

Rhode Island 15 Percent Rate-of-Progress and Contingency Plans

Federal Register Dates:

December 8, 1998	Notice of Proposed Rulemaking, 63 FR 67594
December 8, 1998	Direct Final Rulemaking and Interim Final Rule, 63 FR 67638
January 6, 1999	Correction, 64 FR 926

EPA Approval Date: The direct final rule approving the Rhode Island 15 percent and contingency plans, and minor revisions to the State's 1990 base year inventory, was effective on February 8, 1999.

State Submittal: On September 21, 1998, the State of Rhode Island submitted formal revisions to its State Implementation Plan (SIP). The SIP revisions consist of the State's 15 percent ROP and contingency plans, and minor revisions to the Rhode Island 1990 inventory of ozone precursor emissions.

Background/Prior Action: EPA published a limited approval, limited disapproval of 15 percent ROP and contingency plans submitted by Rhode Island in 1994 in the April 17, 1997 Federal Register (62 FR 18712). The limited disapproval was issued primarily due to the State's failure to implement the enhanced automobile inspection and maintenance (I/M) program identified within these plans. The failure of Rhode Island to implement its I/M program resulted in emission reduction shortfalls in the State's 15 percent ROP and contingency plans.

Summary: EPA approved, by direct final rule, State Implementation Plan (SIP) revisions submitted by the State of Rhode Island to address ground level ozone air pollution in the State. The revisions consisted of the State's 15 percent rate-of-progress (ROP) plan and contingency plan, and minor revisions to the Rhode Island 1990 emission inventory of ozone precursors. The intended effect of this action was to approve these plans in accordance with the Clean Air Act, 42 U.S.C. 7401 et seq. (the Act). In recognition of this approval of Rhode Island's 15 percent and contingency plans, EPA also made an interim final determination, by this action, that the State has corrected the deficiencies prompting the original disapproval of these plans. The interim final determination deferred the application of the offset sanction which would otherwise have been implemented on November 19, 1998, and deferred the future application of the highway sanction. The interim final action was taken under Section 110 of the Act.

Transportation Conformity Budgets:

Under EPA's transportation conformity rule the 15 percent plans are a control strategy SIP. The plan for Rhode Island established a VOC emission budget for on-road mobile sources within the Providence nonattainment area, which encompasses the entirety of the state. The 15 percent plan did not establish NOx emission budgets for on-road mobile sources. However, Rhode Island submitted a complete SIP revision consisting of a reasonable further progress plan to achieve a 9 percent emission reduction in ozone precursor emissions after 1996 (post-96 plans). This plan was submitted on September 21, 1998. These revisions established the VOC and NOx emission budgets for 1999. The 1999 VOC emission budget is 41.57 tpsd, and the 1999 NOx emissions budget is 46.40 tpsd. EPA believes that the VOC and NOx budgets

established by the post-96 plans for Rhode Island are the controlling budgets for conformity determinations for 1999 and later years; until such time as an attainment SIP with motor vehicle emissions budgets are submitted to EPA and determined adequate or approved into the Rhode Island SIP.

The budgets in the post-1996 plans specifically addressed the 1999 reasonable further progress milestone year, whereas the 15 percent plan established a budget for the prior reasonable further progress milestone year of 1996. The time period for the budget in the 15 percent plans has passed. These budgets reflect the currently projected start date for Rhode Island's I/M program. Therefore, EPA confirmed its finding made on September 29, 1998, that the budgets for VOC and NOx in the current post-1996 plan can be used for determining conformity.

Identification by rule name and/or number/citation of the regulations that have been approved by EPA as part of the SIP Plan:

No new state regulations were approved into the Rhode Island State Implementation Plan in association with the 15 percent Rate-of-Progress Plan.

The 15 percent Rate-of-Progress Plan and Contingency Plan did rely on a number of existing Rhode Island State regulations and emission reduction programs including the following:

- Surface coating operations,
- Printing operations,
- Plant closures,
- Cutback asphalt,
- Synthetic pharmaceutical manufacturing,
- Automobile refinishing,
- Consumer and commercial products,
- Architectural and industrial maintenance (AIM) coatings,
- Stage II vapor recovery,
- Reformulated gasoline in onroad and off-road engines,
- Rhode Island vehicle inspection and maintenance program
- Federal tier I motor vehicle controls, and
- National low emitting vehicles.

Other Commitments:

EPA Region 1 Contact: Robert F. McConnell, (617) 918-1046.