

§ 51.901

40 CFR Ch. I (7-1-07 Edition)

(t) *Subpart 2 (CAA)* means subpart 2 of part D of title I of the CAA.

(u) *Attainment Area* means, unless otherwise indicated, an area designated as either attainment, unclassifiable, or attainment/unclassifiable.

[69 FR 23996, Apr. 30, 2004, as amended at 70 FR 30604, May 26, 2005]

§ 51.901 Applicability of part 51.

The provisions in subparts A through W of part 51 apply to areas for purposes of the 8-hour NAAQS to the extent they are not inconsistent with the provisions of this subpart.

§ 51.902 Which classification and non-attainment area planning provisions of the CAA shall apply to areas designated nonattainment for the 8-hour NAAQS?

(a) *Classification under subpart 2 (CAA)*. An area designated nonattainment for the 8-hour NAAQS with a 1-hour ozone design value equal to or greater than 0.121 ppm at the time the Administrator signs a final rule designating or redesignating the area as nonattainment for the 8-hour NAAQS will be classified in accordance with section 181 of the CAA, as interpreted in § 51.903(a), for purposes of the 8-hour NAAQS, and will be subject to the requirements of subpart 2 that apply for that classification.

(b) *Covered under subpart 1 (CAA)*. An area designated nonattainment for the 8-hour ozone NAAQS with a 1-hour design value less than 0.121 ppm at the time the Administrator signs a final rule designating or redesignating the area as nonattainment for the 8-hour NAAQS will be covered under section 172(a)(1) of the CAA and will be subject to the requirements of subpart 1.

§ 51.903 How do the classification and attainment date provisions in section 181 of subpart 2 of the CAA apply to areas subject to § 51.902(a)?

(a) In accordance with section 181(a)(1) of the CAA, each area subject to § 51.902(a) shall be classified by operation of law at the time of designation. However, the classification shall be based on the 8-hour design value for the area, in accordance with Table 1 below, or such higher or lower classification as the State may request as provided in paragraphs (b) and (c) of this section. The 8-hour design value for the area shall be calculated using the three most recent years of air quality data. For each area classified under this section, the primary NAAQS attainment date for the 8-hour NAAQS shall be as expeditious as practicable but not later than the date provided in the following Table 1.

TABLE 1—CLASSIFICATION FOR 8-HOUR OZONE NAAQS FOR AREAS SUBJECT TO § 51.902(A)

| Area class | | 8-hour design value (ppm ozone) | Maximum period for attainment dates in state plans (years after effective date of nonattainment designation for 8-hour NAAQS) |
|-----------------|--------------------------|---------------------------------|---|
| Marginal | from | 0.085 | 3 |
| | up to ¹ | 0.092 | |
| Moderate | from | 0.092 | 6 |
| | up to ¹ | 0.107 | |
| Serious | from | 0.107 | 9 |
| | up to ¹ | 0.120 | |
| Severe-15 | from | 0.120 | 15 |
| | up to ¹ | 0.127 | |
| Severe-17 | from | 0.127 | 17 |
| | up to ¹ | 0.187 | |
| Extreme | equal to | 0.187 | 20 |
| | or above | | |

¹ but not including.

(b) A State may request a higher classification for any reason in accordance with section 181(b)(3) of the CAA.

(c) A State may request a lower classification in accordance with section 181(a)(4) of the CAA.