



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

December 23, 1983

**MEMORANDUM**

SUBJECT: Section 107 Questions and Answers

FROM: G. T. Helms, Chief  
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TO: Air Branch Chief, Regions I-X

The April 21, 1983 memo from Sheldon Meyers on Section 107 Redesignation Policy has generally resulted in more consistent redesignation packages. However, a number of questions have developed since then and it seems worthwhile now to share with everyone the responses that have been developed. These questions have arisen in a number of areas.

1. Is air quality data alone sufficient for a redesignation from nonattainment to attainment?

Answer: No. Valid air quality data showing no NAAQS violations must be supplemented with a demonstration that the approved SIP control strategy which provides for attainment has been implemented. The April 21 memo describes the requirements in detail. In most cases the submittal will include the most recent eight quarters of data showing attainment and evidence of an implemented control strategy that EPA has approved. This demonstration need not necessarily be quantitative. Rather, it need simply confirm that the control strategy approved in the SIP to address the problem has indeed been implemented. Where only the most recent four quarters of data showing attainment are available, a state-of-the-art modeling analysis must be provided which quantifies that the SIP strategy is sound and that actual enforceable emission reductions are responsible for the air quality improvements.

2. Are the same requirements discussed in answer number 1 applicable to secondary TSP redesignations?

Answer: Yes. As for primary standards, some reason has to be shown for the improvement in air quality. This can consist of an implemented control strategy, some other Federally enforceable statewide regulations, or a well-documented explanation that the circumstances which resulted in the initial designation have changed or were incorrect. The integrity of the designation process should be preserved, for both primary and secondary pollutants. Further, it should be noted that States are not penalized by remaining secondary nonattainment. Therefore, a control strategy or other demonstration needs to be included with these redesignation requests.

3. Can a control strategy that has not been approved by EPA as part of the SIP be used to support a redesignation?

Answer: In general, no. However, an exception will be made if the physical circumstances and long-term economic factors are such that the implemented measures have the same weight as a SIP:

for example, the permanent closing of the major emitting sources, road paving to eliminate fugitive emissions, or other irreversible measures. Submittals including such changes, even though not formally approved as SIP revisions, have the practical impact of an EPA approved strategy and can be the basis for approval of the redesignation.

4. Are the same criteria required to reduce the size of a nonattainment area as are required for redesignating the entire area?

Answer: In general, yes. However, if a sound case can be made that the State "over designated" initially -- that is, designated a larger area than EPA required -- then the area can be reduced. The remaining nonattainment area must be compatible with EPA boundary requirements (see April 21, 1983 memo) and it must be convincingly demonstrated that the area going from nonattainment to attainment should not have been designated nonattainment. Other than this specific kind of exception, however, boundary changes require the same analysis as any nonattainment to attainment redesignation. When a portion of a nonattainment area is redesignated attainment, it would help the public if a statement was included in the notice which explains that a nonattainment portion remains.

5. What criteria are used in redesignating from unclassifiable to attainment for TSP and SO<sub>2</sub>?

Answer: Redesignations from unclassifiable to attainment generally require the most recent eight consecutive quarters of air quality data demonstrating attainment. No control strategy demonstration is required since there would have been no SIP requirement for an unclassifiable area. The SO<sub>2</sub> redesignations will generally continue to require dispersion modeling.

6. What is required for reclassifications from unclassifiable to attainment. for ozone, carbon monoxide, and nitrogen oxides?

Answer: Redesignations from unclassifiable to attainment do not involve any regulatory change. If a State wishes to make such a redesignation, it should be sent forward as a brief explanatory Federal Register notice documenting the information. However, the formal table containing the designation status is not changed since the attainment and unclassifiable designations are combined for these pollutants.

7. Is there, or has there ever been, a 50 km policy for ozone nonattainment areas?

Answer: No, this was only discussed as an option some years ago but it never achieved the status of Agency policy.

These questions and answers highlight some of the significant issues that have come up since the April 21, 1983 memo. Please call Bill Beal or John Calcagni (FTS 629-5555) if you have further comments or questions on Section 107 issues.

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