

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Department of Environment, Health and Natural Resources, P.O. Box 29535, Raleigh, North Carolina 27626-0535.

**FOR FURTHER INFORMATION CONTACT:** Ben Franco of the EPA Region 4 Air Programs Branch at (404) 347-3555, ext. 4211, and at the above address.

**SUPPLEMENTARY INFORMATION:** In a March 15, 1991, letter to the EPA Region 4 Administrator, the Governor of North Carolina recommended the areas of Raleigh/Durham and Charlotte be designated as nonattainment for CO, as required by section 107(d)(1)(A) of the 1990 CAA (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The cities were designated nonattainment and classified as "moderate," except for Charlotte which was classified as "not classified," under the provisions outlined in sections 186 and 187 of the CAA (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR part 81, § 81.334). The National Ambient Air Quality Standard (NAAQS) for CO is 9.5 ppm. CO nonattainment areas can be classified as moderate or serious, based on their design values. Since Raleigh/Durham had a design value of 10.9 ppm (based on 1988 and 1989 data), the area was classified as moderate. The Charlotte area was a pre-1990 nonattainment area and was designated by operation of law. However, the Charlotte area was classified as "not classified" because it had a design value of 8.4 ppm (based on 1988 and 1989 data), which is below the 9.5 ppm. The CAA established an attainment date of December 31, 1995, for all moderate CO areas. "Not Classified" areas, such as Charlotte, must attain by November 15, 1995.

The Raleigh/Durham and Charlotte areas have ambient air quality monitoring data showing attainment of the CO NAAQS from 1990 through 1993. The areas continued to monitor attainment in 1994 and 1995. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on August 9, 1991, and October 7, 1994, the State of North Carolina submitted CO redesignation requests and maintenance plans for the Charlotte and Raleigh/Durham areas, respectively. The October 7, 1994, submittal included a revision of the 1991 Charlotte redesignation request. The request for redesignation submittal and maintenance plan was approved by

NCEMC on September 8, 1994. North Carolina submitted evidence that a public hearing was held on March 28 and March 30, 1994.

The 1990 CAA Amendments revised section 107(d)(3)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;
2. The area must meet all applicable requirements under section 110 and Part D of the CAA;
3. The area must have a fully approved state implementation plan under section 110(k) of CAA;
4. The air quality improvement must be permanent and enforceable; and,
5. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA.

On November 12, 1991, and December 8, 1994, Region 4 determined the Charlotte and Raleigh/Durham submittal, respectively, constituted a complete redesignation request under the general completeness criteria of 40 CFR 51, appendix V, sections 2.1 and 2.2.

The North Carolina redesignation request for the Raleigh/Durham and Charlotte areas meet the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how the State 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. Attainment of the CO NAAQS

The North Carolina requests are based on an analysis of quality assured CO air monitoring data which is relevant to the maintenance plan and to the redesignation requests. The ambient air CO monitoring data for calendar year 1991 through calendar year 1993 shows no violations of the CO NAAQS in the Raleigh/Durham and Charlotte areas. The most recent ambient CO data for the calendar year 1994 continue to show no violations in the Raleigh/Durham and Charlotte areas. Because the Raleigh/Durham and Charlotte areas have complete quality assured data showing no more than one exceedance of the standard per year over at least two consecutive years, the area has met the first statutory criterion of attainment of the CO NAAQS (40 CFR 50.9 and Appendix C1). North Carolina has committed to continue monitoring in this area in accordance with 40 CFR Part 58.

## 2. Meeting Applicable Requirements of Section 110 and Part D

The 1990 CAA Amendments, modified section 110(a)(2) and, under Part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, for purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the CAA, EPA has reviewed the SIP to ensure that it contains all measures that were due under the 1990 Amendments prior to or at the time the State submitted its redesignation request.

### A. Section 110 Requirements

Section 110 was amended by the 1990 Amendments. The North Carolina SIP meets the requirements of amended section 110(a)(2). The State implemented an Oxygenated Fuel program in the area of Raleigh/Durham during the 1992 and 1993 winter seasons. The Charlotte area was not required to implement an Oxygenated Fuels program. EPA has reviewed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2).

### B. Part D Requirements

Before Raleigh/Durham and Charlotte may be redesignated to attainment, the applicable requirements of Part D must be fulfilled. Subpart I of Part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 3 of Part D establishes additional requirements for nonattainment areas classified under section 186(a). The Raleigh/Durham area was classified as moderate (See 40 CFR 81.334). Therefore, in order to be redesignated to attainment, the State must meet the applicable requirements of Subpart 1 of Part D, specifically sections 172(c) and 176, and the requirements of Subpart 3 of Part D, which became due on or before August 9, 1991, and October 7, 1994, the dates the State submitted complete redesignation requests for Charlotte and Raleigh/Durham, respectively. EPA interprets, according to section 107(d)(3)(E)(v) to mean that, for a redesignation request to be approved, the State must have met all requirements that become applicable to the subject area prior to or at time of the submission of the redesignation request. Requirements of the CAA due subsequent to the submission of the redesignation request will continue to be applicable to the area (See section 175A(c)) until the redesignation request is approved. If the redesignation is