

date", and section 188(b)(2) is consistent with this requirement. EPA makes the determinations of whether an area's air quality is meeting the PM-10 NAAQS based upon air quality data gathered at monitoring sites in the nonattainment area and entered into the Aerometric Information Retrieval System (AIRS). These data are reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR part 50, Appendix K.

Pursuant to Appendix K, attainment of the annual PM-10 standard is achieved when the annual arithmetic mean PM-10 concentration is equal to or less than 50  $\mu\text{g}/\text{m}^3$ . Attainment of the 24 hour standard is determined by calculating the expected number of exceedances of the 150  $\mu\text{g}/\text{m}^3$  limit per year. The 24 hour standard is attained when the expected number of exceedances is 1.0 or less. A total of 3 consecutive years of clean air quality data is generally necessary to show attainment of the 24 hour and annual standards for PM-10. A complete year of air quality data, as referred to in 40 CFR part 50, Appendix K, is comprised of all 4 calendar quarters with each quarter containing data from at least 75 percent of the scheduled sampling days.

Under section 188(b)(2)(A) a moderate PM-10 nonattainment area must be reclassified as serious by operation of law after the statutory attainment date if the Administrator finds that the area has failed to attain the NAAQS. Pursuant to section 188(b)(2)(B) of the Act, EPA must publish a document in the **Federal Register** identifying those areas that failed to attain the standard and the resulting reclassifications.

## II. Today's Action

EPA is, by today's action, proposing to find that the PPA did not attain the PM-10 NAAQS by the required attainment date of December 31, 1994. As discussed below, this proposed finding is based upon air quality data which revealed violations of the PM-10 NAAQS during 1992-1994.

### A. Ambient Air Monitoring Data

The following table lists each of the monitoring sites in the PPA where the 24 hour PM-10 NAAQS has been exceeded during 1992-1994:

Monitoring site	24 hour concentration	Date
4732 S. Central, PX.	171 $\mu\text{g}/\text{m}^3$	11/20/92
4732 S. Central, PX.	158 $\mu\text{g}/\text{m}^3$	12/2/92
1475 E. Pecos, CHAN.	156 $\mu\text{g}/\text{m}^3$	11/20/92

The two monitoring sites in the PPA that recorded exceedances of the PM-10 NAAQS operate on a one in six day sampling schedule. Generally, if PM-10 sampling is scheduled less than every day, EPA requires the adjustment of observed exceedances to account for incomplete sampling. The method for adjusting the observed exceedances is described in 40 CFR Part 50, Appendix K, section 3.1. In the case of the Phoenix site, two exceedances of the 24 hour NAAQS were observed in 1992. After adjusting for incomplete sampling, the number of exceedances of the NAAQS in 1992 at this site was 13.1. In the case of the Chandler site, one exceedance of the 24 hour NAAQS was observed in 1992. After adjusting for incomplete sampling, the number of exceedances of the NAAQS in 1992 at this site was 11.5.

According to 40 CFR part 50, the 24 hour NAAQS is attained when the expected number of days per calendar year with a 24 hour average concentration above 150  $\mu\text{g}/\text{m}^3$  is equal to or less than one. In the simplest case, the number of expected exceedances at a site is determined by recording the number of exceedances in each calendar year and then averaging them over the past three calendar years. Therefore from 1992-1994, the number of expected exceedances at the Phoenix and Chandler monitoring sites were 4.4 and 3.8, respectively. These exceedances cause both the Phoenix site and the Chandler site to be in violation of the 24 hour PM-10 NAAQS.

In addition to violations of the 24 hour NAAQS, the annual standard has not been attained at one monitoring site. The East Pecos site in Chandler had an annual average of 55  $\mu\text{g}/\text{m}^3$ , based on the monitoring data collected during 1992-1994.

### B. SIP Requirements for Serious Areas

PM-10 nonattainment areas reclassified as serious under section 188(b)(2) of the CAA are required to submit, within 18 months of the area's reclassification, SIP revisions providing for the implementation of best available control measures (BACM) no later than four years from the date of reclassification. The SIP also must contain a demonstration that the implementation of BACM will provide for attainment of the PM-10 NAAQS no later than December 31, 2001. EPA has provided specific guidance on developing serious area PM-10 SIP revisions in an addendum to the General Preamble to Title I of the Clean Air Act. See 59 FR 41998 (August 16, 1994).

## III. Request for Public Comment

The EPA is requesting comment on all aspects of today's proposal. As indicated at the outset of this notice, EPA will consider any comments received by July 7, 1995.

## IV. Executive Order (EO) 12866

Under E.O. 12866, 58 FR 51735 (October 4, 1993), EPA is required to determine whether regulatory actions are significant and therefore should be subject to OMB review, economic analysis, and the requirements of the Executive Order. The Executive Order defines a "significant regulatory action" as one that is likely to result in a rule that may meet at least one of the four criteria identified in section 3(f), including, under paragraph (1), that the rule may "have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities."

The Agency has determined that the finding of failure to attain proposed today would result in none of the effects identified in section 3(f). Under section 188(b)(2) of the CAA, findings of failure to attain and reclassification of nonattainment areas are based upon air quality considerations and must occur by operation of law in light of certain air quality conditions. They do not, in-and-of-themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classifications that, in turn, are triggered by air quality values, findings of failure to attain and reclassification cannot be said to impose a materially adverse impact on State, local, or tribal governments or communities.

## V. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

As discussed in section IV of this notice, findings of failure to attain and