

monitor has seen four of the five highest design values since 1997.

Since 1996, the State has implemented a series of VOC and NO_x rules in BPA and the entire eastern half of the State. Texas implemented VOC and NO_x RACT rules in BPA for point and area sources, and implemented for half of the State (all of the attainment counties in the eastern half of Texas), NO_x rules for electric generating facilities, a lower Reid-vapor pressure gasoline, and Stage I vapor recovery program for gas stations. They implemented state-wide NO_x rules for water heaters, small boilers, and process heaters. They entered into enforceable documents reducing NO_x emissions at two large point sources in East Texas. In 2000, Texas adopted beyond-RACT NO_x rules in BPA for point sources with some effective this year and the rest fully implemented by May 2005. The majority of these state rules focus on emissions from point and area sources, not from on-road mobile emissions.

The BPA area's NO_x emissions inventory is composed of about 55% point sources and about 17% on-road mobile sources (area, biogenics, and non-road mobile make up the remaining 28%). Its VOC emissions inventory is composed of about 12% point sources and about 4% on-road mobile sources (area, biogenics, and non-road mobile make up the remaining 84%). This composition is unusual since generally, 1-hour ozone nonattainment areas have NO_x and VOC emissions inventories composed of much greater percentages of on-road mobile sources, on the order of two to three times the NO_x percentage, and on the order of two to six times the VOC percentage. The inventory composition makes it unlikely that additional on-road mobile control measures would significantly affect BPA's NO_x and VOC emissions inventories. Thus, additional on-road mobile controls would be unlikely to significantly aid in reducing NO_x and VOC emissions thereby reducing the ozone concentration level in BPA. This

is contrasted to the likelihood that additional point and area control measures would significantly affect BPA's NO_x and VOC emissions inventories, thereby more than likely significantly aiding in reducing NO_x and VOC emissions, and having a greater impact on reducing the ozone concentration level in BPA.

VII. Why Are We Proposing To Reclassify the BPA Area?

Section 181(b)(2) of the Act requires that we determine, based on the area's design value (as of the attainment date), whether an ozone nonattainment area attained the one-hour ozone standard by that date. If we find that the nonattainment area has failed to attain the one-hour ozone standard by the applicable attainment date, the area is reclassified by operation of law to the higher of the next higher classification for the area, or the classification applicable to the area's design value as determined at the time of the required Federal Register notice.

We make attainment determinations for ozone nonattainment areas using available quality-assured air quality data. For the BPA moderate ozone nonattainment area, the proposed attainment determination is based on 1994–1996 air quality data. The data show that for 1994–1996, four monitoring sites averaged more than one exceedance day per year. This data calculates to a design value of .157 ppm. Therefore, we propose to find that the BPA area did not attain the 1-hour ozone NAAQS by the November 15, 1996, deadline. Additional background for this proposed finding may be found in the April 16, 1999, proposal (64 FR 18864), the December 27, 2000, proposal (65 FR 81786), and the May 15, 2001, final rule (66 FR 26914). A summary and discussion of the air quality monitoring data for the BPA area for 1994 through 1996 can be found in the April 16, 1999, proposal and its TSD.

Section 181(b)(2)(A) of the Act requires that, when we find that an area

failed to attain by the applicable date, the area is reclassified by operation of law to the higher of: the next higher classification or the classification applicable to the area's ozone design value at the time the required notice is published in the **Federal Register**. The classification applicable to BPA's ozone design value at the time of today's notice is "moderate" since the area's 2002 calculated design value, based on quality-assured ozone monitoring data from 2000–2002, is 0.144 ppm. (We will not have quality-assured monitoring data to calculate a 2003 design value until the Spring of 2004.) By contrast, the next higher classification for BPA is "serious." Because "serious" is a higher nonattainment classification than "moderate" under the statutory scheme, BPA would be reclassified as "serious," for failing to attain the standard by the moderate area applicable attainment date of November 15, 1996.

If EPA issues a final notice of reclassification of the BPA area to a "serious" classification, EPA must then ascertain the appropriate attainment date for the area. EPA is proposing in the alternative two options.

Section 181(a)(1) provides that the date for a "serious" area to attain is set as November 15, 1999, a date that has long since elapsed. Under Option 1, EPA is proposing to make an additional finding that the area did not attain the 1-hour ozone standard as of November 15, 1999. The air quality monitoring data show that for 1997–1999, four monitoring sites averaged more than one exceedance day per year. This data calculates to a design value of .134 ppm.

Table 2 lists the number of recorded exceedances of the one-hour ozone standard at each SLAMS/SPM monitoring site in the BPA area for the period 1997 through 2002, and each monitor's design value for that period. A complete listing of the ozone exceedances at each monitor as well as EPA's calculations of the design values can be found in the technical support document.

TABLE 2.—OZONE EXCEEDANCES IN THE BEAUMONT/PORT ARTHUR AREA
[1997 to 2002]

Site	Type	1997	1998	1999	2000	2001	2002	Site Design Value (ppm)			
								97–99	98–00	99–01	00–02
Beaumont	SLAMS	3	2	0	1	0	0	0.130	0.121	0.117	0.112
Port Arthur	SLAMS	0	0	0	3	0	0	0.115	0.118	0.118	0.118
West Orange	SLAMS	2	1	0	1	0	0	0.110	0.120	0.118	0.118
Hamshire	SLAMS	.....	.....	.....	2	0	0	.....	0.131	0.121	0.119
Sabine	SPM	2	4	3	2	1	3	0.134	0.145	0.134	0.144
Mauriceville	SPM	2	2	0	0	0	0	0.125			
Jefferson Co. Airport	SPM	2	1	3	2	1	0	0.132	0.137	0.132	