

air pollutants and stratospheric ozone depleting compounds as the means of compliance with very tight VOC restrictions.

Finally, EPA has determined that the submission of enforceable commitments for the adoption of identified control measures and additional measures necessary to achieve attainment by 2006 will not interfere with the Bay Area's ability to make reasonable progress toward attainment of the standard. By the end of 2003, which is the midpoint between the date of the plan and the attainment year, 46% of the required VOC reductions will have been achieved.¹⁶

As provided above, after concluding that the circumstances warrant consideration of an enforceable commitment—as they do in the San Francisco Bay Area—EPA will consider three factors in determining whether to approve the submitted commitments. These factors are satisfactorily addressed with respect to CARB's and the co-lead agencies' commitments to adopt and submit both the specified control measures and additional measures to fill the shortfall of VOC emissions reductions.

1. The Commitments Address a Limited Portion of the 2001 Plan

According to the 2001 Plan, 148 tpd of VOC reductions and 123 tpd of NO_x reductions are required to attain the 1-hour ozone standard. As noted above, the State, the co-lead agencies and the federal government have previously adopted measures that will in large part achieve the required reductions by providing 108.6 tpd of VOC reductions and 122.8 tpd of NO_x reductions. (2001 Plan, Tables 10 and 11.) This is reflected in the Bay Area planning inventory, which incorporates future year emission reductions from all regulations adopted as of December 31, 2000. Table 4 of the 2001 Plan shows that previously adopted mobile source regulations will reduce on-road motor vehicle VOC emissions from 227.0 tpd in 2001 to 168.5 tpd in 2006, and off-road mobile source emissions from 67.3 tpd to 54.0 tpd. As a result of previously adopted consumer products regulations, VOC emissions from this category will be reduced from 52.2 tpd to 46.4 tpd for the same period. These sharp reductions take into account substantial growth in population and activity levels. Previously adopted BAAQMD regulations contribute additional reductions in VOC emissions from industrial and commercial sources,

whose emissions are reduced from 171.2 tpd in 2001 to 157.0 tpd in 2006.

In contrast, the new, identified control measures to which the BAAQMD commits in the plan are expected to reduce VOC emissions by only 12.7 tpd and NO_x emissions by 0.7 tpd by 2006. The 2001 Plan's commitment to adopt additional unspecified measures to fill the shortfall needed to reach attainment will achieve 26 tpd of VOCs. Thus, these combined commitments represent a relatively small amount of the total reductions needed for attainment, only 0.6% of NO_x reductions and 26% of VOC reductions, or 14% of total reductions needed to reach attainment.

2. The State and the Co-lead Agencies Are Capable of Fulfilling their Commitment

In many cases the new measures that are the subject to commitments in the 2001 Plan have already been adopted and/or implemented and emissions reductions are being achieved. For example, Rule 8–3 (SS–11) was adopted on November 21, 2001 and submitted to EPA on June 18, 2002; Rule 8–5 (SS–12) was adopted on November 27, 2002 and submitted to EPA on January 21, 2003; Rules 8–14 and 8–19 (SS–13) and Rule 8–16 (SS–14) were adopted on October 16, 2002 and submitted to EPA on April 1, 2003.¹⁷ Furthermore, we are confident that CARB and the co-lead agencies will be able to meet the 26 tpd commitment. They have made progress on their further study measures and, if necessary, could adopt a declining VOC cap applicable to stationary sources.

3. The Commitments Are for a Reasonable and Appropriate Period of Time

The adoption, implementation, and submittal dates for the new control measures reflect a reasonable amount of time for the development and implementation of each measure. The commitment to identify the control measures that will enable the Bay Area to reach attainment must be fulfilled by March 2004, when the revised plan is to be adopted by the co-lead agencies. In light of the co-lead agencies' demonstration that they need additional time to consider technologies that are still in the developmental stages, this time frame is reasonable and appropriate.

For the above reasons, EPA is proposing to approve as one element of the attainment assessment the 2001 Plan's enforceable commitments to

adopt and submit the specified control measures listed in II.C. above and to adopt additional measures as necessary to attain the 1-hour ozone standard by 2006, which we find to be the most expeditious attainment date practicable. Based on the previously adopted measures and these commitments, the 2001 Plan demonstrates that the Bay Area will achieve sufficient reductions to attain the 1-hour ozone standard by 2006. Therefore we are proposing to approve these commitments and the attainment assessment as meeting the requirements of section 172(c)(1) of the CAA.

E. Motor Vehicle Emissions Budgets for Use in Transportation Conformity

EPA's conformity rule, 40 CFR part 93, requires that transportation plans, programs, and projects conform to the SIP and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a SIP means that transportation activities will produce no new air quality violations, will not worsen existing violations, and will not delay timely attainment of the NAAQS (CAA section 176(c)(1)).

One of the primary tests for conformity is to show that transportation plans and improvement programs will not cause motor vehicle emissions higher than the levels needed to make progress toward and to meet the air quality standards. The motor vehicle emissions levels needed to make progress toward and to meet the air quality standards are set in the area's air quality implementation plans and are known as the "motor vehicle emissions budgets." Emissions budgets are established for specific years and specific pollutants. See 40 CFR Part 93.118(a). The 2001 Plan (page 30) includes budgets of 164.0 tpd for VOC and 270.3 tpd for NO_x, both for the attainment year, 2006. These budgets are based on projected emissions for motor vehicles in the attainment year and take into account expected growth and were developed using San Francisco Bay Area EMFAC 2000.¹⁸

On February 14, 2002 we found the 2006 motor vehicle emission budgets in the 2001 Plan adequate for transportation conformity purposes. The adequacy finding was based on our preliminary determination that the plan provides for timely attainment of the 1-hour ozone standard in the San Francisco Bay Area and that the criteria

¹⁶ For additional detail, see the co-lead agencies' April 10, 2003 progress report.

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¹⁸ EMFAC is California's motor vehicle emissions model and is similar to EPA's Mobile 6 model, which is used elsewhere outside of California. EPA approved EMFAC 2000 for use in the Bay Area on January 11, 2002 (67 FR 1464).