

element is acceptable, we will not finalize this proposed action.

3. Continued Ambient Monitoring

The maintenance plan needs to contain provisions for continued operation of an air quality monitoring network that meets the provisions of 40 CFR part 58 and will verify continued attainment. The maintenance plan includes a commitment by SDCAPCD to continue to operate its monitoring network in compliance with the criteria of 40 CFR part 58 (page 5–4). This SDCAPCD commitment meets the continued monitoring provision.

4. Verification of Continued Attainment

The maintenance plan needs to show how the responsible agencies will track progress, and the plan should specifically provide for periodic inventory updates. The San Diego Maintenance Plan includes a commitment by SDCAPCD to meet this obligation through annual review of monitoring data from the most recent three consecutive years to verify continued attainment (page 5–5). This commitment meets our provisions for verification of continued attainment.

5. Contingency Provisions

CAA section 175A(d) provides that maintenance plans include contingency provisions “necessary to assure that the State will promptly correct any violation of the standard * * *. Such provisions shall include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the State implementation plan for the area before redesignation of the area as an attainment area.”

The San Diego Maintenance Plan notes that future effective provisions in CARB’s standards for light- and medium-duty vehicles (LEV II), heavy-duty vehicles, and off-road engines will provide significant continuing emissions reductions through the maintenance period. If new violations were to occur during the maintenance period, these measures should achieve sufficient reductions to correct the violations quickly. SDCAPCD notes that all measures in the San Diego ozone nonattainment SIP, including the NSR offset requirement, are retained in the San Diego Maintenance Plan, and the District will continue to implement the measures, in compliance with CAA section 175A(d). Finally, SDCAPCD commits to work with CARB to ensure the adoption, submittal, and expeditious implementation of any additional feasible measure(s) needed to ensure maintenance of the 1-hour ozone

NAAQS (pages 5–5 and 5–6). We propose to approve these provisions and commitments as meeting the contingency requirements of CAA section 175A(d).

6. Motor Vehicle Emissions Budgets

Maintenance plan submittals must specify the maximum emissions of transportation-related precursors of ozone allowed in the last year of the maintenance period. The submittals must also demonstrate that these emissions levels, when considered with emissions from all other sources, are consistent with maintenance of the NAAQS. In order for us to find these emissions levels or “budgets” adequate and approvable, the submittal must meet the conformity adequacy provisions of 40 CFR 93.118(e)(4) and (5), and be approvable under all pertinent SIP requirements.

The budgets defined by this and other plans when they are approved into the SIP or, in some cases, when the budgets are found to be adequate, are then used to determine the conformity of transportation plans, programs, and projects to the SIP, as described by CAA section 176(c)(3)(A). For more detail on this part of the conformity requirements, see 40 CFR 93.118. For transportation conformity purposes, the cap on emissions of transportation-related ozone precursors is known as the motor vehicle emissions budget. The budget must reflect all of the motor vehicle control measures contained in the maintenance demonstration (40 CFR 93.118(e)(4)(v)).

The motor vehicle emissions budgets are presented in Table 2 below, entitled “San Diego Maintenance Plan Motor Vehicle Emissions Budgets.”

TABLE 2.—SAN DIEGO MAINTENANCE PLAN MOTOR VEHICLE EMISSIONS BUDGETS

[Emissions are shown in tons per day]

Year	NO _x	VOC
2010	88	46
2014 and Subsequent Years	66	36

Source: San Diego Maintenance Plan, Table 5–3.

As discussed above in section II.A.1., Attainment Emissions Inventory, the motor vehicle emissions portion of these budgets (*i.e.*, the evaporative and tailpipe emissions) was developed using the EMFAC2002 motor vehicle emissions factors and updated county-specific vehicle data, including the latest San Diego County planning assumptions on vehicle fleet and age

distribution and activity levels. The budgets represent motor vehicle emissions levels, rounded up to the next whole number and adding one tpd to account for imprecision in motor vehicle emissions and potential slight emission increases associated with recent state legislation (AB 2637, 2002) affecting the motor vehicle inspection and maintenance program.

Assuming that we find that the emission factor element of EMFAC2002 is acceptable, we propose to approve the motor vehicle emission budgets as consistent with the criteria of 40 CFR 93.118(e)(4) and (5), including consistency with the baseline emissions inventories and the motor vehicle emissions used in the maintenance demonstration. Specifically, we are proposing to approve the budgets in the San Diego Maintenance Plan, which are based on, and consistent with, the maintenance demonstration. In a separate action, we will make a finding as to whether the above motor vehicle emissions budgets are adequate for purposes of conformity of transportation plans with the San Diego Maintenance Plan. We are taking this action separately in order to make the adequacy determination on the motor vehicle emission budgets within approximately 90 days of receipt of the plan, consistent with EPA’s May 14, 1999 guidance on implementation of March 2, 1999 conformity court decision.

B. Redesignation Provisions

1. Attainment of the 1-Hour Ozone NAAQS

On October 23, 2002 (67 FR 65043), EPA issued a final determination that San Diego County had attained the 1-hour ozone NAAQS by the CAA deadline of November 15, 2001. This finding was based on our conclusion that the design value for each monitor in the County for the period 1999–2001 was equal to or less than 0.12 ppm, and the average number of expected exceedance days per year was 1.0 or less for each monitor during that period. We also concluded that the ozone monitoring network for the area continued to meet or exceed applicable requirements. See also the discussion in our direct final determination of attainment published on August 23, 2002 (67 FR 54580).²

We have now looked at exceedance days and design values for each monitor for the most recent 3-year period, 2000–2002. The data for 1999–2001 and 2000–

² This direct final determination was withdrawn on October 23, 2002 (67 FR 65045) because an adverse comment was received.