Environmental Protection Agency § 51.903

lowest to highest as follows: classification under subpart 1 of the CAA; marginal; moderate; serious; severe-15; severe-17; and extreme.

(j) *Initially designated* means the first designation that becomes effective for an area for the 8-hour NAAQS and does not include a redesignation to attainment or nonattainment for that standard.

(k) *Maintenance area for the 1-hour NAAQS* means an area that was designated nonattainment for the 1-hour NAAQS on or after November 15, 1990 and was redesignated to attainment for the 1-hour NAAQS subject to a maintenance plan as required by section 175A of the CAA.

(l) *Nitrogen Oxides (NO*$_X$*) means the sum of nitric oxide and nitrogen dioxide in the flue gas or emission point, collectively expressed as nitrogen dioxide.*

(m) *NO$_X$ SIP Call* means the rules codified at 40 CFR 51.121 and 51.122.

(n) *Ozone season* means for each State, the ozone monitoring season as defined in 40 CFR Part 58, Appendix D, section 2.5 for that State.

(o) *Ozone transport region* means the area established by section 184(a) of the CAA or any other area established by the Administrator pursuant to section 176A of the CAA for purposes of ozone.

(p) *Reasonable further progress (RFP)* means for the purposes of the 8-hour NAAQS, the progress reductions required under section 172(c)(2) and section 182(b)(1) and (c)(2)(B) and (c)(2)(C) of the CAA.

(q) *Rate of progress (ROP)* means for purposes of the 1-hour NAAQS, the progress reductions required under section 172(c)(2) and section 182(b)(1) and (c)(2)(B) and (c)(2)(C) of the CAA.

(r) *Revocation of the 1-hour NAAQS* means the time at which the 1-hour NAAQS no longer apply to an area pursuant to 40 CFR 50.9(b).

(s) *Subpart 1 (CAA)* means subpart 1 of part D of title I of the CAA.

(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.

§ 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 nonattainment area planning provisions of the CAA shall apply to areas designated nonattainment for the 1997 8-hour NAAQS?

(a) An area designated nonattainment for the 1997 8-hour NAAQS will be classified in accordance with section 181 of the CAA, as interpreted in § 51.903(a), for purposes of the 1997 8-hour NAAQS, and will be subject to the requirements of subpart 2 that apply for that classification.

(b) [Reserved]

§ 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.
### §51.904 How do the classification and attainment date provisions in section 172(a) of subpart 1 of the CAA apply to areas subject to §51.902(b)?

(a) **Classification.** The Administrator may classify an area subject to §51.902(b) as an overwhelming transport area if:

1. The area meets the criteria as specified for rural transport areas under section 182(h) of the CAA;
2. Transport of ozone and/or precursors into the area is so overwhelming that the contribution of local emissions to observed 8-hour ozone concentration above the level of the NAAQS is relatively minor; and
3. The Administrator finds that sources of VOC (and, where the Administrator determines relevant, NO\textsubscript{X}) emissions within the area do not make a significant contribution to the ozone concentrations measured in other areas.

(b) **Attainment dates.** For an area subject to §51.902(b), the Administrator will approve an attainment date consistent with the attainment date timing provision of section 172(a)(2)(A) of the CAA at the time the Administrator approves an attainment demonstration for the area.

### §51.905 How do areas transition from the 1-hour NAAQS to the 1997 8-hour NAAQS and what are the anti-backsliding provisions?

(a) **What requirements that applied in an area for the 1-hour NAAQS continue to apply after revocation of the 1-hour NAAQS for that area?**

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

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

### Table 1—Classification for 8-hour Ozone NAAQS for Areas Subject to §51.902(a)

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

1 but not including.

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(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.

§51.904 How do the classification and attainment date provisions in section 172(a) of subpart 1 of the CAA apply to areas subject to §51.902(b)?

(a) **Classification.** The Administrator may classify an area subject to §51.902(b) as an overwhelming transport area if:

1. The area meets the criteria as specified for rural transport areas under section 182(h) of the CAA;
2. Transport of ozone and/or precursors into the area is so overwhelming that the contribution of local emissions to observed 8-hour ozone concentration above the level of the NAAQS is relatively minor; and
3. The Administrator finds that sources of VOC (and, where the Administrator determines relevant, NO\textsubscript{X}) emissions within the area do not make a significant contribution to the ozone concentrations measured in other areas.

(b) **Attainment dates.** For an area subject to §51.902(b), the Administrator will approve an attainment date consistent with the attainment date timing provision of section 172(a)(2)(A) of the CAA at the time the Administrator approves an attainment demonstration for the area.

§51.905 How do areas transition from the 1-hour NAAQS to the 1997 8-hour NAAQS and what are the anti-backsliding provisions?

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