

emissions test employs tailpipe emissions sensing equipment that measures emissions while the vehicle is driven, under load, at a steady speed on a chassis dynamometer. An emissions gas analyzer measures tailpipe emissions for certain pollutants. Specifically, the result is a concentration measurement for each of three pollutants—expressed in units of parts per million (ppm) of pollutant of hydrocarbons and oxides of nitrogen, and percent concentration of carbon monoxide. The results for each pollutant are compared against a standard, or cutpoint, that represents the maximum allowable amount of each pollutant that may be emitted, and a pass or fail determination is made based upon comparison of the test result to the cutpoint. Repairs would then be required to failing vehicles in an attempt to reduce the measured tailpipe pollutants to within acceptable limits. The ASM testing cutpoints vary depending upon vehicle type (*i.e.*, car or truck), model year of manufacture, and vehicle weight—to represent the different standards with which different types of vehicles were manufactured to comply. In general, older vehicles must comply with less stringent test standards than newer vehicles, and heavier vehicles comply with less stringent test standards than lighter vehicles.

At the inception of the enhanced I/M program, EPA allowed states to employ a less stringent set of interim, or phase-in, ASM cutpoints in order to make a pass/fail determination, eventually requiring the state to implement more stringent final ASM test cutpoints for the duration of the program.

During the period when states were conducting ASM testing using the phase-in cutpoints, several states raised concerns to EPA that application of the final ASM cutpoints could result in an overly high level of failures, potentially failing some cars that marginally fail or that should not fail the test (*i.e.*, false failures). EPA investigated the matter using I/M program data provided by several states, and as a result, EPA developed and released an alternative final set of ASM cutpoints to address the problem via an August 16, 2002 memorandum entitled “Revised Final Cutpoints for ASM5015 and ASM 252” to EPA’s Regional Air Division Directors from Gregory Green, Director of the Certification and Compliance Division of EPA’s Office of Transportation and Air Quality. These alternative cutpoints can be used by states as an optional means to comply with Federal I/M requirements for ASM I/M testing final cutpoints.

The alternative EPA final cutpoints were developed using a methodology that adjusts emissions on the basis of engine displacement rather than vehicle test weight. To apply the alternative ASM cutpoints, the tested vehicle’s engine displacement (in liter units) is multiplied by the concentration of the exhaust pollutant (hydrocarbon, carbon monoxide, or oxides of nitrogen, in units of either ppm HC or NO_x or % CO). The resultant value (in units of liters displacement*concentration) is compared to an EPA-generated table of cutpoints. If the test result exceeds the allowable cutpoint for any tested pollutant, the vehicle fails the ASM test for that pollutant. If the test results are lower than the allowable cutpoints for all tested pollutants, then the vehicle passes the ASM test.

EPA’s policy provides states who elect to use the recently released alternative final ASM cutpoints the same level of emissions benefits, or credits, that would have been achieved by use of the previously available final cutpoints. Therefore, Pennsylvania was not required to perform a new analysis to determine potential changes in emissions benefits, as claimed in a SIP or other plan, from an ASM-based I/M program using final ASM cutpoints.

II. Summary of SIP Revision

The SIP revision consists of amendments to Pennsylvania’s enhanced I/M program regulation, codified in Title 67 of the Pennsylvania Code, Part I, Subpart A, Article VII, Chapter 177, Subchapter A. Specifically, Section 1 of Appendix A (which contains procedures, standards, equipment specifications, and quality control specifications for the enhanced I/M program) is being revised. Specifically, the regulatory change replaces the previously adopted final ASM cutpoints that are based upon vehicle weight with EPA’s alternative final cutpoints that are based upon engine displacement (released by EPA in an August 16, 2002 memorandum).

Pennsylvania is also amending the deadline for implementation of final ASM test cutpoints in the five counties in Southeast Pennsylvania comprising the Philadelphia I/M program area. The Commonwealth’s proposed SIP stipulates that the final cutpoints will apply upon notice by the Department of Transportation. However, the Commonwealth is under court order by the United States District Court for the Eastern District of Pennsylvania in the case of *Clean Air Council v. Mallory and Seif*, No. 01–179 to fully implement either the original or the alternative final ASM cutpoints by September 1,

2003. There are three compelling reasons for EPA to approve the proposed time frame for final ASM cutpoint implementation: (1) The SIP deadline that is being removed from the SIP has past and can no longer be met; (2) the Commonwealth is moving as expeditiously as possible to adopt the new EPA alternative ASM cutpoints; and (3) the Federal court order compels the Commonwealth to implement final cutpoints on an expedited schedule that is as ambitious as can reasonably be expected. Therefore, EPA believes that the Commonwealth’s SIP revision, in conjunction with a Federal court order, will provide for implementation of final ASM cutpoints by September 1, 2003.

Specific details of the final cutpoints being adopted by Pennsylvania are available for review in the technical support document (TSD) prepared by EPA for this action and in the proposed SIP materials submitted by Pennsylvania, both of which are contained in the docket for this rulemaking action. These materials are available for inspection at the locations listed in the **ADDRESSES** section of this rulemaking action. A copy of the TSD is also available, upon request, by contacting Brian Rehn at (215) 814–2176, or by e-mail at rehn.brian@epa.gov.

III. Proposed Action

EPA proposing to approve Pennsylvania’s SIP revision for ASM test standards under the enhanced I/M program in Southeast Pennsylvania, which was submitted on June 5, 2003. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting either electronic or written comments. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number [**writer: insert AIRTRAX No.**] in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any