

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[LA-56-1-7491a; FRL-7485-6]

Approval and Promulgation of Implementation Plans; Louisiana: Revision to the Ozone Maintenance Plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: The EPA is taking direct final action to approve a revision to the Louisiana SIP for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area (CMSA) ozone maintenance areas, submitted by the State of Louisiana on December 4, 2000. The revision involves changes to the approved contingency plans. This rulemaking action is being taken under sections 110, 301 and part D of the Clean Air Act (CAA).

DATES: This rule is effective on June 20, 2003 without further notice, unless we receive adverse comment by May 21, 2003. If we receive such comment, we will publish a timely withdrawal in the *Federal Register* informing the public that this rule will not take effect.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: Joe Kordzi, at (214) 665-7186.

SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" refers to EPA.

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I. What Is the Background on This Action?

The CAA, as amended in 1977, required areas that were designated nonattainment based on a failure to meet the ozone National Ambient Air Quality Standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans CMSA were designated under section 107 of the 1977 CAA as nonattainment with respect to the ozone NAAQS on September 11, 1978 (40 CFR 81.319). As required by part D and section 110 of the 1977 CAA, the State of Louisiana submitted an ozone SIP. The EPA fully approved this ozone SIP on October 29, 1981 (46 FR 53412).

On November 15, 1990, the CAA Amendments of 1990 were enacted (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The ozone nonattainment designation for these areas continued by operation of law according to section 107(d)(1)(C)(i) of the CAA, as amended in 1990 (56 FR 56694, November 6, 1991). For Beauregard, St. Mary, Lafayette, and Grant Parishes, the State had not yet collected the required three years of ambient air quality data necessary to petition for redesignation to attainment, so these Parishes were classified as unclassifiable-incomplete data for ozone. For the New Orleans CMSA, the State collected the required three years of ambient air quality data necessary to petition for redesignation to attainment, and these data demonstrated that the ozone standard had not been violated, so the New Orleans CMSA was designated as transitional for ozone. The Louisiana Department of Environmental Quality (LDEQ) then collected more than 3 years of ambient monitoring data that showed no violations of the one-hour ozone NAAQS of 0.12 parts per million. A violation of the ozone standard occurs if data show four or more exceedances during a consecutive 3-year period.

On April 23, 1993, Louisiana requested the redesignation to NAAQS ozone attainment for the New Orleans CMSA. On May 25, 1993, the State requested redesignation for Grant and Lafayette Parishes; and on June 14, 1993, for Beauregard and St. Mary Parishes. These requests were accompanied by an ozone maintenance

SIP. Certain approvability issues were raised, and the State submitted revised redesignation requests and maintenance plans. All areas were redesignated to attainment on October 17, 1995, except for the New Orleans CMSA which was redesignated on December 1, 1995.¹

The technical evaluation that follows includes a review of the revised contingency plan. We have also reviewed LDEQ's approach to ensure that this action is consistent with actions taken elsewhere in the nation.

II. What Features Are in the Current Contingency Plans for These Areas?

The approved contingency plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans CMSA, include measures to be adopted and implemented if future air quality conditions warrant such action. The State intended to review any future ozone exceedance to determine whether the episode was due to local emissions. If the ozone exceedance was a result of local conditions, then the contingency measure corresponding to that particular exceedance would be triggered, and the State would begin the rulemaking process to adopt the triggered measure into the State's regulations. Through this action, the LDEQ now revises its contingency plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans CMSA to make them consistent with contingency plans elsewhere in the State and the Nation.

III. What Are the State's Changes to These Contingency Plans?

The revision to the ozone SIP for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans CMSA consists of a change to the contingency plan triggering event. Currently, a second or third exceedance of the one-hour ozone standard results in a triggering event. This revision to the SIP would change the triggering event to be an actual violation of the one-hour ozone standard, which occurs upon the fourth exceedance in any consecutive three-year period. Also, this revision to the SIP clarifies the narrative portion of the contingency plan, which discusses the State's procedures for evaluation of whether a triggering event has occurred.

Section 175A of the CAA requires that an ozone maintenance plan include contingency provisions as necessary, to promptly correct any violation of the

¹ For detailed information concerning the ozone redesignation and SIP approval process and the applicable Federal guidance, please see 60 FR 472280 September 12, 1995. This action concerned the approval of the maintenance plan for St. James Parish and its redesignation to attainment for ozone.