the State Implementation Plan (SIP) for Louisiana.

DATES: This final rule is effective on December 1, 1995, unless notice is postmarked by November 1, 1995, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register (FR).

ADDRESSES: Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6PD-L), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD– L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Louisiana Department of Environmental Quality, Office of Air Quality, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

Anyone wishing to review this petition at the Region 6 EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Mick Cote, Air Planning Section (6PD–L), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7219.

SUPPLEMENTARY INFORMATION:

Background

The CAA, as amended in 1977 required areas that were designated nonattainment based on a failure to meet the ozone National Ambient Air Quality Standards (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. The New Orleans CMSA was designated under section 107 of the 1977 CAA as nonattainment with respect to the ozone NAAQS on September 11, 1978 (40 CFR 81.319). In accordance with section 110 of the 1977 CAA, the State of Louisiana submitted an ozone SIP as required by part D on December 10, 1979. EPA fully approved this ozone SIP on October 29, 1981 (46 FR 53412). The most recent revision to the ozone SIP occurred on May 5, 1994, when the EPA approved a SIP revision for the State of Louisiana to correct certain enforceability deficiencies in its volatile organic compounds (VOC) rules (59 FR 23164). For purposes of

redesignations, the State of Louisiana has an approved ozone SIP for these parishes being considered for redesignation.

On November 15, 1990, the CAA Amendments of 1990 were enacted (Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The ozone nonattainment designation for Jefferson, Orleans, St. Charles, and St. Bernard Parishes continued by operation of law according to section 107(d)(1)(C)(i) of the CAA, as amended in 1990 (See 56 FR 56694, November 6, 1991). Since the State had collected the required three years of ambient air quality data necessary to petition for redesignation to attainment, and these data demonstrate that the ozone standard had not been violated, the New Orleans CMSA was designated as transitional for ozone.

The Louisiana Department of Environmental Quality (LDEQ) has continued to collect ambient monitoring data that show no violations of the ozone NAAQS of .12 parts per million. The State developed maintenance plans for Jefferson, Orleans, St. Bernard, and St. Charles Parishes, and solicited public comment. Subsequently, the State of Louisiana submitted a request, through the Governor's office, to redesignate these parishes to attainment with respect to the ozone NAAQS. The initial redesignation request and maintenance plans for the New Orleans CMSA were submitted to the EPA on April 23, 1993. Although these maintenance plans and the redesignation request were deemed complete, several approvability issues existed. The State of Louisiana addressed these approvability issues, and submitted revised maintenance plans and a redesignation request accordingly. The revised redesignation request for the New Orleans CMSA was received on October 14, 1994.

Evaluation Criteria

The 1990 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 SIP under section 110(k) of the 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. Section 107(d)(3)(D) allows a Governor to initiate the

redesignation process for an area to apply for attainment status.

Please see EPA's Technical Support Document (TSD) contained in the docket for a detailed discussion of these requirements.

(1) Attainment of the NAAQS for Ozone

Attainment of the ozone NAAQS is determined based on the expected number of exceedances in a calendar year. The method for determining attainment of the ozone NAAQS is contained in 40 CFR 50.9 and appendix H to that section. The simplest method by which expected exceedances are calculated is by averaging actual exceedances at each monitoring site over a three year period. An area is in attainment of the standard if this average results in expected exceedances for each monitoring site of 1.0 or less per calendar year. When a valid daily maximum hourly average value is not available for each required monitoring day during the year, the missing days must be accounted for when estimating exceedances for the year. Appendix H provides the formula used to estimate the expected number of exceedances for each year.

The State of Louisiana's request is based on an analysis of quality-assured ozone air quality data which is relevant to both the maintenance plan and to the redesignation request. The data come from the State and Local Air Monitoring Station network. This request is based on ambient air ozone monitoring data collected for more than 3 consecutive years in the area. Jefferson, Orleans, St. Bernard, and St. Charles Parishes have collected ozone data since 1982, 1981, 1981, and 1991, respectively. The data clearly show an expected exceedance rate of less than 1 for all these parishes. Please see the TSD for the detailed air quality monitoring data.

In addition to the demonstration discussed above, EPA required completion of air network monitoring requirements set forth in 40 CFR part 58. This included a quality assurance plan revision and a monitoring network review to determine the adequacy of the ozone monitoring network. The LDEQ fulfilled these requirements to complete documentation for the air quality demonstration. The LDEQ has also committed to continue monitoring in the New Orleans CMSA in accordance with 40 CFR part 58.

In summary, EPA believes that the data submitted by the LDEQ provides an adequate demonstration that the New Orleans CMSA attained the ozone NAAQS. Moreover, the monitoring data continue to show attainment to date.