

redesignated to attainment if the following conditions are met.

1. The EPA has determined that the NAAQS for lead has been attained.

2. The applicable implementation plan has been fully approved by EPA under section 110(k).

3. The EPA has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions.

4. The State has met all applicable requirements for the area under section 110 and part D.

5. The EPA has fully approved a maintenance plan, including a contingency plan, for the area under section 175A.

On March 3, 1992, ILCO, the source of emissions that led to the lead nonattainment designation for the Leeds area, was permanently shut down and dismantled. On May 3, 1993, the State of Alabama through ADEM submitted a request to redesignate the Leeds area of Jefferson County from nonattainment to attainment status for lead. Because the May 3, 1993, submittal was not complete and it did not adequately address all of the requirements, EPA recommended that the request be withdrawn and a complete SIP package be submitted. On December 8, 1993, in a letter from Mr. James W. Warr to Mr. Patrick Tobin, ADEM withdrew the May 3, 1993, package. A second submittal dated July 16, 1993, was received by EPA, along with a request for parallel processing. The request for parallel processing was based upon the fact that the maintenance plan did not become state effective until after the public hearing, August 18, 1993. The State did not receive any adverse comments during the public hearing or the 30 day comment period.

On September 28, 1993, the effective SIP revisions were submitted by ADEM revising the request to redesignate the Leeds area of Jefferson County from nonattainment to attainment for lead. A letter of completeness was mailed on October 7, 1993, to Mr. Richard E. Grusnick from Mr. Winston A. Smith for the revised submittal. The State of Alabama redesignation request for the Leeds area of Jefferson County meets the requirements of Section 107(d)(3)(E). The following is a description of how each requirement has been achieved.

1. Attainment of the Lead NAAQS

To demonstrate that the Leeds area is in attainment with the NAAQS for lead, ADEM included air quality data for the years 1991-1993 in the submittal. No exceedances of the lead standard have occurred since the ILCO shutdown on March 6, 1992. This amount of

monitoring data (more than 11 consecutive quarters at the present time) without an exceedance of the lead standard is adequate to demonstrate attainment of the standard. Modeling is also required to redesignate an area to attainment. The EPA believes that the EPA approved 1988 SIP, which included a modeling analysis which satisfies this requirement. The State of Alabama will continue to monitor the air quality of the Leeds area to verify attainment status and continued maintenance.

2. The Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

To be redesignated to attainment, section 107(d)(3)(E) requires that an area must have met all applicable requirements of section 110 of part D of title I of the CAA. EPA interprets section 107(d)(3)(E)(v) to mean that for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to or at the time of a complete redesignation request. Requirements of the CAA that come due subsequently continue to be applicable to the area at those later dates (see section 175A(c)) and, if the redesignation is disapproved, the State remains obligated to fulfill those requirements. Therefore, for purposes of redesignation, to meet the requirement that the SIP meet all applicable requirements under the CAA, EPA has reviewed the Leeds SIP to ensure that it satisfies all requirements due under the CAA prior to or at the time the State of Alabama submitted its redesignation request (i.e., July 16, 1993).

A. Section 110 Requirements

On October 28, 1988, EPA fully approved Alabama's SIP for the Leeds area of Jefferson County as meeting the requirements of section 110 of the 1977 CAA (see 52 FR 47686). Although section 110 was amended by the Clean Air Act Amendments (CAAA) of 1990, EPA has reviewed the Leeds SIP and believes that it meets the requirements of the section 110(a)(2).

B. Part D Requirements

Before a lead nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D. Subpart 1 of part D establishes the general requirements applicable to all nonattainment areas and subpart 5 of part D establishes certain requirements applicable to lead nonattainment areas. Section 191(a) required the submission of nonattainment SIPs meeting the

requirements of part D for areas designated nonattainment for lead after the 1990 CAAA, such as Leeds, within 18 months of the designation. As Leeds was designated nonattainment on January 6, 1992, its part D SIP was due on July 6, 1993, a date preceding the submission of the complete redesignation request for the area. Thus, to be redesignated, the Leeds area SIP must satisfy the requirements of part D applicable to lead nonattainment areas. These requirements include section 192(a)'s requirement that the SIP provide for attainment as expeditiously as practicable but no later than 5 years from the date of the nonattainment designation and the requirements of section 172(c). The EPA has reviewed the SIP submission from the State of Alabama and determined that it meets all of the relevant requirements.

The requirements of sections 172(c) and 192(a) for providing for attainment of the lead NAAQS, and the requirements of section 172(c) for requiring reasonable further progress (RFP), and the imposition of reasonably available control measures (RACM) have been satisfied through the permanent closure of the ILCO facility and the demonstration that the area is now attaining the standard. The EPA notes that the ILCO facility has been dismantled and its permit revoked. Moreover, section 172(c)(9) contingency measures are not required as the area is attaining the standard. See General Preamble for the Implementation of Title I, 57 FR 13498, 13564 (April 16, 1992).

The State of Alabama has submitted an emissions inventory for 1992 that fulfills the emissions inventory requirements of section 172(c)(3). Consequently, that requirement has been satisfied.

With respect to the requirement that an area seeking redesignation must have submitted and received full approval of a part D New Source Review (NSR) program required by section 172(c)(5), EPA has determined that, if an area seeking redesignation demonstrates maintenance of the standard without a part D NSR program, such a program need not be adopted and approved in order for the area to be redesignated. (See the memorandum from Mary Nichols, Assistant Administrator for Air and Radiation to Air Division Directors, October 14, 1994). As the State of Alabama has demonstrated that the Leeds area will maintain the lead standard with a part C PSD program, rather than a part D NSR program, in place, the requirement for having a fully approved part D NSR program need not