Environmental Protection Agency

§ 52.2223 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 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.

(d) 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 hereby 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]

§ 52.2231 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
§ 52.2232  Determination of attainment.

Based upon EPA’s review of the air quality data for the 3-year period 2007–2009, EPA determined that the Chattanooga, Alabama-Georgia-Tennessee PM$_{2.5}$ nonattainment area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Chattanooga, Alabama-Georgia-Tennessee PM$_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

[76 FR 55775, Sept. 8, 2011]

§ 52.2233  Significant deterioration of air quality.

(a)(1) Paragraph 1200-3–9–01(4)–(0)–2. 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.