

C. 1999 Ozone Attainment Plan Submission and EPA Action

On August 13, 1999, the California Air Resources Board (CARB) submitted the 1999 San Francisco Bay Area Ozone Attainment Plan (1999 Plan) to EPA. The attainment plan was submitted as a proposed revision to the California SIP by CARB on behalf of the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG) (the co-lead agencies).

On September 20, 2001, EPA partially approved and partially disapproved the 1999 Plan. Specifically, EPA approved the baseline emissions inventory, RFP demonstration, a commitment to reduce VOC emissions by 11 tons per day (tpd) by adopting and implementing specified control measures, and contingency measures as meeting the requirements of the CAA applicable to the Bay Area ozone nonattainment area. EPA also approved the removal of transportation control measures (TCMs) 6, 11, 12, and 16 from the ozone portion of the California SIP. EPA disapproved the attainment assessment, its associated motor vehicle emissions budgets, and the RACM demonstration. The effective date of the final disapproval (October 22, 2001) started an 18-month clock for the imposition of sanctions pursuant to CAA section 179(a) and 40 CFR 52.31, and a 2-year clock for EPA to promulgate a federal implementation plan (FIP) under CAA section 110(c)(1). The disapproval also activated a conformity freeze under 40 CFR 93.120(a)(2). 62 FR 43796 (August 15, 1997).

EPA's September 20, 2001 notice also included a finding that the Bay Area failed to attain the 1-hour NAAQS for ozone by its November 15, 2000 attainment deadline. In response to the finding of failure to attain, the EPA required the State to submit a SIP revision for the Bay Area to EPA by September 20, 2002 that meets the requirements of CAA sections 110 and 172 and provides for attainment "as expeditiously as practicable" but no later than September 20, 2006. CAA section 179(d).

For details about EPA's evaluation of the 1999 Plan elements and failure to attain finding, please see the proposed rulemaking at 66 FR 17379 (March 30, 2001) and final rulemaking at 66 FR 48340 (September 20, 2001).

D. 2001 Ozone Attainment Plan Submittal

On November 30, 2001, CARB submitted the 2001 Plan to EPA. The attainment plan was submitted as a proposed revision to the California SIP by CARB on behalf of the co-lead agencies. The 2001 Plan includes the following elements:

- Emissions inventories for 1995 and 2000 and projected inventories for 2001–2006.
- Reasonably available control measure demonstration.
- Commitments to adopt new, specified control measures.
- Attainment assessment, including a commitment to develop additional control measures as needed to attain the standard by 2006.
- Motor vehicle emissions budgets for the attainment year.
- Commitments by CARB and the co-lead agencies to: (1) Study specified measures to determine whether significant additional emission reductions can be achieved and whether implementation is feasible; (2) conduct a mid-course review by December 15, 2003 that will include an evaluation of the modeling from the Central California Ozone Study (CCOS)² and the latest technical information (inventory data, monitoring, *etc.*) to determine the level of emission reductions needed to attain the 1-hour ozone standard; (3) adopt a SIP revision by March 2004 that includes a revised attainment target and new control measures as needed to attain by 2006; and (4) submit the revision to EPA by April 15, 2004.

On February 14, 2002 we found the motor vehicle emissions budgets adequate for transportation conformity purposes.³ The plan became complete by operation of law on April 30, 2002. CAA section 110(k)(1)(B).

II. Evaluation of the State's Submittal

EPA evaluated the 2001 Plan according to the general nonattainment plan requirements contained in section 172(c) of the CAA. For a more complete discussion of section 172(c) as it applies to the Bay Area ozone plan, please refer to the proposed redesignation, 62 FR 66580.

² The Central California Ozone Study is a large field measurement program conducted during the summer of 2000 to provide a more comprehensive and liable data base for future ozone analyses. Information regarding the CCOS is available on-line at <http://www.arb.ca.gov/airways/ccos/ccos.htm>.

³ See Letter, Jack Broadbent, EPA Region 9 to Michael Kenney, California Air Resources Board (ARB), dated February 14, 2001. A copy of this letter can be found in the docket. We published this finding in the Federal Register on February 21, 2002. (See 67 FR 8017.) Our adequacy determination was effective on March 8, 2002.

A. Emissions Inventories

CAA section 172(c)(3) requires nonattainment plans to include a comprehensive, accurate and current inventory of actual emissions from all sources. The purpose of this inventory is to provide a benchmark for attainment planning, and it is often referred to as a baseline inventory. To satisfy this requirement, the State submitted 1995 and 2000 emissions inventories and projected emissions inventories for 2001–2006 for VOC and NO_x (2001 Plan, Table 4). They are seasonal inventories (typical summer day) representing emissions when ozone levels are at their highest.

The inventories are divided into stationary sources (point, area, and biogenic) and on-road motor vehicle and non-road mobile sources. Stationary source emissions were determined using reported emissions estimates derived from engineering calculations using emission factors from local or outside test data. Emission computation methodology by source categories is set forth in the BAAQMD publication "Source Category Methodologies." For on-road motor vehicles, EMFAC 2000 was used to develop the inventories. The inventories also take rule effectiveness into account and were based on the best data available at the time. Because the emissions inventories are comprehensive and current and accurately incorporate the best data available at the time, EPA proposes to approve them as meeting the requirements of section 172(c)(3).

In the course of studying certain measures (identified as further study measures in the 2001 Plan) to identify additional sources of VOC reductions, the BAAQMD has prepared draft documents that show that emissions from certain sources in the 2001 Plan inventories may be underestimated.⁴ Should these findings be confirmed, the emissions inventories that will be submitted with the revised ozone plan in 2004 must incorporate the corrected emissions levels. In addition, the co-lead agencies must use the most recent model developed by CARB and accepted by EPA to determine emissions from motor vehicles.

⁴ The BAAQMD has prepared draft technical assessment documents (TADs) that describe its findings with respect to further study measures 8, 9, and 11. The TADs can be viewed on-line at http://www.baaqmd.gov/enf/refineryfsm/REFINERY_WEBSITE.htm. The further study measures are discussed in Section 5 of the 2001 Plan and are listed in Table 1 below.