

With this correction, the preamble and the rule at 226.22(l) are in agreement.

Dated: January 27, 1995.

Michael D. Sherwin,
*Deputy Assistant Administrator for
Management.*

[FR Doc. 95-3271 Filed 2-8-95; 8:45 am]

BILLING CODE 6116-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-118-1-6083a; TN-101-1-5718a; TN-
110-2-6569a; FRL-5146-1]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to Tennessee Regulations

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Tennessee State Implementation Plan (SIP) for ozone. These revisions were submitted to EPA through the Tennessee Department of Environment and Conservation (TDEC) on November 5, 1992, May 18, 1993, and July 6, 1993, for the Nashville nonattainment area and revise regulations for Stage I vapor recovery (Stage I) in the Tennessee SIP and add regulations pertaining to Stage II vapor recovery (Stage II). These revisions regulate gasoline dispensing stations in Davidson, Rutherford, Sumner, Williamson, and Wilson counties. These regulations have been submitted by the TDEC to satisfy the requirement of section 182(b)(3) of the 1990 Clean Air Act, which requires all ozone nonattainment areas classified as moderate or above to require owners and operators of gasoline dispensing facilities to install and operate Stage II vapor recovery systems. The revisions also make minor changes to the Nashville-Davidson County Rules regulating definitions and recordkeeping. The TDEC has also submitted this plan as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone. These regulations meet all of EPA's requirements and therefore EPA is approving this SIP revision.

DATES: This final rule will be effective April 10, 1995 unless adverse or critical comments are received by March 13, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Alan W. Powell, at the EPA Regional Office listed.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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

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

Tennessee Department of Environment and Conservation, L & C Annex, 9th floor, 401 Church Street, Nashville, Tennessee 37243.

Nashville-Davidson County Bureau of Environmental Health Services, Metropolitan Health Department, 311-23rd Avenue, North, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Alan W. Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The phone number is (404) 347-3555 ext.4209. Reference file TN-118-1-6083.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the area's ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was determined by the ambient air quality data obtained for the three year period 1987 through 1989. The CAA delineates in section 182 the SIP requirements for ozone nonattainment areas based on their classifications. Section 182(b)(3) requires areas classified as moderate to implement Stage II controls unless and until the EPA promulgates, On Board Vapor Recovery (OBVR) regulations pursuant to section 202(a)(6) of the CAA. On January 22, 1993, the United States

Court of Appeals for the District of Columbia ruled that the EPA's previous decision not to require OBVR controls be set aside and that OBVR regulations be promulgated pursuant to section 202(a)(6) of the CAA. The EPA Administrator signed the OBVR final rule on January 24, 1994.

Subsequently, the EPA determined under section 182(b)(3) that moderate areas are not required to implement Stage II regulations. However, Tennessee has indicated that a Stage II program is necessary as a volatile organic compound (VOC) control measure to attain the ozone NAAQS in Nashville, which has been classified as a moderate nonattainment area for ozone. Stage II vapor recovery is included in the State's 15% Plan required by section 182 (b)(1) of the CAA. Under section 182 (b)(3), the EPA was required to issue guidance as to the effectiveness of Stage II systems. In November 1991, the EPA issued technical and enforcement guidance to meet this requirement. These two documents are entitled "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (EPA-450/3-91-022) and "Enforcement Guidance for Stage II Vehicle Refueling Control Programs." In addition, on April 16, 1992, the EPA published the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498). The guidance documents and the General Preamble discuss Stage II statutory requirements and discuss what the EPA believes a State submittal needs to include to meet those requirements. The Tennessee regulations meet those requirements which are discussed below.

General Vapor Recovery Requirements

The CAA specifies the time by which certain facilities must comply with the State regulation. For facilities that are not owned or operated by an Independent Small Business Marketer (ISBM), these times, calculated from the time of State adoption of the regulation, are: (1) 6 months for facilities for which construction began after November 15, 1990, (2) 1 year for facilities that dispense greater than 100,000 gallons of gasoline per month, and (3) two years for all other facilities. For ISBM's, section 324(a) of the Act provides that the time periods may be: (1) 33 percent of the facilities owned by an ISBM by the end of the first year after the regulations take effect, (2) 66 percent of such facilities by the end of the second year, and (3) 100 percent of such facilities after the third year. Both the