

40 CFR Part 52

Thursday
December 16, 1999

Part II

**Environmental
Protection Agency**

40 CFR Part 52

**Approval and Promulgation of
Implementation Plans; One-Hour Ozone
Attainment Demonstration for Various
State's Ozone Nonattainment Areas;
Proposed Rules**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[FRL-6501-7]

Notice of Proposed Actions on Attainment Demonstrations for the One-Hour National Ambient Air Quality Standards for Ozone**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed actions.

SUMMARY: This document announces that, elsewhere in today's **Federal Register**, EPA is proposing individually to approve or conditionally approve, and, in the alternative, to disapprove attainment demonstration State implementation plans (SIPs or plans) for ten areas in the eastern United States that are not in attainment of the 1-hour health and welfare-based national ambient air quality standards (NAAQS or standard) for ground-level ozone. These areas are designated as nonattainment for the ozone standard. The SIP demonstrations were prepared and forwarded to EPA from States and the District of Columbia (D.C.) where the nonattainment areas are located. They were submitted to meet the requirements of Title I of the Clean Air Act (CAA). The nonattainment areas on which EPA is proposing action are listed in the **SUPPLEMENTARY INFORMATION** section according to the EPA Regional Office in which they are located.

FOR FURTHER INFORMATION CONTACT: General questions concerning this document should be directed to Sharon Reinders, (919) 541-5284. Your comments or questions about a specific area should be directed to the EPA Regional Office representative identified in the **SUPPLEMENTARY** section. Information on how to contact the Regional Office appears in the document for each individual area.

SUPPLEMENTARY INFORMATION: The nonattainment areas on which EPA is proposing action are listed in the following according to the EPA Regional Office in which they are located:

Region I—Greater Connecticut (CT)

The Connecticut portion of the New York-Northern New Jersey-Long Island area Springfield (Western Massachusetts) (MA).

Region II—New York-Northern New Jersey-Long Island (NY-NJ-CT)

The New Jersey portion of the Philadelphia-Wilmington-Trenton area.

Region III—Baltimore (MD)

Philadelphia-Wilmington-Trenton (PA-NJ-DE-MD) Metropolitan Washington (DC-MD-VA).

Region IV—Atlanta (GA)

Region V—Milwaukee-Racine (WI)

Chicago-Gary-Lake County (IL-IN).

Region VI—Houston-Galveston-Brazoria (TX)

Your comments or questions about a specific area should be directed to the EPA Regional Office representative identified as follows:

Regional Offices

Region I—Richard Burkhart (617) 918-1664,

Region II—Paul Truchan (212) 637-4249 or Kirk Wieber (212) 637-3381,

Region III—Dave Arnold (215) 814-2172,

Region IV—Scott Martin (404) 562-9036,

Region V—Edward Doty (312) 886-6057 or Michael Leslie (312) 353-6680,

Region VI—Guy Donaldson (214) 665-7242.

The CAA and several guidance memoranda issued earlier by EPA provide relevant background information for the specific rulemaking proposals appearing in today's **Federal Register**. The important CAA sections and EPA guidance are described below and in the documents on individual areas elsewhere in today's **Federal Register**.

In 1990, Congress amended the CAA to address, among other things, continued nonattainment of the ground-level ozone NAAQS. Public Law 101-549, 104 Stat. 2399 codified at 42 U.S.C., 7401-7671q (1991). The CAA, as amended, divides 1-hour ozone nonattainment areas into, in general, five classifications based on ozone air quality concentrations (marginal, moderate, serious, severe, and extreme nonattainment); and establishes specific requirements, including SIP submittal and attainment dates, for each classification. CAA sections 107(d)(1)(C) and (4), and 181.

The CAA also requires States to submit a SIP to provide for attainment of the 1-hour ozone standard which includes a demonstration of attainment (including air quality modeling) for the nonattainment area, as well as emission control measures needed to attain by the attainment date. CAA section 182(c)(2)(A) and (d). In addition, the CAA requires States to submit a SIP for serious and severe nonattainment areas which provide for emissions reductions of 9 percent from their baseline

emissions for each 3-year period from 1997 until the area's attainment date (9 percent rate-of-progress SIPs). The CAA section 182(c)(2)(B) and (d) establishes November 15, 1994, as the required date for these SIP submittals.

Notwithstanding significant efforts by the States, EPA determined that the States were not able to meet the November 15, 1994 deadline for the required SIP submissions because of the complexity of the ozone problem and the recognition that intrastate emissions reductions alone would not be sufficient to reach attainment. On March 2, 1995, EPA Assistant Administrator Mary D. Nichols sent a memorandum to EPA Regional Administrators indicating that many States had been unable to adopt and submit attainment and 9 percent rate of progress SIPs within the deadlines prescribed by the CAA due to interstate ozone transport beyond their control. The March 2, 1995 memorandum called for a collaborative process among the States in the eastern half of the country to evaluate and address transport of ozone and its precursors. This memorandum led to the formation of the Ozone Transport Assessment Group (OTAG).¹ After a comprehensive study of air pollution transport in the eastern United States, OTAG concluded that transport of ozone and its precursors is significant and should be reduced regionally to enable States in the eastern half of the country to attain the ozone NAAQS. To allow time for the OTAG study to be addressed in the individual nonattainment area SIPs, EPA provided until April 1998 to submit certain portions of the attainment demonstration and 9 percent rate-of-progress SIPs. The States generally submitted the SIPs between April and October 1998; some States are still submitting additional revisions as described in the individual proposed rulemaking actions.

Six environmental organizations have filed a complaint in U.S. District Court regarding EPA's failure to promulgate a Federal implementation plan (FIP) for each of these areas in the absence of fully approved attainment demonstrations for the areas. In response to that lawsuit, EPA has entered into a consent decree to settle these claims. The consent decree provides a framework for further action regarding the ozone attainment demonstrations for these areas and establishes dates for future EPA

¹ Letter from Mary A. Gade, Director, State of Illinois Environmental Protection Agency to Environmental Commissioners of States (ECOS) Member, dated April 13, 1995.

rulemaking action. In particular, the consent decree establishes dates by which EPA is to determine the adequacy of the motor vehicle emission budgets associated with the attainment demonstrations for the areas and deadlines by which EPA is to promulgate FIPs for areas for which it has not approved attainment demonstration and 9 percent rate-of-progress SIPs. (A copy of the consent decree is being placed in the dockets for the proposals regarding the attainment demonstrations.) The consent decree, which is being lodged with the United States District Court for the District of Columbia, is still subject to the public notice and comment provisions of section 113(g) of the CAA. (A document regarding the section 113(g) process for the consent decree will be published separately in the **Federal Register**.)

Consistent with the dates in the consent decree, EPA is moving forward in a coordinated fashion to take action on the attainment plans for each of the 10 areas identified above. The EPA's proposals on the attainment plans are a critical next step in ensuring that each of these areas has in place a complete plan for achieving air quality meeting the 1-hour ozone standard. The EPA intends to take final action on elements of each of these plans during the next year.

The EPA's actions today reflect consistent application of EPA policies on motor vehicle emission budgets, credits for interstate nitrogen oxide reductions, and the need for additional emissions reductions, as well as other issues. These policies are discussed in detail in the documents for each area which appear elsewhere in today's **Federal Register**. The application of these policies to the plans for individual areas is discussed in the individual documents for each area.

Dated: December 1, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99-31708 Filed 12-15-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA069-7205:FRL-6501-8]

Approval and Promulgation of Implementation Plans; Massachusetts; One-Hour Ozone Attainment Demonstration for the Springfield (Western Massachusetts) Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the ground-level one-hour ozone attainment demonstration State Implementation Plan (SIP) for the Springfield (Western Massachusetts) ozone nonattainment area submitted by the then Commissioner of the Massachusetts Department of Environmental Protection (MA DEP) on July 27, 1998. We are also proposing to approve an attainment date extension for this area to December 31, 2003, which was requested by the current MA DEP Commissioner on August 13, 1999. We are also proposing, in the alternative, to disapprove this demonstration if Massachusetts does not submit: Revisions to the Massachusetts stage II vapor recovery rule that were committed to in the July 27, 1998 attainment demonstration; and the demonstration described in EPA's supplementary proposed approval of the Massachusetts 15% rate-of-progress plan published in the **Federal Register** on November 30, 1999, requiring Massachusetts to demonstrate that the emission reduction credit it is claiming for its I/M program in the Western Massachusetts attainment demonstration is warranted for the combination of test type and equipment that Massachusetts is implementing.

DATES: Comments must be received on or before February 14, 2000.

ADDRESSES: Written comments (in duplicate if possible) should be sent to: David B. Conroy at the EPA Region I (New England) Office, One Congress Street, Suite 1100-CAQ, Boston, Massachusetts 02114-2023.

Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours (9 a.m. to 4 p.m.) at the following addresses: U.S. Environmental Protection Agency, Region 1 (New England), One Congress St., 11th Floor, Boston, Massachusetts, telephone (617) 918-1664, and at the Division of Air Quality Control,

Department of Environmental Protection, One Winter Street, 8th Floor, Boston, Massachusetts 02108. Please telephone in advance before visiting.

FOR FURTHER INFORMATION CONTACT: Richard Burkhart, (617) 918-1664.

SUPPLEMENTARY INFORMATION: This document provides background information on attainment demonstration SIPs for the one-hour ozone national ambient air quality standard (NAAQS) and an analysis of the one-hour ozone attainment demonstration SIP submitted by the MA DEP for the Western Massachusetts ozone nonattainment area. This document addresses the following questions:

What is the Basis for the Attainment Demonstration SIP?

What are the Components of a Modeled Attainment Demonstration?

What is the Frame Work for Proposing Action on the Attainment Demonstration SIPs?

What Does EPA Expect to Happen with Respect to the Attainment Demonstration for the Springfield (Western Massachusetts) One-hour Ozone Nonattainment Area?

What are the Relevant Policy and Guidance Documents?

How Does the Massachusetts Submittal Satisfy the Frame Work?

I. Background Information

A. What Is the Basis for the State's Attainment Demonstration SIP?

1. CAA Requirements

The Clean Air Act (CAA) requires EPA to establish national ambient air quality standards (NAAQS or standards) for certain widespread pollutants that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare. CAA sections 108 and 109. In 1979, EPA promulgated the one-hour 0.12 parts per million (ppm) ground-level ozone standard. 44 FR 8202 (Feb. 8, 1979). Ground-level ozone is not emitted directly by sources. Rather, emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) react in the presence of sunlight to form ground-level ozone. NO_x and VOC are referred to as precursors of ozone.

An area exceeds the one-hour ozone standard each time an ambient air quality monitor records a one-hour average ozone concentration above 0.124 ppm. An area is violating the standard if, over a consecutive three-year period, more than three exceedances are expected to occur at any one monitor. The CAA, as amended in 1990, required EPA to designate as nonattainment any area that was violating the one-hour ozone standard,