

Department of Health, the Maryland Department of the Environment, the Virginia Department of Environmental Quality and the National Capital Region Transportation Planning Board (TPB). The Act provides for interstate coordination for multi-state nonattainment areas. Because ROP requirements such as the 1996–1999 ROP plan establish emission budgets for transportation improvement plans, municipal planning organizations have historically been involved in air quality planning in the Washington area. The MWAQC ensures consultation with the TPB during the development of the 1996–1999 ROP plan and emission budgets. As explained below, the regional 1996–1999 ROP plan determined the regional target level, regional projections of growth and finally the total amount of creditable reductions required under the 9 percent requirement in the Washington area. The District of Columbia, Maryland and Virginia agreed to apportion this total amount of required creditable reductions among themselves. Although the plan was developed by a regional approach, each jurisdiction is required to submit its portion of the 1996–1999 ROP plan to the EPA as a revision to its SIP.

*B. What Are the Rate-of-Progress Requirements Applicable to the Washington Area?*

The CAA requires that serious and above ozone nonattainment areas develop plans to reduce area-wide VOC emissions after 1996 by 3 percent per year until the year of the attainment date required for that classification of nonattainment area. In addition, section 172(c)(9) of the CAA requires the SIP to provide for specific measures to be undertaken if an area fails to make reasonable further progress. The Washington area is classified as a serious ozone nonattainment area with an attainment date of November 15, 1999. However, the EPA published its final rule reclassifying the Washington area to severe ozone nonattainment effective March 25, 2003. The statutory attainment date for severe areas is November 15, 2005. As a serious area, the 3 percent per year requirement is expressed as an average over consecutive 3-year periods; thus, the requirement is a 9 percent reduction by

1999. However, the Circuit Court ruling on the EPA's approval of the Washington area attainment demonstration and 1996–1999 ROP plan indicated that in addition to a nine percent reduction in baseline emissions from 1996 to 1999, an area with an attainment date in 2005 must submit a ROP plan for the Washington area that demonstrates additional ROP to 2005. 294 F. 3d at 163. The **Federal Register** notice reclassifying the Washington area to severe ozone nonattainment imposes additional requirements on the Washington area including, among other things, ROP plans that achieve an additional 18 percent reduction in base line emissions between 1999 and 2005. These new requirements, as well as all of the requirements for a severe ozone nonattainment SIP, must be submitted to the EPA by the date established in the reclassification final rule. This proposed action is confined to the 1996–1999 ROP requirements for a severe ozone nonattainment area that are currently pending before the Agency.

The ROP plans were to be submitted by November 15, 1994, and the first 9 percent reductions were required to be achieved within 9 years after enactment, that is, by November 15, 1999. This 9 percent reduction requirement is a continuation of the requirement for a 15 percent reduction in VOC by 1996. For the 1996–1999 ROP plan, the Act allows the substitution of NO<sub>x</sub> emissions reductions for VOC emission reductions where equivalent air quality benefits are achieved as determined using the applicable EPA guidance. The 9 percent VOC/NO<sub>x</sub> reduction required by November 15, 1999, is a demonstration of reasonable further progress in the Washington area. Our assessment of the 1996–1999 ROP plan is limited to whether or not the 9 percent reduction requirement is met.

*C. How Is the 3 Percent per Year 1996–1999 Reduction Calculated?*

A 1996–1999 ROP plan consists of a plan to achieve a target level of emissions. There are several important emission inventories and calculations associated with the plan. These include: The base year emission inventory, future year projection inventories, and target level calculations.

The EPA addressed the sufficiency of the 1996–1999 ROP plan base year

emission inventory, future year projection inventories, and target level calculations in its previous notices regarding the Washington area attainment demonstration. See 65 FR 58243, September 28, 2000, and 65 FR 62658, October 19, 2000. Since the Circuit Court did not address issues regarding the adequacy of the base year emission inventory, future year projection inventories, and target level calculations, the EPA believes that it may approve these calculations 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 base year emission inventory, future year projection inventories, and target level calculations.

*D. Nonattainment Area-Wide Plan—Apportionment of Reduction Needs*

The EPA must determine whether or not the Washington area 9 percent requirement has been met. In general, the emission reduction from a measure is the difference between the future year projected uncontrolled emissions and the future year controlled emissions, or is equal to a percentage of the future year projected uncontrolled emissions. For on-road mobile sources, the emission reductions from a measure or suite of measures are determined by the difference of projected future year emissions with and without new control measures.

The Washington area 1996–1999 ROP plan apportions among the District, Maryland and Virginia the amount of creditable emission reductions that each must achieve in order for the nonattainment area to achieve, as a region, the required 9 percent reduction in VOC net of growth. The 1996–1999 ROP plan identifies the amount of creditable emission reductions that each state must achieve for the nonattainment area-wide plan to get a 9 percent reduction accounting for any growth in emissions from 1990 to 1999. The District of Columbia, Maryland and Virginia each committed to achieving the necessary NO<sub>x</sub> and VOC reductions, found in Table 5.