

plan against which to judge whether the proposed revisions are consistent with the area's formal plan to attain the standard by its applicable statutory deadline. However, because the area has attained the ozone standard in 1999—and has continued to achieve attainment—under the interim CBG program, we can compare the revised CBG program to the interim CBG program for the purposes of our analysis under section 110(l).<sup>11</sup>

For purposes of ozone attainment, the most substantial change to the CBG program in these proposed revisions is the removal of the two percent minimum oxygen requirement for summertime CBG. This change, however, is not a relaxation in the SIP because the SIP-approved regulations already allowed the use of non-oxygenated CBG (CBG Type 2 produced under the averaging option) during the summer control period. Thus, the fuel options allowed under the revised State rules will be no less stringent than those allowed under the current SIP.

While we find on the face of the regulations that section 110(l) is satisfied and there will be no relaxation in the SIP, we have worked with ADEQ to assess the changes in emissions and ozone concentrations likely to occur as a result of these changes to the CBG program. Arizona's technical analysis supporting the March 2001 "Summertime Minimum Oxygen Content Removal" submittal indicated that the removal of the minimum oxygen content requirement could result in increases in VOC and CO emissions and a decrease in NO<sub>x</sub> emissions as compared to the emissions from gasoline provided to the area during the period of 1997 to 1999 (the period in which the area first attained the ozone NAAQS). These changes in emissions are not likely to interfere with requirements for attainment because the projected emissions changes are relatively small, and Phoenix has had a general downward trend in ambient ozone concentrations from 1996 to 2002, allowing a buffer for small changes in emissions without necessarily jeopardizing attainment.

To confirm this conclusion, we reevaluated ADEQ's emissions modeling and used these results to assess the impact these emission changes may have on ambient ozone concentrations.

Demonstrations, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard," May 10, 1995.

<sup>11</sup> See *Hall v. EPA*, 273 F.3d 1146, 1160 n.11 (9th Cir. 2001) (noting "no relaxation" test would "clearly be appropriate in areas that achieved attainment under preexisting rules").

Our modeling generated speciated emissions estimates likely to result from the changes to the CBG requirements. We provided these speciated emissions estimates to the State and the State performed modeling using the Urban Airshed Model (UAM). The modeling predicted a four percent reduction in peak ozone for the types of non-oxygenated gasoline likely to be supplied to the area under the revised rules. The modification to Arizona's summertime gasoline program, therefore, will not interfere with requirements related to attainment and maintenance of the ozone NAAQS in the Maricopa County area.<sup>12</sup>

In 2001, we determined the area had attained the 1-hour ozone standard and therefore the RFP requirements of 182(c)(2)(B) for serious ozone nonattainment areas no longer applied to the Maricopa County area. 66 FR 29230 (May 30, 2001). As a result, there is no continuing obligation for the State to show further VOC reductions. The revisions therefore do not need to be evaluated against these RFP requirements to satisfy section 110(l).<sup>13</sup>

**Carbon monoxide.** For CO attainment, we propose to conclude that the revisions to the CBG program are consistent with the area's plan for attainment. In March, 2001, Arizona submitted a revised serious nonattainment area CO plan for the Phoenix area. This plan relied in part on the CBG program being proposed for approval today to demonstrate both progress toward and attainment of the CO standard in the area. See Revised MAG 1999 Serious Area Carbon Monoxide Plan for the Maricopa County Nonattainment Area, Maricopa Association of Governments, March 2001, Chapter 9.<sup>14</sup> Therefore, these revisions to the CBG program are consistent with and support the development of the Phoenix area's plan

<sup>12</sup> These reductions in peak 1-hour ozone concentrations should also ensure the fuel changes will not interfere with achievement of the 8-hour ozone NAAQS.

<sup>13</sup> We need not resolve whether 110(l) requires EPA to evaluate the consistency of SIP revisions with past RFP demonstrations once EPA finds the area has attained the ozone NAAQS because, since adoption of the 1999 15 percent Rate of Progress Plan (ROP), additional VOC controls have become effective in the Maricopa County area to offset any potential changes in VOC emissions resulting from the proposed revisions. For additional discussion, please refer to the TSD.

<sup>14</sup> ADEQ estimates that the revisions to the wintertime program will provide a further reduction in total CO emissions of around 33 metric tons per day over those achieved by the program as implemented prior to 1999. See "Wintertime CBG" Submittal, Enclosure 3.

for meeting the Act's attainment and RFP requirements.

**Particulate Matter.** As with CO, the proposed revisions are consistent with the area's plan for attaining the NAAQS and satisfying RFP. EPA approved the Maricopa County PM-10 Serious Area Plan on July 25, 2002. 67 FR 48718. The area's PM-10 plan includes CBG as an on-road mobile source control measure to meet Best Available Control Measure (BACM) and Most Stringent Measure (MSM) requirements. The plan reflects the statutory revisions to the interim CBG program being proposed in today's action. See, e.g., EPA, Technical Support Document for Approval of the Serious Area PM-10 State Implementation Plan, at 122–23 (Jan. 14, 2002).<sup>15</sup> Because the revisions to the interim CBG program are assumed in the demonstration of attainment and RFP for PM-10, we conclude the proposed revisions satisfy the requirements of 110(l).<sup>16</sup>

#### C. Findings Under Section 211(c)(4)

In our approval of the CBG interim rule and Arizona's 211(c)(4)(C) waiver request (63 FR 6653 (Feb. 10, 1998)), we approved CBG Types 2 and 3 for 1998 and CBG Types 1 and 2 for 1999 and beyond, finding these fuel requirements necessary to achieve the NAAQS in the Maricopa County area. The proposed revisions to the CBG rule would not add new fuel requirements to the SIP. The revisions remove currently SIP-approved requirements and compliance options. We do not read section 211(c)(4)(A) of the Act to prevent States from making changes to SIP-approved fuel programs where these changes would not have changed EPA's original assessment of the necessity of the State fuel controls. Because we find Arizona's changes to the CBG program are therefore within the scope of the previous finding, we conclude that a new finding under 211(c)(4)(C) is not required by the Act.

<sup>15</sup> We note that the 1998 approval of the interim Arizona CBG program claimed PM-10 reductions from the program's NO<sub>x</sub> performance standard (63 FR 6653) and the proposed revisions do not change these NO<sub>x</sub> performance standards. ADEQ claims additional PM-10 emission reductions will be achieved by the proposed revisions to the wintertime oxygen content requirement. In the Background Information Document supporting ADEQ's August 2001 "CBG Wintertime Rule" submittal, ADEQ claims the change to a 3.5 percent oxygen content requirement will reduce PM-10 emissions by 2.1 metric tons per day.

<sup>16</sup> With respect to PM<sub>2.5</sub>, EPA AIRS data indicates that the Phoenix area has not violated the 24-hour or annual PM<sub>2.5</sub> NAAQS through 2002, and is not expected to be nonattainment for PM<sub>2.5</sub>.