

comments. However, in the "Proposed Rules" section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective July 14, 2003, without further notice unless the Agency receives adverse comments by June 16, 2003. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

II. Summary of Redesignation Request and Maintenance Plan

A. What Requirements Must Be Followed for Redesignations to Attainment?

In order for a nonattainment area to be redesignated to attainment, the following conditions in section 107(d)(3)(E) of the CAA must be met:

- (i) We must determine that the area has attained the NAAQS;
- (ii) The applicable implementation plan for the area must be fully approved under section 110(k) of the CAA;
- (iii) We must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;
- (iv) We must fully approve a maintenance plan for the area as meeting the requirements of CAA section 175A; and,
- (v) The State containing such an area must meet all requirements applicable to the area under section 110 and part D of the CAA.

Our September 4, 1992, guidance entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" outlines how to assess the adequacy of redesignation requests against the conditions listed above.

The following is a brief discussion of how Colorado's redesignation request and maintenance plan meet the

requirements of the CAA for redesignation of the Aspen area to attainment for PM₁₀.

B. Does the Aspen Redesignation Request and Maintenance Plan Meet the CAA Requirements?

i. Attainment of the PM₁₀ NAAQS

A State must demonstrate that an area has attained the PM₁₀ NAAQS through submittal of ambient air quality data from an ambient air monitoring network representing maximum PM₁₀ concentrations. The data, which must be quality assured and recorded in the Aerometric Information Retrieval System (AIRS), must show that the average annual number of expected exceedances for the area is less than or equal to 1.0, pursuant to 40 CFR 50.6. In making this showing, the three most recent years of complete air quality data must be used.

Colorado operates one PM₁₀ monitoring site in the Aspen PM₁₀ nonattainment area. For this redesignation request, the Colorado Air Pollution Control Division (APCD) designated the Tapered Element Oscillating Microbalance (TEOM) monitor as the primary sampler for determining attainment of the PM₁₀ NAAQS in the Aspen area, beginning in 1998. Colorado submitted ambient air quality data from the monitoring site which demonstrate that the area has attained the PM₁₀ NAAQS. These air quality data were quality-assured and placed in AIRS. The 24-hour PM₁₀ NAAQS was exceeded once in Aspen in 1991 and the annual PM₁₀ NAAQS has never been exceeded. We reviewed the three most recent years of data for the area (1999–2001) and determined that the data is complete (*i.e.*, data are available for at least 75% of the scheduled PM₁₀ samples per quarter) with no recorded violations of either the 24-hour or annual PM₁₀ NAAQS. We believe that Colorado has adequately demonstrated, through ambient air quality data, that the PM₁₀ NAAQS have been attained in the Aspen area.

ii. State Implementation Plan Approval

Those States containing initial moderate PM₁₀ nonattainment areas were required by the 1990 amendments to the CAA to submit a SIP by November 15, 1991, which demonstrated attainment of the PM₁₀ NAAQS by December 31, 1994. To approve a redesignation request, the SIP for the area must be fully approved under section 110(k) and must satisfy all requirements that apply to that area. The Aspen PM₁₀ SIP was initially submitted by Colorado on January 15,

1992, with revisions submitted on March 17, 1993, and December 9, 1993. EPA fully approved the PM₁₀ SIP for Aspen on September 14, 1994 (59 FR 47088). Additional revisions consisting of further updating of the technical and administrative information, adopting emission budgets for the Aspen area, and removing the voluntary no-drive program from consideration as part of the Federal SIP were submitted by Colorado on March 13, 1995, and were approved by EPA on December 17, 1997 (62 FR 66007). The PM₁₀ SIP for Aspen was approved as meeting the moderate PM₁₀ nonattainment plan requirements that were due to EPA on November 15, 1991.

iii. Improvement in Air Quality Due to Permanent and Enforceable Measures

Section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to emission reductions which are permanent and enforceable. Control measures in the Aspen PM₁₀ element of the Colorado SIP were adopted by the Colorado Air Quality Control Commission in January 1993 and November 1993, and were approved by EPA on September 14, 1994 (59 FR 47088). The primary sources of PM₁₀ emissions in the Aspen area are re-entrained road dust (from highways, paved roads, chip sealed roads, and unpaved roads) and woodburning. The permanent and enforceable control measures that brought the Aspen area into attainment of the NAAQS are explained in more detail below.

The City of Aspen and Pitkin County have adopted local ordinances that limit the number of woodburning devices in new construction in the Aspen area, and the City of Aspen adopted a local ordinance that requires emission controls for new restaurant grills. These woodburning and restaurant controls were adopted and implemented locally in the late 1980's and early 1990's and included in State regulation in 1993 (section III.C.4. of the State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas)). The rule was approved by EPA into the SIP in 1994.

In addition, Aspen has adopted street sanding controls that require the use of street sanding material containing less than "one percent fines" with a durability index of less than 30 percent. This control strategy was adopted in 1993 and approved by EPA in 1994, and is defined in detail in section III.C.1. of the "State Implementation Plan—