

maintenance plan for the Ada County/Boise, Idaho area as a SIP revision and to redesignate the area to "attainment" for PM₁₀.

The proposed redesignation to attainment is based on valid monitoring data and projections of ambient air quality made in the demonstration that accompanies the maintenance plan. EPA believes the area will continue to meet the National Ambient Air Quality Standards (NAAQS) for PM₁₀ for at least ten years beyond this redesignation, as required by the Act.

2. What Is a State Implementation Plan (SIP)?

The Clean Air Act requires states to attain and maintain ambient air quality equal to or better than standards that provide an adequate margin of safety for public health and welfare. These ambient air quality standards are established by EPA and are known as the National Ambient Air Quality Standards, or NAAQS.

The state's plans for attaining and maintaining the NAAQS are outlined in the State Implementation Plan (or SIP) for that state. The SIP is a planning document that, when implemented, is designed to ensure the achievement of the NAAQS. Each state currently has a SIP in place, and the Act requires that states make SIP revisions periodically as necessary to provide continued compliance with the standards.

SIPs include, among other things, the following: (1) An inventory of emission sources; (2) statutes and regulations adopted by the state legislature and executive agencies; (3) air quality analyses that include demonstrations that adequate controls are in place to meet the NAAQS; and (4) contingency measures to take effect if an area fails to attain the standards or to make reasonable progress toward attainment by the required date.

The state must make the SIP available for public review and comment through a public hearing. It also must be adopted by the state, and submitted to EPA by the Governor or his appointed designee. After EPA approves the SIP submission, the rules and regulations are rendered federally enforceable. The approved SIP serves as the state's plan to take actions that will reduce or eliminate air quality problems. Any subsequent revisions to the SIP must go through the formal SIP revision process specified in the Act.

The Idaho Department of Environmental Quality (Idaho DEQ, the State, or Idaho) submitted a SIP for particulate matter in the Ada County/Boise, Idaho nonattainment area in three parts on November 14, 1991, December 30, 1994, and July 13, 1995 (the 1991

PM₁₀ SIP) and EPA approved it on May 30, 1996. Other SIP revisions, e.g., state-wide revisions affecting the area, have been submitted over the intervening years and have likewise been approved. See 40 CFR 52.670. The State submitted the maintenance plan and redesignation request for the Ada County/Boise, Idaho area to EPA on September 27, 2002, and provided supplemental information on July 10, 2003 and July 21, 2003, as a revision to the SIP.

3. What National Ambient Air Quality Standards (NAAQS) Are Considered in Today's Rulemaking?

This action by EPA pertains to Idaho's compliance with the PM₁₀ NAAQS. PM₁₀ is particulate matter with an aerodynamic diameter of less than ten micrometers (PM₁₀). The NAAQS are national standards for certain ambient air pollutants set by EPA to protect public health and welfare. PM₁₀ is among the ambient air pollutants for which EPA has established health-based standards.

PM₁₀ causes adverse health effects by penetrating deep in the lungs, aggravating the cardiopulmonary system. Children, the elderly, and people with asthma and heart conditions are the most vulnerable.

On July 1, 1987 (52 FR 24634), EPA revised the NAAQS for particulate matter with an indicator that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀). (See 40 CFR 50.6). The 24-hour primary PM₁₀ standard is 150 micrograms per cubic meter (ug/m³), with no more than one expected exceedance per year over a three year period. The annual primary PM₁₀ standard is 50 ug/m³ as an expected annual arithmetic mean over a three year period. The secondary PM₁₀ standards, promulgated to protect against adverse welfare effects, are identical to the primary standards.

4. What Is the Background Information for This Action?

On August 7, 1987 (52 FR 29383), EPA identified the Ada County/Boise, Idaho area as a PM₁₀ "Group I" area of concern, i.e., an area with a 95% or greater likelihood of violating the PM₁₀ NAAQS and requiring substantial SIP revisions. The area was subsequently designated as a moderate PM₁₀ nonattainment area upon enactment of the Clean Air Act Amendments of 1990 (November 15, 1990).

The State developed a nonattainment area SIP revision designed to bring about the attainment of the PM₁₀ NAAQS. This was submitted to EPA in three parts on November 14, 1991,

December 30, 1994, and July 13, 1995. EPA fully approved this plan as a revision to the Idaho SIP in a **Federal Register** Notice published on May 30, 1996 (61 FR 27019).

On July 18, 1997 (62 FR 38856), EPA revised the NAAQS standard for PM₁₀. Also, on July 18, 1997, we announced that the existing PM₁₀ standards and associated designations and classifications would continue to apply for an interim period. In addition, we identified the criteria for determining that the pre-existing PM₁₀ NAAQS would no longer be applicable for an area. On March 12, 1999 (64 FR 12257), we issued final rules approving Idaho's request that EPA revoke the pre-existing PM₁₀ NAAQS, along with the associated nonattainment designation and classification for the Ada County/Boise, Idaho area because it had met the criteria. The Environmental Defense Fund (EDF) and others filed a Petition for Review in the U.S. Court of Appeals for the 9th Circuit opposing the revocation of the existing PM₁₀ standard in Idaho. Before EPA responded to the petition, in a separate legal action, the U.S. Court of Appeals for the District of Columbia vacated the revised 1997 PM₁₀ standard. *American Trucking Association, et al., v. EPA, et al.*, and consolidated cases. Thus, because the pre-existing PM₁₀ standards were revoked for the Ada County/Boise, Idaho area, and the revised 1997 PM₁₀ standards were vacated, the Ada County/Boise, Idaho area was left without federally applicable PM₁₀ standards. On June 26, 2000, EPA proposed to rescind the finding that the pre-existing PM₁₀ standards and the accompanying designation and classification were no longer applicable in the Ada County/Boise, Idaho area. 65 FR 39321.² Soon after, the EDF, Community Planning Association of Southwest Idaho, Idaho Department of Environmental Quality (Idaho DEQ) and EPA reached a settlement agreement that called for the submission of a maintenance demonstration and plan containing motor vehicle emissions budgets for the Ada County/Boise, Idaho area and other measures necessary to meet the requirements of CAA section 175A as part of a petition for redesignation of the area to attainment under section 107(d)(3)(E) of the Clean Air Act. See 66 FR 8229 (January 30, 1999). On September 27, 2002, Idaho

² EPA extended the comment period for this rulemaking on July 26, 2000 (65 FR 45953) and later reopened the comment period on September 11, 2000 (65 FR 54828). EPA took final action on only the portion of the proposal related to the deletion of 40 CFR 50.6(d) on December 22, 2000. 65 FR 80779.