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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 52 and 81**

[Docket # OR-02-003a; FRL-7572-7]

**Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Grants Pass PM-10 Nonattainment Area Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** On November 4, 2002, the State of Oregon submitted a PM-10 maintenance plan for Grants Pass to EPA for approval and concurrently requested that EPA redesignate the Grants Pass nonattainment area to attainment for the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerodynamic diameter of less than ten micrometers (PM-10). In this action, EPA is approving the maintenance plan and redesignating the Grants Pass PM-10 nonattainment area to attainment.

**DATES:** This direct final rule will be effective December 26, 2003, unless EPA receives adverse comments by November 26, 2003. If relevant adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Comments may be submitted either by mail or electronically. Written comments should be mailed to Steven K. Body, Office of Air Quality, (OAQ-107), EPA Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Electronic comments should be sent either to [r10.aircom@epa.gov](mailto:r10.aircom@epa.gov) or to <http://www.regulations.gov> which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in the

**SUPPLEMENTARY INFORMATION** section, Part VII, General Information. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle WA.

**FOR FURTHER INFORMATION CONTACT:** Steven K. Body, State and Tribal

Programs Unit, Office of Air Quality, (OAQ-107), EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. Telephone number: (206) 553-0782, or e-mail address at [body.steve@epa.gov](mailto:body.steve@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever "we," "us," or "our" is used, we mean the EPA. Please note that if EPA receives relevant 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 a relevant adverse comment.

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**I. What Is the Purpose of This Action?**

EPA is approving the Grants Pass PM-10 Maintenance Plan and redesignating the Grants Pass PM-10 nonattainment area to attainment. Grants Pass is a city in southern Oregon with a population of approximately 36,000. In the late 1980's Grants Pass recorded PM-10 concentrations significantly above the level of the 24-hour PM-10 standard.

**II. Why Was Grants Pass Designated Nonattainment?**

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 107(d)(1)(C) of the Clean Air Act (CAA), the Grants Pass, Oregon, area was designated nonattainment for PM-10 by operation of law because the area had been designated a Group I planning area before November 15, 1990. Group I planning areas were identified on August 7, 1987. See 52 FR 29383. On October 31, 1990, EPA clarified the description of certain Group I planning areas, including the Grants Pass area. See 55 FR 45799. These areas were called "initial PM-10 nonattainment areas." On March 15, 1991, EPA announced these areas and classified them as moderate PM-10 nonattainment areas. See 56 FR 11101.

**III. How Can a Nonattainment Area Be Redesignated to Attainment?**

Nonattainment areas can be redesignated to attainment after the area has measured air quality data showing it has attained the NAAQS and when certain planning requirements are met. Section 107(d)(3)(E) of the CAA, and the General Preamble to Title I (57 FR 13498) provide the criteria for redesignation. These criteria are further clarified in a policy and guidance memorandum from John Calcagni, September 4, 1992, *Procedures for Processing Requests to Redesignate Areas to Attainment*. The criteria for redesignation are:

(1) The Administrator determines that the area has attained the relevant national ambient air quality standard;

(2) The Administrator has fully approved the applicable implementation plan for the area under section 110(k) of the Act;

(3) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, applicable Federal air pollution control regulations, and other permanent and enforceable reductions;

(4) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and

(5) The State containing the area has met all requirements applicable to the area under section 110 and part D of the CAA.

Before an area can be redesignated to attainment, all applicable State Implementation Plan (SIP) elements