

National Park Service
Briefing Paper

Prepared for: Director
Submitted: July 10, 1997

State: Tennessee

Title: Tennessee Permitting Procedures

Issue: Establish procedures for reviewing permit applications for sources proposing to locate near "Class I" areas in or near Tennessee.

Background:

- o In April 1995, as part of the settlement of a contested air permit for a proposed project near Great Smoky Mountains National Park (NP), the State of Tennessee and the DOI (Assistant Secretary as signatory) entered into a Memorandum of Understanding (MOU) to facilitate better coordination in the review of future permit applications.
- o The Clean Air Act requires that the NPS advise the State whether proposed large air pollution sources will harm resources at National Parks and Wilderness Areas (i.e., "Class I" areas). The DOI and the State concluded that the MOU would create a fairer, more certain, and more efficient process of permit review and thus benefit all parties with a stake in these air pollution issues.
- o Tennessee industry opposed the MOU and petitioned the State to rescind it. In March 1996, before the MOU was ever applied to a single case, the State rescinded the MOU, over the objections of the DOI. In an exchange of letters and press releases, the Assistant Secretary expressed his dismay with the State unilaterally renegeing on this agreement.
- o Given the controversy surrounding this issue, Tennessee Governor Sundquist formed a special task force to review and make recommendations regarding the MOU. The Advisory Council's findings included a recommendation that the State enter into a new MOU with the DOI and that the State follow the spirit of the old MOU during the interim.
- o After extensive negotiations between the State and the DOI, a new permitting procedures agreement was signed in June 1997. The U.S. Forest Service (FS), as a Federal Land Manager (FLM) for Class I areas under their jurisdiction, is also a signatory to this agreement.

Status:

- o Under the new agreement, the signatories have committed to work with other States in the region to adopt similar agreements. If no other State endorses the agreement by 1999, the Tennessee agreement terminates, unless the State elects to nullify this automatic termination.
- o The agreement also requires the FLMs to develop "Screening Level Values" (SLVs). If a new source's impact is below the respective SLVs, the impact is considered insignificant and no further analysis is required. The NPS is currently developing these SLVs for Great Smoky Mountains NP.

Position of Interested Parties:

- o Generally, the State of Tennessee, environmental groups, and Tennessee industry have endorsed the new permitting procedures document.

Department/Bureau Perspective:

- o The NPS and the Department fully support the agreement and are working with other States in the region to enter into similar agreements.

Contact:

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