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extension 4214. Reference files TN131,
TN136 and TN137.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act as amended in 1990 (the Act) requires that most ozone nonattainment areas adopt either "basic" or "enhanced" I/M programs, depending on the severity of the problem and the population of the area. The moderate ozone nonattainment areas, plus marginal ozone areas with existing or previously required I/M programs, fall under the "basic" I/M requirements. Enhanced programs are required in serious, severe, and extreme ozone nonattainment areas with 1980 urbanized populations of 200,000 or more.

The Act requires states to make changes to improve existing I/M programs or to implement new ones for certain nonattainment areas. Section 182(a)(2)(B) of the Act directed EPA to publish updated guidance for state I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The Act further requires each area required to have an I/M program to incorporate this guidance into the SIP. Based on these requirements, EPA promulgated I/M regulations on November 5, 1992 (57 FR 52950, codified at 40 Code of Federal Regulations (CFR) 51.350-51.373).

The I/M regulation establishes minimum performance standards for basic I/M programs as well as requirements for the following: network

type and program evaluation; adequate tools and resources; test frequency and convenience; vehicle coverage; test procedures and standards; test equipment; quality control; waivers and compliance via diagnostic inspection; motorist compliance enforcement; motorist compliance enforcement program oversight; quality assurance; enforcement against contractors, stations and inspectors; data collection; data analysis and reporting; inspector training and licensing or certification; public information and consumer protection; improving repair effectiveness; compliance with recall notices; on-road testing; SIP revisions; and implementation deadlines. The performance standard for basic I/M programs remains the same as it has been since initial I/M policy was established in 1978, pursuant to the 1977 amendments to the Clean Air Act.

The State of Tennessee contains the Nashville urbanized area which is designated as moderate nonattainment for ozone. Section 51.372(b)(2) of the federal I/M regulation (codified at 40 CFR Part 51.372(b)(2)) required affected states to submit full I/M SIP revisions that met the requirements of the Act to EPA by November 15, 1993.

On March 17, 1994, the Davidson County Health Department, through the Tennessee Air Pollution Control Division (APCD), submitted a SIP revision addressing required changes to the existing I/M program in Davidson County. The major changes made to the Davidson County I/M program were the elimination of the exemption for vehicles over 12 model years old and the addition of a three point anti-tampering program. The proposed amendments will include a visual check for catalytic converters, gasoline fuel inlet restrictors and fuel filler caps, and the requirement that all vehicles manufactured in model year 1975 or newer be tested as a condition of renewing registration.

On July 8 and July 13, 1994, the State of Tennessee, through the Tennessee APCD, submitted to EPA SIP revisions for a basic I/M program for the four counties surrounding Davidson County. The counties of Rutherford, Sumner, Williamson, and Wilson constitute the remainder of the Nashville ozone nonattainment area. An I/M program was required to be implemented in the urbanized area, which includes a portion of these counties by the I/M applicability requirements which were revised in 40 CFR Part 51.350 on November 5, 1992. The first submittal was for the purpose of adding Chapter 1200-3-29, Light Duty Motor Vehicle Inspection and Maintenance, of the

Tennessee Air Regulation to the Tennessee SIP. The second submission was made to add all required nonregulatory elements of the I/M program to the SIP. The I/M regulations were approved by the Tennessee Air Pollution Board on September 8, 1993, and became state effective on June 29, 1994. Mandatory vehicle testing in the four counties of Rutherford, Sumner, Williamson, and Wilson began on December 1, 1994. EPA summarizes the requirements of the federal I/M regulations as found in 40 CFR Part 51.350-51.373 and its analysis of the state submittal below. Parties desiring additional details on the federal I/M regulation are referred to the November 5, 1992, **Federal Register** notice (57 FR 52950) or 40 CFR Part 51.350-51.373.

II. EPA's Analysis of Middle Tennessee Basic I/M Program

As discussed above, section 182(a)(2)(B) of the Act requires that states adopt and implement updated regulations for I/M programs in moderate and above ozone nonattainment areas. The following sections of this notice summarize the requirements of the federal I/M regulations and address whether the elements of the State's submittal comply with the federal rule.

Applicability—40 CFR 51.350

Section 182(b)(4) of the Act and 40 CFR 51.350(a)(4) require that any area classified as moderate ozone nonattainment and not required to implement enhanced I/M under 40 CFR 51.350(a)(1) shall implement basic I/M in the 1990 Census-defined urbanized nonattainment area. The urbanized portion of the Nashville nonattainment area contains Davidson County, and sections of Rutherford County, Sumner County, Williamson County, and Wilson County. Davidson County has operated an I/M program since 1985 and submitted on March 17, 1994, through the Tennessee APCD, the required revisions to that program. An analysis of the urbanized area utilizing the revised provisions of this section, identified the need to expand the current, Davidson County only program, to include the remainder of the nonattainment area. The program boundaries described in the Tennessee submittal meet the federal I/M requirements under section 51.350 and are approvable.

The federal I/M regulation requires that the state program shall not lapse prior to the time it is no longer needed. EPA believes that a program that does not lapse prior to the attainment deadline for each applicable area would meet this requirement. The attainment