### 3. Determining Initial Designation of an Area

The EPA expects, in most instances, to initially designate areas as unclassifiable due to the lack of complete data or no data at all reported for 5-minute averaging time increments. Most of the existing ambient monitoring data are not reported for 5-minute averaging time increments, and EPA believes that those that are reported in this manner may not meet the data completeness criteria required by the proposed SO<sub>2</sub> NAAQS (see discussion in revisions to CFR part 50, appendix I, published in the part 50/53 document). Revising the SO<sub>2</sub> NAAQS to include an additional primary standard set at 5minute and 0.60 ppm necessitates that most ambient monitors be respanned to measure the higher concentration.

In anticipation of a revised NAAQS, EPA has requested that the States respan monitors to begin measuring for higher concentrations. In these cases, EPA and States may have data to provide as a basis for initially designating an area as nonattainment.

The EPA understands that in some instances States may want to request that certain areas be initially designated attainment for the revised SO<sub>2</sub> NAAQS. An area will not be initially designated as attainment based solely on ambient monitoring data since no requirements have been issued to ensure complete data. Data completeness is a significant issue when trying to determine if an area is attaining the NAAQS as opposed to determining if an area is not attaining the NAAQS. However, areas with no SO<sub>2</sub> sources as shown by their emission inventory would be likely candidates for an early attainment designation. Providing ambient air monitoring data does not indicate otherwise, EPA intends to designate an area as attainment if the State can show in its emissions inventory that the area does not contain any potential major source of SO<sub>2</sub> as defined in the Act. This does not preclude the State or EPA from initially designating an area unclassifiable, if there is reason to believe there is an SO<sub>2</sub> source which may be causing a violation of the revised NAAQS in the area. The EPA believes this guidance gives reasonable assurance that the area is in attainment of the revised NAAQS. This does not prevent EPA or the State from redesignating an area, initially designated unclassifiable, to nonattainment at a later time should ambient air monitoring data indicate that the area is violating the NAAQS.

# 4. Determining the Boundaries of Designated Areas

States should identify the boundaries of the nonattainment, attainment and unclassifiable areas when submitting designations for the revised SO<sub>2</sub> NAAQS. In the absence of data or more specific boundary information, it may be more appropriate to define SO<sub>2</sub> nonattainment boundaries by the perimeter of the county in which the ambient SO<sub>2</sub> monitor(s) recording the violation is located. Alternatively, it might be appropriate to define the nonattainment area using monitoring or other data to determine more specifically the geographic area that is nonattainment. In addition, if the ambient monitor measuring violations is located near a county boundary, then EPA recommends that the adjacent county also be designated as nonattainment for SO<sub>2</sub>. In some situations, however, a boundary other than the county perimeter may be appropriate. States may choose, alternatively, to define the SO<sub>2</sub> nonattainment boundaries by using any one, or a combination, of the following techniques: (1) Qualitative analysis, (2) spatial interpolation of air monitoring data, (3) air quality simulation by dispersion modeling, or (4) saturation monitoring. If a State defines an SO<sub>2</sub> nonattainment boundary using one of the methods above, EPA requires that it submit a defensible rationale for the boundary chosen with the Governor's request to designate the area.

Boundaries for attainment areas can be drawn along current political boundaries if the State can show in its emissions inventory that the area does not contain any potential major source of  $SO_2$  as defined in the Act, nor any of the sources listed in the previous section on determining the initial designation of an area.

All areas of the State not designated attainment or nonattainment will be designated unclassifiable. The boundaries of the unclassifiable area will be the "remainder of the State."

#### 5. Promulgation of Designations by EPA

Section 107(d)(1)(B)(i) of the Act requires that EPA promulgate the designations submitted by States as expeditiously as practicable, but not later than 2 years from the date of promulgation of the revised  $SO_2$  NAAQS. This period may be extended for up to 1 year where EPA has insufficient information to promulgate the designations. The EPA may make any modifications deemed necessary to the areas (or portions thereof) submitted by the State (see generally section

107(d)(1)(B) of the Act). However, no later than 120 days before promulgating a modified area, EPA must notify the affected State and provide an opportunity for the State to demonstrate why any proposed modification is inappropriate.

The EPA expects in many cases to require the full extension of 1 year before promulgating the designations of many areas as allowed under section 107(d)(1)(B) of the Act. The full extension would be needed in these cases in order to allow States and EPA to respan or relocate monitors and collect complete ambient data to better ascertain the designation status of areas with monitors. Therefore, EPA generally intends to promulgate the initial area designations within 3 years from the effective date of promulgation of the revised SO<sub>2</sub> NAAQS.

Designations promulgated pursuant to section 107(d)(1) of the Act are exempt from the Administrative Procedures Act requirements for notice-and-comment rulemaking (5 U.S.C. section 553–557) (see section 107(d)(2)(B) of the Act). Therefore, when EPA promulgates designations with respect to the revised SO<sub>2</sub> NAAQS, it may or may not promulgate the designations through notice-and-comment rulemaking.

#### 6. Failing to Submit Designations

If the Governor of a State fails to submit the required  $SO_2$  designations, in whole or in part, EPA is required to promulgate the designation that EPA deems appropriate for any area (or portion thereof) not designated by the State (see section 107(d)(1)(B)(ii) of the Act). The EPA will do so no later than 3 years after the date of promulgation of a new NAAQS.

### C. State Implementation Plans (SIP's)

Section 110(a) establishes the general requirements for SIP's. In addition, subparts 1 and 5 of part D of title I of the Act establish additional requirements concerning SIP's for areas designated nonattainment for  $SO_2$ . These requirements concern the content of the SIP's, the applicable dates by which nonattainment areas must attain a new  $SO_2$  NAAQS, and the schedule for the submission of the SIP's.

## 1. General SIP Requirements—Section 110(a)

All SIP's, regardless of whether they concern areas designated nonattainment or not, must meet the general SIP requirements of section 110(a). Section 110(a)(1) provides that each state must submit a SIP to provide for the implementation, maintenance and enforcement of a primary NAAQS in