express bus lanes, increased bus fleet and service, elimination of free on-
street commuter parking, elimination of free employee parking, and the park-
ing surcharge approved in §52.2423, the Commonwealth shall monitor vehicle
miles traveled and average vehicle speeds for each area in which such sec-
tions are in effect and during such time periods as may be appropriate to evalu-
ate the effectiveness of such a program. All data obtained from such moni-
toring shall be included in the quarterly report submitted to the Adminis-
trator by the Commonwealth of Virginia in accordance with §58.35 of this
chapter. The first quarterly report shall cover the period from July 1 to
September 30, 1974. The vehicle miles traveled and vehicle speed data shall be
collected on a monthly basis and submitted in a format similar to Table 1.

<table>
<thead>
<tr>
<th>Time period</th>
<th>Affected area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway</td>
<td>VMT or average vehicle speed</td>
</tr>
<tr>
<td>Arterial</td>
<td>Vehicle type (1)</td>
</tr>
<tr>
<td>Collector</td>
<td>Vehicle type (2)</td>
</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
</tbody>
</table>

1 Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the Commonwealth shall submit to the Ad-
ministrator a compliance schedule to implement this section. The program
description shall include the following:
(i) The agency or agencies respon-
sible for conducting, overseeing, and maintaining the monitoring program.
(ii) The administrative procedures to be used.
(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a de-
scription of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

[37 FR 10898, May 31, 1972, as amended at 37
FR 15091, July 27, 1972; 38 FR 16568, June 22,
1973; 38 FR 33724, Dec. 6, 1973; 44 FR 27571,
May 10, 1979; 51 FR 40677, Nov. 7, 1986]

EFFECTIVE DATE NOTE: At 78 FR 33985, June 6, 2013, §52.2427 was removed and reserved, effective Aug. 5, 2013.

§52.2428 Control Strategy: Carbon monoxide and ozone.

(a) Determination—EPA has deter-
mined that, as of November 5, 1997, the
Richmond ozone nonattainment area,
which consists of the counties of Ches-
terfield, Hanover, Henrico, and part of
Charles City County, and of the cities of
Richmonds, Colonial Heigh and
Hopewell, has attained the 1-hour .12
ppm ozone standard based on three
years of air quality data for 1993, 1994
and 1995. EPA has further determined
that the reasonable further progress and attainment demonstration require-
ments of section 182(b)(1) and related
requirements of section 172(c)(9) of the
Clean Air Act do not apply to the Rich-
mond area for so long as the area does
not monitor any violations of the 1-
hour .12ppm ozone standard, or until
the area is no longer designated non-
attainment. If a violation of the ozone
NAAQS is monitored in the Richmond
ozone nonattainment area while the
area is designated nonattainment, these determinations shall no longer apply.

(b) EPA approves the Common-
wealth’s 15 Percent Rate of Progress Plan for the Virginia portion of the
Metropolitan Washington, D.C. ozone
nonattainment area, submitted by the
Acting Director of the Virginia Depart-
ment of the Environmental Quality on
April 14, 1998.

(c)–(d) [Reserved]

(e) Based upon EPA’s review of the air quality data for the 3-year period
2003 to 2005, EPA has determined that the Washington, DC severe 1-hour
ozone nonattainment area attained the 1-hour ozone NAAQS by the applicable
attainment date of November 15, 2005.
EPA also has determined that the
Washington, DC severe 1-hour ozone
nonattainment area is not subject to
the imposition of the section 185 pen-
alty fees.

(f) EPA approves revisions to the Vir-
ginia State Implementation Plan con-
sisting of the 2008 reasonable further
progress (RFP) plan, reasonably avail-
able control measures, and contingency
measures for the Washington, DC-MD-
VA 1997 8-hour ozone moderate non-
attainment area submitted by the Di-
rector of the Virginia Department of
Environment Quality on June 12, 2007.
Environmental Protection Agency § 52.2430

(g) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Washington, DC-MD-VA 1997 8-hour ozone moderate non-attainment area submitted by the Director of the Virginia Department of Environment Quality on June 12, 2007:

<table>
<thead>
<tr>
<th>Type of control strategy</th>
<th>SIP Year</th>
<th>VOC (TPD)</th>
<th>NOx (TPD)</th>
<th>Effective date of adequacy determination or SIP approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate of Progress Plan</td>
<td>2008</td>
<td>70.8</td>
<td>159.8</td>
<td>September 21, 2009 (74 FR 45853), published September 4, 2009</td>
</tr>
</tbody>
</table>

(h) Determination of attainment. EPA has determined, as of February 28, 2012, that based on 2007 to 2009 and 2008 to 2010 ambient air quality data, the Washington, DC-MD-VA moderate non-attainment area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 8-hour ozone NAAQS.

§ 52.2430 Determinations of attainment.

(a) Based upon EPA’s review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Metropolitan Washington, District of Columbia-Maryland-Virginia (DC-MD-VA) fine particle (PM$_{2.5}$) nonattainment area attained the 1997 annual PM$_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area’s air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Metropolitan Washington, DC-MD-VA PM$_{2.5}$ nonattainment area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA’s review of the air quality data for the 3-year period 2007 to 2009, Washington, DC-MD-VA moderate nonattainment area has attained the 1997 8-hour ozone NAAQS by the applicable attainment date of June 15, 2010. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area’s air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Washington, DC-MD-VA moderate nonattainment area will not be reclassified for failure to attain by its applicable attainment date pursuant to section 181(b)(2)(A).

§ 52.2429 Control strategy: Particulate matter.

Determination of Attainment. EPA has determined, as of January 12, 2009, the Virginia portion of the Metropolitan Washington, DC—MD—VA nonattainment area for the 1997 PM$_{2.5}$ NAAQS has attained the 1997 PM$_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration and associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 PM$_{2.5}$ NAAQS.

[74 FR 1148, Jan. 12, 2009]