

### *B. Reasonably Available Control Measure Demonstration*

CAA Section 172(c)(1) requires nonattainment area plans to provide for the implementation of all RACM as expeditiously as practicable. EPA's principal guidance interpreting the Act's RACM requirement is found in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 at 57 FR 13498, 13560 (April 16, 1992). We interpret section 172(c)(1) to impose a duty on states to consider all available control measures (including those identified in public comments) and to adopt and implement such measures that are reasonably available for implementation in the particular nonattainment area. Under this interpretation, a state does not need to adopt measures that are technologically or economically infeasible for the area or would not contribute to expeditious attainment of the applicable standard in the area, that is, would not advance the attainment date by at least one year.<sup>5</sup>

In our action on the Bay Area's 1999 Plan (66 FR 48341), we disapproved the RACM demonstration, noting that the 1999 Plan was silent on the RACM requirement and did not address all measures suggested by the public. The staff report prepared for the 1999 Plan (dated June 9, 1999) mentions just four

measures suggested by the public and lacks an analysis of other potentially available measures.

In contrast, the 2001 Plan includes an extensive analysis that addresses more than 125 potential stationary source, area source, mobile source, and transportation control measures. See 2001 Plan, Appendix C. This analysis covers a broad range of potential RACM such as controls in the California Clean Air Plan, controls in place in the South Coast, TCMs listed in CAA section 108(f), smart growth measures, and transportation pricing measures. It also covers the measures suggested in public comments on the plan. When viewed in combination with the area's existing measures and strategies and those newly adopted for the plan, the RACM analysis covers the range of potential measures for the area's non-trivial sources of emissions.

A number of people commented during the co-lead agencies' public process that the 2001 Plan did not address or incorrectly characterized transportation control measures that were suggested by the public at the time the 2001 Plan was being developed. We found no persuasive evidence<sup>6</sup> that the plan excludes significant unique measures (as opposed to variations of those that were evaluated) that are

reasonable and would likely result in more expeditious attainment.

For each identified potential RACM, the plan generally evaluates its technological and economic feasibility as well as (qualitatively or quantitatively) its potential to reduce emissions in the Bay Area prior to the attainment date. For each measure evaluated, the 2001 Plan provides for the adoption of the measure or a reasonable and adequately supported justification for not including the measure in the plan.

The 2001 Plan identifies 13 new measures to be implemented and a schedule for adoption and implementation. See 2001 Plan, Appendix B, and the discussion under section II.C. below. The 2001 Plan also includes a list of 11 measures that are not currently reasonably available but may become so in the future. The 2001 Plan includes a commitment to study those measures and dates for the completion of the studies. (See 2001 Plan, Table 9 and Appendix E and Table 1, below.) EPA is proposing to approve this commitment under section 110(k)(3) of the CAA as strengthening the SIP. EPA agrees that establishing such further study measures is an appropriate way to move forward on measures that are not currently RACM, but do appear to hold some promise.

TABLE 1.—FURTHER STUDY MEASURES

2001 SIP #	Measure	Timeline for completion <sup>7</sup>
FS-1 .....	Study Potential for Accelerating Particulate Trap Retrofit Program for Urban Buses .....	April 2002. <sup>8</sup>
FS-2 .....	Update MTC High-Occupancy Vehicle Lane Master Plan .....	December 2002.
FS-3 .....	Study Air Quality Effects of High-Speed Freeway Travel .....	April 2003.
FS-4 .....	Evaluate Parking Management Incentive Program .....	July 2003.
FS-5 .....	Enhanced Housing Incentive Program .....	December 2003.
FS-6 .....	Further Smog Check Program Improvements .....	December 2003.
FS-7 .....	Parking Cash-Out Pilot Program .....	December 2003.
FS-8 .....	Refinery Pressure Vessels, Blowdown Systems, and Flares .....	December 2003.
FS-9 .....	Refinery Wastewater Systems .....	December 2003.
FS-10 .....	Organic Liquid Storage Tanks .....	December 2002.
FS-11 .....	Marine Tank Vessel Activities .....	December 2003.

<sup>5</sup> In 1999, EPA reaffirmed its position on this topic in the memorandum, "Guidance on the Reasonably Available Control Measures (RACM) Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas," John S. Seitz, Director, Office of Air Quality Planning and Standards, dated November 30, 1999. In this memorandum, we state that in order to determine whether a state has adopted all RACM necessary for attainment and as expeditiously as practicable, the state will need to provide a justification as to why

measures within the arena of potential reasonable measures have not been adopted. The justification would need to support that a measure was not reasonably available for that area.

<sup>6</sup> For example, the general nature of some comments precluded detailed analysis.

<sup>7</sup> With the exception of FS-10, all measures with completion dates that have passed have been completed. A workgroup has been convened for FS-10 and a technical assessment is underway. See the co-lead agencies' April 10, 2003 progress report,

which is in the docket and available on line at <http://www.baaqmd.gov/planning/2001sip/rfpreportfinal.pdf>. MTC's report on further study measures 1–5 is available online at [http://www.mtc.ca.gov/whats\\_happening/AirQuality/FSM.pdf](http://www.mtc.ca.gov/whats_happening/AirQuality/FSM.pdf).

<sup>8</sup> For commitments in the plan that do not identify the day of the month, as here, or the month, as in Table 2, EPA interprets the deadline to be no later than the last day of the month or December 31st of the noted year, respectively.