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area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.

[46 FR 3891, Jan. 16, 1981]

Subpart C—Section 107 Attainment Status Designations

AUTHORITY: 42 U.S.C. 7401, *et seq.*

SOURCE: 43 FR 8964, Mar. 3, 1978, unless otherwise noted.

§ 81.300 Scope.

(a) Attainment status designations as approved or designated by the Environmental Protection Agency (EPA) pursuant to section 107 of the Act are listed in this subpart. Area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation. A state, an Indian tribe determined eligible for such functions under 40 CFR part 49, and EPA can initiate changes to these designations, but any proposed state or tribal redesignation must be submitted to EPA for concurrence. The EPA has replaced the national ambient air quality standards for particulate matter measured as total suspended particulate (TSP) with standards measured as particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). Accordingly, area designations for PM-10 are included in the lists in subpart C of this part. However, the TSP area designations will also remain in effect until the Administrator determines that the designations are no longer necessary for implementing the maximum allowable increases in concentrations of particulate matter pursuant to section 163(b) of the Act, as explained in paragraph (b) of this section.

(b) Designated areas which are listed below as attainment (“Better than national standards”) or unclassifiable (“Cannot be classified”) for total suspended particulate (TSP), sulfur dioxide (SO₂), and nitrogen dioxide (NO₂), represent potential baseline areas or portions of baseline areas which are used in determining compliance with maximum allowable increases (incre-

ments) in concentrations of the respective pollutants for the prevention of significant deterioration of air quality (PSD). With respect to areas identified as “Rest of State” it should be assumed that such reference comprises a single area designation for PSD baseline area purposes. However, for PM-10, the use of the term “Rest of State” is an interim measure to designate as unclassifiable all locations not originally designated nonattainment for PM-10 in accordance with section 107(d)(4)(B) of the Act.

(c) For PM-10 areas designated nonattainment, pursuant to section 107(d)(4)(b) by operation of law upon enactment of the 1990 Amendments to the Act, the boundaries are more fully described as follows:

(1) For cities and towns, the boundary of the nonattainment area is defined by the municipal boundary limits as of November 15, 1990, the date the 1990 Amendments were signed into law, except for areas which were formerly categorized as “Group I areas”, in which case the nonattainment area is defined by the municipal boundary limits as of October 31, 1990.

(2) Similarly, for planning areas, air quality maintenance areas, air basins, and urban growth boundaries the nonattainment area is defined by the entire planning area, air quality maintenance area, air basin, or urban growth boundary as of November 15, 1990, except for areas which were formerly “Group I”, in which case the boundary is defined by the entire planning area, air quality maintenance area, air basin, or urban growth boundary as of October 31, 1990. The foregoing is true except to the extent the planning area, air quality maintenance area, air basin, or urban growth boundary is further defined, e.g., by township, range and/or section. Such geographical descriptors remain a fixed part of the nonattainment boundaries irrespective of whether they are included in the planning area, air quality maintenance area, air basin, or urban growth boundary.

(3) The boundaries of PM-10 areas subsequently redesignated pursuant to section 107(d)(3) of the Act will be defined by the city, town, planning area, air quality maintenance area, air

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basin, or urban growth boundary in effect the date the designation is promulgated.

(d) For ozone and carbon monoxide (CO) areas the effective date(s) of air quality area designations and classifications are described as follows:

(1) For the portions of ozone and CO nonattainment areas that were designated nonattainment prior to the date of enactment of the Clean Air Act Amendments of 1990 (preenactment), the effective date is November 15, 1990.

(2) For the portions of nonattainment areas that were designated attainment prior to November 15, 1990, and included as part of an area designated nonattainment prior to November 15, 1990, the effective date of the designation to nonattainment is November 15, 1990 for:

(i) Purposes of determining whether the portion of the nonattainment area is eligible for the 5-percent classification adjustment under section 181(a)(4) (ozone) or section 186(a)(3) (CO);

(ii) Triggering the process for determining the C/MSA boundary adjustment under section 107(d)(4)(A)(iv)-(v);

(iii) Determining the scope of a “covered area” under section 211 (k)(10)(D) and opt-in under section 211 (k)(6) for the reformulated gasoline requirement and for purposes of determining the baseline of the reductions needed to meet the requirement to reduce volatile organic compounds by 15 percent under section 181 (b)(1). For all other purposes the effective designation date is January 6, 1992 (except for the Towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury in Orange County, NY, and for Putnam County, NY, for which the effective date is January 15, 1992, and for the remainder of Orange County, NY, for which the effective date is April 21, 1994).

(3) For nonattainment areas designated attainment preenactment, and not included as part of any nonattainment area that was designated nonattainment preenactment, the effective date for all purposes is the date of the designation.

(e) Provisions for Early Action Compact Areas with Deferred Effective Date of Nonattainment Designation.

(1) *Definitions.* The following definitions apply for purposes of this subpart. Any term not defined herein shall have the meaning as defined in 40 CFR 51.100 and §81.1

(i) *Early Action Compact.* The term “early action compact” (“compact”) means an agreement entered into on or before December 31, 2002, by—

(A) The Administrator;
(B) A State;
(C) An official of a county, parish, or town that—

(1) Is designated attainment for the 1-hour national ambient air quality standard for ozone;

(2) Has monitored data representing the most recent 3 years of quality-assured data that meets the 1-hour national ambient air quality standard for ozone; and

(3) May or may not be meeting the 8-hour national ambient air quality standard for ozone.

(ii) *State.* The term “State” has the meaning given the term in section 302 of the Clean Air Act (42 U.S.C. 7602).

(iii) *Area.* The term “area” means one or more counties, parishes, or towns that are participating in an early action compact.

(iv) *State Implementation Plan.* The term “State implementation plan” (“SIP”) means a plan required to be submitted to the Administrator by a State under section 110 of the Clean Air Act (42 U.S.C. 7410).

(v) *8-hour National Ambient Air Quality Standard* means the air quality standards under the Clean Air Act (42 U.S.C. 7401 *et seq.*) codified at 40 CFR 50.10.

(2) *What Are Early Action Compact Areas Required To Do?*

(i) Not later than June 16, 2003, the local area shall—

(A) Submit to the Administrator a list identifying and describing the local control measures that are being considered for adoption during the local planning process; and

(B) Provide to the public clear information on the measures under consideration;

(ii) Not later than March 31, 2004, the local plan shall be completed and submitted to the State (with a copy of the local plan provided to the Administrator), which shall include—

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(A) One or more locally adopted measures that are specific, quantified, and permanent and that, if approved by the Administrator, will be enforceable as part of the State implementation plan;

(B) Specific implementation dates for the adopted control measures;

(C) Sufficient documentation to ensure that the Administrator will be able to make a preliminary technical assessment based on control measures demonstrating attainment of the 8-hour ozone national ambient air quality standard under the Clean Air Act not later than December 31, 2007;

(iii) Not later than December 31, 2004, the State shall submit to the Administrator a revision to the SIP consisting of the local plan, including all adopted control measures, and a demonstration that the applicable area will attain the 8-hour ozone national ambient air quality standard not later than December 31, 2007;

(iv) The area subject to the early action compact shall implement expeditiously, but not later than December 31, 2005, the local control measures that are incorporated in the SIP;

(v) Not later than June 30, 2006, the State shall submit to the Administrator a report describing the progress of the local area since December 31, 2005, that includes—

(A) A description of whether the area continues to implement its control measures, the emissions reductions being achieved by the control measures, and the improvements in air quality that are being made; and

(B) Sufficient information to ensure that the Administrator will be able to make a comprehensive assessment of air quality progress in the area; and

(vi) Not later than December 31, 2007, the area subject to a compact shall attain the 8-hour ozone national ambient air quality standard.

(3) *What Action Shall the Administrator Take To Promulgate Designations for an Early Action Compact Area That Does Not Meet (or That Contributes to Ambient Air Quality in a Nearby Area That Does Not Meet) the 8-Hour Ozone National Ambient Air Quality Standard?*

(i) *General.* Notwithstanding clauses (i) through (iv) of section 107(d)(1)(B) of the Clean Air Act (42 U.S.C.

7407(d)(1)(B)), the Administrator shall defer until September 30, 2005, the effective date of a nonattainment designation of any area subject to a compact that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the 8-hour ozone national ambient air quality standard if the Administrator determines that the area subject to a compact has met the requirements in paragraphs (e)(2)(i) and (ii) of this section.

(ii) *Requirements not met.*

(A) If the Administrator determines that an area subject to a compact has not met the requirements in paragraphs (e)(2)(i) and (ii) of this section, the nonattainment designation will become effective June 15, 2004.

(B) Prior to expiration of the deferred effective date on September 30, 2005, if the Administrator determines that an area or the State subject to a compact has not met either requirement in paragraphs (e)(2)(ii) and (iii) of this section, the nonattainment designation shall become effective as of the deferred effective date, unless EPA takes affirmative rulemaking action to further extend the deadline.

(C) If the Administrator determines that an area subject to a compact and/or State has not met any requirement in paragraphs (e)(2)(iii)–(vi) of this section, the nonattainment designation shall become effective as of the deferred effective date, unless EPA takes affirmative rulemaking action to further extend the deadline.

(D) Not later than 1 year after the effective date of the nonattainment designation, the State shall submit to the Administrator a revised attainment demonstration SIP.

(iii) *All Requirements Met.* If the Administrator determines that an area subject to a compact has met all of the requirements under subparagraph (e)(2) of this section—

(A) The Administrator shall designate the area as attainment under section 107(d)(1)(B) of the Clean Air Act; and

(B) The designation shall become effective no later than April 15, 2008.

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(4) *What Action Shall the Administrator Take To Approve or Disapprove a Revision to the SIP Submitted by a Compact Area on or Before December 31, 2004?*

(i) Not later than September 30, 2005, the Administrator shall take final action to approve or disapprove a revision to the SIP, in accordance with paragraph (e)(2)(iii) of this section, that is submitted by a compact area on or before December 31, 2004.

(ii) If the Administrator approves the SIP revision, the area will continue to

be eligible for a deferral of the effective date of nonattainment designation.

(iii) If the Administrator disapproves the SIP revision, the nonattainment designation shall become effective on September 30, 2005.

(iv) If the area's nonattainment designation applies, the State shall comply with paragraph (e)(3)(ii)(D) of this section.

[56 FR 56709, Nov. 6, 1991, as amended at 57 FR 56766, Nov. 30, 1992; 59 FR 18970, Apr. 21, 1994; 63 FR 7274, Feb. 12, 1998; 69 FR 23875, Apr. 30, 2004]

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Alabama—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Etowah City within the western section of Gadsden	X	X	.....	.....
Those portions of Jefferson City within central Birmingham and the area surrounding the Universal Atlas Cement plant	X	X	.....	.....
Fairfield Area of Jefferson City ¹ .....	.....	X	.....	.....
Bessemer and Irondale areas of Jefferson County ¹ .....	.....	.....	X	.....
Rest of State .....	.....	.....	.....	X

¹ See FEDERAL REGISTER of June 21, 1981.

Alabama—Sulfur Dioxide

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Statewide	X

Alabama—Carbon Monoxide

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Statewide		Unclassifiable/Attainment		
Autauga County				
Baldwin County				
Barbour County				
Bibb County				
Blount County				
Bullock County				
Butler County				
Calhoun County				
Chambers County				
Cherokee County				
Chilton County				
Choctaw County				
Clarke County				
Clay County				
Cleburne County				
Coffee County				
Colbert County				
Conecuh County				
Coosa County				
Covington County				
Crenshaw County				
Dale County				
Dallas County				