



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

State Implementation Plan/Clean Air Act: U.S. Environmental Protection Agency Redesignation of Shelby County, Tennessee 2008 8-Hour Ozone Nonattainment Area to Attainment

Arkansas Environmental, Energy, and Water Law Blog

06/30/2016

Chuck Buttry of Trinity Consultants notes a recent Federal Register Notice affecting the Clean Air Act attainment status of Memphis, Tennessee.

The United States Environmental Protection Agency ("EPA") published a June 23rd Federal Register Notice and issued the following final rule in regards to the portion of Tennessee that is within the Memphis, Tennessee-Mississippi-Arkansas ("Memphis, TN-MS-AR") 2008 8-hour ozone nonattainment area ("Area") which includes:

- Approving the State of Tennessee's base year emissions inventory for the area into the state implementation plan
- Determining that the Memphis, TN-MS-AR area is attaining the 2008 8-hour Ozone National Ambient Air Quality Standard ("NAAQS")
- Approving the State of Tennessee's plan for maintaining attainment of the 2008 8-hour ozone NAAQS in the area (including the motor vehicle emissions budgets) for nitrogen oxides and volatile organic compounds for the year 2027 for the Tennessee portion of the area (into the state implementation plan)
- Redesignating the Tennessee portion of the area to attainment for the 2008 8-hour ozone NAAQS

See 81 Fed. Reg. 40816.

The states are primarily responsible for ensuring attainment and maintenance of each of the NAAQS once the EPA has established them.

Each state is required to formulate subject to EPA approval an SIP designated to achieve each NAAQS. The SIPs will pertain to measures and action the state proposes to attain each NAAQS. These measures or actions must be enforceable through state regulations and typically include emission levels applicable to certain types of stationery sources. However, the states are generally free to make their own choices as to how they will obtain the NAAQS through their SIPs.

The SIP and subsequent revisions must be reviewed and approved by the EPA if the criteria set forth in Section 110 of the Clean Air Act are met. Some air quality control regions such as the ones referenced in the Federal Register Notice may have been in noncompliance with one or more of the NAAQS. Part D of

the Clean Air Act imposes additional responsibilities on air quality control regions designated nonattainment in the stationary sources located within them. In general, Part D requires that the air quality control region attain the relevant NAAQS as expeditiously as practicable, but regardless in accordance with certain deadlines that have been established.

The June 23rd Federal Register Notice notes that Tennessee had requested that EPA redesignate Tennessee's portion of the Memphis, TN-MS-AR area to attainment for the 2008 8-hour ozone NAAQS, and submitted a SIP revision containing baseline emissions inventory and the state's plan for maintaining the attainment of the 2008 8-hour ozone standard in the area, including the motor vehicle emission budgets for nitrogen oxide and volatile organic compounds for the year 2027 for the Tennessee portion of the area.

The Federal Register Notice approves the various Tennessee requests.

[A copy of the Federal Register Notice can be downloaded here.](#)