

benefits demonstration could be approved.<sup>20</sup>

The “contribute to attainment” and “net ozone benefit” tests described in preceding paragraphs both require an area-wide or regional analysis. In such area-wide/regional analyses, NO<sub>x</sub> emission reductions at a large number of sources are considered. These analyses are appropriate to determine in a directional manner whether or not NO<sub>x</sub> reductions are expected to be beneficial with respect to the air quality in the area/region. These analyses may be less precise than an attainment demonstration required under section 182(c).<sup>21</sup>

Regarding the excess emissions reductions test, EPA believes that the excess reductions provision requires a more precise analysis; specifically an analysis which is based on the attainment demonstration. That is, the excess reductions provision must be more than a directional finding on an area-wide basis.<sup>22</sup> As discussed elsewhere in this document in responses to comment, EPA believes that the WOE is not an alternative method or a roll-back analysis, or that the section 182(c) requirements for the attainment demonstrations does not exclude WOE and thus the attainment demonstration needed to support an excess emissions waiver could include the very same WOE analyses used in the Washington area.

When EPA stated that photochemical grid modeling was the only reliable tool we did not mean to confine modeling exclusively to just UAM. Rather, our guidance meant to exclude trajectory based models which lack the necessary treatment of the physical orientation of the NO<sub>x</sub> sources, dispersion of their plumes and cannot assess whether NO<sub>x</sub> control contributes to attainment in all parts of a nonattainment area because they address a limited number of trajectories.<sup>23</sup>

The General Preamble specified that NO<sub>x</sub> waivers would need to be supported by photochemical modeling analyses. The scope of these analyses was refined in subsequent guidance. This subsequent guidance specified the test required under for each of the different categories of NO<sub>x</sub> waivers set by statute. Some of the tests needed for NO<sub>x</sub> waivers are only directional in that one need to make comparisons in the changes in air pollutant concentrations due to large VOC-only, NO<sub>x</sub>-only, and VOC plus NO<sub>x</sub> reductions. Some of

these comparisons relate to geographic or population exposures to ozone levels. The excess emissions reduction test is tied to the attainment demonstration. With the exception of the excess emissions test, the photochemical analysis for the other tests only has to show that changes in ozone concentrations or net air quality benefits are greater in the absence of specified or substantial NO<sub>x</sub> reductions than with such reductions.<sup>24</sup> In all the tests, except those tied to an area's attainment demonstration, results from photochemical modeling one reduction scenario are compared with modeling results from different reduction scenarios. The tests only compare modeling results. For the tests tied to the attainment demonstration, EPA would consider the same WOE analyses as an attainment demonstration not related to an exemption from the section 182(f) requirements.

*e. Use of MOBILE6.*

*Comment:* The commenter alleges that it is inappropriate for EPA to conditionally approve the SIPs based on modeling conducted with EPA's MOBILE5 motor vehicle emissions model now that the MOBILE6 model is available for use.

*Response:* The MOBILE6 model was not available for use at the time these SIPs were developed. The model is now available, and EPA guidance issued with release of the model does indicate that any new SIP modeling should be conducted with the new model. The Washington area jurisdictions had already completed significant SIP modeling efforts prior to release of MOBILE6. EPA's guidance provides that EPA may continue to approve SIPs based on MOBILE5 under these circumstances. See the January 18, 2002 Memorandum titled, “Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity.” As noted in this January 18, 2002 Memorandum, the CAA requires that SIP inventories and control measures be based on the most current information available and applicable when a SIP is developed. See section 172(c)(3) of the CAA and 40 CFR 51.112(a)(1). However, as noted in the answer to the first question in this January 18, 2002 Memorandum, “EPA believes that the CAA would not require

states that have already submitted SIPs or will submit SIPs shortly after MOBILE6's release to revise these SIPs because a new motor vehicle emissions model is now available.” This concept was reiterated in the notice of availability, which was published in the **Federal Register** on January 29, 2002 (67 FR 4254), that announced the approval and availability of MOBILE6 for use in SIPs and conformity determinations. Use of the MOBILE6 model for SIP development was not allowed before the January 29, 2002, notice of availability. Since the Washington area attainment demonstration was submitted in February 2002, and the mobile source modeling was performed prior to that date, MOBILE5 had to be used.

It should also be noted that at the time of the development of the Washington area attainment demonstration changes were being made to the various draft versions of the MOBILE6 model as problems were detected in testing the drafts. Since the MOBILE6 model was not available when the SIPs for the Washington area was developed EPA concludes that it was appropriate to develop the SIP with the MOBILE5 model.

Furthermore, the States have committed not only to conduct further modeling reanalyses with the MOBILE6 model, but also to revise the attainment demonstration as necessary to demonstrate timely attainment with the new model, including any necessary additional control measures. EPA believes that in this case it is appropriate to conditionally approve the SIPs.

With respect to the commenter's criticism of MOBILE5 modeling, we believe that this modeling is not nearly so inaccurate or outdated as the commenter suggests. MOBILE5 modeling provides the best estimate of mobile source emissions that was available at the time the SIPs were developed. Soon the States will be reanalyzing mobile emissions with the improved MOBILE6 model and offsetting any additional emissions projected with the new model as necessary to provide for attainment.

The commenter further argues that because the States had previously committed to update the mobile modeling with MOBILE6 by this past January, it is arbitrary for EPA now to accept commitments from the States to complete this effort by April 2004. However, the SIPs in which the States had committed to complete these reanalyses were vacated by the Court of Appeals in response to litigation initiated by the commenter, and the

<sup>24</sup> In cases where an area outside the ozone transport region actually attained the ozone NAAQS as shown through air quality monitoring data without the NO<sub>x</sub> reductions on major stationary sources required by section 182(f) such areas could also obtain a NO<sub>x</sub> waiver. For example, refer to section 4.4 of Guideline for Determining the Applicability of Nitrogen Oxides Requirements under Section 182(f), December 16, 1993.

<sup>20</sup> *Id.*, Chapter 5.

<sup>21</sup> *Id.*, Chapter 6.

<sup>22</sup> *Id.*, Chapter 6.

<sup>23</sup> *Id.*, section 7.1.