

net of growth of 128.3 tons per day of VOC and 116.2 tons per day of NO<sub>x</sub> to make the ROP targets. The plan actually achieved creditable reductions net of growth of 143.7 tons per day VOC and 123.0 tons per day NO<sub>x</sub>. The demonstration of ROP for the 1999 milestone year in Post-1996 plan clearly did not rely upon controls beyond reasonably available control technology (RACT) at large NO<sub>x</sub> sources. Even though the potential benefits of beyond-RACT controls were calculated, the 1996–1999 ROP plan did not rely upon those controls and did not rely upon Phase II of the RFG program which was implemented in January 2000.

The attainment modeling considered the effects of the OTC Phase II NO<sub>x</sub> controls. The benefits for these controls would have been 93 tons per day in 1999. 70 tons per day of reduction were achieved from the District's and Maryland's Phase II NO<sub>x</sub> rules which were implemented commencing May 1, 2002.<sup>1</sup> Major further reductions will occur in 2003 from the implementation of the NO<sub>x</sub> SIP call rules in Maryland and Virginia and beyond RACT controls on the two major utility sources in Virginia.<sup>2</sup> Thus, by 2003, the local NO<sub>x</sub> emissions would be close to the levels required by the local area modeling.

The Phase II RFG program is projected to yield 23.5 tons per day of VOC reductions in 2005 versus a little less than 16 in 1999. Much of this additional benefit would have been achieved in calendar year 2000 when the second phase of the program was implemented to achieve the mandated additional VOC reductions over and above that required by the first phase.

The attainment plan requires reductions net of growth of 148.5 tons per day of VOC and 192.9 tons per day of NO<sub>x</sub> to reduce emissions to the levels allowed by the attainment modeling demonstration. These are 4.8 tons per day of VOC and 69.9 tons per day of NO<sub>x</sub> lower than the reductions credited to the Post-1996 for the 1999 milestone. The creditable emissions reductions net of growth by 2005 are 151.8 tons per day of VOC and 327.9 tons per day of NO<sub>x</sub>. The Post-1999 reductions are mainly used to offset growth in emissions after 1999 once the RFG and Phase II NO<sub>x</sub> rules are in place.

The Plan's local emissions levels are very close to that required under the local air quality modeling in 1999 once

the RFG and Phase II NO<sub>x</sub> rules are considered. Significant reductions in upwind NO<sub>x</sub> will not commence sooner than May 31, 2004, under the NO<sub>x</sub> SIP call and related federal requirements. EPA believes modeling a 2003 year case would merely show continued exceedances due to transport. For a 2004 year, EPA believes that the resources needed to develop the necessary inventories, process them for incorporation into the air quality model and to perform the actual air quality modeling would not add any value. The emissions levels would be expected to be essentially the same as for 2005 because the 2005 plan is projected to exceed the emission reduction requirements set by the modeling demonstration.

#### c. The Ozone Standard.

*Comment:* The commenter stated that EPA had based its proposed approval of the attainment demonstration on the assumption that the 1-hour ozone standard is 0.125 ppm, when the actual standard is 0.12 ppm.

*Response:* The level of the 1-hour ozone National Ambient Air Quality Standard (NAAQS) is defined in 40 CFR 50.9 as 0.12 parts per million (ppm), not 120 parts per billion (ppb) as implied by the commenter. In other words, the 1-hour ozone NAAQS is specified as two significant digits and the data handling approach employed to compare ambient air quality data to the 1-hour ozone standard is to round to two decimal places as per the regulations and guidance referenced above.

Although the 1-hour NAAQS itself includes no discussion of specific data handling conventions, EPA's publicly articulated position and the approach long since universally adopted by the air quality management community is that the interpretation of the 1-hour ozone standard requires rounding ambient air quality data consistent with the stated level of the standard. EPA has clearly communicated the data handling conventions for the 1-hour ozone NAAQS in regulation and guidance documents. In the 1990 Amendments to the CAA, Congress expressly provided that "[e]ach regulation, standard, rule, notice, order and guidance promulgated or issued by the Administrator under this Act, as in effect before the date of the enactment of the Clean Air Act Amendments of 1990 shall remain in effect according to its terms \* \* \*". Thus, under the amended CAA, Congress expressly carried forth EPA interpretations set forth in guidance such as the guideline documents interpreting the NAAQS.

As early as 1977, two years before EPA promulgated the 1-hour ozone

NAAQS, EPA provided in guidance that the level of the standard dictates the number of significant figures to be used in determining whether the standard was exceeded (see "Guidelines for the Interpretation of Air Quality Standards," OAQPS No. 1.2–008, February 1977). In addition, the regulations governing the reporting of annual summary statistics from ambient monitoring stations for use by EPA in determining national air quality status clearly indicate the rounding convention to be used for 1-hour ozone data (40 CFR part 58, appendix F). In 1979, EPA issued additional guidance specific to ozone in which EPA provided that "the stated level of the standard is taken as defining the number of significant figures to be used in comparisons with the standard. For example, a standard level of 0.12 ppm means that measurements are to be rounded to two decimal places (.005 rounds up), and, therefore, 0.125 ppm is the lowest concentration value in excess of the level of the standard." See "Guideline for the Interpretation of Ozone Air Quality Standards," EPA–450/4–79–003, at p. 6. EPA's guidance on air quality modeling is consistent with those Guidelines. See, e.g., Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, July 1996.

#### d. Modeled Demonstration of Attainment.

*Comment 1:* The commenter alleges that photochemical grid modeling shows that the Washington area will not attain the ozone standard by the November 2005 attainment date and because the "weight of evidence" (WOE) analysis used by EPA to conclude that the Washington area has demonstrated attainment by November 2005 is not authorized by the Act or by EPA rules. The comments claim that the modeling demonstration and WOE used in the attainment demonstration for the Washington area do not meet requirements of section 182(c) of the CAA and EPA's own regulations for photochemical grid modeling and other analytical methods, that the WOE is an alternative method to photochemical grid modeling which has not been shown to be equally effective to the Urban Airshed Model (UAM), and that WOE is a proscribed rollback method. Also, the commenter claims the most recent modeling guidance is flawed because: it is allegedly a rollback technique; because it allegedly allows the averaging across the three highest air quality sites across a region, whereas EPA's 1991 and 1996 modeling guidance requires that attainment be demonstrated at each site and, thus,

<sup>1</sup> These controls have been approved into the SIPs. See 65 FR 78416, December 15, 2000, and 65 FR 80783, December 22, 2000.

<sup>2</sup> These controls have been approved into the SIPs. See 66 FR 55099, November 1, 2001, and 66 FR 1866, January 10, 2001; and 65 FR 78100, December 14, 2000.