

NEW JERSEY—CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Warren County.				

¹ This date is November 15, 1990, unless otherwise noted.

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40 CFR Parts 52 and 81

[FL63-1-7143a; FRL-5340-7]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Florida Change in National Policy Regarding Applicability of Conformity Requirements to Redesignation Requests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On February 7, 1995, the State of Florida, through the Florida Department of Environmental Protection (FDEP), submitted a maintenance plan and a request to redesignate the Tampa area from marginal nonattainment to attainment for ozone (O₃). The Tampa O₃ nonattainment area consists of Hillsborough and Pinellas Counties. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data are available to warrant such revisions and the CAA redesignation requirements are satisfied. In this action, EPA is approving Florida's request because it meets the maintenance plan and redesignation requirements set forth in the CAA, and EPA is also approving the 1990 base year emission inventory for the Tampa area.

DATES: This action will be effective February 5, 1996, unless adverse or critical comments are received by January 8, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Joey LeVasseur, at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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.

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Hillsborough County Environmental Protection Commission, 1410 North 21st Street, Tampa, Florida 33605.

Pinellas County Department of Environmental Management, Division of Air Quality, 300 S. Garden Avenue, Clearwater, Florida 34616.

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext.4215. Reference file FL63-1-7143a.

SUPPLEMENTARY INFORMATION: The Clean Air Act, as amended in 1977 (1977 Act) required areas that were designated nonattainment based on a failure to meet the O₃ national ambient air quality standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. The Tampa-St. Petersburg-Clearwater area (Tampa), comprised of Hillsborough and Pinellas Counties, was designated under section 107 of the 1977 Act as nonattainment with respect to the O₃ NAAQS on March 3, 1978. [43 FR 8964, 40 CFR 81.310] In accordance with section 110 of the 1977 Act, the State submitted a part D O₃ SIP on April 30, 1979, which was supplemented on August 27, 1979, and January 23, 1980, which EPA conditionally approved on March 18, 1980, and fully approved on May 14, 1981, as meeting the requirements of section 110 and part D of the 1977 Act.

On November 15, 1990, the CAA Amendments of 1990 were enacted (1990 Amendments). [Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q] The nonattainment

designation of Tampa was continued by operation of law pursuant to section 107(d)(1)(C)(i) of the 1990 Amendments. Furthermore, it was classified as marginal for O₃ according to section 181(a)(1). (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.310).

Tampa more recently has ambient monitoring data that show no violations of the O₃ NAAQS, during the period 1990 through 1994. In addition, there have been no exceedances reported for the 1995 O₃ season. Therefore, in an effort to comply with the 1990 Amendments and to ensure continued attainment of the NAAQS, Florida submitted an O₃ maintenance SIP for the Tampa area on February 7, 1995, and also requested redesignation of the area to attainment with respect to the O₃ NAAQS.

The 1990 Amendments revised section 107(d)(1)(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 relevant 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.

The Florida redesignation request for the Tampa area meets 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 O₃ NAAQS

The Florida request is based on an analysis of quality assured O₃ air quality data which is relevant to the maintenance plan and to the redesignation request. The ambient O₃ data for the calendar years 1990 through