

stated above, and EPA determines that the area has not demonstrated attainment of the PM-10 NAAQS, the area will be reclassified as serious by operation of law pursuant to section 188(b) of the Act. If an extension is granted, at the end of the extension year, EPA will again determine whether the area has attained the PM-10 NAAQS. If the requisite 3 consecutive years of clean air quality data needed to demonstrate attainment are not met, the State may apply for a second 1-year extension of the attainment date. In order to qualify for the second 1-year extension of the attainment date, the State must satisfy the same requirements listed above for the first extension. In addition, EPA will consider the State's PM-10 planning progress for the area in a manner similar to its evaluation of the first extension request. However, EPA may grant no more than two 1-year extensions of the attainment date to a single nonattainment area [see section 188(d) of the Act].

II. Area Being Granted a 1-Year Extension of the Attainment Date

EPA is granting a 1-year extension of the attainment date for the Denver, Colorado PM-10 nonattainment area. As discussed below and in the accompanying technical support document to this action, this determination is based upon air quality data which revealed violations of the PM-10 NAAQS during the years of 1992-94 and EPA's evaluation of the applicable SIP.

If a State containing a moderate PM-10 nonattainment area does not have 3 consecutive years of clean air quality data to demonstrate that the area has attained the PM-10 NAAQS, the State may apply for a 1-year extension of the attainment date. The EPA may extend the attainment date for 1 year only if the State submits an application for the affected nonattainment area satisfying the requirements discussed above. The following area qualifies for an attainment date extension:

A. Denver, Colorado

1. Review of the ambient data: Denver has experienced exceedances of the 24-hour PM-10 NAAQS on six separate days since 1987. Two exceedances were recorded in 1987 and four exceedances in the 1992/93 winter season. A violation of the *annual* PM-10 NAAQS has never occurred. Since no exceedances of the PM-10 NAAQS were recorded in 1994, the area meets one of the requirements to qualify for an attainment date extension under section

188(d).¹ Data requirements for purposes of making comparisons with the 24-hour and annual PM-10 NAAQS must be consistent with section 2.3 of 40 CFR part 50, appendix K.

2. Review of SIP planning progress and SIP implementation: The State of Colorado originally submitted the PM-10 SIP for Denver on June 7, 1993. On December 20, 1993 (58 FR 66326), EPA proposed to limitedly approve the control measures contained in the June 7, 1993 Denver PM-10 SIP. On the same date, EPA also proposed to conditionally approve the Denver PM-10 SIP based on the State's commitment to revise permit limitations at two sources (Purina Mill and Electron Corporation). EPA limitedly approved the control measures contained in the June 7, 1993 Denver PM-10 SIP on July 25, 1994 (59 FR 37698). EPA limitedly approved the control measures because they strengthened the PM-10 SIP for Denver by advancing the PM-10 air quality goal of the Act. In addition, because EPA questioned the contribution of secondary particulate emissions in the attainment demonstration, EPA did not take action on whether the June 7, 1993 SIP submittal attained the NAAQS or met the reasonably available control measures (RACM) (including reasonably available control technology (RACT)) requirements of the Act.

On March 30, 1995, the State of Colorado re-submitted the entire SIP for the Denver PM-10 nonattainment area. This revision is intended to satisfy the PM-10 SIP requirements that were due on November 15, 1991: i.e., provisions to assure that RACM/RACT would be implemented by December 10, 1993, a demonstration that the NAAQS will be attained, quantitative milestones which will be achieved every three years and which demonstrate reasonable further progress by December 31, 1994 and provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors. EPA is still evaluating the March 30, 1995 submittal and will determine, at a later date, whether the November 15, 1991 requirements are met in their entirety. Finally, the permits have been issued to Purina Mills and Electron Corporation,

¹ The Act states that no more than one exceedance may have occurred in the area [see section 189(d)(2)]. The EPA interprets this to prohibit extensions if there is more than one measured exceedance of the 24-hour standard at any monitoring site in the nonattainment area. The number of exceedances will not be adjusted to expected exceedances as long as the minimum required sampling frequencies have been met.

fulfilling the State's earlier commitments.

Pursuant to EPA's November 14, 1994 guidance entitled "Criteria for Granting 1-Year Extensions of Moderate PM-10 Nonattainment Area Attainment Dates, Making Attainment Determinations, and Reporting on Quantitative Milestones," from Sally Shaver, Director of Air Quality Strategies and Standards Divisions, to Regional Air Division Directors, "[t]he State must demonstrate that it has complied with all requirements and commitments pertaining to the affected nonattainment area in the applicable implementation plan." In addition, this guidance indicates that "[i]n instances where EPA will not have taken final rulemaking action on the State's moderate area SIP revision prior to granting the attainment date extension for the area, the applicable SIP for the area would be the most recent federally approved particulate matter SIP for the area." Since EPA has not approved all portions of the PM-10 SIP for Denver, EPA also considered the State's total suspended particulate (TSP) SIP for the Denver area. EPA approved the Denver TSP SIP on October 5, 1979 (44 FR 57401). The TSP SIP control measures consisted of street cleaning practices, unpaved road controls, control of mud and dirt carry out sources, control of construction, grading, excavation, and demolition, and paving or stabilizing unpaved roads and alleys.

For the most part, the PM-10 SIP for Denver addresses the same type of emissions addressed in the TSP SIP. In addition, the PM-10 SIP is more stringent than the TSP SIP because the PM-10 SIP incorporates regulations that require a certain percentage of sand reductions on streets as well as street cleaning requirements and sand specification requirements. Also, the PM-10 SIP addresses other PM-10 emissions including woodburning. Although additional reentrained road dust requirements for a portion of the nonattainment area were submitted in March 30, 1995, for which EPA has not completed its review, EPA has approved the majority of the PM-10 SIP pertaining to reentrained road dust emissions. Therefore, since the PM-10 SIP, for the most part, supplants the TSP SIP for Denver, EPA believes it is more appropriate to evaluate the implementation of the PM-10 SIP and not the TSP SIP.

The State has completed its air quality planning requirements for the Denver PM-10 nonattainment area that were due by November 15, 1991. As indicated above, the State submitted a revised plan that supersedes and replaces all