

Ozone NAAQS" in the docket to support our conclusion that all RACM have been adopted for the Washington area as well as the model sensitivity analyses found in the attainment demonstration which shows that the Washington area portion of the Baltimore-Washington modeling domain benefits more from NO_x reductions than VOC reductions. For this final rule, EPA has placed Attachment 4 ("Model Sensitivity Study for Metropolitan Washington Area") of "RACM Analysis for Four Serious Areas Designated Nonattainment for 1-hr Ozone NAAQS" in the docket solely for the technical analysis of the model sensitivity analyses found in the attainment demonstration which shows that the Washington area portion of the Baltimore-Washington modeling domain benefits more from NO_x reductions than VOC reductions. A copy of "RACM Analysis for Four Serious Areas Designated Nonattainment for 1-hr Ozone NAAQS" U.S. Environmental Protection Agency; Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, cited in the response to comments portion of the January 3, 2001 final rule can be obtained by contacting the regional office listed under the **ADDRESSES** section of this document.

7. NO_x and VOC Reduction Credits

Comment 1: We received comments that both the attainment and ROP demonstrations are flawed because they rely on emission reductions from control measures that have not been fully approved by EPA as part of the SIP. Specifically, the comments identified NO_x RACT rules for all three Washington area States, NO_x reductions claimed for the beyond RACT NO_x control rules and Virginia's generic non-CTG VOC RACT rule.

Response 1: We incorporate by reference our responses to the comments on these issues found in sections II.N and R, *see* 66 FR at 619 and 66 FR at 620, and responses 3, 4, 8 of section II.X, *see* 66 FR at 623–625, of our final rule published January 3, 2001 as supplemented in this document:

The technical support documents for this action lists the current approval status of control measures in the Washington area.³⁴ With the exception of the transportation control measures found in the ROP plan, for which we

proposed approval on February 3, 2003, all the other measures credited towards the 1999 ROP requirement are in the approved SIP or are rules promulgated by the EPA. These measures were specified under the column labeled "Credited in 1996–1999 ROP plan" in Table 3 "Control Measures in the 1-hour Ozone 1996–1999 ROP Plan and Attainment Plans for the Metropolitan Washington Nonattainment Area" of the notice of proposed rulemaking for this action. *See* 68 FR at 5252, February 3, 2003.

Likewise, with the exception of any remaining RACM, if any, and of the transportation control measures specified in the attainment demonstration plan, all the other measures credited towards the attainment plan requirement are in the approved SIP or are rules promulgated by the EPA. These measures were specified under the column labeled "Credited in attainment plan" in Table 3 of the notice of proposed rulemaking for this action. The States have committed to timely submit any additional RACM, and we are taking final action to approve the TCMs in this notice.

The District's NO_x RACT rule was approved on December 26, 2000 (65 FR 81369), Maryland's on February 8, 2001 (66 FR 9522), and Virginia's on January 2, 2001 (66 FR 8).

The District's rule for beyond RACT control on large stationary sources of NO_x was approved on December 22, 2000 (65 FR 80783) and an additional rule on November 1, 2001 (66 FR 55099), Maryland's rules were approved on December 15, 2000 (65 FR 78416) and January 10, 2001 (66 FR 1866), and Virginia's on December 14, 2000 (65 FR 78100).

The technical support documents for this action lists the basis for the reduction credits from Virginia's non-CTG RACT rule.³⁵

Comment 2: We received comments asserting that EPA's reliance on SIP call reductions is particularly unjustified in the D.C. Area, given that Virginia is challenging EPA's authority to require those very reductions and that EPA cannot grant credit for SIP call reductions when the SIP call has been judicially stayed.

Response 2: We incorporate by reference our responses to the comments on these issues found in

response 8 of section II.A.2 of our final rule published January 3, 2001, *see* 66 FR at 602, supplemented as follows: The stay of the SIP call has been vacated and the SIP call has been upheld. The court lifted its stay and States are now required to submit SIPs fully addressing the SIP call and if they fail, EPA must promulgate a Federal plan. EPA is fully justified in its reliance on SIP call reductions and in granting credit for them in the areas' attainment demonstrations. *See* 67 FR 21867 (May 1, 2000).

8. Attainment Demonstration and Rate-of-Progress Control Measures Not In SIP

Comment 1: We received comments asserting that both the attainment demonstration and rate-of-progress plan for the Washington area rely on emission reductions from control measures that have not been fully approved by EPA as part of the SIP.

Response 1: We incorporate by reference our responses to the comments on this issue found in response 1 of section II.O of our final rule published January 3, 2001, *see* 66 FR at 619, supplemented by our response elsewhere in this document to other comments under the heading of "NO_x and VOC Reduction Credits."

Comment 2: We received comments stating that there are significant disparities between the projections of 1999 regional emissions found in the most recent 9 percent ROP plan for the Washington area and the EPA's Technical Support Document for the attainment demonstrations. The commenter claims that lower emissions in the TSD for the December 16, 1999 NPR, should not be used unless EPA provides an adequate technical basis.

Response 2: We incorporate by reference our responses to the comments on this issue found in response 2 of section II.O of our final rule published January 3, 2001, *see* 66 FR at 619.

9. Modeling Assumptions

Comment 1: We received comments asserting that the transportation model does not incorporate adequate assumptions about the effects of land development and new road projections on the growth of vehicle travel and citing to an EPA letter from Judith Katz, Director, Air Protection Division, EPA Region III to James Cheatham, Divisional Administrator, Federal Highway Administration, dated August 27, 1998, in which the commenters assert that EPA stated that the plans did not include any information on the rate of land development in the Washington Region and the effect this development

³⁴ *See* pages 22 through 35 of "Technical Support Document for the One-Hour Ozone Attainment Demonstrations submitted by the State of Maryland, Commonwealth of Virginia and the District of Columbia for the Metropolitan Washington, D.C. Ozone Nonattainment Area (DC052–7005, MD143–3096, VA152–5062)", dated January 24, 2003.

³⁵ *See* page 31 of "Technical Support Document for the One-Hour Ozone Attainment Demonstrations submitted by the State of Maryland, Commonwealth of Virginia and the District of Columbia for the Metropolitan Washington, D.C. Ozone Nonattainment Area (DC052–7005, MD143–3096, VA152–5062)", dated January 24, 2003.