

### USEPA Response

The Act authorizes the USEPA up to 18 months from submittal to act on a State's request to redesignate. See section 107(d)(3)(D). The process for redesignating areas to attainment is a complex one which is designed not only to identify areas which currently have clean air, but also to assure that clean air will be maintained in the future. There are many statutory requirements which must be satisfied before the redesignation request can be processed, including review and approval of all revisions to the SIP for programs whose deadlines came due prior to submittal of the redesignation request to the USEPA. See September Calcagni<sup>4</sup> memorandum and September Shapiro. Before the USEPA could finally redesignate the area to attainment, all remaining items had to be finally approved, including: (1) the State regulations for Reasonable Available Control Technology (RACT) for VOC,<sup>5</sup> (2) the section 182(f) oxides of nitrogen (NO<sub>x</sub>) RACT exemption petition, and (3) revisions to the national motor vehicle I/M rule. The USEPA could not redesignate the Detroit-Ann Arbor area until these actions were finalized. Because all these actions were finalized, the Federal action on the redesignation can be completed. Furthermore, if a violation had occurred during the pendency of the USEPA's review of the ozone redesignation request, the USEPA could not approve the request since the area would not have remained in attainment. As a consequence, further control measures would have been required under the Act.

In any case, the commentor's concern is moot, since no violations of the ozone NAAQS occurred during the 1994 ozone season.

### Comment

One commentor suggests that redesignation requests should be Table I decisions to ensure national consistency.

### USEPA Response

An October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, revised the SIP tables initially published in the Federal Register on January 19, 1989 (54 FR 2214). The USEPA revised these tables in conjunction with the Office of

Management and Budget (OMB). The revisions classified all redesignation, except those for total suspended particulate, as Table 2 actions. These actions require the Regional Administrator's decisions and concurrence, but provide a 40-day opportunity for Headquarters review before concurrence by the Regional Administrator. The 40-day Headquarters review is intended to function as a check for national consistency and the USEPA believes that this system provides adequate assurances of consistency.

### Comment

One commentor notes that the USEPA's proposed redesignation relies on data from 1993 which was not included in Michigan's November 12, 1993 request, and was not subject to public comment. Further, there is an inconsistency between the years offered by Michigan as a basis for redesignation 1990-92 and the years selected by the USEPA as the basis for considering and actually proposing the redesignation (1991-1993). Therefore, Michigan's redesignation request was not "complete" on November 12, 1993.

### USEPA Response

As stated in the proposed rulemaking, Michigan submitted ambient data for 1990-1992 in its November 12, 1993 submission, but did not submit 1993 ozone data because it was not completely quality-assured at the time the request was being developed. Under the guidance of the USEPA, the State submitted the 3 most recent consecutive years of complete air monitoring data (1990-1992), with the understanding that shortly thereafter, the 1993 ozone season data would be available in AIRS for the USEPA to review. The 1993 ozone data was considered by the USEPA and was subject to public comment as a result of the July 21, 1994 proposed rulemaking. Regardless of which years of data are used, 1990-1992 or 1991-1993, Michigan has demonstrated attainment of the ozone NAAQS in the Detroit-Ann Arbor area by providing monitoring data with no violations. Completeness of a SIP submittal is based on the criteria established in 40 CFR part 51, appendix V. Using these, the USEPA found the November 12, 1993 submittal complete in a letter to Michigan dated January 7, 1994. The use of 1993 ozone season data that was not completely quality-assured at the time of the November 12, 1993 submission does not alter the conclusion that the submission, which the USEPA found complete was based

on 3 consecutive years of air monitoring data.

### Comment

One commentator alleges that USEPA's notice of proposed approval of the redesignation is a product of undue haste since the action was incomplete and failed to give adequate notice of plans for verification of continued attainment. The action skips portions of paragraph (b) Demonstration of Maintenance and paragraph (C) Verification of Continued Attainment on pages 37198-37199. In addition, three paragraphs on page 37198 duplicate text on page 37197.

### USEPA Response

The omission of paragraph (B) and (C) and duplicated text is acknowledged. Unfortunately, the Office of Federal Register, inadvertently excluded a number of lines from these two sections of the action. For this reason, the comment period on the July 21, 1994, redesignation was reopened on September 8, 1994, (59 FR 46479 and 46380) for 15 days in order to provide the public an opportunity to appropriately comment on it.

### Comment

One commentor requested additional time for reviewing and providing comments on the proposed redesignation due to insufficient time to comment on such a complex proposal.

### USEPA Response

As discussed above, the comment period was extended for the redesignation and section 175A maintenance plan in order to give the public sufficient time to review and to submit comments. The correction document and extension of public comment period action were published on September 8, 1994. The USEPA does not believe that any additional extension of time is necessary as an adequate comment period has already been provided.

### Comment

One commentor requested a formal USEPA public hearing on the redesignation.

### USEPA Response

Under the Act, States can submit proposed implementation plans (and revisions) to the USEPA for approval only after they have afforded interested parties "reasonable notice and public hearing \* \* \*." See Section 110(a)(1) and (a)(2). The State held a public hearing on the proposed redesignation to attainment for ozone and revision to

<sup>4</sup>September 4, 1992 memorandum from John Calcagni, entitled *Procedures for Processing Requests to Redesignate Areas to Attainment*.

<sup>5</sup>The VOC RACT rules were approved in a final rulemaking published on September 7, 1994 in the Federal Register (59 FR 46213 and 46182).