

enacted. (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 107(d)(1)(C) of the CAA, EPA designated Boyd County of the Ashland-Huntington area as nonattainment by operation of law with respect to O<sub>3</sub>, because the area was designated nonattainment immediately before November 15, 1990. The nonattainment area was expanded to include portions of Greenup County per section 107(d)(1)(A)(i) of the CAA (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.318.) The area was classified as moderate.

The moderate nonattainment area has ambient monitoring data that show no violations of the O<sub>3</sub> National Ambient Air Quality Standard (NAAQS) during the period from 1991 through 1993. Therefore, on November 12, 1992, West Virginia requested to redesignate their portion of the Ashland-Huntington nonattainment area and the request was approved on December 21, 1994, by Region 3 (59 FR 65719). Also, Kentucky, on November 12, 1993, submitted for parallel processing an O<sub>3</sub> maintenance plan and requested redesignation of the area to attainment with respect to the O<sub>3</sub> NAAQS and EPA found the request complete. On May 24, 1995, the Cabinet revised the maintenance plan to address public comments, and EPA comments sent to the Cabinet in letters dated December 16, 1993, and May 5, 1994.

On February 7, 1994, Region 4 determined that the information received from the Cabinet constituted a complete redesignation request under the general completeness criteria of 40 CFR 51, appendix V, sections 2.1 and 2.2. However, for purposes of determining what requirements are applicable for redesignation purposes, EPA believes it is necessary to identify when the Cabinet first submitted a redesignation request that meets the completeness criteria. EPA noted in a previous policy memorandum that parallel processing requests for submittals under the amended CAA, including redesignation submittals, would not be determined complete. See "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (Act) Deadlines," Memorandum from John Calcagni to Air Programs Division Directors, Regions 1-10, dated October 28, 1992 (Memorandum). The rationale for this conclusion was that the parallel processing exception to the completeness criteria (40 CFR 51, appendix V, section 2.3) was not intended to extend statutory due dates for mandatory submittals. (See Memorandum at 3-4). However, since requests for redesignation are not

mandatory submittals under the CAA, EPA changed its policy with respect to redesignation submittals to conform to the existing completeness criteria. Therefore, EPA believes the parallel processing exception to the completeness criteria may be applied to redesignation request submittals, at least until such time as the EPA decides to revise that exception (See 58 FR 38108 "Approval and Promulgation of Maintenance Plan and Designation of Areas for Air Quality Planning Purposes for Carbon Monoxide, State of New York" published July 15, 1993, and "State Implementation Plans (SIP) Actions submitted in Response to Clean Air Act (CAA) Deadlines," Memorandum from John Calcagni to Air Program Directors, Region 1-10, dated October 28, 1992).

The Cabinet's redesignation request for the Kentucky portion of the Ashland/Huntington moderate O<sub>3</sub> nonattainment area meets the five requirements of section 107(d)(3)(E) of the CAA for redesignation to attainment. The following is a brief description of how the Commonwealth of Kentucky has fulfilled each of these requirements. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

#### **1. The Area Must Have Attained the O<sub>3</sub> NAAQS**

The Cabinet's request is based on an analysis of quality assured ambient air quality monitoring data which is relevant to the maintenance plan and to the redesignation request. The ambient air quality monitoring data for calendar years 1991 through 1993 demonstrates attainment of the standard. Kentucky has also committed to continue monitoring the moderate nonattainment area. Therefore, Kentucky has met this requirement.

#### **2. The Area Has Met all Applicable Requirements Under Section 110 and Part D of the CAA**

EPA reviewed the Kentucky SIP and in the proposal document, EPA stated that except for sections 182(b)(2) and 182(f) requirements of the CAA, the Kentucky SIP contains all measures due under the amended CAA prior to or at the time the Cabinet submitted its redesignation request. Both sections 182(b)(2) and 182(f) requirements have now been met and are detailed below. For detailed information regarding applicable requirements other than section 182(f), refer to the proposed document published December 16, 1994 (59 FR 65000).

#### **A. Section 182(a)(1)—Emissions Inventory**

Kentucky has met this requirement. This notice gives final approval of the emission inventory. For detailed information regarding this requirement, refer to the proposal document.

#### **B. Section 182(a)(2), 182(b)(2)—Reasonably Available Control Technology (RACT)**

The proposal document stated that the Ashland-Huntington area would not be redesignated until the Calgon Corporation source specific SIP revision was approved. A document approving this source specific SIP revision was published on May 24, 1995, and the SIP revision became effective on June 16, 1995. See the proposal document for more detailed information. Therefore, Kentucky has met the requirement of RACT on all major sources of VOCs for O<sub>3</sub> nonattainment areas designated moderate and above.

#### **C. Section 182(a)(3)—Emissions Statements**

On January 15, 1993, the Cabinet submitted a revision to the SIP to require emission statements. EPA commented on this SIP revision. In the proposal document, EPA stated that revisions were needed to the emission statement rule before EPA would approve the rule. The Cabinet submitted a second and different SIP package on December 29, 1994, which addressed EPA comments and met the federal requirements for emission statements. EPA published the approval of this second SIP revision on May 2, 1995, which became effective on July 10, 1995. For more details on the requirement of emission statements see the proposal document. Kentucky has met the emission statement requirement.

#### **D. Section 182(b)(1)—15% Progress Plans**

With the approval of this redesignation request, the requirement to submit a 15% plan is obviated because the redesignation request predated the requirement for a 15% plan. See proposal document for more detail.

#### **E. Section 182(b)(3)—Stage II**

On January 24, 1994, EPA promulgated the on board vapor recovery rule (OBVR). Section 202(a)(b) of the CAA provides that once the rule is promulgated, moderate areas are no longer required to implement Stage II. Thus, the Stage II vapor recovery requirement of section 182(b)(3) is no