

this final rulemaking approval will render the State's commitments federally enforceable.

5. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures.

As stated in Part II, Chapter 2, section F of the maintenance plan, the contingency measures for the Fort Collins area will be triggered by a violation of the CO NAAQS. (However, the maintenance plan does note that an exceedance of the CO NAAQS may initiate a voluntary, local process by the NFRTAQPC and APCD to identify and evaluate potential contingency measures.)

The APCD, in coordination with the NFRTAQPC and AQCC, will initiate a subcommittee process to begin evaluating potential contingency measures no more than 60 days after being notified by the APCD that a violation of the CO NAAQS has occurred. The subcommittee will present recommendations to the NFRTAQPC and APCD within 120 days of notification and the NFRTAQPC and APCD will present recommended contingency measures to the AQCC within 180 days of notification. The AQCC will then hold a public hearing to consider the contingency measures recommended by the NFRTAQPC and APCD, along with any other contingency measures that the AQCC believes may be appropriate to effectively address the violation of the CO NAAQS. The necessary contingency measures will be adopted and implemented within one year after the violation occurs.

The potential contingency measures are identified in Part II, Chapter 2, section F, of the Fort Collins CO maintenance plan. As required by section 175A(d) of the CAA, these include all measures that were part of the nonattainment area plan that have been removed from the SIP as part of the redesignation—in this case, the Basic I/M program as it appeared in Regulation No. 11 prior to July 18, 2002, with the addition of any on-board diagnostics components as required by Federal law, and the oxygenated fuels program as it appeared in Regulation No. 13 prior to

July 18, 2002. In addition, the maintenance plan mentions the following as other possible contingency measures: An enhanced I/M program, transportation control measures, and mandatory woodburning restrictions. The maintenance plan indicates that the State may evaluate other potential strategies to address any future violations in the most appropriate and effective manner possible.

Based on the above, we find that the contingency measures provided in the State's Fort Collins CO maintenance plan are sufficient and meet the requirements of section 175A(d) of the CAA.

6. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Colorado has committed to submit a revised maintenance plan eight years after our approval of the redesignation. This provision for revising the maintenance plan is contained in Part II, Chapter 2, section G of the Fort Collins CO maintenance plan.

7. Removal of the CAA Section 172(c)(9) Contingency Measure

With the CAA Amendments of 1990, the Fort Collins area was designated nonattainment for CO and classified as "moderate" (see 56 FR 56694, November 6, 1991). As the Fort Collins area was designated nonattainment for CO, the nonattainment plan provisions of CAA section 172 (among other sections of the CAA) applied. Among other requirements, CAA section 172(c)(9) required mandatory contingency measures that were to go automatically into place should the area not attain the CO standard by its prescribed attainment date of December 31, 1995. In response to this requirement, the Governor submitted a SIP revision on February 18, 1994, that included an enhanced I/M program as the identified contingency measure. We approved this contingency measure, as meeting the requirements of section 172(c)(9) of the CAA, on December 23, 1997 (see 62 FR 67006).

As the Fort Collins CO nonattainment area attained the CO standard before December 31, 1995, this contingency measure was never implemented and is no longer necessary. Should the Fort Collins area violate the CO standard after being Federally redesignated to

attainment, the contingency measures identified in Part II, Chapter 2, section F, and their implementation mechanism, are considered by us to be sufficient. Therefore, we are removing the identified contingency measure from the SIP that we had previously approved on December 23, 1997 (see 62 FR 67006).

IV. EPA's Evaluation of the Transportation Conformity Requirements

One key provision of our conformity regulation requires a demonstration that emissions from the transportation plan and Transportation Improvement Program are consistent with the emissions budget(s) in the SIP (40 CFR sections 93.118 and 93.124). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment or maintenance area. The rule's requirements and EPA's policy on emissions budgets are found in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193–96) and in the sections of the rule referenced above.

Part II, Chapter 2, section D and Table 4 of the maintenance plan define the CO motor vehicle emissions budgets in the Fort Collins CO attainment/maintenance area as 99 tons per day for 2005 through 2009, 98 tons per day for 2010 through 2014, and 94 tons per day for 2015 and beyond.

The transportation conformity motor vehicle emissions budgets were derived by taking the difference between the attainment year (1992) total emissions and the projected future years' total emissions. This difference is the "safety margin," part or all of which may be added to projected mobile sources CO emissions to arrive at a motor vehicle emissions budget to be used for transportation conformity purposes. The safety margins, less one ton per day, were added to projected mobile sources CO emissions for 2005, 2010, and 2015. The derivation and determination of safety margins and motor vehicle emissions budgets for the Fort Collins CO maintenance plan is further illustrated in Table IV–1 below and in Part II, Chapter 2, Table 4 of the maintenance plan: