Environmental Protection Agency

§ 52.2231 Control strategy: Sulfur oxides and particulate matter.

(a) Part D conditional approval. The Chattanooga primary TSP plan’s provisions for review of new sources and modifications in the nonattainment area are approved on condition that Tennessee State Implementation Plan (SIP) and the Memphis-Shelby County portion of the Tennessee SIP. EPA is disapproving the deletion of this rule for the Tennessee SIP because Tennessee does not have federally approved New Source Review (NSR) regulations which apply to some of the sources in this chapter. EPA is approving the deletion of this rule for the Memphis submittal because the federally approved TN NSR applies to the Memphis-Shelby County area.

(b) The State of Tennessee proposed to delete section 1200–3–18–.03 “Standard for New Sources” from the Tennessee State Implementation Plan (SIP). In paragraph (e) of this section, EPA disapproved the deletion of this rule because Tennessee did not have federally approved New Source Review (NSR) regulations that applied to some of the sources in this chapter. EPA is herein approving the deletion of section 1200–3–18–.03 of the Tennessee SIP, and is deleting EPA’s earlier disapproval in paragraph (e) of this section.

§ 52.2229 Rules and regulations.

(a) The following portions of the revised Memphis and Shelby County regulations submitted on July 7, 1986, are disapproved because they are inconsistent with EPA policy and requirements:

16–77, Rules 1200–3–9–.01(3); 1200–3–9–.01(4)(o)(2)

(b) Knox County Regulation 25.2.B, submitted July 7, 1986, is disapproved because it is inconsistent with EPA policy and requirements.

§ 52.2230 [Reserved]

§ 52.2228 Review of new sources and modifications.

(a) Part D—Conditional approval. The Nashville-Davidson County regulation for the review of new sources and modifications in nonattainment areas is approved on condition that the State by October 31, 1984, submit a revision limiting source shutdown credit for offsets to replacement units, and, in the interim, assure implementation of the rule in conformity with Federal requirements.

(b) Section 123—Conditional approval. The plan’s provision for implementation of the requirements of section 123 of the Clean Air Act in Nashville-Davidson County is approved on condition that the State by October 31, 1984, submit:

(1) Definitions in the local regulation of nearby and excessive concentration and

(2) Provision in the local regulation for public notification and opportunity for hearing in cases where stack heights in excess of normal good engineering practice are proposed on the basis of fluid modeling demonstrations, and, in the interim, assure implementation of the local regulation in conformity with Federal requirements.

(c) The State of Tennessee proposed to delete section 1200–3–18–.03 “Standard for New Sources” from the Tennessee State Implementation Plan (SIP) and the Memphis-Shelby County portion of the Tennessee SIP. EPA is disapproving the deletion of this rule for the Tennessee SIP because Tennessee does not have federally approved New Source Review (NSR) regulations which apply to some of the sources in this chapter. EPA is approving the deletion of this rule for the Memphis submittal because the federally approved TN NSR applies to the Memphis-Shelby County area.
the State submit by December 31, 1987, a definition of the term *Federally enforceable* and provisions for making Federally enforceable all limitations, conditions, and offsets, including permit restrictions, relied upon under the plan, and in the interim, implement these provisions in a manner consistent with EPA requirements.

(b) In letters dated March 9 and April 15, 1988, the Tennessee Department of Health and Environment certified that no emission limits in the State’s plan are based on dispersion techniques not permitted by EPA’s stack height rules. This certification does not apply to: Dupont (43–07–02); Tennessee Valley Authority—Johnsonville (43–11–1 thru 10); Tennessee Chemical Company (70–04–21); Tennessee Eastman (82–03–15–19); A.E. Staley (53–81–18, 19, 34, 31); Cargill Inc., Memphis; and Grace Chemical Company, Millington.

(c) **Determination of Attaining Data.** EPA has determined, as of May 31, 2011, the Chattanooga, Tennessee, nonattainment area has attaining data for the 1997 annual PM$_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 2006 24-hour PM$_{2.5}$ NAAQS.

(d) **Determination of attainability.**

EPA has determined the Knoxville, Tennessee, nonattainment area has attaining data for the 1997 annual PM$_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM$_{2.5}$ NAAQS.

(e) **Determination of attaining data.**

EPA has determined Knoxville-Sevierville-La Follette, Tennessee, nonattainment area has attaining data for the 2006 24-hour PM$_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 2006 24-hour PM$_{2.5}$ NAAQS.

§ 52.2233 Significant deterioration of air quality.

(a)(1) Paragraph 1200–3–9–01(4)–0–2–0 of Tennessee’s regulations is disapproved because it does not require that the consent of the Governor(s) of affected states be obtained when innovative technology waivers are granted. EPA retains permitting authority for sources requesting innovative technology waivers which would significantly impact air quality in adjacent states.

(2) Tennessee’s definition of *stationary source* specifically excludes the activities of any Vessel. This exclusion is not currently approvable and EPA is deferring action on it pending final rulemaking on the issue. EPA retains authority for permits which involve vessel emissions where a source is not willing to include all vessel emissions in the definition of source.