public notice	Reference	Public Notice Document
Reply to complainant	Outgoing	Letter
Responsible person change notification	Incoming	Letter
SAR ***** Jan-June 20**	Incoming	Report
Show cause response	Incoming	Letter
Show cause denial	Outgoing	Letter
Surrender	Incoming	Letter
Start-up certification	Incoming	Start-Up Notification
Termination pts. 02,03	Incoming	Letter
Test station audit	Reference	Report
Unclaimed NOV information	Reference	Form
Vapor recovery system installation	Incoming	Form
VEE	Reference	Form

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PERMITTING AND/OR FACILITY RELATED INFORMATION

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**Permitting and/or facility related information**

**EFO email:**

Each Field Office is assigned a specific EFO e-mail address to which the manager and all other APC staff members in that office have access. The manager must review the account on a daily basis to ensure that the division responds to the e-mail or forwards it to the appropriate person or section. The manager can delegate the daily review of this account to a designee when he/she is out of the office for an extended period of time.

When the EFO e-mail receives permitting- related e-mails/documents (e.g. permitting applications, operational flexibility, insignificant emission information, change of responsible person, etc.), the manager or designee will forward the e-mail to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov) within one business day of receipt. The designee will copy the manager on any forwarded e-mails.

**Permitting/facility related information:**

When the inspector/manager receives permitting/facility related documents (e.g. change of responsible person, permit applications, etc.), he/she will forward the information to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov) within one business day of receipt.

He/she will track this information until the document is uploaded in the database.

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INSPECTION REPORT FORM TEMPLATE



**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**TENNESSEE DIVISION OF AIR POLLUTION CONTROL**  
**ANNUAL INSPECTION**

**Facility No.:**

**State Category:**

**Date Inspected:**

**Company Name:**

**Location address:**

**City/State/Zip:**

**Mailing address:**

**(if different from above)**

**All Inspection Participants:**

**(name, title, and contact information)**

**Time period covered by this inspection, from: to:**

**Did the Division issue a Notice of Violation (NOV) since the last inspection?  YES  NO**

If YES, enter data below.

<b>Violation(s) Description</b>	<b>NOV Date</b>	<b>Issued By (Environmental Field Office, Compliance Validation, Permitting)</b>	<b>Has the violation been addressed by No Further Action (NFA) or Order issuance? (yes/no)</b>

**Field Services inspection compliance status for entire time period covered:  IN  OUT**

(The status will be "Out" if the facility was issued an NOV by Field Services personnel anytime for the inspection timeframe. The inspector will explain the "Out" status in the comments section. If an NOV was included in the previous inspection report, the inspector will not include it in this report.)

**Comments:**

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**Description of Facility Operations:**

**Review Status of Required Reports:**

Include all reports due/reviewed since last inspection

Report Tracking Number	Report Type	Report End Date	Due Date	Postmark	Received	Received in EFO	Acknowledged (last review date)	Report Adequate (Y/N) if N, explain below

Comments:

**Permit Status:**

Permit Number	Source Number(s)	Issue/Amendment/Modification/ Date	Expiration Date	Next Application Due Date	Next Application Received Date

Comments:

Inclusion of Actual Permits  
 Example Conditions

**CONDITIONS:**

1. The application that was utilized in the preparation of this permit is dated April 25, 2016, and signed by ??? Assistant Manager of the permitted facility. If this person terminates employment or is reassigned different duties and is no longer the responsible person to represent and bind the facility in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Technical Secretary of the change. Said notification shall be in writing and submitted within thirty (30) days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the facility in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the facility until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

Comments:

2. The maximum capacity for the stave mill shall not exceed 345 tons of logs processed per calendar month nor 1.82 tons of logs processed per hour based on a monthly average. These respective capacities are based on monthly records of the tons of logs processed for the month and the tons of logs processed for the month divided by the actual operating hours of the stave mill.

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This limitation is established pursuant to TAPCR Rule 1200-03-09-.01(1)(d) and the information contained in the email correspondence dated December 7, 2016 from the permittee. If either of these capacities is exceeded, a construction permit shall be applied for. Compliance with these limits is assured through compliance with **Log #1** shown in **Condition 3**.

Comments: Maximum During Review Period:

3. A log of the material input rate, in a form that readily shows compliance with **Condition 2**, must be maintained at the source location and kept available for inspection by the Technical Secretary or a Division representative. This log (Log #1) must be retained for a period of not less than two (2) years and must comply with the data entry requirements of **Condition 10**.

Comments:

Type of Review:  Full  Spot

4. Wood waste from the stave mill consists of chips, strands, kerf (material resulting from a saw cut), and sawdust. Wood waste from the saws (e.g. sawdust fines or kerf from the cutting of wood) is delivered via a pipe to a cyclone. The cyclone empties the wood waste into a three-sided, concrete block load-out located on the exterior of the mill. The remaining wood waste is conveyed to a wood hog chipper before being gravity fed via one of two pipes to the top of a loadout trailer. Only one pipe is in operation at any given time. The maximum monthly capacity of wood waste shipped from the stave mill shall not exceed 1,751 tons per month (tons/mo.) nor 9.27 tons per hour (tons/hr.) based on a monthly average. These respective capacities are based on the monthly records of tons of wood waste collected and shipped from the stave mill and tons of wood waste collected and shipped divided by the actual operating hours of the stave mill.

This limitation is established pursuant to TAPCR Rule 1200-03-09-.01(1)(d) and the information contained in the email correspondence dated November 21, 2016 from the permittee. If either of these capacities is exceeded, a construction permit shall be applied for. Compliance with these limits is assured through compliance with **Log #2** shown in **Condition 5**.

Comments:

Maximum During Review Period:

5. A log of the wood waste collected, in a form that readily shows compliance with **Condition 4**, must be maintained at the source location and kept available for inspection by the Technical Secretary or a Division representative. This log (Log #2) must be retained for a period of not less than two (2) years and must comply with the data entry requirements of **Condition 10**.

Comments:

Type of Review:  Full  Spot



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6. Particulate matter (TSP) emitted from the wood waste collection shall not exceed 14.27 lbs./hr. at the rated capacity of 9.27 tons/hr. Annual TSP emissions shall not exceed 17.13 tons per year based on the agreed hours of 2400 hours per year.

This emission limitation is established pursuant to TAPCR 1200-03-07-.03(1) and the information contained in the email correspondence dated January 25, 2017 from the permittee.

Comments: Records not required.

7. Visible emissions from emission points at this facility source shall not exhibit greater than twenty percent (20%) opacity, except for one (1) six-minute period in any one (1) hour period, and for no more than four (4) six-minute periods in any twenty-four (24) hour period. Visible emissions from this source shall be determined by EPA Method 9, as published in the current 40 CFR 60, Appendix A (six-minute average).

Comments:

8. Visible emissions from roads and parking areas shall not exhibit greater than ten percent (10%) opacity as determined by Tennessee Visible Emission Evaluation (TVEE) Method 1, as adopted by the Tennessee Air Pollution Control Board on April 29, 1982, as amended on September 15, 1982 and as amended on August 24, 1984. In order to meet this opacity limit, wet suppression shall be used as needed.

Comments:

9. Fugitive dust emissions from this facility shall be controlled as specified in Rule 1200-03-08-.01. Specifically, no person shall cause, suffer, allow, or permit fugitive dust to be emitted in such manner to exceed five (5) minutes per hour or twenty (20) minutes per day as to produce a visible emission beyond the property line of the property on which the emission originates, excluding malfunction of equipment as provided in Chapter 1200-03-20. Fugitive emissions from this source shall be determined by Tennessee Visible Emissions Evaluation Method 4 as adopted by the Tennessee Air Pollution Control Board on April 16, 1986.

Comments:

10. Recordkeeping: Data Entry Requirements

- a) For monthly recordkeeping, all data, including the results of all calculations, must be entered into the log no later than thirty (30) days from the end of the month for which the data is required.
- b) For weekly recordkeeping, all data, including the results of all calculations, must be entered into the log no later than seven (7) days from the end of the week for which the data is required.
- c) For daily recordkeeping, all data, including the results of all calculations, must be entered into the log no later than seven (7) days from the end of the day for which the data is required.

Comments:

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11. This source shall comply with all applicable state and federal air pollution regulations. This includes, but is not limited to, federal regulations published under 40 CFR 63 for sources of hazardous air pollutants and 40 CFR 60, New Source Performance Standards.

**Comments:** For information only.

12. This source shall operate in accordance with the terms of this permit and in accordance with the information submitted in the approved permit application, emails, and other supporting documents.

**Comments:** For information only.

13. The issuance of this permit supersedes all previously issued permit(s) for this air contaminant source.

**Comments:** For information only.

14. This permit is valid only at this location.

**Comments:** For information only.

15. The permittee shall apply for renewal of this permit not less than sixty (60) days prior to the permit expiration date, pursuant to Division Rule 1200-03-09-.02(3). The renewal application shall be delivered to the West Tennessee Permit Program or via e-mail.

**Comments:** See "Permit Status" above.

(End of conditions)

---

**Additional General Information:**

- 1) **A copy of the Department's *Mercury-Added Product Disposal Requirements* was given to the facility for review:**  YES  NO
  
- 2) **Was any complaint received?**  YES  NO  
If YES, provide comments:
  
- 3) **Has open burning occurred at this facility?**  YES  NO  
If YES, provide comments:
  
- 4) **Was there any air-related construction/modification?**  YES  NO  
If YES, provide comments:
  
- 5) **Is any air-related construction/modification planned?**  YES  NO  
If YES, provide comments:
  
- 6) **Are there any unpermitted and/or exempt sources (e.g., stationary engines, boilers) that need further attention?**  YES  NO  
If YES, provide comments:
  
- 7) **Is the facility current on fees at the time of the inspection?**  YES  NO  
If NO, provide comments:

---

Name/Date

VEE Certification Number:  
Certification Expiration Date:

I verify that the format and content of this report conforms to established TN Division of Air Pollution Control annual inspection standard operational procedures guidance.

---

Manager/Date

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APC DATABASE QA EXPECTATIONS

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APC Database Expectations

April 1, 2017

We will focus only on certain data elements. The expectation will be that in every case, all of these items will be correct and complete by the time they come to the DDFO for final QA. If not, you'll receive an email (copied to your manager) naming the items that need correcting. Your inspection report won't be approved until everything is fixed. Occasional missed items won't count for much but repeated patterns of missed items will be translated to performance evaluations.

Following is a list of data in the APC database that is expected to be completed by each inspector as compliance inspections are conducted on any stationary source.

APC Documents region on Site Page (page 31)

- Documents you upload to the APC database
  - Document descriptions should follow current "APC Documents Descriptions".

To make document specific changes for documents you have uploaded but discover later that certain information is not correct, click on the pencil beside a document in the APC Documents region on the Site Page to go to page 113, the specific document record page.

- Always use drop down to enter Facility ID. This should never be left blank.
- Permit Number is chosen for documents relating to one specific permit. For documents relating to more than one specific permit, this field will be left blank
- Effective Date – use the "HELP" to choose correctly by clicking on Effective Date. See also Chapter 3 – Inspection Procedures
  - Inspection report "Date Inspected"; the document record Effective Date and Resource Tracking record date with mileage must all match
- In/Out/Ref – use the correct choice. There can be incoming letters and outgoing documents. See "APC Documents Descriptions" list
- File Type – the correct choice makes finding a specific document easier. NOTE there are new File Types in the drop-down list. Author is a field that defaults to the user who is/has created the record. If you did not generate the document (incoming documents), delete your name by clicking on the down arrow to the right of the name field, scroll to the top of the list and click on %.

APC Permits in Effect at this Site region on Site Page (page 31)

- Permits listed here are only active, pending or draft. Any others listed that are no longer in effect are change to "Inactive" or "Surrendered" as appropriate
  - Click on underlined permit number to go to Permit Record page (page 51)
  - At Permitting Status, use drop down to change to correct status type
  - Now, permit does not show in APC Permits in Effect at the Site region

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Since inspections are always looking back, inspection report time frames may use permits that are already “inactive” and do not show up in this region. To easily find the permit, click on the underlined permit number in the APC Documents region list on page 31.

APC Inspections region on Site Page (page 31) changes are made on each specific inspection record page (page 201).

- “Inspection date” field in “Form on TBL\_INSPECTIONS” region – This date is always the date of the site visit or the last of a series of site visit dates. This date must match the Inspection Date on the inspection report and the inspection date in “Field Services Resource Tracking” region must always have mileage showing for the date(s) of the inspection on Field Services Resource Tracking table.
- Status field in “Form on TBL\_INSPECTIONS” region – click on Status to view Help. Expand window at bottom right edge to see the five choices.
  - Future Inspection.
  - Work in Progress.
  - In Compliance.
  - Out of Compliance
  - Closed.
  - Forms Submitted
  - Guidance Provided
- Notes field in “Form on TBL\_INSPECTIONS” region should be used when:
  - Status = Out of Compliance. When any NOV(s) were issued during the review period, add the date NOV(s) issued and brief description(s). Example: “NOV issued 12-3-12 for failure to apply for permit renewal in timely manner.”
  - A site visit is not made and the inspection was a records review only, add that comment.
  - For Mega-Sources, include: “year 1 of 3 year inspection cycle”, or “year 1 of 2 year inspection cycle”, or “year 3 of 3 year cycle”.
- “Field Services Resource Tracking” region:
  - Cost Type must always match facility category for each entry.
  - Facility category always matches the category for that facility on the master inspection list. This is the snapshot and is the official category of the facility until the next snapshot is taken
  - Miles must always be recorded for site visit(s) dates
  - Total time is official time for inspection and includes time any staff spent on that inspection
- “Permits Associated with Inspection” region:
  - Highlight all permits used for the inspection
  - If more than one is used, hold the Ctrl key while clicking multiple choices
  - Remember to Apply Changes at top of page to set choices before going to other pages or information will be lost
- “Inspection Reports” region:
  - Click on the pencil to go to the documents record page (page 113)
  - Facility ID: always use the drop down to choose the correct facility ID. Do not leave blank
  - Permit Number: choose the correct permit number, if only one permit was used for the inspection. If multiple permits were used, leave this blank since the database does not allow for multiple choices

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- Description – Must always include “Compliance Inspection Annual CM or TM or Title 5”. Can copy/paste from Inspection Type drop down choices on Form on TBL\_INSPECTIONS region on page 201.
- Effective Date: make sure this is the date of site visit or last site visit date if there were multiple site visits.
- In Out Ref: inspection reports are always “Reference”
- File Type: always “Inspection Report”
- Author: always the inspector
- Manager: name and signed date must be entered
- Manager QA date is entered once the EM has completed their QA of the annual inspection report and the APC database data

#### “Report Tracking” region on Permit Record page (page 51)

- Each report submitted by a facility, whether it is CM/ACC/SAR/MACT, must be logged when received and all additional information must be added to complete the record
  - Document descriptions for reports always include the report tracking number or numbers
  - A report associated with only one permit is always uploaded on page 71, “Form on REPORT\_TRACKING” region in the “APC Report Documents, Add Document button”  
TO GET THERE:
    - Click on the underlined Report Log number
    - In “Form on REPORT\_TRACKING” region (page 71), Report Type, Report End Date and Report Due Date must be entered initially to create a report tracking record
    - As soon as the report is received (within 1-2 days), the Received date, Postmark Date and RCVD IN EFO dates are to be entered. Do not leave this information blank, intending to complete it after the report is reviewed
    - When the report has been reviewed, complete the Acknowledged date (date of final review if report review takes multiple days), Adequate, Deviations Reported and Compliance Status
    - Log all time associated with report reviews on the reports tracking region (page 71). If there is a violation associated with a report, the inspector will record the time associated with the violation to the specific report tracking page.
    - Use the Notes field when appropriate
- When additional information is requested because a report is missing data or has incorrect data, additional information is required in the “Additional Info Requested” region (page 71). Click “Add”
  - When additional information is first requested, complete “AddInfo Requested” date and “AddInfo Due” date on “Form on ADD\_INFO” region. Click “Create” to save record
  - When additional information is received, complete “AddInfo Received” date
  - Multiple requests for additional information result in multiple entries in the “Additional Info Requested” region so each request is identified
  - Each additional information document should be uploaded as a separate document and should be uploaded from the “APC Report Documents” region on page 71 (the Report Tracking page) if the report is tied to only one permit

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When additional information is requested, it is the responsibility of the person requesting the additional information to track compliance with the request. When a facility fails to meet a request deadline, additional enforcement issues may result and should be discussed with Enforcement staff.

- A report associated with multiple permits should be uploaded from the Site page (page 310, in the “APC Documents” region, “Add Document”
  - Additional information submitted is uploaded from the Site page as well.
  - All information should be filled in as instructed above, except there is no permit identified.
  - Document description follows current “APC Documents Descriptions”, including all report log tracking numbers for all the permits the report is associated with

#### **File Closures:**

For steps on how to change a facility status from “active” to “inactive”, please see “APC Point Closure and APC File Closure Process Policy”.

When everything is completed as described above, the APC database is ready for DDFO’s QA.





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APC POINT CLOSURE AND APC FILE CLOSURE PROCESS POLICY

## APC Point Closure and APC File Closure Process Policy– Effective October 1, 2021

With the most recent movement towards improved efficiencies, and the APC database as the sole repository of APC data and documentation, the following list may help ensure that APC point closures and APC file closures are handled accurately and completely:

Upload closure notification and/or surrender document, associated with correct permit (usually upload a letter or email).

Verify point or facility status via field site visit.

Change permit document's File Type (pg 113) from "Permit" to "Old Permit".

Change Permitting Status (pg 51) from "Active" to "Inactive" or "Surrendered" (use best-fit), and add Surrender Date if surrendered.

Delete any automatically-created future Report Tracking record associated with the surrendered permit (pg 51 to pg 71).

For each appropriate Facility Point, change Status to "Inactive" (pg 39 to pg 302).

For APC file closures, check for any unresolved issues (e.g. enforcement actions and fee issues).  
To check on facility fee status:

- Go to APC Reports tab in Smog Log;
- Under the Financial Reports section, go to "APC Financial Review Report";
- In the search bar at the top, type in the facility ID;
- If there is an outstanding balance associated with the facility, e-mail the Emissions Inventory Manager and copy the EFOM and DDFO; and
- Fee issues should be resolved before closing a facility.

Add Site History record associated with correct Facility ID (pg 31 or 39), using language that distinguishes APC matter from other TDEC matters, that describes the closure issue(s), and with permanency in mind. In this record, the action date is the date the inspector entered the information into smog log. *Note: This step is very important; as it allows us to discontinue the preparation of traditional point closure and/or file closure memos (e.g. "The company surrendered their APC permit September 29, 2013 and closed the facility. PRV verified that the facility (or source) was permanently shut down via February 19, 2014, site visit. No APC issues are unresolved." Or "The Corporation was dissolved in 2009. A similar LLC was dissolved June 4, 2013. The APC permit expired. JSC verified that the site is vacant January 8, 2014.").* Remember: Do NOT prepare a point closure or file closure memo!

As appropriate, disassociate the APC database Contacts from the Site and/or Facility by using the Edit Functions and Mail Merge button found on the Site page (pg 31 to 33).

For a T5 or CM facility closure, prepare an annual inspection report, usually in an abbreviated fashion without the reports reviews, permit tables, and without the Additional Information section. Remember to review records up to the surrender date to confirm there are no unresolved issues. Clearly articulate the fact that the facility is now closed.

For a TM facility closure, do not prepare an annual inspection report.



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For facility closures, email DDFO [cc: Applicable Field Services manager, Emission Inventory manager, ICIS-Air Coordinator and Admin. manager] requesting that Facility Status be changed to “Inactive”, or that Facility Category be changed to “EX”.

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APC-SWM ASBESTOS MEMORANDUM OF AGREEMENT (MOA)

## Tennessee Department of Environment and Conservation

### ASBESTOS Memorandum of Agreement

#### Purpose

The purpose of this Memorandum of Agreement is to establish Division authority in the oversight of dealing with the disposal of asbestos containing waste material (ACWM) (defined in Division of Air Pollution Control (DAPC) Rule 1200-03-11-.02(1)(e)). In addition to this Memorandum of Agreement, the Division of Solid Waste Management (DSWM) has two divisional policies that address the implementation of ACWM disposal (pn043) and disposal of asbestos not subject to National Emissions Standards for Hazardous Air Pollutants (NESHAP) notification requirements (pn118).

Whereas the Tennessee Department of Environment and Conservation (TDEC), through DSWM is required by Tennessee Code Annotated (T.C.A.) § Section 68-211-101 et. seq., to regulate the construction, operation, and maintenance of solid waste processing and disposal facilities in order to protect the public health, safety and welfare and specifically in respect to the agreement, the air quality of the State of Tennessee through a comprehensive siting and inspection program of approved disposal facilities; and

Whereas the TDEC, DAPC has in the administration of T.C.A. § 68-201-101 et. seq., developed procedures and standards for the protection of the air quality of the State; and

Whereas the TDEC has a public obligation to maintain a coordinated regulatory program of all regulated environmental functions in the State of Tennessee, the standards by which these programs are administered shall be consistent. This agreement shall be the mechanism by which this objective is attained.

Therefore, be it resolved that both divisions mutually understand, agree and approve that the DSWM is recognized as the agency having authority for the regulation of landfills in such a manner as to preclude the pollution of the air in the State of Tennessee through the administration of the activities enumerated herein.

#### Asbestos Containing Waste Material

ACWM includes all asbestos containing and/or contaminated material that requires the submittal of an "Asbestos Waste Shipment Record" form (state form CN-1054)<sup>1</sup> and/or the submittal of the "Notification of Demolition and/or Asbestos Renovation" form (state form CN-1055)<sup>1</sup>. As defined in DAPC Rule 1200-03-11-.02(1)(e), ACWM:

*"means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this rule. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing."*

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**Site Selection**

Class I and II landfills may dispose of ACWM provided the landfill has received approval from DSWM and complies with all conditions of the approval.

**Technical Review**

1. When requested or otherwise necessary, the DAPC will determine if an asbestos material is subject to Asbestos NESHAP notification requirements, satisfied by the submittal of the "Notification of Demolition and/or Asbestos Renovation" form (state form CN-1055)<sup>1</sup>, and whether such material must be disposed of following the "Procedures for Disposal of ACWM". Such determination will be provided to the DSWM by email or memo.
2. DSWM will utilize DAPC established management practices and adhere to DAPC Rule 1200-03-11-.02(5), "Standard for active waste disposal sites" for the disposal of ACWM at landfills approved by DSWM.
3. DSWM will require that the landfill design utilizes all applicable best management practices (BMP's) for emission control of special air contaminant wastes to minimize the potential for degradation of air quality.

**Best Management Practices**

The operator of any landfill that accepts ACWM shall:

- Use phased site development (minimum specific area);
- operate in a timely manner that employs correct handling procedures, including cover;
- perform soil characterization, geologic structure for minimum potential of movement and surface water control;
- create no visible emissions; and
- complete all required logs.

**Inspections and Enforcement**

1. DSWM will establish site specific requirements for compliance at landfills. The compliance shall reflect BMP's and site specific handling procedures as necessitated by landfill specific special waste approvals.
2. A representative of the DAPC will be able to observe the disposal of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting ACWM. DAPC observations are to be scheduled between the visiting DAPC staff member(s) and the receiving landfill in a manner deemed sufficient for DAPC staff to plan the visit. It is the responsibility of the DAPC to make visible emission evaluations and since the DAPC representative is trained in the procedures to make such evaluations, the DAPC in cooperation with DSWM will provide this technical support as a means to achieve mutual compliance with the regulations of both divisions. Any enforcement activity that occurs as a result of a violation of the visible emissions regulation will be jointly undertaken with the DAPC representative who conducted the visible emission evaluation.

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3. DSWM will note procedures employed during unloading to ensure that signs bearing the correct warning language as specified by DAPC Rules 1200-03-11-.02(2)(j)3 and 1200-03-11-.02(2)(k)4 are affixed to the vehicle while at the disposal site.

**Preliminary Steps for Landfills**

1. The landfill seeking approval for ACWM disposal must establish contact with the appropriate DSWM Field Office representatives.
2. The site selection for ACWM disposal at a landfill seeking approval must be registered and approved in writing by the DSWM, prior to disposal of the material. All appropriate agencies and individuals will be presented with this information.
3. Permission from the official responsible for the approved facility must be obtained in writing prior to the disposal of the material. All appropriate agencies and individuals will be presented with this information.

**Procedures for Disposal of ACWM**

1. The waste generator must provide ten (10) working days' advance notice to the DAPC to allow field personnel to observe the removal procedures at the originating site. This must be accomplished by submitting a "Notification of Demolition and/or Asbestos Renovation" (state form CN-1055)<sup>1</sup>.
2. The containers for the ACWM must be leak-tight containers and approved by the DAPC.
3. The ACWM should be transported in an enclosed vehicle or on a covered carrier as described in T.C.A. § 39-14-503. The "Asbestos Waste Shipment Record" (form CN-1054)<sup>1</sup> will be completed and be available for inspection upon request, retained for a period of two (2) years.
4. Advance notice must be given by the waste transporter to the landfill operator prior to receiving the ACWM, or a routine schedule established such that the operator will have time to prepare an area to receive the ACWM. The only required document the DAPC will need to meet its regulatory requirements is the "Asbestos Waste Shipment Record" (form CN-1054)<sup>1</sup> and proof that the records are returned to the waste generator for disposal tracking purposes. Copies of the ten (10) day notice to DAPC are not necessary but can be referenced in a letter to the disposal site. The DAPC will track all "Notification of Demolition and/or Asbestos Renovation" (state form CN-1055)<sup>1</sup> forms received and update, copy or advise DSWM of status on request. When the "Asbestos Waste Shipment Record" (state form CN-1054)<sup>1</sup> is not received by the waste generator confirming disposal, the DAPC will, upon receipt of such notice, contact the DSWM to request their cooperation in tracking the shipment and provide investigatory support off site if needed.
5. Vehicles transporting ACWM shall bear signs during loading and unloading as specified by DAPC Rules 1200-03-11-.02(2)(j)3 and 1200-03-11-.02(2)(k)4, stating:

DANGER  
ASBESTOS DUST HAZARD  
CANCER AND LUNG DISEASE HAZARD  
Authorized Personnel Only

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6. For a landfill seeking initial approval, the appropriate DSWM and DAPC representatives will observe the initial disposal to ensure proper handling and disposal procedures are followed. A representative of the DAPC will be able to observe subsequent disposals of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting the ACWM. DAPC observations are to be scheduled between the visiting DAPC staff member(s) and the receiving landfill in a manner deemed sufficient for DAPC staff to plan the visit.
7. The ACWM must be confined to a specific area, prepared by the landfill operator, at the disposal site to assure proper disposal with minimum complications.
8. The ACWM must be handled carefully and deliberately such that there will be no rupturing of containers nor visible emissions in the disposal process. When improperly packaged ACWM is observed by the landfill operator, both the DAPC and the DSWM must be notified so that independent investigations of the cause for improper packaging can be conducted at both the disposal site by the DSWM and at the point of removal by the DAPC.
9. The landfill operator will immediately apply one foot of non-ACWM over the ACWM and then compact the non-ACWM.
10. Upon closure, the site shall be recorded with the Register of Deeds as a former disposal site containing asbestos.

The DSWM will notify the DAPC upon receipt of closure so that the DAPC can update its internal document management system to flag this location as no longer being approved to accept ACWM for disposal purposes.


11. Specific area used for disposal of ACWM shall be noted on site plan.

**Footnote**

<sup>1</sup> The State of Tennessee has four (4) local regulatory areas that oversee Air Pollution Control requirements; their respective programs are granted authorization (or are authorized) by the State of Tennessee Division of Air Pollution Control (DAPC). Each local air pollution regulatory program is required to follow all applicable DAPC Rules. Rule numbers and form numbers may vary between local air pollution regulatory programs; therefore, if applicable, please use the appropriate local air pollution regulatory authority's form.

  
Michelle Walker Owenby, Director  
Division of Air Pollution Control

May 6, 2014  
Date

  
Patrick J. Flood, P.E., Director  
Division of Solid Waste Management  
pn087: Revision 2  
Previous: February 1993

MAY 5, 2016  
Date



## Signature Sheet

### Solid Waste Management Policy Revision 2 to Asbestos Memorandum of Agreement

 _____ <b>Glen Pugh, Program Manager</b> Division of Solid Waste Management/Approver	<u>4-29-16</u> Date
 _____ <b>Matt Taylor, Permitting Staff</b> Division of Solid Waste Management/Approver	<u>4/28/2016</u> Date
 _____ <b>Nickolaus Lytle, Permitting Manager</b> Division of Solid Waste Management/Approver	<u>4/29/2016</u> Date
 _____ <b>Lisa Hughey, CHMM, Deputy Director</b> Division of Solid Waste Management/Approver	<u>5/3/16</u> Date
 _____ <b>Patrick J. Flood, P.E., Director</b> Division of Solid Waste Management/Approver	<u>5/5/2016</u> Date



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ASBESTOS MEMORANDUM

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Division of Air Pollution Control  
On-site Inspection of asbestos waste shipment records and plot map

Division of Air Pollution Control inspectors are required by Title 40, Part 61, Subpart M, National Emission Standards for Asbestos to review the asbestos waste shipment records maintained at the landfill. During our on-site inspections, the inspector will review the records to determine if they contain **all** the required information.

The following information must be included:

- 1) The name, address, and telephone number of the waste generator.
- 2) The name, address, and telephone number of the transporter(s).
- 3) The quantity of the asbestos-containing waste material in cubic meters (cubic yards).
- 4) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers.
- 5) The date of the receipt

During the site visit, the inspectors will review the plot map. The plot map must show each existing and planned collector in the system and provide a unique identification location label for each collector. The facility must keep up-to-date, readily accessible records of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40 CFR §60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 CFR §60.759(a)(3)(ii).

If you have any questions or would like to discuss, please contact Martie Carpenter with Division of Air Pollution Control at (865) 594-5566 or [Martie.Carpenter@tn.gov](mailto:Martie.Carpenter@tn.gov).

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VISIBLE EMISSIONS EVALUATION (VEE) METHODS QUICK REFERENCE SHEET

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Visible Emissions Evaluation (VEE) Methods Quick Reference Sheet

**Method 1** (Roadways & Parking Lots - must be a permit condition)

- Read a minimum of two minutes. Calculate highest 2-minute average. Reader tolerance = 8.8%, for permit conditions added after 8-24-84 (or 10% before 8-24-84).
- Reader must be at least 15 feet from source, approximately perpendicular to the plume, reading 4 feet above ground level after the vehicle passes, and with a contrasting background.
- Do not read intermixed plumes from vehicles going in opposite directions, and one 15-second observation can be suspended for traffic to exit the line of sight. Use average, not unusual, surface conditions.

**Method 2** (Point sources without a permit, or with a permit not stipulating a VE standard)

- Conduct the field VEE just as a Method 9 evaluation. Only the data reduction differs.
- Calculate the total time that opacity values exceed the applicable standard plus tolerance for a single reading (i.e., time over 20% + 7.5% tolerance, rounded to 10%, = 30%).
- Unless a different opacity limit is specified, use 20%. For a 20% standard, count the total number of individual readings which have an opacity of 35% or greater.
- Any hour with 21 or more readings (over 5 minutes in aggregate), each with an opacity of 35% or greater, is non-compliant.

**Method 3** (Sources, usually NESHAPS, with a zero % opacity limit)

- Read a minimum of 6 minutes, based on Method 9.
- Tolerance = one reading of 10% or any two readings of 5% during a 6-minute period.

**Method 4** (Fugitive emissions, other than roads & parking areas, crossing a property line)

- Collect a total of at least 30 minutes of continuous (not just every 15 seconds) observation time at the property line downwind from source, using form CN-1058.
- Do not read for more than 15 minutes at a time. Include a break of at least 5 minutes.
- Record any “fugitive” emissions, regardless of opacity. Reader tolerance is not used.
- The line from the reader, to the plume’s intersection with the property line, & a line coinciding with the property boundary, should create an angle of no more than 15°.
- The sun must not be “directly in the eyes” (i.e., sun must be in 140° angle to your rear).
- Estimate the amount of precipitation in the previous 48 hours. Estimate wind direction to 8 compass points, and speed to within 5 MPH using anemometer or Beaufort scale.
- Use two stopwatches. Watch #1 accumulates total observation time (on during readings, & off during breaks). Watch #2 accumulates time visible emissions cross property line.

**Method 9** (Most permitted point discharges with other than 0% opacity limit on permit)

- Usually read for at least 30 minutes (if 6-minute exemption, an hour may be required).
- Use the highest (or second highest, if applicable by permit condition) 6-minute average rounded to one-tenth of a percent.
- For NSPS sources, tolerance is included in the limit (e.g., 20% limit; 20.5% = violation).
- For sources with non-NSPS standards, tolerance = 6.8% (e.g., 20% limit; 26.9% = NOV).



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DRAFT CONSTRUCTION PERMIT EFO AND COMPANY REVIEW POLICY

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**Draft Construction Permit EFO and Company Review Policy**

This policy is intended to address the draft permit review process after the permitting peer review and before the final permit is issued. The checklist, upon implementation, for each reviewer's section shall be followed when reviewing the draft permit and related documents.

**Document Format for Internal Review:**

All internal drafts will be sent as Microsoft Word Documents. The comment function and/or email will be used for the review process. **The body of the draft permit should not be altered using the track changes function.**

**General Policies:**

- The construction permit summary report and emissions summary will be available as internal draft documents in the APC database before the draft permit is sent out for review.
- Five business days will be given for draft permit reviews. (Day sent = day zero)
- The initial draft permit will be submitted to the field office no later than Day 87, unless approval from the permitting manager is received, and entered into the APC database.
- The permit writer will consult with the central office reviewer and incorporate changes to the draft permit after reviewing field and company comments. The reasoning behind resulting change (s) can be explained to the company from the viewpoint of the Division as a whole. If there are disagreements, management shall be consulted.

**Field Office Review:**

- The permit writer will send the Microsoft Word version of the draft to the field office email and to the applicant in a separate email. The draft should be sent to the field and applicant at the same time so a concurrent review can be conducted. A clean version of the draft will be sent to the company with comments removed and changes accepted.
- The individual reviewing the permit will enter the date of review in the Division's database. A statement should be made in the notes section of whether or not comments were made.
- Once comments are sent back to the permit writer, revisions should be communicated if needed and incorporated into the draft. Acknowledgement will be provided at least 5 business days before the permit is issued and entered into the Division's database (Date of other Permitting Activities, Acknowledgement of EFO Comments).
- The track changes function shall be used by the permit writer to document changes within the document.
- The permit writer will respond to comments from the field when the acknowledgement is sent with sufficient explanations to any questions or comments and include an updated draft including the changes approved by the reviewer.

**Company Review:**

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- The permit writer will send the Microsoft Word version of the draft to the field office email and the applicant in a separate email. The draft should be sent to the field and applicant at the same time so a concurrent review can be conducted. A clean version of the draft will be sent to the company with comments removed and changes accepted.
- The permit writer will respond to the applicant with explanations to any questions or comments. The reviewer should be copied if correspondence is by email.
- Potential changes resulting from company comments will be discussed internally with the reviewer. Potential changes will be discussed with the field office if they are related to monitoring and/or record keeping.

Revision 1: 7/14/2022





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DRAFT PERMIT REVIEW CHECKLIST



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**Draft Permit Review – Field Services**

Facility Name: [Click here to enter text.](#)      Facility ID: [Click here to enter text.](#)      Permit Number: [Click here to enter text.](#)

Type of Facility (based on current category in Smog Log): Title V  Conditional Major  True Minor

Reason for Draft: Construction  Combined Construction/Operating  Renewal  Amendment  Modification

Amendment or Modification Number: [Click here to enter text.](#)

Does any source seem to qualify as exempt or insignificant?

Yes     No  (If yes, notify permit writer)

Permit Writer: \_\_\_\_\_ Permitting Reviewer: \_\_\_\_\_

Field Services Reviewer: \_\_\_\_\_ Field Services MACT Reviewer (if needed): \_\_\_\_\_

Received in EFO (date): \_\_\_\_\_ Field Services Comments to Permit Writer (date): \_\_\_\_\_ (For email, cc: CO Reviewer, EFO EM)

**Smog Log Data**

Was a shorter timeline given or was the permit issued before the normal five business days for EFO review?      Yes     No

If yes, explain:

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**Enforcement**

If any of the following have occurred, provide details.

- Source was constructed/modified/operated without a permit Yes  No
  
- Renewal application was late Yes  No
  
- Start-up certification was late Yes  No

**General, Correctness, and Completeness**

- Is the "Installation Address" correct? Yes  No
- Does the "Installation Description" adequately describe the source and its control devices? Yes  No
- "Emission Source Reference No." – Is the county, facility and point number(s) correct? Yes  No

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Does the permit contain the following?

- Correct mailing and email address for any division submittals, with the email submittal option explained? Yes  No

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- Condition explicitly requiring the submittal of the next permit application? Yes  No
- Is start-up certification requirement needed and included? Yes  No  NA
- Standard requirements concerning records completion deadline(s) (7 vs. 30 days), availability (source locations vs. off-site), and retention (5 years)? Yes  No
- Condition stating this permit supersedes or subsumes all previous permit(s)? Yes  No  NA
- Clear and appropriate deadline(s) and reporting period? Yes  No
- Clearly identified applicable notifications? Yes  No  NA
- Does every control or monitoring device installation requirement include the appropriate deadline? Yes  No  NA

Is the reporting requirement(s) consistent with the current classification, especially if reclassified (e.g. TM or T5 to CM)?

**Plans and Testing**

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Do testing requirements include deadline(s), pre-test Compliance Validation notification, etc.?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
CAM Plan or OM&M Plan: Is the current Plan included, attached or uploaded?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
CAM Plan or OM&M Plan: Do the limits or requirements in the Plan contradict any limits or requirements in the permit?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

**Logs and Recordkeeping**

Does each mass emission limit, process parameter, and/or control equipment operating parameter include either explicit field-verifiable compliance method, or a statement that “The Technical Secretary may require proof of compliance...”?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the example log format consistent with the wording of the condition that contains the log requirement?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Do the required logs include units that match limits/parameters?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
If averaging is appropriate, do the various limits state the averaging interval (daily average basis/monthly average basis)?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

Are process limits expressed in units customarily or easily understood and/or trackable by facilities (e.g. wood working operations, pounds per hour on a daily average basis vs. board-feet per day)?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
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**Permit Ease-of-Use**

Do referenced documents, such as agreement letters and applications, reference properly? (This includes but is not limited to availability, dates, contents, or documents attached in entirety)	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Are there any grammar, spelling, or condition numbering errors? Yes  No

Do condition(s) reference the appropriate permit condition numbers? Yes  No

Are permit conditions easily understood by the reviewer and additional clarification is not needed? Yes  No

Are conditions written consistently (format, verbiage & tense)? Yes  No

Are there conditions that contradict other conditions? Yes  No

Are federal regulations, such as MACT, incorporated appropriately and with sufficient information to understand the requirements to comply?  
(Incorporation in the permit may be accomplished by paraphrasing, by use of an attachment, or by other means.) Yes  No

**Additional Comments and Concerns, if any**



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**INTERNAL PERMIT COMMENTS RETENTION PROCEDURE**

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**Internal Permit Comments Retention Procedure**

**Purpose:** To store permit comments/suggestions made by APC staff throughout the life of the permit and for future use during permit renewal. This procedure can also be used to store pertinent information and explanations that need to be retained long term.

- There will only be one document containing Internal APC Comments for each permit. Comments and responses should be made within the Word version of the permit document using the comments **review** feature in Microsoft Word. **The body of the draft permit should not be altered using the track changes function.**
  - The document will be stored in Smog Log and uploaded on the **permit page** under documents with the file type “**Internal Permit Comments**” selected.
  - The Internal Comments document should be uploaded using the following format:

Description	Outgoing or Incoming	Type of File	Effective Date
Internal Comments Permit XXXXXX	Reference	Internal Permit Comments	Date which last comment was made

- The Internal Permit Comments file type will not be displayed on the public data viewer.
- The Internal Comments document will be mirrored in the section below the documents table in Smog Log for easy access. There should be only one Word document in this section at any time.
- The assigned author/uploader will be EFO staff assigned by the EFO manager.
  - The EFO staff member who uploads the document will be the “author” and is responsible for any changes made to the document during the life of the permit or until there are no remaining comments.
  - The EFO manager shall be contacted to add to or replace a document in the absence of the author.
  - Comments made to an existing document by someone other than the author must request that the document be modified or replaced in Smog Log to include their comment. The document can be downloaded from Smog Log and edited using the review options then emailed to the author of the document. If there is no Internal Comments document, the most recent Word version of the permit can be used.
  - The designated EFO author is responsible for notifying permitting of comments or providing a copy of the document including comments to the permit writer and/or their manager and/or reviewer. Comments may be made by any APC staff at anytime during the life of the permit.
- Once created, the Internal Comments document will last the life of the permit or until all comments have been resolved.



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- Comments will be transferred into modified documents during modification or amendment of the permit.
- Some comments may be retained following resolution for informational purposes.
- If there are outstanding comments following permit renewal, these comments will be transferred onto the new permit page following issuance.
- Timeline:
  - 5 business days for EFO to provide comments or notification to permitting
  - 5 business days for permitting to respond to comments.
  - Response might not include a resolution, but the response will indicate next step(s) [if unresolved].
    - 5 business days to upload- After 5 business days have passed, if there are any comments that are unresolved or need to be retained for informational purposes, the Internal Comments document inclusive of comment and response will be uploaded into Smog Log.

If there is a situation that needs to be looked at on a case-by-case basis, please contact your manager and a member of the EC1 Team.

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**REVISION HISTORY TABLE**

Revision Number	Date	Brief Summary of Change
0	October 1, 2020	Initial Document
1	October 1, 2021	Update natural disaster information Revise chapter 3 – Inspection procedures Include permit comment retention procedure
2	October 1, 2022	Update Fire Training information Revise chapter 2 – complaints Revise chapter 3 – Inspection procedures Include monitoring request protocol