

**§§ 52.2174–52.2177**

**40 CFR Ch. I (7–1–04 Edition)**

authority under sections 114(a) (1) and (2) and section 114(c) of the Act, i.e., authority to collect, correlate, and release emission data to the public.

[37 FR 15089, July 27, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

**§§ 52.2174–52.2177 [Reserved]**

**§ 52.2178 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of §52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of South Dakota.

(c) All applications and other information required pursuant to §52.21 from sources located in the State of South Dakota, except from those sources proposing to locate on Indian reservations, shall be submitted to the Director of the Division of Environmental Regulation, Department of Environment and Natural Resources, Joe Foss Building, Pierre, South Dakota 57501 instead of the EPA Region VIII office.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 59 FR 47261, Sept. 15, 1994; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

**§ 52.2179 Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of South Dakota.

(c) *Long-term strategy.* The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of South Dakota.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

**§ 52.2180 Stack height regulations.**

The State of South Dakota has committed to revise its stack height regulations should EPA complete rule-making to respond to the decision in *NRDC v. Thomas*, 838 F.2d 1224 (DC Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 11, 1988, Joel C. Smith, Administrator, Office of Air Quality and Solid Waste, stated:

“ \* \* \* We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA’s response to the NRDC remand modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comport with the EPA’s modified requirements. The State of South Dakota agrees to make the appropriate changes.”

[53 FR 34079, Sept. 2, 1988]

**§ 52.2181 [Reserved]**

**§ 52.2182 PM<sub>10</sub> Committal SIP.**

On July 12 1988, the State submitted a Committal SIP for the Rapid City Group II PM<sub>10</sub> area, as required by the PM<sub>10</sub> implementation policy. The SIP commits the State to continue to monitor for PM<sub>10</sub> and to submit a full SIP if a violation of the PM<sub>10</sub> National Ambient Air Quality Standards is detected. It also commits the State to make several revisions related to PM<sub>10</sub> to the existing SIP.

[55 FR 40834, Oct. 5, 1990]

**§ 52.2183 Variance provision.**

The revisions to the variance provisions in Chapter 74:26:01:31.01 of the South Dakota Air Pollution Control Program, which were submitted by the Governor’s designee on September 25, 1991, are disapproved because they are inconsistent with section 110(i) of the Clean Air Act, which prohibits any state or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[58 FR 37426, July 12, 1993]

**§ 52.2184 Operating permits for minor sources.**

Emission limitations and related provisions established in South Dakota minor source operating permits, which

**Environmental Protection Agency**

**§ 52.2220**

are issued in accordance with ARSD 74:36:04 and which are submitted to EPA in a timely manner in both proposed and final form, shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures and will be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements of EPA's underlying regulations.

[60 FR 46228, Sept. 6, 1995]

**§ 52.2185 Change to approved plan.**

South Dakota Air Pollution Control Program Chapter 74:36:07, New Source Performance Standards, is removed from the approved plan, except for sections 74:36:07:08, 74:36:07:11 and 74:36:07:29–30. On April 2, 2002, we issued a letter delegating responsibility for all sources located, or to be located, in the State of South Dakota subject to the specified NSPS in 40 CFR part 60. See the table in 40 CFR 60.4 for the delegation status of NSPS to the State of South Dakota.

[67 FR 57521, Sept. 11, 2002]

**Subpart RR—Tennessee**

**§ 52.2219 [Reserved]**

**§ 52.2220 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Tennessee under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section with an EPA approval date prior to December 1, 1998, was approved

for Tennessee (Table 1 of the Tennessee State Implementation Plan) and January 1, 2003 for Memphis-Shelby County (Table 2 of the Tennessee State Implementation Plan) and paragraph (d) of this section with an EPA approval date prior to December 1, 1998, was approved for Tennessee (Source-Specific Requirements) was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in Table 2 of paragraph (c) of this section with EPA approval dates after January 1, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State and Local Implementation Plans listed in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) NW., Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA approved regulations.

TABLE-1—EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	Adoption date	EPA approval date	Federal Register Notice
<b>Chapter 1200-3-1 GENERAL PROVISIONS</b>				
Section 1200-3-1-.01 ..	General Rules .....	02/09/77	03/29/85	50 FR 12540.
Section 1200-3-1-.02 ..	Severability .....	10/12/79	06/24/82	47 FR 27267.
<b>Chapter 1200-3-2 DEFINITIONS</b>				
Section 1200-3-2-.01 ..	General Definitions .....	06/26/93	9/16/02	67 FR 46595.