

The most recent changes by the State to Regulation No. 13 to shorten the oxygenated fuels program season, that affected the Fort Collins area, were submitted by the Governor on August 19, 1998, in conjunction with the Colorado Springs CO redesignation to attainment. We approved these revisions on August 25, 1999 (see 64 FR 46279).

*(c) Redesignation Criterion: The Area Must Have a Fully Approved SIP Under Section 110(k) of the CAA*

Section 107(d)(3)(E)(ii) of the CAA states that for an area to be redesignated to attainment, it must be determined that the Administrator has fully approved the applicable implementation plan for the area under section 110(k).

As noted above, EPA previously approved SIP revisions for the Fort Collins CO nonattainment area that were required by the 1990 amendments to the CAA. In this action, we are also approving the maintenance plan and revisions to Colorado's Regulation No. 11 and Regulation No. 13 and the State's commitment to maintain an adequate monitoring network (contained in the maintenance plan.) Thus, with this final rule to approve the Fort Collins redesignation request, maintenance plan, and revisions to Regulation No. 11 and Regulation No. 13, we will have fully approved the Fort Collins CO element of the SIP under section 110(k) of the CAA.

*(d) Redesignation Criterion: The Area Must Show That the Improvement in Air Quality Is Due to Permanent and Enforceable Emissions Reductions*

Section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

The CO emissions reductions for Fort Collins, that are further described in Part II, Chapter 1, sections A.3 of the Fort Collins maintenance plan, were achieved primarily through the Federal Motor Vehicle Control Program (FMVCP), a basic motor vehicle inspection and maintenance (I/M) program, oxygenated fuels, and control of wood burning emissions.

In general, the FMVCP provisions require vehicle manufacturers to meet more stringent vehicle emission

limitations for new vehicles in future years. These emission limitations are phased in (as a percentage of new vehicles manufactured) over a period of years. As new, lower emitting vehicles replace older, higher emitting vehicles ("fleet turnover"), emission reductions are realized for a particular area such as Fort Collins. For example, EPA promulgated lower hydrocarbon (HC) and CO exhaust emission standards in 1991, known as Tier I standards for new motor vehicles (light-duty vehicles and light-duty trucks) in response to the 1990 CAA amendments. These Tier I emissions standards were phased in with 40% of the 1994 model year fleet, 80% of the 1995 model year fleet, and 100% of the 1996 model year fleet.

As stated in Part II, Chapter 1, section A.3 of the maintenance plan, significant additional emission reductions were realized from Fort Collins's basic I/M program. Colorado's Regulation No. 11, "Motor Vehicle Emissions Inspection Program", contains a full description of the requirements for the Fort Collins I/M program. The program requires biennial inspections of vehicles at independent inspection stations. We note that further improvements to the Fort Collins area's basic I/M program, to meet the requirements of EPA's November 5, 1992, (57 FR 52950) I/M rule, were approved by us into the SIP on March 19, 1996 (61 FR 11149).

Oxygenated fuels are gasolines that are blended with additives that increase the level of oxygen in the fuel and, consequently, reduce CO tailpipe emissions. Colorado's Regulation 13, "Oxygenated Fuels Program", contains the oxygenated fuels provisions for the Fort Collins nonattainment area. Regulation 13 requires all Fort Collins-area gas stations to sell fuels containing a 2.7% minimum oxygen content (by weight) during the wintertime CO high pollution season. The use of oxygenated fuels has significantly reduced CO emissions and contributed to the area's attainment of the CO NAAQS.

Fort Collins has also been implementing the requirements of Colorado's Regulation No. 4 "New Wood Stoves and the use of Certain Woodburning Appliances During High Pollution Days." Regulation No. 4 for Fort Collins requires all new wood burning stoves and fireplace inserts sold to meet both State and Federal emission control standards.

We have evaluated the various State and Federal control measures, the original 1990 base year emission inventory, and the 1993 and 1996 periodic emission inventories, and believe that the improvement in air quality in the Fort Collins

nonattainment area has resulted from emission reductions that are permanent and enforceable.

*(e) Redesignation Criterion: The Area Must Have a Fully Approved Maintenance Plan Under CAA Section 175A*

Section 107(d)(3)(E)(iv) of the CAA provides that for an area to be redesignated to attainment, the Administrator must have fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation, that are adequate to assure prompt correction of a violation. In addition, we issued further maintenance plan interpretations in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498, April 16, 1992), "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental" (57 FR 18070, April 28, 1992), and the EPA guidance memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" from John Calcagni, Director, Air Quality Management Division, Office of Air Quality and Planning Standards, to Regional Air Division Directors, dated September 4, 1992 (hereafter the September 4, 1992 Calcagni Memorandum).

In this **Federal Register** action, EPA is approving the maintenance plan for the Fort Collins CO nonattainment area because we believe, as detailed below, that the State's maintenance plan submittal meets the requirements of section 175A and is consistent with our interpretations of the CAA, as reflected in the documents referenced above. Our analysis of the pertinent maintenance plan requirements, with reference to the Governor's August 9, 2002, submittal, is provided as follows: