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**Category:** 45 – Criteria for Plan Revisions for Nonattainment Areas

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

DATE: July 15, 1980

SUBJECT: Attainment Dates for Newly Designated Non-Attainment Areas

FROM: Richard G. Rhoads, Director  
Control Programs Development Division (MD-15)

TO: Director, Air and Hazardous Materials Division, Regions I-X

The purpose of this memo is to set forth the policy for determining the date by which areas must attain the national ambient air quality standard for pollutants for which such areas are, hence forth, initially designated nonattainment.

As you are aware, current Agency policy allows nonattainment area plans to be approved only if they satisfy the criteria, among others, of demonstrating compliance by the 1982 attainment date (unless one of the criteria allowing post-1982 compliance dates is satisfied). Obviously, continuance of this policy creates a difficult problem for those areas that are designated nonattainment within a few years of the 1982 attainment date. As such, my office has requested a legal opinion from OGC on the ability of the Agency to specify an attainment date different than 1982 for newly designated nonattainment areas. A copy of our request and of a subsequent response are attached.

The policy expressed in the attached OGC legal opinion states that SIPs developed for newly designated nonattainment areas are subject to the same time intervals set forth in Part D as were the initial 1979 plan revisions. This allows 12 months from the nonattainment designation for preparation and submittal of a plan, 6 additional months for EPA action of the plan, and no more than 3 1/2 years from the date of plan approval (i.e., 18 months from the nonattainment designation) to reach attainment.

If you have any questions or comments concerning this policy, please contact Mike Clowers (FTS) 629-5365 of my staff.

Attachments (not available)

cc: Mike James  
Ed Reich