

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[DC052-7007, MD143-3102, VA129-5065; FRL-7484-6]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA is conditionally approving the severe ozone nonattainment area State Implementation Plan (SIP) revision for the Metropolitan Washington severe ozone nonattainment area. This SIP revision includes the one-hour severe ozone attainment demonstration, the 1996-1999 portion of the severe area rate-of-progress (ROP) plan and transportation control measures for the Metropolitan Washington DC ozone nonattainment area (the Washington area) submitted by the District of Columbia's Department of Health (DoH), by the Maryland Department of the Environment (MDE) and by the Virginia Department of Environmental Quality (VADEQ). EPA is conditioning approval on commitments submitted by DoH, MDE and VADEQ to submit adopted control measures that qualify as contingency measures to be implemented for failure of the Washington area to attain the one-hour ozone standard for serious areas by November 15, 1999 and adopted contingency measures that will be implemented should the area fail to attain by the November 15, 2005 severe ozone attainment deadline or fail to achieve any post-1996 three-percent year emissions reduction requirement. Approval is also conditioned on commitments that require the Washington area jurisdictions to submit a revised rate-of-progress plan that includes emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005, an updated attainment demonstration that reflects revised MOBILE6-based motor vehicle emissions budgets, a revised analysis of reasonably available control measures (RACM) and to revise the attainment demonstration as necessary to reflect the revised budgets and RACM analysis. Approval is also conditioned on the Washington area jurisdictions submitting a SIP revision that meets all

of the requirements of a severe area SIP including, but not limited to lower major stationary source thresholds, revised offset ratios, any required transportation control strategies and a fee requirement for major sources should the area fail to attain by 2005.

EFFECTIVE DATE: This final rule is effective on May 19, 2003.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; District of Columbia Department of Public Health, Air Quality Division, 51 N Street, NE., Washington, DC 20002; Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

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SUPPLEMENTARY INFORMATION: The use of "we," "us," or "our" in this document refers to EPA.

This **SUPPLEMENTARY INFORMATION** section is organized to address the following questions:

- I. What Action Is EPA Taking Today?
- II. What Were the Conditions for Approval Provided in the Notice of Proposed Rulemakings for the 1996-1999 ROP Plan and Attainment Demonstration?
- III. What Comments Were Received on the Proposed Conditional Approvals and How Has EPA Responded to them?
- IV. Applicability of Revised Motor Vehicle Emissions Budgets
- V. Final Action
- VI. Statutory and Executive Order Reviews

I. What Action Is EPA Taking Today?

EPA is taking a final action to conditionally approve the Washington area severe ozone nonattainment SIP. This SIP revision includes previously submitted attainment demonstration and 1996-1999 ROP plan SIPs and contingency measures that now apply to the Washington area as a severe area ozone nonattainment area. EPA is issuing a final conditional approval on the basis that the Washington area jurisdictions must revise and submit a severe area SIP that is consistent with the principle that attainment must be achieved as expeditiously as possible but no later than the severe ozone area attainment deadline of November 15, 2005 and that the previously submitted attainment demonstration and ROP SIPs must include contingency measures,

RACM, motor vehicle emissions budgets that are consistent with a severe attainment deadline and all of the remaining severe ozone nonattainment area requirements. On February 3, 2003 (68 FR 5246), EPA proposed to conditionally approve these SIP revisions as a severe area attainment demonstration and only the 1996-1999 portion of the Washington area's ROP obligation in accordance with section 110(k)(4) of the Clean Air Act (CAA), on the basis of commitments from DoH, MDE and VADEQ to remedy these certain limited inadequacies. EPA has since determined that the severe ozone nonattainment requirements in their entirety are inseparable from the overall Washington Area attainment demonstration. EPA is therefore authorized to conditionally approve the attainment demonstration as a whole based on commitments submitted on April 7 and 8, 2003, from Maryland, the District and Virginia, respectively, to submit measures to complete the severe area requirements to revise the previously submitted SIPs listed in Tables 1 and 2 of this notice to be consistent with and to include all of the section 182(d) requirements of a severe ozone nonattainment area SIP. The specific commitments submitted by the Washington area jurisdictions are to:

(A) Revise the 1996-1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(B) Revise the severe area ROP to provide emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005 severe ozone attainment date.

(C) Revise the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the ROP reductions required for the post-1999 period.

(D) Revise the Washington area severe attainment demonstration to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented for the failure of the Washington area to attain the one-hour ozone standard for serious areas by November 15, 1999.

(E) Update the Washington area severe attainment demonstration to