Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Division of Air Pollution Control, Tennessee Department of Environment and Conservation, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531.

FOR FURTHER INFORMATION CONTACT: William Denman, Stationary Source Planning Unit, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Environmental Protection Agency Region 4, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is (404) 347–3555 x4208. Reference file TN110– 1–6172.

SUPPLEMENTARY INFORMATION: On May 18, 1993, Tennessee submitted revisions to chapter 1200-3-18 "Volatile Organic Compounds" of their SIP to meet the requirements of the 1990 amendments to the CAA. These requirements are commonly referenced as the "VOC RACT Catch-Ups." Due to the significance of the revisions, this revised chapter was submitted to replace the current chapter 1200-3-18 which had been recently revised to meet the "VOC RACT Fix-Up" requirements and was acted on by EPA by publishing a final rulemaking in the Federal Register on April 18, 1994. (see 59 FR 18310) EPA is approving the replacement of the previously federally approved chapter 1200–3–18 except for the following exceptions.

Tennessee failed to submit a rule for the VOC control of perchloroethylene dry cleaners in the VOC RACT Catch-Up submittal of May 18, 1993. However, a rule for the control of VOCs from perchloroethylene dry cleaners was federally approved in 59 FR 18310 on April 18, 1994. Therefore, the federally approved rule 1200-3-18-.28 "Perchloroethylene Dry Cleaning" will remain in effect until Tennessee submits a chapter for incorporation into their revised chapter 1200-3-18. Tennessee currently has a rule which regulates toxic emissions from perchloroethylene dry cleaners.

Otherwise, EPA is granting full approval of the submitted revisions with the exception of section 1200–3–18–.24 "Gasoline Dispensing Facilities—Stage I and Stage II Vapor Recovery" which will be acted on in a separate document and the following exceptions which are being granted conditional approval or are being disapproved. The approach taken for each of the submitted revisions is described below.

Conditional Approvals

EPA is conditionally approving the following revisions to the Tennessee SIP based upon Tennessee's commitment, in letters dated October 7, 1994, and December 16, 1994. To make the necessary revisions to correct the deficiencies identified below by January 1, 1996, Tennessee held public hearings on its committed revisions on October 19, 1994, and November 21, 1994. At the time of this document, the revisions committed to by Tennessee have been board approved. The conditional approval approach has been chosen to allow Tennessee the necessary time for the revisions to become State effective. If Tennessee fails to meet its commitment on or before January 1, 1996, the conditional approval will convert to a disapproval.

On January 15, 1993, in a letter from Patrick M. Tobin to Governor Ned McWherter, EPA notified the State of Tennessee that EPA had made a finding of failure to submit required programs for the nonattainment area. The revised chapter 1200-3-18 "Volatile Organic Compounds" was submitted on May 18, 1993, to satisfy the VOC RACT Catch-Up requirement. The complete submittal stopped the sanctions clock which was started on January 15, 1993, and this conditional approval of the submittal will temporarily stop the Federal Implementation Plan (FIP) clock which was also started on January 15, 1993. The FIP clock will stop permanently if the State fulfills its commitment and the EPA takes final action fully approving the plan. The clock will resume where it stopped and a new sanctions clock will start if any of the following occurs where the conditional approval converts to a disapproval. One, if the State of Tennessee fails to submit anything to meet its commitment, the clock will resume on the date the letter from the EPA to the State finding that it had failed to meet its commitment and that the conditional approval has now been converted to a disapproval. Two, if the State of Tennessee submits an incomplete SIP submittal to meet its commitment, the FIP clock will resume on the date that the EPA sends a letter of incompleteness to the State. Three, if the State submits a SIP submittal for which the EPA takes a final disapproval action, the clock resumes on the effective date of the final action. Additional information on conditional approvals and their effect on sanctions

and FIP clocks can be found in a memorandum entitled, "Impact of Conditional Approvals on Sanction and Federal Implementation Plan (FIP) Clocks", dated July 14, 1993, from D. Kent Berry, Acting Director, Air Quality Management Division (MD–15) to the EPA Regional Air Directors.

Rule 1200–3–18–.01(1) "Definitions": The definition of "volatile organic compound" lists perchloroethylene as one of the exempt compounds which have been determined to have negligible photochemical reactivity. While EPA has proposed to revise the federal definition of VOC to exclude perchloroethylene, 57 FR 48490 October 26, 1992), EPA has not taken final action to do so. Therefore, the State must continue to regulate perchloroethylene as a VOC until EPA takes final action to exclude perchloroethylene as a VOC. EPA is conditionally approving the VOC definition due to the commitment letter referenced above. If Tennessee fails to delete perchloroethylene from the list of exempt compounds and EPA has not approved it as an exempt compound after the commitment date, EPA will disapprove the definition of VOC and the previously federally approved definition of VOC will become effective. Rule 1200–3–18–.02 "General

Provisions and Applicability": Tennessee's emission statement, given in paragraph (8), does not fully meet the requirements of section 182(a)(3)(B) of the CAA. If either VOC or NO_X is emitted at or above the minimum required reporting level, the other pollutant must be included in the emissions statement even if it is emitted at levels below the specified cutoffs. Also, in the last sentence of paragraph (8), it is required that the owner or operator certify the reports. The EPA requirement is that an "official" of the company certify the reports and since not all operators are officials, Tennessee must change "owner or operator" to "official." EPA is conditionally approving the emissions statement due to the commitment letter referenced above. If Tennessee fails to meet its commitment on or before the date in its commitment letter, the conditional approval will convert to a disapproval.

Rule 1200–3–18–.06 "Handling, Storage, and Disposal of Volatile Organic Compounds (VOC's)": The phrase "minimum reasonably attainable" used in paragraph (1) must be defined in the general definitions section. EPA is conditionally approving this revision due to the commitment letter referenced above. If Tennessee fails to meet its commitment on or before the date in its commitment letter,