

shall be treated as a disapproval if the State fails to comply with such commitment." The EPA is proposing to conditionally approve these SIP submissions as a severe area attainment demonstration and the 1996–99 portion of the Washington area's ROP obligation on the basis of the commitments from the affected jurisdictions. EPA believes that this action is appropriate because the attainment date for the Washington area, which will be reclassified as severe effective March 25, 2003 (68 FR 3410), will be November 15, 2005, and because the States have committed in accordance with section 110(k)(4) to submit revisions to remedy the inadequacies with the RACM and contingency measure aspects of the attainment demonstration and the 1996–99 ROP plans. Since the Court viewed the contingency measures as an element of an attainment demonstration and ROP plan, and rejected EPA's argument that contingency measures were a separate SIP submission, EPA believes it is appropriate to proceed on the basis of a commitment to deal with that aspect of the attainment plan and ROP plan. Similarly, the RACM demonstration is merely another element of the attainment demonstration and EPA believes that it is appropriate to proceed with a conditional approval on the basis of a commitment regarding the RACM demonstration. As a consequence of the reclassification to severe, the Washington area will need to submit additional SIP revisions concerning other matters, such as the 1999–2005 ROP obligation and new NSR requirements, but EPA believes that it can proceed on the SIPs before it as a severe area attainment demonstration plan and a 1996–1999 ROP plan without those additional SIP submissions.

III. Attainment Demonstrations

A. What Is the Basis for the Attainment Demonstration SIP?

1. CAA Requirements

The Clean Air Act (CAA) requires the EPA to establish national ambient air quality standards (NAAQS or standards) for certain widespread pollutants that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare. See sections 108 and 109 of the CAA. In 1979, the EPA promulgated the 1-hour 0.12 parts per million (ppm) ground-level ozone standard. 44 FR 8202 (February 8, 1979). Ground-level ozone is not emitted directly by sources. Rather, emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) react in the presence of sunlight to form ground-

level ozone. Emissions of NO_x and VOC are referred to as precursors of ozone.

An area exceeds the 1-hour ozone standard each time an ambient air quality monitor records a 1-hour average ozone concentration above 0.124 ppm. An area is violating the standard if, over a consecutive three-year period, more than three exceedances are expected to occur at any one monitor. The CAA, as amended in 1990, required the EPA to designate as nonattainment any area that was violating the 1-hour ozone standard, generally based on air quality monitoring data from the three-year period from 1987–1989. CAA section 107(d)(4); 56 FR 56694 (Nov. 6, 1991). The CAA further classified these areas, based on the area's design value, as marginal, moderate, serious, severe or extreme. CAA section 181(a). Marginal areas were suffering the least significant air pollution problems while the areas classified as severe and extreme had the most significant air pollution problems. The control requirements and dates by which attainment needs to be achieved vary with the area's classification. Marginal areas are subject to the fewest mandated control requirements and have the earliest attainment date. Severe and extreme areas are subject to more stringent planning requirements but are provided more time to attain the standard. Serious areas are required to attain the 1-hour standard by November 15, 1999, and severe areas are required to attain by November 15, 2005, or November 15, 2007. The Washington area was classified as a serious nonattainment area with an attainment date of November 15, 1999. On January 24, 2003, the EPA published a final rule (68 FR 3410) reclassifying the area to severe ozone nonattainment, with an attainment date of November 15, 2005.

Under section 182(c)(2) and (d) of the CAA, serious and severe areas were required to submit by November 15, 1994, demonstrations of how they would attain the 1-hour standard and how they would achieve reductions in VOC emissions of 9 percent for each three-year period until the attainment year (rate-of-progress or ROP). (In some cases, NO_x emission reductions can be substituted for the required VOC emission reductions.) Today, in this proposed rule, the EPA is proposing action on the attainment demonstration SIP submitted by DoH, the MDE and the VADEQ for the Washington area.

In general, an attainment demonstration SIP includes a modeling analysis component showing how the area will achieve the standard by its attainment date and the control measures necessary to achieve those reductions. Another component of the

attainment demonstration SIP is motor vehicle emissions budgets for transportation conformity purposes. Transportation conformity is a process for ensuring that States consider the effects of emissions associated with new or improved federally-funded roadways on attainment of the standard. As described in section 176(c)(2)(A) of the CAA, attainment demonstrations must include the estimates of motor vehicle emissions that are consistent with attainment, which then act as budgets for the purposes of determining whether transportation plans and projects conform to the attainment SIP.¹

2. What Are the Components of a Modeled Attainment Demonstration?

The EPA allows that States may rely upon a modeled attainment demonstration supplemented with additional evidence to demonstrate attainment.² In order to have a complete modeling demonstration submission, States should have submitted the required modeling analysis and identified any additional evidence that the EPA should consider in evaluating whether the area will attain the standard.

The EPA addressed the sufficiency of the modeling demonstration to attain by November 15, 2005, in its previous notices regarding the Washington area attainment demonstration. See 64 FR 70460, December 16, 1999, and 66 FR 586, January 3, 2001. Since the Circuit Court did not address issues regarding the adequacy of the modeling demonstration, EPA believes that it may approve that modeling demonstration at this time. EPA incorporates by reference herein its prior proposal, the comments submitted thereon, and its response to those comments. EPA is not reprinting that discussion here but will address any further comments submitted in response to this re-proposal of its approval of the modeling demonstration showing attainment of the Washington area by November 2005.

¹ Under the CAA, the District of Columbia has the same attainment planning authorities and responsibilities as any of the 50 States.

² EPA issued guidance on the air quality modeling that is used to demonstrate attainment with the 1-hour ozone NAAQS. See U.S. EPA, (1991), Guideline for Regulatory Application of the Urban Airshed Model, EPA-450/4-91-013, (July 1991). (A copy may be found on EPA's web site at <http://www.epa.gov/ttn/scram/> (file name: "UAMIVGUIDE")). See also U.S. EPA, (1996), Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, EPA-454/B-95-007, (June 1996). A copy may be found on EPA's web site at <http://www.epa.gov/ttn/scram/> (file name: "O3TEST").