

ADDRESSES: Comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch, EPA Region VIII, at the address listed below. Information supporting this action can be found at the following location: EPA Region VIII, Air Programs Branch, 999 18th Street, 3rd Floor, South Terrace, Denver, Colorado 80202-2466.

The information may be inspected between 8 a.m. and 4 p.m., on weekdays, except for legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Lee Hanley, Air Programs Branch, EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, (303) 293-1760.

SUPPLEMENTARY INFORMATION:

A. General

The EPA is authorized to initiate redesignation of areas (or portions thereof) as nonattainment for PM₁₀ pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.

Following the process outlined in section 107(d)(3), on July 14, 1994, the Administrator of EPA Region VIII requested that the Governor of Utah recommend a PM₁₀ nonattainment designation for Weber County based upon six exceedances of the 24-hour PM₁₀ NAAQS recorded between January 1991 and January 1993, ranging from 156 to 182 µg/m³. Under section 107(d)(3)(B), the Governor of Utah was required to submit to EPA the designation he considered appropriate for Weber County within 120 days after EPA's notification. The Governor submitted a response recommending redesignation of Ogden City, Utah to nonattainment on January 9, 1995. Ogden City is within Weber County, but its boundaries are not coextensive with those of Weber County.

Section 107(d)(1)(A) sets out definitions of nonattainment, attainment, and unclassifiable. A nonattainment area is defined as any area that does not meet (or that significantly contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for PM₁₀.¹ Further, section 107(d)(1)(A)(i) provides that a nonattainment area shall consist

of that area violating the PM₁₀ NAAQS or contributing significantly to violations in a nearby area. Generally, the PM₁₀ nonattainment area boundaries are presumed to be, as appropriate, the county, township, or municipal subdivision in which the ambient particulate monitor recording the PM₁₀ violations is located. EPA has presumed that this would include both the area violating the PM₁₀ NAAQS and any area significantly contributing to the violations. However, a State may demonstrate that a boundary other than the county perimeter or municipal boundary may be more appropriate. Thus, in determining the appropriate boundaries for the nonattainment area, EPA has considered not only the area where the violations of the PM₁₀ NAAQS are occurring, but nearby areas which significantly contribute to such violations. Based on the information provided by the Governor, including monitoring data, EPA believes that the nonattainment boundaries submitted by the Governor are appropriate at this time.

Note: The boundaries of the nonattainment area may be adjusted as a result of analyses made during the SIP development process.

B. Background for PM₁₀

On July 1, 1987, the EPA revised the NAAQS for particulate matter (52 FR 24634), replacing total suspended particulates as the indicator for particulate matter with a new indicator called PM₁₀, that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. At the same time, EPA set forth the regulations for implementing the revised particulate matter standards and announced EPA's State Implementation Plan (SIP) development policy, elaborating PM₁₀ control strategies necessary to assure attainment and maintenance of the PM₁₀ NAAQS (see generally 52 FR 24672). The EPA adopted a PM₁₀ SIP development policy dividing all areas of the country into three categories based upon their probability of violating the new NAAQS: (1) Areas with a strong likelihood of violating the new PM₁₀ NAAQS and requiring substantial SIP adjustment were placed in Group I; (2) areas that might well have been attaining the PM₁₀ NAAQS and whose existing SIPs most likely needed less adjustment were placed in Group II; and (3) areas with a strong likelihood of attaining the PM₁₀ NAAQS and, therefore, needing adjustments only to their preconstruction review program and monitoring network were placed in Group III (52 FR 24672, 24679-24682).

At that time, Ogden City was categorized as a Group III area.

Pursuant to section 107(d)(4)(B) of the Act, areas previously identified as Group I and other areas which had monitored violations of the PM₁₀ NAAQS prior to January 1, 1989, were, by operation of law upon enactment of the 1990 Amendments, designated nonattainment for PM₁₀. All other areas of the Country, such as the Ogden City area, were similarly designated unclassifiable for PM₁₀ (see section 107(d)(4)(B)(iii) of the Act; 40 CFR 81.327 (1992) as amended by 57 FR 56762, 56772 (Nov. 30, 1992) (PM₁₀ designations for Utah).) After EPA adopted the PM₁₀ NAAQS, EPA identified and listed the Group I and Group II areas in a **Federal Register** document published on August 7, 1987, (52 FR 29383). In that document, EPA indicated that Group III areas consisted of that portion of a State not placed in Group I or II. Descriptions of the areas identified as Group I and II areas were later clarified in a **Federal Register** document dated October 31, 1990 (55 FR 45799). That notice also identified Group II areas which violated the standards prior to January 1, 1989. EPA announced all areas which were designated nonattainment by operation of law for PM₁₀ upon enactment of the 1990 Amendments in a **Federal Register** document dated March 15, 1991 (56 FR 11101). In addition, EPA has published a follow-up document correcting the boundaries and designations of some of the areas in light of comments received addressing the March 1991 document (see 56 FR 37654 (August 8, 1991).) Formal codification in 40 CFR part 81 of those areas designated nonattainment for PM₁₀ by operation of law upon enactment was announced in a **Federal Register** document dated November 6, 1991, (56 FR 56694). The November 6, 1991 **Federal Register** document was subsequently amended on November 30, 1992 (57 FR 56762).

II. Final Action

As noted above, pursuant to section 107(d)(3) of the Act, EPA is authorized to initiate the redesignation of areas as nonattainment for PM₁₀. Based on six exceedances of the 24-hr PM₁₀ NAAQS recorded between January 1991 and January 1993, EPA notified the Governor of Utah on July 14, 1994, that the air quality designation for Weber County should be revised from unclassifiable to nonattainment for PM₁₀ (see 40 CFR 50.6.). In response to EPA's July 14, 1994, letter, EPA received a letter dated January 9, 1995, from the Governor of Utah requesting that Ogden City, in a portion of Weber County,

¹ The EPA has construed the definition of nonattainment area to require some material or significant contribution to a violation in a nearby area. The Agency believes it is reasonable to conclude that something greater than a molecular impact is required.