

TENNESSEE—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
General Tire Service .....	.....do	Sec. 9 .....	.....do .....	.....do	Jan. 31, 1974.
Randolph Manufacturing Co., Inc .....	.....do	Sec. 9 .....	.....do .....	.....do	Do.
Southern Foundry Supply, Inc .....	.....do	Sec. 9 .....	.....do .....	.....do	Mar. 31, 1973.
Tennessee Awning & Tent Co .....	.....do	Sec. 9	Feb. 9, 1973 .....	.....do	June 1, 1973.
United States Pipe & Foundry Codo	Sec. 9	Feb. 8, 1973do	Nov. 1, 1973.

(3) Memphis-Shelby County compliance schedules:

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Desoto Hardwood Flooring Co.: Phase 1.	Chattanooga	Sec. 9	Apr. 5, 1973	Immediately	May 1, 1974.
Wabash, Inc.: Phase 1do	Secs. 3-17, 3-20.dodo	Apr. 1, 1974.

(4) Nashville-Davidson County compliance schedules:

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Bruce Flooring	Nashville	Sec. 4-1-9	Feb. 7, 1973	Immediately	Dec. 31, 1973.

[38 FR 16169, June 20, 1973, as amended at 38 FR 22748, Aug. 23, 1973; 38 FR 24341, 24342, Sept. 7, 1973; 40 FR 3445, Jan. 22, 1975; 40 FR 3570, Jan. 23, 1975; 42 FR 10995, Feb. 25, 1977; 51 FR 40676, 40677, Nov. 7, 1986; 52 FR 24367, June 30, 1987; 54 FR 25258, June 14, 1989]

§ 52.2224 Legal authority.

(a) The requirements of §51.230(c) of this chapter are not met since the plan does not provide the legal authority for controlling motor vehicles during air pollution emergency episodes.

(b) The requirements of §51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

(c)(1) The requirements of §51.230(b) of this chapter are not met since the definition of *person* set forth in the Tennessee Air Quality Act and in the State implementation plan does not include facilities owned or operated by the State. Therefore, section 53-3409(f) of the Tennessee Code Annotated and section 30 of Chapter II of the Ten-

nessee Air Pollution Control Regulations are disapproved.

(2) Definition of *person*. For the purposes of the plan, *person* shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, State-owned or operated facility, State agency, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

(d) The requirements of §51.230(b) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1490 by the 1974 Tennessee legislature, to control emissions from the quarrying and processing of agricultural limestone. Therefore, section 53-3424 of the Tennessee Code Annotated is disapproved.

(e) The requirements of §51.230(b) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1845 by the 1974 Tennessee legislature, to control emissions from air contaminant sources which use woodwaste only as fuel. Therefore, the last sentence of

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section 53-3422 of the Tennessee Code Annotated is disapproved.

[37 FR 10894, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2224, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 52.2225 VOC rule deficiency correction.

(a) Revisions to sections 7-3, 7-13, and 7-24 of the Tennessee regulations are approved. These amendments are in response to the Clean Air Act section 182(a)(2)(A) requirement to submit RACT rules correcting deficiencies in the existing SIP in accordance with EPA's pre-amendment guidance. These deficiencies were first noted in a letter from Greer Tidwell, the EPA Region IV Administrator, to Governor McWherter on May 26, 1988, and clarified in a letter dated June 10, 1988, from Winston Smith, EPA Region IV Air Division Director, to Paul Bontrager, Director of the Air Pollution Control Division of the Metropolitan Health Department for Nashville/Davidson County, and were further identified in EPA guidance including the Blue Book and the proposed Post-87 policy. The following deficiency in the Tennessee Regulations, however, has not been corrected.

(1) Section 7-25, "Recordkeeping and Reporting Requirements" Nashville/Davidson County committed in a letter dated May 7, 1991, to include a separate provision that requires records to be maintained for at least two years. This additional provision, which is scheduled for a July 15, 1992, public hearing, will be submitted to EPA shortly after that date and will be acted upon separately.

(2) In Section 7-3, Petition for Alternative Controls, the words "as applied" should be added to the term "VOC/gallon solids" as a clarification.

(3) The term "vapor-tight" should be defined in section 7-13.

(4) "Once-in/always-in" is missing from the applicability section of the individual rules.

(5) Section 7-25, "Recordkeeping and Reporting Requirements" should be revised to include additional requirements that would contain: units of compliance consistent with the performance requirements; applicable

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time periods for data entries; and a clear, separate provision that requires records to be kept.

(b)-(c) [Reserved]

[56 FR 10173, Mar. 11, 1991, as amended at 57 FR 28626, June 26, 1992; 59 FR 18317, Apr. 18, 1994; 60 FR 10508, Feb. 27, 1995; 61 FR 37390, July 18, 1996]

§ 52.2226 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory deadline for submittal of a plan to attain the secondary SO₂ standard in Copperhill.

(a) [Reserved]

(b) The Administrator hereby extends for 18 months (until July 1, 1980) the statutory timetable for submittal of Tennessee's plans to attain and maintain the secondary ambient standard for particulate matter in the Chattanooga, Columbia, Kingsport, Memphis, and Nashville nonattainment areas (40 CFR 81.343).

[45 FR 2034, Jan. 10, 1980, as amended at 45 FR 8008, Feb. 6, 1980]

§ 52.2227 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.152(a) of this chapter are not met since the plan does not provide for the enforcement of emission control actions for mobile sources during air pollution emergency episodes.

[37 FR 10895, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]

§ 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 regulation 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