

(3) The air quality improvement is permanent and enforceable;

(4) The area has a fully approved maintenance plan pursuant to section 175A; and

(5) The area has met all relevant requirements under section 110 and part D of the Act.

IV. Does the Area Meet the Criteria for Redesignation?

The EPA has reviewed the redesignation request submitted by PADEP, on behalf of the ACHD, for the Liberty Borough nonattainment area and finds that the request meets the five requirements of section 107(d)(3)(E).

A. The Data Shows Attainment of the PM₁₀ NAAQS in the Liberty Borough Area

The ACHD and PADEP have quality-assured PM₁₀ ambient air monitoring data showing that the Liberty Borough Area has met the PM₁₀ NAAQS. Four monitoring sites have been operating in the nonattainment area since 1992. Most of the sites are located downwind of major industrial sources. The Lincoln site is located downwind of U.S. Steel Clairton Works; the Glassport site is located downwind and east of the U.S. Steel Irvin Works; the Liberty site is located near the center of the nonattainment area; the Clairton site is located southwest of U.S. Steel Clairton Works. The redesignation request is based upon the three most recent years of quality-assured PM₁₀ air monitoring data (1998–2000) available during preparation of the October 28, 2002 submittal. The PM₁₀ NAAQS includes both a daily and an annual standard. An area is attaining the daily and annual NAAQS if there are no violations, as determined in accordance with 40 CFR part 50.6 and Appendix K, based upon three complete consecutive calendar years of quality-assured monitoring data. The daily standard is met if the expected frequency of values above 150 ug/m³ is 1.0 or less. The data must be collected and quality-assured in accordance with 40 CFR part 58, and recorded in the Aerometric Information Retrieval System (AIRS). Subsequently the data was reported into EPA's new ambient air quality data system known as the Air Quality Subsystem (AQS).

The submittal included PM₁₀ monitoring data from 1992 through 2000. The redesignation request is based on the most recent data from 1998 through 2000. This data has been quality-assured and recorded in AQS. During the 1998 to 2000 time period, there were no actual exceedances of the daily standard, and the average annual number of expected exceedances is less

than 1.0 for that same time period. The complete quality-assured data in AQS from 2001 also shows that no exceedances were recorded. With regard to 2002, there have been no exceedances recorded. Therefore, the area has attained and continues to attain the daily NAAQS. During 1998 through 2002, the maximum annual average recorded at these sites was 41 ug/m³. As the annual standard of 50 ug/m³ is based on the average annual mean over three years, the area has attained and continues to attain the annual PM₁₀ standard. Because the area has attained the daily and annual NAAQS based upon the most recent three years of quality-assured data available during preparation of the October 28, 2002 submittal, and continues to attain the NAAQS, the first criterion of section 107(d)(3)(E) has been satisfied. The ACHD and PADEP have committed to continue monitoring in this area in accordance with 40 CFR part 58.

B. There Is a Fully Approved SIP Under Section 110(k) of the CAA

1. Section 110 Requirements

On January 6, 1994, the PADEP submitted an attainment plan to EPA consisting of an attainment demonstration and control measures for the Liberty Borough area. On April 11, 1995 (60 FR 18385), EPA proposed to approve the January 1994 attainment plan submittal as well as two SIP revisions related to PM₁₀ that had been previously submitted by the Commonwealth. After EPA's April 11, 1995 proposal to approve the attainment plan was published in the **Federal Register**, the PADEP reported that the PM₁₀ NAAQS had been exceeded twice in March of 1995. These exceedances raised concerns about the attainment demonstration. Therefore, while EPA did take final action to approve the control measures portion of the attainment plan on June 12, 1996 (61 FR 29664), EPA took no action on the modeled attainment demonstration portion of the attainment plan at that time. Contingency measures for the Liberty Borough area were formally submitted to EPA on July 12, 1995. On September 8, 1998, EPA fully approved the attainment demonstration and contingency measures for the Liberty Borough area (63 FR 47434) and made a formal finding that the area had attained the PM₁₀ NAAQS (63 FR 47493).

Therefore, the PM₁₀ SIP for the Liberty Borough area has been fully approved by EPA as meeting all the requirements of section 110(a)(2)(I) of

the Act, including the requirements of part D (relating to nonattainment).

2. Part D Requirements

Part D contains general provisions that apply to all nonattainment plans and certain sections that apply to specific criteria pollutants. Before EPA may redesignate the Liberty Borough PM₁₀ nonattainment area to attainment, the SIP must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it is subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas. EPA designated the Liberty Borough area as a moderate PM₁₀ nonattainment area on November 6, 1991 (codified at 40 CFR part 81.339). Therefore, to be redesignated to attainment, the Commonwealth must meet the applicable requirements of subpart 1 of part D of the CAA, specifically sections 172(c) and 176. Section 189(a) of subpart 4 of the CAA also must be met.

a. Subparts 1 and 4 of Part D—Sections 172(c) and 189(a)—Subpart 1 of part D addresses nonattainment areas in general and subpart 4 addresses PM₁₀ nonattainment areas specifically. All the relevant SIP requirements under sections 172(c) and 189(a) for Reasonably Available Control Measures; an emissions inventory; contingency measures; and an attainment demonstration were met by Pennsylvania and approved on June 12, 1996 (61 FR 29664) and September 8, 1998 (63 FR 47434). The Federal requirements for new source review (NSR) in nonattainment areas are contained in section 172(c)(5). EPA guidance indicates the permitting requirements of the part D NSR program for new major sources and major modifications shall be replaced by the prevention of significant deterioration (PSD) program's permitting requirements when an area has reached attainment and been redesignated, provided that the PSD program will be fully effective immediately upon redesignation. The ACHD was originally delegated the authority to implement and enforce the provisions of 40 CFR 52.21, on behalf of EPA, on December 14, 1983 (48 FR 55625). The ACHD adopted the PSD requirements promulgated in 40 CFR 52.21, incorporating them by reference in its regulations as provided in Article XXI, section 2102.07. On March 26, 2003, EPA renewed the ACHD's existing delegation to implement and enforce the provisions of 40 CFR 52.21 as well as any future revisions to these regulations (68 FR 14617). Therefore, the permitting