

—Data unavailable; Data below the NAAQS attainment concentration of 0.125 ppm is not reported for the industry provided SPMs.

Therefore, under Option 1, if we issue a final rulemaking reclassifying the area to “serious,” we are proposing further to find that the BPA area also did not attain the ozone standard by November 15, 1999, the attainment deadline for “serious” areas. If we finalize this further finding, the BPA area would then be reclassified as “severe”, with an attainment date of November 15, 2005. Section 181(b)(2) requires the area to be reclassified to the higher of the next higher classification or the area’s design value, except that a “serious” area cannot be reclassified to any higher level than “severe.”

Alternatively, under Option 2, we are proposing to find that the area should be reclassified to “serious,” but recognizing that the EPA did not reclassify the area as “serious” until almost four years after the time the area would have been obligated to meet the attainment date for a “serious” area. We are therefore proposing in the alternative that the area should retain the “serious” classification. Since the attainment date for serious areas, 1999, elapsed almost 4 years ago, and BPA was not reclassified in time to have a prospective opportunity as a serious area to implement prescribed measures to attain by that date, EPA is therefore proposing to reclassify the area as “serious” with an attainment date of November 15, 2005. We think it would be appropriate in these circumstances to retain the serious classification but with a prospective attainment date, since BPA never had an opportunity to attain as a serious area. EPA solicits comments upon this proposed alternative approach.

VIII. What Is the Proposed New Attainment Date for the Beaumont/Port Arthur Area?

In our April 16, 1999, proposal to reclassify BPA, we took comment on whether 21 months (or a different time frame) was adequate for a moderate area to attain the standard where the new attainment date had not yet lapsed, but where there was less time remaining than the Act had contemplated. The attainment date proposed for the BPA area under either Option 1 or 2 is as expeditiously as practicable but no later than November 15, 2005. That date is approximately 24 months from the date that a final rule resulting from this proposal is expected to be published in the **Federal Register**, which would provide approximately the same time

frame as that proposed in our April 16, 1999, proposal.

IX. What Is the Proposed Date for Submitting a Revised SIP for BPA?

EPA must address the schedule by which Texas is required to submit the SIP revision if we issue a final finding of failure to attain that reclassifies the area. Pursuant to section 182(i), EPA can adjust any applicable deadline (other than the attainment date) as appropriate for any area reclassified under section 181(b). We propose to have Texas submit the SIP revision on or before one year after the effective date of a final action on this notice. We believe the proposed SIP revision submittal date is reasonable.

Should the area be classified serious, Texas is required to submit SIP revisions meeting the CAA’s pollution control requirements for serious areas. The measures required by section 182(c) of the CAA include, the following:

- (1) Attainment and reasonable further progress demonstrations;
- (2) Clean-fuel vehicle programs;
- (3) The major source threshold lowered from 100 to 50 tons per year for volatile organic compounds (VOCs) and nitrogen oxide compounds (NO_x);
- (4) More stringent new source review requirements;
- (5) An enhanced air monitoring program; and
- (6) Contingency provisions.

Should the area be classified severe, Texas is required to submit SIP revisions meeting the CAA’s pollution control requirements for severe areas. The measures required by section 182(c) of the CAA include all of those listed above for a serious area, and the following:

- (1) Attainment and reasonable further progress demonstrations;
- (2) A reformulated gasoline (RFG) program;
- (3) The major source threshold lowered from 50 to 25 tons per year for volatile organic compounds (VOCs) and nitrogen oxide compounds (NO_x);
- (4) More stringent new source review requirements (1.3 to 1);
- (5) A Vehicle Miles Traveled (VMT) offset SIP;
- (6) Major Stationary Source fee for failure to attain; and
- (7) Contingency provisions.

In a separate action, the EPA issued a proposed rule to implement the 8-hour ozone NAAQS (June 2, 2003, 68 FR 32082). The proposal contains two discrete frameworks to implement the 8-hour ozone standard while ensuring a smooth transition from the 1-hour standard to the new 8-hour standard. Option 2 for transitioning from the 1-

hour to the 8-hour NAAQS proposes to retain the 1-hour standard, designations, and classifications for limited purposes until the area meets the 1 hour standard. For all remaining purposes, EPA would revoke the 1 hour standard and associated designations and classifications one year after the effective date of designations for the 8 hour standard. The notice also proposes allowing areas with an outstanding obligation to submit a 1-hour ozone attainment demonstration to submit their 8-hour ozone attainment demonstration in lieu of the 1-hour attainment demonstration. For more detailed information, please see the Proposed Rule to Implement the 8-Hour Ozone NAAQS. We are also encouraging comments on the potential impact of this option on the BPA area and its SIP obligations if we finalize reclassification.

X. Why Are We Proposing To Withdraw the Attainment Demonstration, MCR and MVEB approvals and the RACM Finding, and What Are the Potential Impacts of the Proposed Withdrawals?

We are proposing to withdraw our final approval of BPA’s 2007 attainment demonstration and the accompanying Motor Vehicle Emission Budget (MVEB), the MCR enforceable commitment, and the Reasonably Available Control Measures (RACM) finding. Having an earlier attainment date than 2007 requires the submission of a revised attainment demonstration SIP, a new MVEB, and a re-analysis of the RACM determination.

To be consistent with the Court’s reversal of the 2007 attainment date extension, and to respond to the remand, we propose to withdraw our May 15, 2001, approval of the 2007 attainment demonstration and MVEB, the MCR enforceable commitment, and the finding that the area was implementing all RACM. They are no longer applicable as they were based on a 2007 attainment date. A new attainment demonstration with a new MVEB, and a new RACM analysis, will be required to be submitted for the BPA area, when we take final reclassification action. Additionally, the Court affirmed the portion of our May 15, 2001, final action that treats as potential RACMs only those measures that would advance the attainment date and considers implementation costs when rejecting certain control measures in its December 11, 2002, decision. However, the Court remanded to EPA the analysis and conclusions regarding RACM in the BPA area. According to the Court’s order, the analysis must: (1) demonstrate an examination of all