

### 13. Additional Comments on the Rate-of-Progress Plan

*Comment 1:* We received comments asserting that EPA cannot act on the District's, Maryland's and Virginia's 1996–1999 ROP plan in isolation because the 1996–1999 ROP plan for the Washington area was developed using a regional approach. EPA cannot know whether these requirements are met unless it acts on all three plans simultaneously.

*Response 1:* The comment is moot because EPA is concurrently approving the District's, Maryland's and Virginia's submittals of the 1996–1999 ROP plan for the Washington area in one final action published in the **Federal Register**.

*Comment 2:* We received comments asserting that modeling does not show that a 1 percent reduction in NO<sub>x</sub> emissions provides the same ozone reduction benefit as a 1 percent reduction in VOC emissions, and that these results address post-1999 conditions—not 1996–99 conditions, and that one cannot reliably extrapolate back from the modeled results to the reductions at issue in the 9 percent plan. The comments also assert there must be photochemical grid modeling of the actual substitution being proposed to determine the extent to which NO<sub>x</sub> can be substituted for VOC. These comments also note these model results themselves show that NO<sub>x</sub> reductions sometimes actually lead to an increase in the number of cells exceeding the ozone standard.

*Response 2:* We incorporate by reference our responses to the comments on this issue found in response 2 of section II.X of our final rule published January 3, 2001 (*see* 66 FR at 622–623).

*Comment 3:* We received comments asserting that although the ROP plan cites various rules and programs that have been adopted to reduce emissions, it does not demonstrate that actual compliance with the rules and implementation of necessary programs will be achieved by the deadline or that claimed emission reductions will be fully realized by that date. We received comments asserting that EPA can only credit the ROP plan with reductions actually achieved by November 15, 1999. We also received general comments that the ROP plan cannot be approved because programs on which the area relies for ROP credit were not approved by EPA until after November 15, 1999, thus the programs were not federally enforceable during the 1996–99 ROP period. Finally, the commenters suggest that certain programs may not

have achieved the level of reductions for which credit was taken in the ROP plan.

*Response 3:* We incorporate by reference our responses to the comments on these issues found in response 3 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 623.

*Comment 4:* We received comments asserting that the reductions from the National Low Emission Vehicle (NLEV) program are not creditable because the District did not submit a SIP revision for the NLEV program and because the NLEV SIPs for Maryland and Virginia were not approved until after the November 15, 1999 milestone date. The comments also assert that emission reductions are creditable toward the ROP requirement only to the extent that they have actually occurred by the November 15, 1999 milestone date. The comments state that if the ROP plan does not get sufficient creditable reductions then the plan cannot be approved.

*Response 4:* We incorporate by reference our responses to the comments on these issues found in response 4 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 623–624.

*Comment 5:* We received comments asserting that EPA should not credit reductions from the District's NO<sub>x</sub> RACT rule because: (1) EPA has not yet approved the District's NO<sub>x</sub> RACT rule and, therefore, it will not become federally enforceable until long after 11/15/99; and (2) the District has not shown actual implementation of NO<sub>x</sub> RACT before 11/15/99 by major NO<sub>x</sub> sources within the District.

*Response 5:* We incorporate by reference our responses to the comments on these issues found in response 5 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 624. Further, the District's NO<sub>x</sub> RACT rule was approved on December 26, 2000 (65 FR 81369).

*Comment 6:* We received comments asserting that the NO<sub>x</sub> RACT rules include inadequate emission control requirements for various source categories. With respect to Maryland and Virginia NO<sub>x</sub> RACT rules, the commenter referenced comments submitted in response to EPA's proposed rulemaking actions on those SIPs. With respect to the District's NO<sub>x</sub> RACT rule, the commenter says the District proposed to amend its rule to eliminate deficiencies precluding EPA approval.

*Response 6:* We incorporate by reference our responses to the comments on these issues found in response 6 of section II.X of our final

rule published January 3, 2001, *see* 66 FR at 624.

*Comment 7:* We received comments asserting that EPA cannot credit reductions because the District has not implemented its NO<sub>x</sub> RACT rules. Specifically, the comments state that the District's proposed Title V permit for the Blue Plains Wastewater Treatment Plant contains no NO<sub>x</sub> RACT requirements (either as federal or state-only requirements), even though the District has identified the plant as a major NO<sub>x</sub> source.

*Response 7:* We incorporate by reference our responses to the comments on this issue found in response 7 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 624–625.

*Comment 8:* We received comments asserting that EPA should not credit reductions from Maryland's or Virginia's NO<sub>x</sub> RACT rules for the following reasons: (1) EPA has not yet even approved these NO<sub>x</sub> RACT rules; (2) even if the rules are approved prior to final action on the ROP plan, the approvals will not become federally enforceable until long after 11/15/99; and (3) Maryland and Virginia have not shown actual implementation of all RACT requirements before 11/15/99.

*Response 8:* We incorporate by reference our responses to the comments on these issues found in response 8 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 625, supplemented as follows: EPA fully approved Maryland's and Virginia's NO<sub>x</sub> RACT rules on February 8, 2001 (66 FR 9522), and on January 2, 2001 (66 FR 8), respectively.

*Comment 9:* We received comments asserting that EPA can only credit those reductions that the District actually achieved as a result of enhanced vehicle inspection between April 1999 and November 15, 1999. The comments state that only a fraction of the fleet was tested between the April 1999 commencement of the enhanced I/M program and November 15, 1999.

Other comments likewise questioned whether full emission reductions credited from the Maryland and Virginia I/M programs actually occurred by 11/15/99. The latter comments assert that States must demonstrate full implementation including enhanced testing of the entire fleet. These comments also questioned whether the full emission reductions were credited to the enhanced I/M programs in Maryland and Virginia given that final SIP approval did not occur until late 1999.

All comments state if the ROP plan does not get sufficient creditable