ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA114–0023; FRL–5665–8]

Approval and Promulgation of Implementation Plans; California—Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTIONS: Final rule.

SUMMARY: EPA is approving revisions to the California State Implementation Plan (SIP) for ozone for 6 nonattainment areas: South Coast, Southeast Desert, Ventura, Sacramento, San Diego, and San Joaquin Valley. In addition, EPA is approving specific local and statewide air pollution control measures, including the California enhanced motor vehicle inspection and maintenance program. The California Air Resources Board (CARB) submitted these SIP revisions to EPA on November 14, 1994, November 15, 1994, December 28, 1994, December 29, 1994, February 7, 1995, March 30, 1995, January 22, 1996, April 4, 1996, May 17, 1996, June 13, 1996, July 10, 1996, and July 12, 1996.

EPA is approving these revisions to the California SIP under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals for nonattainment areas.

EPA is also establishing a consultative process on the potential for additional mobile source controls that can contribute to attainment in the South Coast, and the Agency is committing to undertake rulemaking on those controls deemed to be appropriate for EPA.

EFFECTIVE DATE: This approval is effective on February 7, 1997.

ADDRESSES: Materials relevant to this rulemaking are contained in Docket No. A–96–13, which is available for viewing during normal business hours at the following location: Air Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the SIP materials are also available for inspection at the addresses listed below:

Environmental Protection Agency, Air Docket (6102), 401 M Street, S.W., Washington, DC

California Air Resources Board, 2020 L Street, Sacramento, California

In addition, copies of the relevant local plan, the State plan (1994 California Ozone SIP), public comments, and EPA's technical support documents for this rulemaking are available at the following locations:

San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, California

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Fresno, California

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, California

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, California

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California

Electronic Availability

This document and related materials are available at Region 9's site on the World Wide Web at http://www.epa.gov/region09 (please look under Air Programs). The Federal Register is also available on the Internet by pointing a web browser at: http://www.access.gpo.gov/su__docs/ or by telnet to swais.access.gpo.gov.

FOR FURTHER INFORMATION CONTACT: Julia Barrow, Chief, Office of Planning, Air Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901; (415) 744–1230.

SUPPLEMENTARY INFORMATION:

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I. Background

A. Summary

EPA is finalizing approval of the 1994 California Ozone SIP.[1] This action was proposed on March 18, 1996 (61 FR 10920–10962). The reader is referred to that notice for additional detail on the affected areas and the SIP submittals, as well as a summary of relevant Clean Air Act requirements and EPA interpretations of those requirements.

Specifically, EPA is approving in this document:

- The emission inventories in San Diego, San Joaquin, Sacramento, Ventura, the Southeast Desert, and the South Coast;[2]
- The 15% rate-of-progress plans for San Diego, San Joaquin, Ventura, and the South Coast;
- The post-1996 rate-of-progress plans for San Diego, San Joaquin, Sacramento, Ventura, and the South Coast;
- The modeling and attainment demonstrations in San Diego, San Joaquin, Sacramento, Ventura, the Southeast Desert, and the South Coast;
- All of the individual local control measures and the State control measures not previously approved; and
- The State's motor vehicle inspection and maintenance (I/M) program and regulations.

This approval indicates EPA's belief that this SIP, if faithfully implemented, will achieve clean air for California. The health of all Californians now depends on the dedication of the State to see that the plans are carried out. While the State may submit revisions to change individual strategies, EPA intends to hold it accountable for timely delivery of the commitments in the plans approved today.

An important aspect of EPA's approval involves the establishment of a public consultative process intended to identify the future mobile source strategies to provide the remaining emission reductions needed for attainment in the South Coast, which remains the Nation's only extreme ozone nonattainment area.

In submitting its 1994 SIP, the State maintained that achievement of clean air goals in the South Coast required further emission reductions from national and international mobile sources, as a supplement to the State's own aggressive mobile source control program and the massive contribution made by locally adopted regulations and control measures. The State argued that California lacked the legal authority or practical ability to control these sources, and that the Federal efforts were essential for progress and attainment in the South Coast because there are no feasible alternatives, in light of the stringent State and local controls on all other sources.

The State identified in the proposed SIP specific mobile sources requiring future Federal controls: onroad and nonroad vehicles and engines, pleasure craft, marine vessels, aircraft, and locomotives. For each source, the State specified a desired level of emission reductions and the years for Federal adoption and implementation.

Under the Constitution and the Clean Air Act, EPA does not believe that a state has authority to assign emission reduction responsibilities to the Federal government. Nevertheless, EPA believes that the Federal government should help speed clean air, not only in California but on a national basis.

Since the Clean Air Act Amendments of 1990, EPA has already issued 30 national regulations to help reduce emissions from mobile sources. Examples of important recent national controls include: (1) The heavy duty truck and bus rules for NO_X and PM issued in May 1993; (2) the NO_X standards for nonroad diesel engines 37kW and above promulgated in 1994; (3) the small nonroad gasoline engine standards (primarily for lawn and garden equipment) finalized in July 1995; and (4) the pleasurecraft engine standards issued in August 1996.

EPA will issue further national controls for remaining mobile source categories. In doing so, the Agency must set controls based on national considerations and criteria established by Congress in the applicable sections of Title II of the Act.

Since the 1994 California Ozone SIP was submitted, EPA has been working cooperatively with California and other stakeholders to develop more stringent controls for both onroad and nonroad vehicles and engines. These constructive, consensus-building activities have received widespread national support from the affected industries, states, and the environmental community, and have already resulted in agreement on stringent new national controls for highway trucks and buses, proposed on June 27, 1996 (61 FR 33421–33469), and for nonroad compression-ignition engines (agreement signed by EPA, California, and industry, on September 13, 1996). The proposed controls achieve California's reduction targets for these source categories while at the same time avoiding the inefficiencies and dislocation that would result from different and possibly conflicting Federal and California standards.

As a result of such successes, EPA is optimistic that the year-long consultative process will succeed and provide emission reductions that complement the California State and local controls contained in the South Coast SIP. The current status of EPA's activities in developing further mobile source controls is presented in Appendix A of this document.

In order to allow time to evaluate what additional mobile source reductions can contribute to ozone attainment in the South Coast, EPA intends to continue and broaden the consultation with the State and other affected parties through June 1997. As stated in the proposal, the Agency believes that this period provides the opportunity to agree on future mobile source reductions that will meet our environmental goals expeditiously and without adverse consequences to the State and the South Coast, whether the controls come from national and international standards or from new State and local measures.

On July 19, 1996, EPA held the first of several meetings in Los Angeles to describe the public consultative process and stimulate a useful exchange of ideas on innovative and ambitious approaches to achieve our pollution reduction targets. Appendix B to this document gives more details on the public consultative process and proposed future meetings.

At the conclusion of the consultative process, EPA believes that the State will have the information it needs to amend

[1] EPA will take action on the Santa Barbara SIP separately. After EPA's proposed approval was issued, ozone violations were recorded, which prevent the Santa Barbara area from meeting its attainment goals this year.

[2] The respective Federal ozone nonattainment areas are: San Diego Area, San Joaquin Valley Area, Sacramento Metro Area, Ventura County Area, Southeast Desert Modified AQMA Area, and Los Angeles-South Coast Air Basin Area. The boundaries of these areas are set forth at 40 CFR 81.305.

the South Coast attainment demonstration appropriately, based on the final mix of international, national, State, and local mobile source controls. The State has agreed, and has committed to submit a revised attainment demonstration by December 1997, and to adopt and submit any needed State measures by December 1999. As proposed, EPA is making a comparable enforceable commitment to undertake rulemakings, after the consultative process, on any controls which are determined to be appropriate for EPA.

EPA believes that, by working together with the State, local government, affected industry, environmental groups, and the general public, we can identify approaches to fulfill our public health obligations in ways that support progress in other areas of public concern.

The data collected and analyses performed as part of EPA's forthcoming report to Congress on the Benefits and Costs of the Clean Air Act demonstrate that air pollution control activities, while costly, have returned far greater economic benefits.[3] Similarly, California-specific studies have recently underscored the State's historic success in reconciling economic growth with air quality progress.[4]

If successfully implemented, the 1994 California Ozone SIP will succeed even more completely than previous clean air plans in harmonizing public health progress with the social and economic goals of the State's citizens. Federal approval of the 1994 SIP will help to provide the regulatory certainty needed to sustain and accelerate California's progress in achieving State and Federal clean air objectives. EPA will continue to work together with California to achieve the clean air that our citizen's deserve.

B. Response to Public Comments on General SIP Issues

1. Federal Assignments.

a. Importance of Federal Contribution and Difficulty of Further Local Controls. As discussed in the proposal, the 1994 California Ozone SIP includes 7 specific mobile source control measures assigned to the Federal government. These measures, which were in addition to those already promulgated by EPA, comprised a more stringent heavy-duty diesel vehicle standard, an off-road diesel equipment standard, a standard for gasoline- and LPG-fueled industrial equipment, national and international standards for marine vessels, national standards for locomotives with a South Coast clean locomotive fleet program, national standards for aircraft, and standards for pleasurecraft.

EPA received many comments underscoring the critical need for reductions from additional national regulations if California areas, particularly the South Coast, are to achieve healthy air quality. Most of these comments added a corollary: Further State and local controls could not reasonably be expected, given the comprehensiveness and stringency of existing regulations and committal measures in the SIP. As stated in the proposal, EPA recognizes that national and international mobile sources are increasingly significant components of the ozone problem, especially in the South Coast, and EPA is committing at this time to undertake the rulemaking on those controls that are determined to be appropriate. The increased Federal contribution that will come from ongoing national mobile source control measures, plus the State and local control measures in the SIP, add up to almost all of the needed emission reductions. EPA is confident that a small shortfall, if it still exists at the end of the public consultative process, will be addressed by cooperative Federal, State, and local strategies, without adverse impacts.

b. Public Consultative Process. The California Environmental Protection Agency (CEPA) commented that the proposed consultative process is much like the participatory approach California has used for many years to develop new environmental programs. CEPA stated that CARB's staff are prepared to begin work right away with EPA and other stakeholders to develop appropriate controls.

The American Association of Railroads (AAR) commented in support of EPA's proposed consultative process as an innovative and useful method to help assure that the SIP's goals are met.

Over twenty years of efforts to clean the air in Southern California have taught that cooperation and innovation by all parties are essential if attainment is to be achieved while retaining a healthy economy. The proposed consultative process builds on that experience, and in that manner provides a reasonable basis for EPA approval of the South Coast attainment demonstration.

The Western Riverside Council of Governments (WRCOG) supported the continuation and expansion of the collaborative process. WRCOG asked that a formal participation program should be developed as part of the consultative process, to provide a framework in which local governments and business communities could participate, since local agencies are required to implement whatever control measures are adopted from this process and success depends upon local government ''buy-in.'' The City of Los Angeles also requested that EPA establish a list of key stakeholders and begin seeking input through a formal process.

EPA agrees that local government participation in the design and review of control measures is critically important to ensure that the measures are efficient, acceptable to the affected communities, and successfully implemented. The Agency hopes that the process can be an open and informal exchange of ideas from the community at large. EPA believes that this is the most efficient structure and approach, in the limited amount of time, to share and receive important information that will help all participants to understand the issues involved and the opportunities to achieve the remaining emissions reductions needed from mobile sources.

c. Legal and Policy Issues. The Environmental Defense Center opposed EPA's proposed public consultative process to resolve the SIP's future mobile source component. EDC expressed perplexity at EPA's reliance on and endorsement of California's assignment of emissions reductions to meet California's shortfall in attainment demonstration for the South Coast:

> The novel ''consultative'' process is without basis in law or propriety under the facts. EPA should not accept ''assignment'' of California's shortfall; this action violates the Act, perverts the local air quality planning process, and rewards California's unwillingness to address its own air quality problems. The precedent is highly disfavorable to clean air and jeopardizes the health and well being of everyone in the United States.

As stated in the Notice of Proposed Rulemaking (NPRM), EPA believes that California does not have the authority to assign SIP responsibility to the Federal government. However, EPA recognizes that massive further reductions are needed for attainment in the South Coast and that attainment may be either

[3] See *The Benefits and Costs of the Clean Air Act, 1970 to 1990,* USEPA report prepared for US Congress under section 812 of the Clean Air Act, Draft report issued May 3, 1996. USEPA expects to issue the final report in the near future, along with a similar prospective analysis on benefits and costs of the 1990 Clean Air Act Amendments.

[4] See Alan Gordon, *Myths of Jobs vs. Resources: Environmental Protections and Economic Growth,* March 1996 (report prepared for the California Senate Office of Research), and Anil Puri, *Significance of California Air Pollution Control Regulations for Business Location Decisions,* May 1995 (report prepared for the California Air Resources Board Research Division).

very costly and disruptive or impossible if further reductions are not achieved from national and international sources.

EPA therefore established the public consultative process to resolve the complex issues associated with national and international sources and to determine what combination of controls at various levels are appropriate to contribute to the remaining emission reduction needs in the South Coast. Both EPA and the State have made enforceable commitments to prepare the controls that are determined, after the public consultation process, to be appropriate for them. Under these commitments, any new Federal or State rules both can and will be adopted before they are required to meet progress or attainment requirements in the South Coast. EPA also believes that those national or international controls that issue from the public consultative process will benefit, rather than disfavor, clean air elsewhere in the United States.

The ''Federal Assignments'' portion of the SIP is approvable because it is consistent, in the overall context of the California SIP, with the Clean Air Act requirements. The California SIP as a whole is approvable as long as, among other things, it includes ''[a] demonstration that the plan * * * will provide for attainment'' of the NAAQS. CAA section 182(c)(2)(A). As set forth in the proposal and below in section II.B.6., the South Coast SIP regulations and commitments, coupled with promulgated Federal measures, provide the great bulk of reductions needed for attainment. The amount of reductions expected from the consultative process is a small percentage of the overall amount of reductions needed for attainment. In addition, granting additional time for identifying and adopting the remaining measures is consistent with the statutory scheme because the time delays are relatively brief, in the context of the SCAB attainment process, and thus do not interfere with the deadline for ROP and attainment.

EPA counts towards the attainment demonstration reductions from measures resulting from the consultative process, even though those measures have not yet been determined, in part because of the practical and technical challenges of providing for attainment in the South Coast. The SIP provisions for the South Coast already include control requirements that, in general, are more expensive and technologically advanced, and apply to smaller emitters, than any other SIP in the nation.[5] Generating additional emissions reductions from additional SIP measures presents a high magnitude of complexity. Such additional SIP reductions may prove unnecessary depending on whether and how many additional reductions from other Federal measures will occur.

Both EPA and the State are committing to undergo the consultative process described above, and to promulgate controls determined by that process to be appropriate. Those EPA and State commitments are enforceable by citizens. Based on these commitments, EPA will assure that the gap in emissions reductions represented by the consultative process, and needed to attain, will be closed. For example, at the close of the consultative process, EPA may promulgate a rulemaking that identifies (i) additional SIP reductions that EPA considers appropriate for California to undertake, and additional Federal measures that EPA intends to promulgate; as well as (ii) schedules for the adoption or promulgation and implementation of both sets of measures.

For these reasons, EPA has concluded that the SIP for the South Coast, with its limited reliance on additional reductions to be determined through a consultative process, ''provide[s] for'' attainment, under section 182(c)(2)(A) of the Act.

EPA believes that CAA section 172(c)(6) supports its conclusion that the California SIP, including the consultative process commitments, ''provide[s] for'' attainment under section 182(c)(2)(A). Section 172(c)(6) of the Act requires, as a rule generally applicable to nonattainment SIPs, that the SIP ''include enforceable emission limitations, and such other control measures, means or techniques * * * *as may be necessary or appropriate* to provide for attainment * * * by the applicable attainment date * * *.'' (Emphasis added.) The emphasized terms mean that enforceable emission limitations and other control measures do not necessarily need to generate reductions in the full amount needed to attain. Rather, the emissions limitations and other control measures may be supplemented with other SIP rules—for example, the commitments EPA is approving today—as long as the entire package of measures and rules provides for attainment. Under these circumstances, the emission limitations and control measures generate reductions in an amount that falls short of the amount needed to attain; yet those limitations and measures are all that is necessary or appropriate to attain in light of the additional SIP rules for commitments.

EPA finds further support for its action in the Ninth Circuit's decision in *Kamp* v. *Hernandez*, 752 F.2d 1444 (1985). There, the court upheld EPA's full approval of a SIP that relied on a State's agreement to submit a fugitive emission control plan in the future. Although recognizing that lack of any controls on fugitive emissions would prevent attainment, the court justified its holding on the grounds that the plan was substantially complete, and that the remaining shortfall would be covered under the state's future submission. The court also interpreted the predecessor provision to section 172(c)(6) in a manner consistent with EPA's interpretation of section 172(c)(6) above.

EDC commented that it is unclear how the ''meet and confer'' commitments meet the minimal requirements of the Administrative Procedures Act (APA) and the public participation elements of the CAA.

EPA believes that these requirements will be met and intends a process with more than the legally-mandated public opportunities for input. All Federal mobile source measures will be issued through rulemaking that complies with the CAA and APA provisions. EPA will ensure that all other future SIP measures go through a fully public process that complies with applicable APA and CAA requirements for public involvement. Finally, any necessary revisions to the South Coast attainment demonstration must comply with all applicable public notification, public hearing, and public participation requirements.

EDC commented that the practical and legal insufficiency of the ''Federal Assignments'' portion of the SIP is reflected in EPA's proposal to make enforceable commitments to undertake additional rulemakings after a

[5] See, for example, SCAQMD rules 1111 (No_x from Gas Fired Furnaces), 1109 (Refinery Boilers & Process Heaters), 1134 (No_x from Stationary Gas Turbines), 1135 (No_x from Electric Power Generating Systems), 431.2 (Liquid Fuel Sulfur Content), 1142 (Marine Tank Vessel Operations), 1113 (Architectural Coatings), 1128 (Paper, Fabric & Film Coating Operations), 1106.1 (Pleasure Craft Coating Operations), 1130.1 (Screen Printing Operations), 1168 (VOCs from Adhesive Applications), 1175 (Polymeric Cellular Products—Blowing Foam), 1146 and 1146.1 (Industrial, Institutional, and Commercial Boilers, Generators, & Heaters), 1162 (Polyester Resin Operation), 1110.1 & 1110.2 (Emissions from Internal Combustion Engines), 1151 (Motor Vehicle Non-Assembly Line Coatings), 1124 (Aerospace Assembly & Component Manufacturing Operations), 1153 (Commercial Bakery Ovens), 462 (Organic Liquid Loading, 461 (Gas Transfer and Dispensing), 1136 (Wood Products Coatings), and Regulation XX (No_x/So_x RECLAIM program). See also the CARB rules for motor vehicles and fuels (generally), off-highway recreational vehicles and engines, consumer products (generally), and aerosol coating products.

consultative process (which EDC described as ''secret'') on control measures necessary to achieve the emissions reductions determined to be appropriate for EPA. EDC added: ''This promise to make future promises provides no certainty, specificity or meaning, and violates the spirit and letter of the CAA.''

In today's action, EPA finalizes its commitment to undertake rulemaking on any measures which are determined to be EPA's responsibility, and EPA finalizes its approval of California's enforceable commitment to adopt measures determined to be the State's responsibility. These enforceable commitments, in conjunction with the other SIP measures and other sources of emissions reductions, constitute the required demonstration of attainment and ROP. As noted in the discussion of the ''Federal Assignments'' (see Appendix A), significant progress has already occurred or is expected in the near future with respect to accomplishing, in enforceable form, specific regulations (such as EPA's recently proposed national standards for heavy-duty onroad vehicles) that achieve the vast majority of required reductions.

EPA has authority to commit itself to promulgate additional Federal measures determined through the consultative process to be appropriate, under CAA section 301. This provision authorizes the Administrator to ''prescribe such regulations as are necessary to carry out his functions under [the Clean Air Act].'' In title I of the Act, Congress set out what amounts to a ''blueprint'' by which nonattainment areas will attain the NAAQS. This blueprint couples SIP reductions with reductions from various Federal measures, such as reductions from mobile source measures promulgated by EPA under Title II of the Act. The EPA commitment prescribed in today's rulemaking is necessary to carry out EPA's functions both in promulgating mobile source regulations under Title II and in fulfilling its share of the ''blueprint'' reductions needed for attainment.

EPA proposed a public, not a secret, consultative process, and the Agency sets forth in Appendix B to this document more details on opportunities for the public to be involved in the difficult decisionmaking on what additional controls on mobile sources need to be adopted at the Federal, State, and local level. EPA's commitment, finalized in this action, is as specific and enforceable as possible, prior to the completion of critically important public input and consultation. After the consultative process is completed, in June 1997, responsibility for the small increment of necessary additional emission reductions should be fully resolved.

The Natural Resources Defense Council (NRDC) and the Coalition for Clean Air (CCA) submitted joint comments opposing EPA's proposed resolution of the ''Federal Assignments.'' The environmental groups stated that EPA's proposed approval violates the CAA by providing full credit toward attainment for ''Federal Assignments'' in the SIP. Although NRDC and CCA encouraged federal-state cooperation to achieve healthful air in the South Coast, they felt that the consultative process combined merely with gap-filling commitments cannot be used to circumvent the November 1994 deadline in the CAA for the State to provide evidence that it has the legal authority to implement and enforce all SIP provisions. NRDC and CCA commented that EPA cannot approve a SIP which relies for ROP and attainment on prospective federal measures over which CARB has no control and which have neither been formally proposed nor promulgated.

NRDC and CCA observed that some of what they describe as the ''nonexistent'' federal measures are given credit as early as 1999, but CARB is not required to submit replacement measures until the end of 1999. NRDC and CCA argued that the State should cover the ''Federal Assignments'' emissions in its 1994 SIP, which could then be revised to decrease the State's responsibilities as EPA adopts new federal regulations. The environmental groups stated that there is no reason why CARB cannot immediately begin development of these rules concurrent with the consultative process. Finally, NRDC and CCA commented that EPA should require that CARB immediately adopt rules, scheduled for implementation in the year 2000 or later, as backstop measures which will go into effect to the extent necessary to make up a shortfall that remains after the consultative process.

EPA's responses to EDC's comments address many of these concerns. EPA believes that the public consultative process for resolving mobile source emission reductions is appropriate to the unique facts of the South Coast attainment demonstration. The 1994 SIP submittal includes massive reductions achieved by combined State and local regulations and commitments, covering every significant source category. It is not clear what feasible measures could be adopted by the State and local agencies at this time to cover the entire emission reductions included in the ''Federal Assignments.'' The additional time which EPA is allowing for the evaluation and development of future Federal controls, revision to the SIP's attainment demonstration, and then adoption, if necessary, of any gap-filling measures, is justified by the magnitude and complexity of the issues involved in regulating sources that have never previously been subject to emission standards and sources that are critical components of interstate and, in some cases, international commerce.

Furthermore, for the larger emission reduction categories in the ''Federal Assignments,'' CARB has matched the national controls with its own measures to adopt and implement at least equivalent State controls under the State's unique CAA authorities to regulate mobile sources. The success of this enterprise to develop cooperative and consistent Federal-State mobile source emission standards would eliminate for manufacturers and users the costs of compliance with conflicting standards and test procedures.

d. Comments Specific to Source Categories. (1) Military Exemption.

The U.S. Navy and U.S. Coast Guard expressed concern about any reconsideration of the exempt status of military aircraft as part of the exploration of more stringent standards for aircraft engines, and both agencies expressed a desire to be involved in future discussions. EPA hopes that these agencies will participate fully in the public consultative process to help in Federal, State, and local cooperative efforts to identify viable strategies for achieving our air quality goals.

(2) Locomotives. The Association of American Railroads (AAR) commented that the consultative process should not be used as a route to develop any State or local regulations imposing locomotive controls for the purpose of reducing emissions. AAR expressed concern that SIP measure M14 indicates that CARB ''will also consider operational controls, such as reduced idling and use of California diesel fuel, if * * * additional emission reductions are needed.'' AAR argued that these types of state and local standards and requirements must be avoided in order to avert adverse effects on interstate commerce. AAR recommended that the consultative process be used to devise ways to maintain the competitiveness of railroads and improve their volume of intercity, long-haul freight, given the significant emissions advantages of rail transportation over trucks. AAR further requested that EPA work with the railroads and other stakeholders to design mechanisms to properly account

in the SIP for the NO_x benefits of rail transportation.

EPA trusts that the rail industry will raise these important issues in the public consultative process.

AAR also raised legal issues regarding the authority of States to adopt and implement any type of emission-related standard or other requirement for locomotives. These issues are more germane to EPA's forthcoming rulemaking to establish national locomotive regulations and to clarify the extent to which States are preempted from adopting or implementing locomotive controls.

(3) Ships and Shipping Channel. The U.S. Coast Guard reiterated its concerns expressed at the time of EPA's proposed Federal Implementation Plan for California areas regarding any operational controls on marine vessels, including international legal implications. The U.S. Navy supported EPA's position that recommendations regarding movement of the shipping channel should await the results of ongoing studies. The Navy opposed any strategy that would increase traffic in the Pt. Mugu Sea Test Range.

EPA welcomes the involvement of these agencies in the public consultative process. EPA will particularly appreciate the assistance of the Coast Guard in clarifying international issues as they affect potential controls on the emissions or operations of ocean-going vessels, and the continued constructive involvement of the Navy in studies to help assess the air quality benefits of moving the shipping channel.

e. EPA Action. EPA approves the State's commitments to revise the South Coast attainment demonstration and adopt appropriate measures following the conclusion of the public consultative process, and EPA finalizes its commitment to undertake rulemaking on any controls which are determined to be appropriate for EPA.

2. EPA Approval of Attainment Demonstrations that Rely, in Part, on Commitments. The Natural Resources Defense Council and the Coalition for Clean Air (NRDC/CCA), in a joint comment letter, contended that EPA cannot approve the California ozone SIP because the majority of emission reductions in the plan are in the form of commitments and not adopted rules as required by the CAA. NRDC/CCA also asserted that approval of such committal SIP provisions would lead to an inappropriate delay in the statutory SIP submittal deadline. To support these propositions, NRDC/CCA cite the holding of *Natural Resources Defense Council* v. *EPA,* 22 F.3d 1125 (D.C. Cir. 1994); the alleged effect of EPA's interpretation of the conditional approval provision of the CAA, section 110(k)(4); and the language of EPA's regulation at 40 CFR 51.281.[6]

In the *NRDC* case, the Court addressed the merits of EPA's interpretation, as set forth in various policy memoranda, that in certain circumstances section 110(k)(4) of the CAA allows conditional approval of commitments unaccompanied by regulatory measures.[7] In these policy memoranda, EPA provided that it would consider conditional approval of SIP submittals, which were meant to fulfill certain specific SIP requirements and which consisted entirely of a commitment letter to submit the required measure by a date certain, but no later than one year after conditional approval. In reviewing these policies, the Court concluded, based on the express language of section 110(k)(4), the CAA's general SIP approval scheme, and the legislative history of section 110(k)(4), that:

> * * * the conditional approval mechanism was intended to provide the EPA with an alternative to disapproving substantive, but not entirely satisfactory, SIPs submitted by the statutory deadlines and not, as the EPA has used it, a means of circumventing those deadlines. 22 F.3d at 1134–35.

The Court found that on its face the language of section 110(k)(4) ''seems to authorize conditional approval of a substantive SIP or SIP revision which, though not approvable in its present form, can be made so by adopting specific EPA-required changes within the prescribed conditional period.'' 22 F.3d at 1134. The Court also noted that the CAA requires EPA to make completeness determinations on required plan submittals and that such determinations could not reasonably be made unless the submittal contains ''something more than a mere promise to take appropriate but unidentified measures in the future.'' *Id.* Finally, the Court determined from the legislative history of section 110(k)(4) that the contemplated specific and enforceable measures are to be additional to some specific enforceable measures already in the SIP. *Id.*

NRDC/CCA apparently interpret the *NRDC* holding as precluding EPA from accepting in a SIP submittal *any* commitments to adopt rules at a future date, even where that submittal includes a significant quantity of emission reductions in adopted form. We believe that such an interpretation is far too broad a reading of the *NRDC* case and that the circumstances presented by today's action are readily distinguishable from those in the *NRDC* case.

First, and most importantly, EPA is not approving the California SIP commitments under section 110(k)(4), but rather under sections 301 and 110(k)(3), as discussed below. Thus the Court's analysis of the express language of section 110(k)(4) and its specific legislative history is not, as NRDC/CCA claim, applicable to EPA's action here. For the reasons set forth below, EPA's authority to approve *enforceable* commitments under sections 110(k)(3) and 301 is not constrained by section 110(k)(4).

Furthermore, to the extent that the *NRDC* case has any relevance to EPA's action under sections 110(k)(3) and 301, in the present case, EPA has not proposed to approve submittals that consist only of a commitment. The EPA policies at issue in *NRDC* permitted a state to initially satisfy an individual CAA requirement (e.g., an inspection and maintenance program) with only a commitment to adopt such a requirement in the future. In contrast, the SIP approved by EPA today contains in adopted, enforceable form a large percentage of the emission reductions that make up the required submittal, in this case, the attainment demonstrations.[8] In addition, the California ozone SIP, because of its many substantive, adopted rules, does not pose the barrier to a completeness determination that the Court in *NRDC* perceived where only a commitment existed.

NRDC/CCA claim that full approval of the commitments in the California ozone SIP (pursuant to sections 110(k)(3) and 301) would render section

[6] NRDC/CCA also claim that the SIP inappropriately relies on a September 1994 EPA memorandum, ''November 1994 Ozone SIP's—Rulemaking Policy,'' to support the inclusion of commitments in the plan. As NRDC/CCA correctly point out, this memorandum was rescinded in 1995. Because EPA is not relying on the 1994 memorandum to support its approval of California's SIP commitments, it is irrelevant to this rulemaking and is therefore not addressed further in this notice.

[7] Section 110(k)(4) of the CAA provides:

(4) Conditional approval—

The Administrator may approve a plan revision based on a commitment of the State to adopt specific enforceable measures by a date certain, but not later than 1 year after the date of approval of the plan revision. Any such conditional approval shall be treated as a disapproval if the State fails to comply with such commitment.

[8] Because they include such major substantive components, the attainment demonstrations do not circumvent the submittal deadline in the CAA as NRDC/CCA claim. See, e.g, tables for each area on ROP Forecasts and Targets, Local Control Measures, and Attainment Demonstrations. These tables summarize far more expansive discussions and data in the actual SIP submittals, which for some areas amount to many volumes and thousands of pages of relevant information and analyses in support of the attainment demonstrations.

110(k)(4)'s conditional approval mechanism meaningless. We disagree with this conclusion. Historically, EPA has interpreted the CAA to allow states to submit enforceable commitments to adopt rules in the future. The enactment of section 110(k)(4) in 1990 provided a new type of approval for a limited set of commitments that, in general, could not be enforced under sections 113 and 304 of the Act[9]; there is no evidence that Congress intended this limited provision to replace EPA's well-established policy of using its general approval authority to approve enforceable commitments. In fact, other provisions in the statute belie that result. Finally, there continue to be strong policy considerations for interpreting the statute to allow for approvals under section 110(k)(3) of enforceable commitments.

EPA interpreted the pre-amended Act to allow for approval of attainment demonstrations that included, in part, enforceable commitments to adopt rules in the future. And courts have found these commitments to be enforceable by the public under the citizen suit provisions of the Act. See, e.g., *American Lung Association of New Jersey* v. *Kean,* 670 F.Supp. 1285 (D.N.J. 1987), affirmed, 871 F.2d 319 (3rd Cir. 1989); *NRDC* v. *N.Y. State Dept. of Environmental Conservation,* 668 F.Supp. 848 (S.D.N.Y. 1987); *Citizens for a Better Environment* v. *Deukmejian,* 731 F. Supp. 1448, reconsideration granted in part, 746 F.Supp. 976 (N.D. Cal. 1990); *Coalition* v. *City of New York,* 967 F.2d 764 (2d Cir. 1992); *Trustees for Alaska* v. Fink, 17 F.3d 1209 (9th Cir. 1994).[10]

In enacting section 110(k)(4), Congress enacted a much more limited type of approval of commitments. First, conditional approval under section 110(k)(4) is for a very limited duration—the commitment must provide a date certain for submittal that cannot exceed one year after conditional approval. Furthermore, in contrast to the enforceable commitments historically accepted by the Agency and the courts, section 110(k)(4) anticipates that the commitment made by the State will not be an enforceable commitment. Under the express language of section 110(k)(4), upon the State's failure to meet the commitment, the conditional approval must be converted to a disapproval. Once a SIP is disapproved, there is no longer any commitment left to enforce under section 113 or 304 of the Act.[11]

There is nothing in the legislative history of the 1990 CAA Amendments to suggest that Congress's addition of section 110(k)(4), which is much more limited in scope, was intended to preclude EPA's prior practice. Furthermore, other provisions of the amended Act indicate that Congress contemplated continued approval of enforceable commitments. For example, section 182(e)(5) of the CAA, which concerns attainment demonstrations for extreme ozone nonattainment areas, addresses the ''anticipate[d] development of new control technologies.'' This section provides that EPA may approve provisions relying on such technologies if, among other things, the state submits ''enforceable commitments to develop and adopt contingency measures to be implemented * * * if the anticipated technologies do not achieve planned reductions. These enforceable commitments would clearly need to extend well-beyond the maximum one-year period that may be granted for conditional approval under section 110(k)(4). Nothing in the language of section 182(e)(5) indicates that Congress authorized those enforceable commitments ''notwithstanding'' section 110(k)(4).

Nor does EPA agree with NRDC/CCA's assertion that approval of enforceable commitments constitutes an inappropriate delay in the statutory SIP submittal dates. Congress anticipated that section 110(k)(4) would result in submittal delays for some SIP measures beyond the initial submittal deadlines. EPA believes that the delays in submittal of final rules that would result in this action are permissible under section 110(k)(3) because the State has obligated itself to submit the rules by specified, short-term dates, and that obligation is enforceable by EPA and the public. Moreover, as noted above, the SIP submittal approved today contains major substantive components submitted as adopted regulations. As such, the California submittal is readily distinguishable from the submittals that were the subject of the *NRDC* case.

Finally, as matter of policy it is important to continue to read section 110 as allowing for full approval of SIP submittals containing some enforceable commitments. The conditional approval provision is most effectively used where a State makes a short term commitment to correct a problem or fill a gap in a SIP submission. If the State fails to meet the commitment, the conditional approval is converted to a disapproval and an 18-month clock for sanctions and a 2-year period for promulgation of a federal implementation plan (FIP) start. However, neither EPA nor citizens have authority under the CAA to take action to enforce those commitments that have been converted to a disapproval. While a disapproval may motivate a state to ultimately meet its commitments, through the potential for sanctions and a FIP, in some cases it may be more desirable to have an approved commitment that EPA or a citizen can enforce directly in court. Approval under section 110(k)(3) allows for enforcement action. Such a remedy is frequently preferable in promoting actual air quality improvements. Moreover, even with respect to an approved commitment, EPA may start the sanctions process through a finding of failure to implement if the state does not meet its enforceable commitment.

EDC commented, with apparent approval, on the vehicle of enforceable commitments. EDC maintained, however, that the Administrative Procedure Act and notions of fairness require that they be more fully articulated. EPA believes that the SIP commitments approved today are sufficiently specific to be enforceable by the Agency or the public. For example, the control measure commitments are for particular agencies to adopt and implement specific controls by definite dates to achieve precise emission reductions from identified source categories for each milestone year through attainment. In the case of the South Coast, the plan also provides detailed discussions of the source category, the regulatory history, proposed method of control (including descriptions of available control technologies and operational approaches), control efficiency assumptions, rule compliance approaches (e.g., reporting and recordkeeping requirements, source testing, certification programs, etc.), test methods, cost effectiveness calculations, and references to document assumptions and provide for further information. The rules to fulfill these commitments will be subject to notice-and-comment at the State level prior to

[9] In commenting on EPA's proposed SIP approval action, the Environmental Defense Center (EDC) suggested that EPA approve the SIP's commitments under section 110(k)(4) rather than section 110(k)(3) because of the important enforceability benefits of a conditional approval. As discussed below, commitments that are conditionally approved cannot be enforced.

[10] Courts have also upheld EPA's approval of SIPs that contain enforceable commitments. See, e.g., the cases cited below in the discussion of 40 CFR 51.281.

[11] A disapproved SIP—i.e., a plan rejected by EPA—is not considered to be federally enforceable. Both sections 113(a)(1) and 304(a) and (f)(3) provide for enforcement regarding a violation of only an ''applicable implementation plan,'' which CAA § 302(q) defines as a plan ''which has been ''approved'' or ''promulgated'' under section 110.

adoption and submittal to EPA; furthermore, EPA will approve or disapprove those measures through notice-and-comment rulemaking procedures.

Reading the statute as a whole, it is clear that Congress did not intend section 110(k)(4) to be the sole mechanism for approving submittals that contain at least some commitments. Furthermore, for the above reasons, enforceable commitments serve several distinct purposes not addressed by section 110(k)(4). Under these circumstances, EPA's interpretation of the statute is entitled to considerable deference. *Chevron U.S.A., Inc.* v. *NRDC,* 467 U.S. 837 (1984).[12]

NRDC/CCA also assert that EPA is precluded from approving the commitments in the California ozone SIP because EPA's regulation at 40 CFR 51.281 [13] requires SIPs to include adopted rules and regulations. EPA has long interpreted this regulation to require States, when submitting rules and regulations, to submit those regulations in adopted rather than proposed form.[14] EPA has not interpreted this regulation to require that every submittal must be in regulatory form.

EPA promulgated this regulation long before the enactment of the 1990 CAA Amendments. See 36 FR 22398 (Nov. 25, 1971), codified as 40 CFR 51.22; recodified as 40 CFR 51.281 with minor modifications at 51 FR 40674 (Nov. 7, 1986). As discussed above, EPA has historically accepted enforceable commitments in SIPs and courts have found these provisions to be enforceable by the public under section 304 of the CAA. In addition, in a number of cases, courts of appeals in some circuits, including the Ninth Circuit, have upheld EPA's approval of plans that included commitments to fill gaps. See *Kamp* v. *Hernandez,* 752 F.2d 1444, 1445 (9th Cir. 1985); *Connecticut Fund for the Environment* v. *EPA,* 672 F.2d 998 (2d Cir.), cert. denied 459 U.S. 1035 (1982); *Friends of the Earth* v. *EPA,* 499 F.2d 1118, 1124 (2d Cir. 1974).

The cited cases demonstrate that, over a long period of time, EPA has not interpreted 40 CFR 51.281 as limiting the permissible procedural vehicles for SIP measures to rules and regulations. Rather, the Agency has viewed the primary purpose of section 51.281 as ensuring that SIP submittals contain adopted, not proposed, emission limitations and other measures. The commitments at issue here are not merely proposed; they have been adopted by the various local air districts and ARB. Because EPA's interpretation of its regulation is a reasonable interpretation, it is entitled to deference. *Chevron,* 467 U.S. 837.

3. Additional Clean Air Act Issues

a. Attainment as Expeditiously as Practicable. The Environmental Defense Center commented that the SIPs should be disapproved because they fail to meet the CAA requirement of attaining the NAAQS as expeditiously as practicable. The commenter provided no further statutory interpretation or information relating to this CAA provision and defects in the SIPs relating to it. EPA continues to believe that the SIPs meet the progress requirements of the Act, as discussed in the proposal, and provide for expeditious attainment.

b. Contingency Measures. NRDC and CCA commented that only SCAQMD's measure CTY–01 meets the section 182(c)(9) CAA requirement for contingency measures that take effect without further action by the State or EPA upon a failure of the State to meet the applicable milestone. The commenters stated that EPA should require further definition and refinement of the contingency measures and the schedule, funding and enforcement responsibilities required for the measure to succeed.

EPA's proposal addressed only the following CAA requirements: section 181(a)(1) relating to emissions inventories; section 182(b)(1) relating to 15% ROP Plans; section 182(c)(2)(B) relating to Post-1996 ROP Plans; sections 182(b)(1)(A) and 182(c)(2) relating to modeling and attainment demonstrations, and sections 182(b)(4) and 182(c)(3) relating to I/M Programs. The remaining requirements of Part D of the Act, including the sections 172(c)(9) and 182(c)(9) requirements for contingency measures, will be acted upon in separate rulemakings.

c. Adequacy of SIP's Technical Foundations. (1) Modeling and Treatment of Transport. The Engine Manufacturers Association (EMA) submitted a comment that EPA has failed to provide all data and documentation relating to the modeling in the SIPs. Noting that EPA has admitted that problems in model performance and transport led to California's inability to follow EPA's modeling guidelines in its analyses, EMA asked that EPA not take final action on modeling but should require that appropriate adjustments be made in order to provide accurate modeling assumptions on which to base California's proposed measures.

EPA has not provided all data and documentation relating to the modeling analyses. For each area, modeling input and documentation include hundreds of thousands of data. This information is available from local air pollution agencies.

Again, EMA failed to provide specific information to support its general conclusion. EPA recognizes the opportunities to refine the modeling in each of the areas, including the data upon which the modeling is based. Major modeling projects or modeling refinements are underway in each area. EPA contributes technical and funding support to these projects, which may provide information helpful in enhancing the SIP strategies in the future. However, EPA believes that the current modeling in each area meets the requirements of the Act and provides a reasonable basis for estimating the emission reductions needed for attainment and the ambient impact of the control measures.

(2) Impact of Changes to the ZEV Program. The Environmental Defense Center commented that the state has already rescinded the Zero Emission Vehicle (ZEV) program, demonstrating immediately their willingness and intent to renege on the SIP's commitments. EDC stated that both the Sacramento and South Coast attainment demonstrations should be disapproved because CARB has rescinded the ZEV program. NRDC and the Coalition for Clean Air commented that EPA needs to quantify the increased emissions that will result from changes to the ZEV program and should demand compensating reductions.

At a public hearing on March 28 and 29, 1996, CARB approved revisions to the ZEV program in the California motor vehicle control regulations. These changes included elimination of the ZEV production requirement for the 1998 through 2002 model years. CARB retained the 10% ZEV requirement for

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[12] As one court has observed: The need for flexibility in the administration of a statute whose provisions have been described as 'virtually swim[ming] before one's eyes,' * * * should not be underestimated. We have in the past been careful to defer to EPA's choice of methods to carry out its 'difficult and complex job' as long as that choice is reasonable and consistent with *the Act* * * *. *Connecticut Fund for the Environment, Inc.* v. *EPA,* 672 F.2d 998, 1006 (2d Cir.), cert. denied, 459 U.S. 1035 (1982).

[13] 40 CFR 51.281 provides, in pertinent part: Emissions limitations and other measures necessary for attainment and maintenance of any national standard * * * must be adopted as rules and regulations * * *. Submittal of a plan setting forth *proposed* rules and regulations will not satisfy the requirements of this section * * *. (Emphasis added.)

[14] In order to expedite SIP approval, EPA has occasionally proposed to approve a state's draft rules that have been fully developed but have not yet been adopted. An EPA approval using this ''parallel processing'' procedure, of course, cannot be finalized until the rules have been adopted and formally submitted to EPA as a SIP revision.

the 2003 and later model years. In order to offset the loss of emission reductions, CARB negotiated an enforceable contractual agreement with the vehicle manufacturers, committing them to produce cleaner 49-state cars in the 2001 through 2003 model years. CARB prepared a staff report demonstrating that the emission reductions achieved within the South Coast by the cleaner 49-state vehicles exceed the emission losses from delay of the ZEV program (See CARB Staff Report: Initial Statement of Rulemaking—PROPOSED AMENDMENTS TO THE ZERO–EMISSION VEHICLE REQUIREMENTS FOR PASSENGER CARS AND LIGHT–DUTY TRUCKS, February 9, 1996).

EPA shares the commenters' concerns that the SIP must be implemented fully and that substitute measures should immediately correct any SIP shortfalls. However, the State has argued that successful implementation of the ZEV program requires the March 1996 rule amendments, in order to ensure that concerns relating to battery technology and ZEV sales potential can be resolved and the ultimate sales mandate be fully accomplished. The State has also provided evidence that the loss in emissions from the elimination of the ZEV mandate for the first 5 years will be offset by provisions of CARB's enforceable contract with the automakers. EPA will carefully monitor implementation of the contractual agreement and the ZEV program and will require the State to revise the SIP to provide new emission reductions if needed to meet the progress and attainment requirements of the Act.

(3) Control Measures. NRDC and CCA commented that EPA cannot approve the South Coast SIP because it fails to include as measures all already adopted regulations and measures characterized as assumptions. The environmental groups argued that the CAA and EPA's regulations require quantification of reductions from each adopted regulation, and that these regulations themselves should be an enforceable part of the SIP.

With respect to the quantification of reductions from the various regulations that comprise the existing California motor vehicle program, the State has submitted reductions from the program as a whole, without a disaggregation by program element. In recent correspondence, the State has provided further detail, including an estimate of Statewide emission reductions from each severable component.[15]

The rate-of-progress and ozone attainment demonstrations for each area rely, in part, on emission reductions from regulations adopted by local air pollution control districts, since the impact of these regulations is factored into the projections of future year baseline emissions.[16] EPA has already approved the great majority of these local regulations and expects in the near future to complete final action on the remaining regulations. With respect to those few regulations which are relied upon in the SIP for rate-of-progress or attainment and which have not yet been approved as part of the SIP, EPA construes that reliance and the fact that the local agencies have adopted and the State has submitted the rules as SIP revisions to constitute an enforceable commitment by these agencies to implement the rules to achieve the reductions assumed in the rate-of-progress plans and the attainment demonstrations.

If the State withdraws (before EPA's final action) any of these regulations that have been submitted but not yet approved as part of the SIP, or if EPA's final action is a disapproval, or if EPA determines that the rule will achieve fewer emissions reductions than relied upon in the SIP, EPA will call upon the State to fulfill its commitment by submitting replacement measures on an expeditious schedule and the State will be obligated to provide such replacements.

EPA requires identification of emission reductions associated with each of the new measures that are incorporated in the plan's rate-of-progress and attainment demonstrations and that reduce emissions below the baseline inventory levels. The South Coast SIP fulfills this requirement, and EPA has included, in the tables of new measures, the specific credit assigned.

The Engine Manufacturers Association (EMA) stated that, based on the information provided in the NPRM, EPA and California have not established a reasonable, cost-effective basis for certain of the proposed regulatory measures. EMA provided no specific information to support the comment. EPA believes that the SIP control measures are, in fact, reasonable. Moreover, EPA does not find statutory authority for the Agency to require states to submit analyses demonstrating that proposed measures are reasonable, cost-effective and appropriate. Finally, due to the nature of the Federal/state relationship under the Act, EPA analysis of the cost-effectiveness of SIP measures would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

d. Consistency of Local Nonroad Measures with Clean Air Act Preemption. The Engine Manufacturers Association commented that EPA should not finalize approval of local measures without a determination that they have met CAA requirements respecting preemptions on a state's authority to regulate certain nonroad engines and applications. The commenter did not identify any State or local measure that was inconsistent with the Clean Air Act. EPA has not identified any measure, approved at this time, that violates the Act's preemptions. When regulations are adopted and submitted for SIP approval, EPA reviews the regulations to ensure that they fall within the authority of the State or local agency and that the regulations are otherwise consistent with statutory and regulatory requirements.

4. Future SIP Updates and Improvements

Western Riverside Council of Governments commented that the SIP should provide the flexibility to replace measures with local programs that are more sensitive to local political, economic and social conditions. EPA supports and encourages SIP flexibility that respects the superior ability of local agencies to reconcile environmental progress with other community goals.

The California Environmental Protection Agency (CEPA) commented that, as EPA recognized in the proposed approval, some of California's specific strategies may require adjustment as actual rules are developed. CEPA stated that ''we will retain the flexibility to revise the SIP as long as the emission reductions continue to provide for attainment.''

As stated in the NPRM, EPA supports the State's flexibility to revise the SIP, but cautions that EPA must review SIP revisions for approvability under Sections 110(l) and 193. Section 110(l) prevents EPA from approving a revision if it would interfere with any applicable

[15] Table 1 (''Adopted state regulations in the SIP baseline, with implementation dates in 1996 or later'') in a letter from Lynn Terry, Assistant Executive Officer, CARB, to Julia Barrow, Chief, Planning Office, Air & Radiation Division, USEPA, dated September 19, 1996. This correspondence is part of EPA's rulemaking docket.

[16] In a letter from Barry R. Wallerstein, Deputy Executive Officer, SCAQMD, to Dave Howekamp, Division Director, Air & Toxics Division, Region IX, dated September 18, 1996, the SCAQMD has provided a list of local measures and associated emission reductions assumed in the baseline of the South Coast SIP. This correspondence is part of EPA's rulemaking docket.

requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act. Section 193 prevents modification of control requirements ''in effect, or required to be adopted by an order, settlement agreement, or plan in effect before November 15, 1990 in any area which is a nonattainment area for any air pollutant * * * unless the modification insures equivalent or greater emission reductions of such air pollutant.''

5. Overall Approvability of Plans

Almost all of the commenters supported EPA's proposed approvals of the plans for each area. However, comments opposing full approval of the plans at this time were received from the Engine Manufacturers Association, the Environmental Defense Center, the Natural Resources Defense Council, and the Coalition for Clean Air. These comments are addressed elsewhere in section I.B., or in discussions relating to individual areas.

6. Importance of SIP Implementation

Several commenters reflected on the critical importance of follow through at the local, State, and Federal levels if the SIPs are to achieve the air quality standards. EPA agrees that all parties, including local government and the general public, must work together to ensure that each responsible agency honors its commitments. Because these challenging SIPs are so important from the perspective of public health, the success of the SIPs requires widespread public participation and public support. EPA encourages California agencies to report frequently to the public on progress in implementing the plans and to involve the public in resolving implementation issues. Through the Public Consultative Process and other forums, EPA intends to inform and engage the public as the Agency proceeds to develop future mobile source controls.

C. SIP Submittals

1. SIP Submittals Before EPA's Proposal

On November 15, 1994, CARB submitted a revision to the ''State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards'' (ozone SIP)

The revision consists of: (a) The State's comprehensive ozone plan, including the State's own measures and the State's summaries of, and revisions to, the local plans; (b) the State's previously adopted regulations for consumer products and reformulated gasoline and diesel fuels; and (c) local plans addressing the ozone attainment demonstration and ROP requirements.

On August 21, 1995 (60 FR 43379), EPA approved the State's consumer products and reformulated gasoline and diesel fuels regulations. At the same time, EPA took interim approval action on CARB and SCAQMD New-Technology Measures, under the provisions of section 182(e)(5) of the CAA, which authorizes the Administrator to approve fully and credit as part of an extreme ozone area SIP conceptual measures dependent upon new control technologies or new control techniques. The new-technology measures approved at that time were: CARB's measures M2 (Improved Control Technology for Light-Duty Vehicles), M9 (Off-Road Diesel Equipment), CP–4 (Consumer Products Advanced Technology and Market Incentives), and Additional Measures; and SCAQMD measures ADV–CTS–01 (Coating Technologies), ADV–FUG (Fugitives), ADV–PRC (Process Related Emissions), ADV–UNSP (Unspecified, Stationary Sources), ADV–CTS–02 (Coatings Technologies).

On December 14, 1995 (60 FR 64126), EPA issued the final SIP approval of the State's mid-term control measures M3 (Accelerated Ultra-Low Emission Vehicle requirement for Medium-Duty Vehicles), M5 (Heavy-Duty Vehicle NO_X regulations), M8 (Heavy-Duty Gasoline Vehicles lower emissions standards), M11 (Industrial Equipment, Gas and LPG), and CP2 (Mid-Term Consumer Products).

The remaining portions of the ozone SIP submittal, upon which EPA is acting today, include the following separate documents:

1. ''The 1994 California State Implementation Plan for Ozone,'' volumes I–IV. The November 15, 1994, submittal letter refers to other submittals, described below, as completing the 1994 California Ozone SIP. Volume I provides an overview of the entire submittal; Volumes II and III include the State's measures for mobile sources, consumer products, and pesticides; and Volume IV treats the local plans.

On December 29, 1994 and February 7, 1995, the State submitted updates to these documents, incorporating changes made by CARB at the time of adoption, and providing other technical and editorial corrections.

2. ''1994 Ozone Attainment and Rate-of-Progress Plans for San Diego County.''

3. ''San Joaquin Valley Attainment and Rate-of-Progress Plans.'' On December 28, 1994, the State submitted the ''Rate-of-Progress and Attainment Demonstration Plans for the Kern County Air Pollution Control District,'' applicable to the Kern desert portion of the San Joaquin Valley nonattainment area.

4. ''Sacramento Area Proposed Attainment and Rate-of-Progress Plans.'' On December 29, 1994, the State replaced this with the ''Sacramento Area Attainment and Rate-of-Progress Plans.''

5. ''1994 Air Quality Management Plan for Ventura County.''

6. ''Rate-of Progress and Attainment Demonstration Plans for the Mojave Desert.''

7. ''1994 Air Quality Management Plan for South Coast Air Basin, Antelope Valley and Coachella/San Jacinto Planning Area.'' On December 29, 1994, the State submitted the ''Rate of-Progress Plan Revision: South Coast Air Basin & Antelope Valley & Coachella/San Jacinto Planning Area.'' [17]

8. On March 30, 1995, CARB submitted revised 1990 base year emission inventories for each of the California ozone nonattainment areas.

9. On June 30, 1995, CARB submitted desriptive materials relating to the State's motor vehicle inspection and maintenance program, adopted by the California Bureau of Automotive Repair. On January 22, 1996, CARB submitted the motor vehicle inspection and maintenance regulations adopted by the California Bureau of Automotive Repair.

2. SIP Submittals After EPA's Proposal

On April 4, 1996, CARB submitted a revision for the San Joaquin Valley, withdrawing an obsolete transportation control measure (Exclusive High Occupancy Vehicle Lanes on Freeway 41, included in the 1982 Air Quality Management Plan for Fresno).

On May 17, 1996, CARB submitted Executive Order G–96–031, the State's commitment to participate in the public consultative process, submit a revised attainment demonstration for the South Coast as appropriate after the consultative process, and submit control measures needed to achieve emission reductions determined to be appropriate.

On June 13, 1996, CARB submitted supplemental information regarding the 1994 California SIP, including

[17] Antelope Valley and Coachella-San Jacinto Planning Area are portions of the Southeast Desert Modified Air Quality Management Area which are currently under the jurisdiction of the South Coast Air Quality Management District. California has recently revised its air basin classifications, so that Antelope Valley is part of Mojave Desert Air Basin and the Coachella-San Jacinto Planning Area is part of Salton Sea Air Basin.

additional information on emission reductions from the State's measures (Letter from James D. Boyd to David Howekamp, with Attachments A, B, and C).

On July 10, 1996, CARB submitted updates to the South Coast rule adoption schedule (''Control Measure Adoption Schedule'').

On July 12, 1996, CARB submitted updates to the Ventura AQMP (''Ventura County 1995 Air Quality Management Plan Revision'' and ''Appendix E–95'') and an updated post-96 ROP for San Joaquin Valley (''Revised Post-1996 Rate-of-Progress Plan'').

3. EPA Completeness Findings

On January 30, 1995, EPA issued a finding of completeness under Section 110(k)(1) of the Act for the following portions of the California ozone SIP submittal: Diesel Fuel Regulations; Reformulated Gasoline Regulations; CARB Measures M2, M3, M5, M8, M9, M11, CP–2, CP–3, CP–4, Additional Measures; and SCAQMD Long Term Measures ADV–CTS–01/02, ADV–FUG, ADV–PRC, ADV–UNSP. These elements of the revision were found complete based on EPA's completeness criteria that are set forth in 40 CFR Part 51 Appendix V.[18]

On April 18, 1995 the EPA issued a finding of completeness for the remaining portions of the November and December 1994 submittals with regard to: (1) attainment and post-1996 RFP requirements at section 182(c)(2) of the Act; (2) 15% ROP requirement of section 182(b)(1)(A); and (3) 1990 base year inventory requirements of section 182(a)(1). The CARB emission inventory submittal of March 30, 1995, was included in the completeness determination of April 18, 1995.

On June 30, 1995, and February 5, 1996, EPA issued a finding of completeness for the State's I/M program submittals.

On August 14, 1996, EPA issued a finding of completeness for updates to the San Joaquin Valley plan (submitted on April 4, 1996, and July 12, 1996); the South Coast plan (submitted on July 10, 1996); the Ventura plan (submitted on July 12, 1996); the State's commitment to participate in the public consultative process and revise the South Coast plan as appropriate (submitted on May 17, 1996); and technical information on State and local measures (submitted on June 13, 1996).

[18] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

4. Rationale for EPA Approval of Minor SIP Changes without Further Opportunity for Public Comment

The NPRM indicated that EPA intended to approve in the final action SIP updates if received before the Notice of Final Rulemaking (NFRM) was signed. The State, local agencies, and other commenters requested EPA to absorb these updates and corrections into the final plan action.

In the NFRM, EPA has also made numerous changes to the tables of control measures, in response to State and local agency requests for correction and clarification. These changes make minor adjustments to the measures, the arrangement of the measures in the table, the schedule of measure adoption and implementation, or the emission reductions associated with the measures. Since the changes are administrative or clerical in nature, or otherwise are not significant, and neither individually nor cumulatively affect ROP or attainment, EPA has incorporated the changes in this action without further opportunity for public comment.[19] Notice and comment are not required under the Administrative Procedures Act, ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b).

The State and involved local agencies in the San Joaquin Valley, South Coast, and Ventura all requested that the final notice clarify the original intent of the 1994 SIP submittal that, coincident with approving the new Transportation Control Measures (TCMs) in the current SIP, EPA would delete from the applicable SIP the prior TCMs, which are out-dated and not relied upon in the new ROP and attainment demonstrations. Because these rescissions were mistakenly omitted either from the original submittals or EPA's proposed action on the submittals, and because the rescissions are inconsequential and fully consistent with the 1994 SIP submittal respecting progress and attainment, EPA is finalizing the TCM replacement without further opportunity for public comment.

[19] The State's 15% ROP plans for each area do not rely on reductions from any of the measures (all reductions come from fully adopted regulations), and the changes do not reduce the amount of emission reductions from the measures in post-1996 ROP milestone years or the attainment years.

II. Review of the State Submittal, Response to Comments on Specific SIP Issues, and EPA Final Action

A. State Measures

1. General Comments

The California Environmental Protection Agency (CEPA) commented that EPA's proposal to approve the State's measures on a statewide basis (if, under State law, they apply throughout California) did not reflect the intent of the State, which was to limit the Federally enforceable State measures only to the serious, severe, and extreme nonattainment areas. EPA is so limiting the final approval action. Accordingly, under Federal law the statewide measures will not count toward attainment and maintenance of the NAAQS except in the ozone nonattainment areas classified as serious and above. As a result, the State must submit a SIP revision if it wishes in the future to extend the geographic applicability of the measures. Because EPA is accepting the State's request that Federal approval of the measures in the SIP apply narrowly to the ozone ROP and attainment needs in serious and above areas, the State must submit a SIP revision if, at any time in the future, the emission reductions associated with the measures in other areas are needed as components of attainment or maintenance SIPs for other areas.

CEPA also requested that EPA not approve the reductions shown for State measures M1, M2, M7, and M9 in the South Coast in the year 2007, because 2007 is not a milestone year for the South Coast. EPA is complying with the State's request in this final action. The year 2007 reductions in the South Coast may need to be resubmitted by the State if federally enforceable 2007 reductions from these measures in the upwind South Coast nonattainment area are needed for the 2007 attainment demonstration in the Southeast Desert.

Finally, CEPA asked that EPA not assign emission reduction credits from measures M3, M5, M8, and CP–2/CP–3 to San Diego, since the area did not use them for rate-of-progress or attainment. EPA is deleting this credit. If reductions from these measures are needed in San Diego in the future, the CARB must resubmit for SIP approval the State measures with associated San Diego emission reductions.

2. Mobile Source Measures

a. Review of Measures. The following is a brief description of the State's mobile source measures, or M Measures, identification of minor corrections and clarifications to the measures or their

associated emission reductions, summary of public comment on the measures and EPA's response, and EPA's final approval actions on the measures.

(i) M1—Accelerated Retirement of Light-Duty Vehicles. The SIP commits to secure a financing mechanism by the end of 1995, adopt the measure in 1996, undertake a demonstration program from 1996 through 1998, and implement the program fully from 1999 to 2010, through the annual retirement (scrappage or removal) of up to 75,000 older, high-emitting vehicles in the South Coast Air Basin. CARB has clarified in recent correspondence that the State's commitments for M–1 and for M–7, the other vehicle retirement program in the 1994 Ozone SIP, are for the specified emission reductions, rather than a particular number of vehicles to be retired.[20] While M1 is a commitment to implement an accelerated vehicle retirement program only in the South Coast, the SIP states that ''implementation of light-duty vehicle retirement programs in other non-attainment areas will be considered as a means of further reducing emissions'' (Vol. II, p. B–2).

The Environmental Defense Center commented that M1 is illusory until an adequate and enforceable funding source is identified. EPA considers the State's progress in implementing the measure to be acceptable at this time. During 1995, the California Legislature enacted SB501, which established a statewide scrappage program to work in concert with the scrap component of the I/M program. Current funding comes from legislation authorizing fees in lieu of smog check at first registration renewal. EPA believes that timely program implementation requires the State to develop an adequate long-term funding approach by the end of 1997.

EPA will continue to monitor M1. If the program does not mature on a schedule likely to deliver the reductions needed for progress and attainment, EPA will work with the State to correct implementation or substitute other measures that provide the needed emission reductions.

Under sections 110(k)(3) and 301(a) of the Act, EPA is taking final action to approve M1, its implementation schedule, and the emission reductions to be achieved in the South Coast, as displayed in the table below, labeled ''Reductions from California Mobile Source Measure M1.''

[20] Letter from Lynn Terry to Julia Barrow, dated September 20, 1996.

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M1 SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2008	2010
ROG	5	8	11	13	14
NO_X	4	6	9	10	11

(ii) M2—Improved Control Technology for Light-Duty Vehicles. CARB commits to adopt this measure in 2000 and begin implementation in 2004–2005. This measure will achieve emission reductions from LDVs through the use of one or more market-based and/or technology-forcing approaches. Emission reductions associated with this measure are relied upon in the South Coast only.

The Western States Petroleum Association commented that the description of the measure in the NPRM appeared to limit the flexibility of the State. EPA's description, which was excerpted from the SIP, was not intended to prescribe the ways in which the measure could be implemented.

The Environmental Defense Center (EDC) noted that M2 relies on the ZEV program, which was recently revised to rescind the interim milestones. EDC also commented that M2 is highly speculative and unenforceable and inappropriate for SIP credit.

On August 21, 1995, EPA approved M2 and assigned it SIP credit in the South Coast under the provisions of section 182(e)(5) of the Act.

EPA will continue to work with CARB to ensure that the measure is developed on schedule. CARB has recently provided additional information regarding the development of this measure in a letter from Lynn Terry to Julia Barrow, dated September 19, 1996: ''We expect to begin developing this advanced technology measure following the 1998 biennial report to the ARB on the Low-Emission Vehicle Program. To meet our commitment for adoption in 2000, we would need to hold public workshops on the technical basis and regulatory concepts by 1999. However, as part of the on-going Low-Emission Vehicle Program review, staff continue to evaluate advanced control technologies that may contribute to post-2003 emission reduction strategies for this measure.'' The State has indicated that compliance options include advanced gasoline vehicles, alternative fueled vehicles, and fuel cell technologies.

Under sections 110(k)(3) and 301(a) of the Act, EPA is taking final action to approve the emission reductions to be achieved in the South Coast by milestone year in the table below, labeled ''Reductions from California Mobile Source Measure M2.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M2 SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2008	2010
ROG	0	0	3	6	10
NO_X	0	0	5	9	15

(iii) M3—Accelerated Ultra-Low Emission Vehicle (ULEV) Requirement for Medium-Duty Vehicles (MDVs). CARB commits in the SIP to adopt regulations for this measure in 1997, with implementation occurring from 1998 to 2002. This measure commits to an increase in the fraction of MDV ULEVs from 10 percent of sales of new MDVs in the 1998 model year to 100 percent in the 2002 and later model years. This measure offers some flexibility by allowing other mixes of vehicles and technologies that generate equivalent emission reductions.

In their joint comments, the Natural Resources Defense Council and the Coalition for Clean Air noted that, at a public hearing in September 1995, CARB announced that it had made a calculation error which resulted in an overallocation of emission reductions to this measure. As a result, the regulations adopted at that time will achieve 2 tpd VOC and 23.9 tpd NO_X reduction, compared to M3's claimed credits of approximately 4 tpd VOC and 32 tpd NO_X in the South Coast in 2010. The environmental groups stated that EPA must require CARB to submit an additional measure to make up this shortfall before EPA can approve the SIP. Despite CARB's error, EPA expects and requires CARB to adhere to the State's enforceable commitment to adopt by 1997 regulations that achieve the full credit assigned to M3 for the milestone dates specified for each of the 5 areas where reductions are claimed.[21]

[21] The State has clarified its intentions in this regard (letter from Lynn Terry to Julia Barrow, dated September 19, 1996): ''The SIP binds the State to develop enforceable measures that deliver the emission reductions needed for rate-of-progress and attainment, as identified in the plan and subsequent technical transmittals. Volume I of the SIP says '* * * Once the SIP is approved by U.S. EPA, these enforceable commitments become mandatory and must be carried out * * *. [they] compel the State or local air districts to obtain the reductions or to substitute alternative measures by formal revision of the SIP.' Thus, if we discover that a rule to implement a plan measure will not generate the targeted emission reductions, we are obliged to find replacement reductions or to demonstrate that rate-of-progress and attainment

Continued

EPA approved M3 on December 14, 1995 (60 FR 64126). Under sections 110(k)(3) and 301(a) of the Act, EPA here takes final action to approve the emission reductions associated with the measure, as displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Mobile Source Measure M3.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M3

[Tons per day]

	1999		2002		2005		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	0	.89	.78	9.51	1.85	21.1	2.31	26.7	3.37	33.16
SE Desert	0	.1	.1	1.4	.2	3.5	.....	.....	.....	.....
Ventura	0	0	0	.5	.1	1.0	.....	.....	.....	.....
Sacramento	.2	.2	0	1.7	.4	3.9	.....	.....	.....	.....
S. Joaquin	0	.4	.....	.....	.....	.....	.....	.....	.....	.....

(iv) M4—Heavy-Duty Diesel Vehicles (HDDV); Early Introduction of 2.0 g/bhp-hr NO_X engines. The SIP commits to implementation of this measure beginning in 1996. CARB and the Districts share responsibility for this measure. M4 is a commitment to increase the use of existing low-emission engines among on-road HDDVs through locally implemented demand-side programs and market incentives. This program is intended to result in a 5% sales penetration of 2.0 g/bhp-hr NO_X engines through the period 1996–1999, and a 10% sales penetration of these engines between 2000 and 2002. Other combinations of penetrations and emission levels that provide equivalent emission reductions could be implemented.

CEPA commented that the NPRM omits SIP credits for this measure outside of the South Coast. EPA agrees to include the State's M4 reductions for the remaining State areas. The credits for these areas are taken from tables provided by CARB in Attachment C to a June 13, 1996 letter from James D. Boyd to David Howekamp.

EPA approved M4 on December 14, 1995 (60 FR 64126). Under sections 110(k)(3) and 301(a) of the Act, EPA here takes final action to approve the emission reductions associated with the measure, as displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Mobile Source Measure M4.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M4

[Tons per day of NO_X]

	1999	2002	2005	2007	2008	2010
So. Coast	2.17	3.90	2.93	.....	2.34	1.36
SE Desert	0.31	0.57	0.39	0.35	.....	.....
Ventura	0.1	0.18	0.14	.....	.....	.....
Sacramento	0.28	0.49	0.36			
S. Joaquin	0.74	.....	.....	.....	.....	.....
Kern	0.04	.....	.....	.....	.....	.....

(v) M5—Heavy-Duty Diesel Vehicles (HDDVs); Additional NO_X Reductions. The SIP commits to adopt this measure in 1997 and begin implementation in 2002. CARB commits to achieve emission reductions through adoption of a 2.0 g/bhp-hr NO_X emissions standard for new HDDV engines sold in California beginning in 2002, or by implementation of alternative measures which achieve equivalent or greater reductions.

This measure is designed to achieve emission reductions prior to the introduction of a national HDDV standard in 2004. The 1994 California Ozone SIP (''Federal Measure'' M6) assigns to EPA responsibility for adopting such a national standard. See discussion in the NPRM (61 FR 10928–9). Since EPA's proposal, further progress toward fulfilling the M5 and M6 commitments has been made by CARB and EPA. On June 27, 1996 (61 FR 33421–33469), EPA published an NPRM proposing a national onroad heavy-duty engine standard giving manufacturers the flexibility to choose between two options: (1) A combined non-methane hydrocarbon (NMHC) plus NO_X standard of 2.4 g/bhp-hr and (2) a combined NMHC plus NO_X standard of 2.5 g/bhp-hr together with a NMHC cap of .5 g/bhp-hr. EPA and CARB expect that the combined standard will result in NO_X reductions comparable to those achieved with a 2.0 g/bhp-hr standard.

EPA approved M5 on December 14, 1995 (60 FR 64126). Under sections 110(k)(3) and 301(a) of the Act, EPA here takes final action to approve the emission reductions associated with the measure, as displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Mobile Source Measure M5.'' Future SIP updates may need to redistribute the emissions assigned to the State (M5) and Federal (M6) measures.

requirements will still be met. Further, we recognize that any shortfall in emission reductions would have to be made up on an expedited basis because of the need for those reductions in the South Coast and other areas for rate-of-progress and attainment. ARB will be looking at any feasible alternatives proposed during the process of developing each measure into a regulation. This process includes several rounds of public review and a thorough consideration of the economic impacts on the affected industries.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M5

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	0	0	0.2	1.7	1.8	22.0	.....	.....	3.1	37.6	4.8	56.2
SE Desert	0	0	0	0.2	0.2	3.9	0.4	5.1	.....	.....	.....	.....
Ventura	0	0	0	0.1	0.1	1.0	.....	.....	.....	.....	.....	.....
Sacramento	0	0	0	0.2	0.2	2.7	.....	.....	.....	.....	.....	.....
S. Joaquin	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

(vi) M7—Accelerated Retirement of Heavy-Duty Vehicles. CARB commits to adopt this measure in 1996 and begin implementation in the same year. This measure involves the annual retirement (scrapping or removal) of about 1600 of the oldest, high emitting trucks in the South Coast Air Basin, beginning in 1999. A smaller number of trucks would be scrapped in 1996 to 1998 in order to gain experience with the program and determine the impacts on the used truck market. The SIP commits to secure a financing mechanism for this measure by the end of 1995. While the SIP commits only to implement this measure in the South Coast, the State indicates that consideration is being given to establishing a truck retirement program in Sacramento and other nonattainment areas.

The Environmental Defense Center notes that M7 relies on an enforceable funding mechanism to be secured by the end of 1995. EDC comments that it is capricious to fail to identify the secure, enforceable funding source for this speculative scrappage program. State funding legislation has been prepared to establish the Accelerated Vehicle Replacement Program, and the State is continuing to pursue viable funding options. EPA will monitor program implementation and ensure that the State and involved parties meet the SIP's schedule for program adoption and implementation in 1996.

CARB requested that the ROG emission reductions shown for the South Coast in the year 2002 be reduced from 1 to zero (0.21). EPA is doing so at this time.

Under sections 110(k)(3) and 301(a) of the Act, EPA is taking final action to approve M7, its implementation schedule, and the emission reductions to be achieved in the South Coast, as displayed in the table below, labeled ''Reductions from California Mobile Source Measure M7.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M7—SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2007	2008	2010
ROG	0	0	1	1	1	1
NO_X	3	6	7	8	9	10

(vii) M8—Heavy-Duty Gasoline Vehicles (HDGVs), Lower Emission Standards. The SIP commits to adoption of this measure by 1997 and implementation beginning in 1998. This measure generates emission reductions through the adoption of a LEV/ULEV program for HDGV engines to obtain 50% reductions of NO_X and ROG emissions through the application of 3-way catalyst technology.

EPA approved M8 on December 14, 1995 (60 FR 64126). Under sections 110(k)(3) and 301(a) of the Act, EPA here takes final action to approve the emission reductions associated with the measure, as displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Mobile Source Measure M8.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M8

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	0	0	0	0.8	0.1	1.8	.....	.....	0.2	2.3	0.3	3.0
SE Desert	0	0	0	0.1	0	0.3	0	0.4	.....	.....	.....	.....
Ventura	0	0	0	0	0	0.1	.....	.....	.....	.....	.....	.....
Sacramento	0	0	0	0.2	0	0.4	.....	.....	.....	.....	.....	.....
S. Joaquin	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

(viii) M9—Off-road Diesel Equipment; 2.5 g/bhp-hr NO_X Standard, California. CARB commits to adopt this measure in 2001 and begin implementation in 2005. The measure requires CARB to adopt a 2.5 g/bhp-hr NO_X standard effective in the 2005 model year for new off-road industrial equipment diesel engines that are not preempted from California authority. California is preempted from adopting or enforcing any standard or other requirement relating to the control of emissions from new construction and farm equipment or vehicles which are smaller than 175 hp (see section 209(e) of the Act).

CARB requested that the ROG emission reductions shown for the South Coast in the year 2005 be increased from zero to 0.5. EPA is doing so at this time.

On August 21, 1995, EPA approved M9 and assigned it SIP credit in the South Coast under the provisions of section 182(e)(5) of the Act. Under sections 110(k)(3) and 301(a) of the Act, EPA is taking final action to approve

the emission reductions to be achieved in the South Coast by milestone year in the table below, labeled ''Reductions from California Mobile Source Measure M9.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M9—SOUTH COAST AIR BASIN

[tons per day]

	1999	2002	2005	2007	2008	2010
ROG	0	0	0.5	4	1	3
NO_X	0	0	4	35	14	34

(ix) M11—Industrial Equipment; Gas and LPG-California; 3-way catalyst technology. CARB commits to adopt this measure in 1997 and implement it beginning in 2000. The measure requires CARB to adopt emission standards for new gas and liquid petroleum gas (LPG) engines 25 to 175 horsepower that are not primarily used in construction or farm equipment. As noted above, California is preempted from regulating new farm and construction equipment smaller than 175 hp. The standards will be phased-in beginning in 2000, and are intended to reduce ROG emissions by 75% and NO_x by at least 50%.

CEPA commented that the NPRM omits SIP credits for this measure in Ventura, Sacramento, and the Southeast Desert. EPA agrees to include the State's M11 reductions for these areas. The credits for these areas are taken from tables provided by CARB in Attachment C to a June 13, 1996 letter from James D. Boyd to David Howekamp. Since the reductions in these areas are all considerably less than one ton per day and EPA's proposal showed credits only for whole number reductions in the South Coast, EPA is also amending the reductions for the South Coast by showing estimated reductions to the nearest tenth of a ton.

EPA approved M11 on December 14, 1995 (60 FR 64126). Under sections 110(k)(3) and 301(a) of the Act, EPA here takes final action to approve the emission reductions associated with the measure by milestone/attainment year for each area in the table below, labeled ''Reductions from California Mobile Source Measure M11.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M11

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	0	0	4.2	2.0	8.8	4.4	.....	.....	15.1	7.7	23.0	11.6
SE Desert	0	0	0.1	0	0.2	0.1	0.2	0.1				
Ventura	0	0	0.1	0	0.1	0.1	.....	.....	.....	.....	.....	.....
Sacramento	0	0	0.1	0.1	0.2	0.1	.....	.....	.....	.....	.....	.....

(x) Additional New Control Technologies. In addition to the new control technologies described above in measures M2 and M9, CARB has committed to the implementation of additional innovative measures to achieve the emission reductions needed in the South Coast to reach attainment by 2010. CARB anticipates that these additional measures will include a combination of market-based and technology-based measures. CARB has committed to adoption of these measures no later than 2006 to ensure the needed emissions reductions (55 tpd of ROG and 20 tpd of NO_X) are achieved by 2009.

The Environmental Defense Center commented that these new-technology measures jeopardize the efficacy of the entire SIP. EDC stated that many of the State's example controls are unrealistic (speed controls) or illegal (episodic controls).

On August 21, 1995, EPA approved CARB's additional new control technologies measure under the provisions of section 182(e)(5), with 2010 emission reduction credits of 79 tpd ROG and 60 tpd NO_X in the South Coast. CARB has subsequently clarified that the emissions reductions associated with this measure are 55 tpd ROG and 20 tpd NO_X.

CARB has also furnished additional information regarding the State's approach to developing the control measure. A September 19, 1996 letter from Lynn Terry to Julia Barrow provides the following description of the State's proposed schedule: ''We anticipate kicking off development of this measure in 1997 with an international symposium on clean transportation to solicit ideas for new technologies and approaches. We intend to follow up with technical work (including any appropriate research contracts), meetings, and workshops on the most promising ideas through 2000. At that point, we expect to develop regulatory concepts for discussion in 2001–2003, followed by release of specific proposals in 2004–2005, and adoption of appropriate regulations by 2006.'' EPA remains eager to work with the State to ensure that progress is made to develop approvable mobile source controls as necessary in the South Coast to meet the SIP's progress and attainment goals.

c. EPA Action. As described above, EPA has already approved most of the State's M Measure commitments. On August 21, 1995, EPA approved the CARB new-technology measures M2, M9, and Additional New Technology Mobile Source Measures (described above), and assigned credit in the South Coast ozone attainment demonstration to the measures. At the same time, EPA proposed approval of the State's control measure commitments for M3, M5, M8, and M11. EPA issued final approval of the measures on December 14, 1995 (60 FR 64126). Because EPA was at that time not acting on the State's ROP and attainment demonstrations, EPA's approval of the State's commitments did not include assignment of specific emission reduction credits associated with the measures. EPA is here approving the ROP and attainment demonstrations of California ozone nonattainment area plans which rely, in part, on the M Measure commitments. Therefore, under sections 110(k)(3) and

301(a) of the Act, EPA now takes final action to assign credit to the State's enforceable commitments to achieve the specific emission reductions associated with M3, M5, M8, and M11, and displayed in the tables above for each measure.

EPA is also approving, under sections 110(a)(3) and 301(a) of the Act, and assigning credit to measures M1, M4, and M7 as part of the ROP and attainment demonstrations for appropriate nonattainment areas, as shown in the tables above. EPA believes that CARB is making significant progress toward the development and adoption of regulations to fulfill the M measure commitments. EPA therefore takes final action to approve and credit CARB's enforceable commitments to these M measures under sections 110(k)(3) and 301(a) of the Act, as part of the demonstrations of ROP and attainment in the California ozone nonattainment areas.

2. I/M

a. Review of Program. CARB initially submitted its motor vehicle inspection and maintenance (I/M) program, known as the Smog Check program, as a revision to its SIP on June 30, 1995. The submittal was made to fulfill EPA's requirements for basic and enhanced I/M programs as set forth in 40 CFR Part 51, Subpart S. EPA found the submittal complete on June 30, 1995. A revised and final revision was submitted by the State on January 22, 1996 and found complete on February 5, 1996. Section 348 of the National Highway System Designation Act (Public Law 104–59), hereafter referred to as the Highway Act, which was enacted on November 28, 1995, modified EPA's I/M regulation. In this notice EPA is finalizing approval of California's basic program as meeting the requirements of 40 CFR, Part 51, Subpart S as amended (see 60 FR 48029, September 18, 1995) and approval of California's enhanced I/M program as meeting the high enhanced performance standard requirements of 40 CFR Part 51, Subpart S, as amended and section 348(c) of the Highway Act.

The table labeled ''California I/M Program Coverage by County'' shows for every county in the State whether the I/M program is implemented as enhanced or basic, or is required only upon change of ownership. For many counties, the type of I/M program in effect varies depending upon air quality designations and whether the area is urbanized. The State has established these I/M program boundaries within counties based upon ZIP code. The reader may contact the Bureau of Automotive Repair (BAR) to obtain specific program applicability information by ZIP code.

CALIFORNIA I/M PROGRAM COVERAGE BY COUNTY

County	Enhanced	Basic	Change of ownership
Alameda		x	
Alpine			x
Amador			x
Butte		x	
Calaveras			x
Colusa		x	
Contra Costa		x	
Del Norte			x
El Dorado		x	x
Fresno	x	x	
Glenn		x	
Humboldt			x
Imperial			x
Inyo			x
Kern	x	x	
Kings		x	
Lake			x
Lassen			x
Los Angeles	x		
Madera		x	
Marin		x	
Mariposa			x
Mendocino			x
Merced		x	
Modoc			x
Mono			x
Monterey		x	
Napa		x	
Nevada		x	
Orange	x		
Placer	x	x	x
Plumas			x
Riverside	x	x	x
Sacramento	x	x	
San Benito		x	
San Bernardino	x	x	x
San Diego	x	x	x
San Francisco		x	
San Joaquin	x	x	
San Luis Obispo		x	
San Mateo		x	
Santa Barbara		x	
Santa Clara		x	
Santa Cruz		x	

CALIFORNIA I/M PROGRAM COVERAGE BY COUNTY—Continued

County	Enhanced	Basic	Change of ownership
Shasta		x	
Sierra			x
Siskiyou			x
Solano	x	x	
Sonoma		x	x
Stanislaus	x	x	
Sutter		x	
Tehama		x	
Trinity			x
Tulare		x	
Tuolumne			x
Ventura	x	x	
Yolo	x	x	
Yuba		x	

The SIP revision submitted to EPA by CARB includes the Laws and Regulations relating to California's I/M program which comprises pertinent sections of the California Business and Professions Code, the Health and Safety Code, the Vehicle Code, and the California Code of Regulations. Included in the supplemental submittal are final regulations for the mandatory exhaust emissions inspection standards and test procedures for the enhanced program and for the licensing of I/M stations and technicians which became legally effective on December 1, 1995 and December 5, 1995, respectively. Other documents in the submittal are: The Request for Conceptual Design for Test-only Networks and Referee Services; the BAR–90 Test Analyzer System Specifications (June 1995); the California Smog Check Inspection Manual; the Quality Assurance Operations Manual, Chapter 27 of the Department of Motor Vehicles Manual of Registration Procedures; the Smog Check Diagnostic and Repair Manual; the Request for Proposal for On-Road Emissions Measurement Systems Services, and the Radian Report entitled ''Evaluation of the California Pilot Inspection/Maintenance (I/M) Program.''

EPA's I/M regulation establishes minimum performance standards for basic and enhanced I/M programs as well as requirements for the following: Network type and program evaluation; adequate tools and resources; test frequency and convenience; vehicle coverage; test procedures and standards; test equipment; quality control; waivers and compliance via diagnostic inspection; motorist compliance enforcement program oversight; quality assurance; enforcement against contractors, stations and inspectors; data collection; data analysis and reporting; inspector training and licensing or certification; public information and consumer protection; improving repair effectiveness; compliance with recall notices; on-road testing; SIP revisions; and implementation deadlines. The performance standard for basic I/M programs remains the same as it has been since initial I/M policy was established in 1978, pursuant to the 1977 amendments to the Clean Air Act. The high performance standard for enhanced I/M programs is based on high-technology loaded mode exhaust testing for HC, CO, and NO_X and testing of the integrity and performance of the evaporative control system.

California's basic program is a test-and-repair program utilizing two-speed idle testing. California's enhanced program is a hybrid program in which 15% of the dirtiest vehicles, based upon high-emitter profile and remote sensing results as well as other factors, are targeted for test-only inspection. All vehicles in the enhanced areas will be subject to loaded mode testing. More stringent requirements apply to technicians licensed in the enhanced areas. The two programs are essentially the same in all other respects, excepting that frequency of enforcement related activities such as remote sensing will be much greater in the enhanced areas. (A more detailed discussion of how the elements of California's I/M programs address the requirements of EPA's I/M regulations is contained in the TSD for the NPRM.) The SIP submittal includes modeling which demonstrates that the program design for California's basic program will meet EPA's performance standard for basic programs. EPA is, therefore, approving this revision to California's SIP for the basic I/M program.

The Highway Act prohibits the Administrator from disapproving or applying an automatic discount of emission reduction credits to a SIP revision because the I/M program is decentralized or a test-and-repair program. The Highway Act directs the Administrator to propose approval of the program for the full credit proposed by the state if the proposed credits reflect good faith estimates by the state and the revision is otherwise in compliance with the Clean Air Act. The approval remains effective for up to 18 months after the date of final rulemaking. After the 18-month period, permanent approval of the SIP revision based on the credits proposed by the state shall be granted if the data collected on the operation of the program demonstrates that the credits are appropriate and the program is otherwise in compliance with the Act.

EPA issued guidance regarding approval of I/M plans under the Highway Act on December 12, 1995. The Highway Act is clear that approval under its provisions shall last for only 18 months, and that the program evaluation is due to EPA at the end of that period. Therefore, EPA believes Congress intended for these programs to start-up as soon as possible, which EPA believes should be at the latest, 12 months after the effective date of the approval, so that at least 6 months of operational program data can be collected to evaluate the performance of the program. ''Start-up'' is defined as a fully operational program which has begun regular, mandatory inspections and repairs, using the final test strategy and covering each of the state's required areas. If the state fails to start its program on this schedule, the approval granted under the provisions of the Highway Act will convert to a disapproval after a finding letter is sent to the state.

As mentioned above, the Highway Act specifies that EPA grant approval if good faith estimates of credits are made.

The Conference Report states that good faith estimates may be based on previous I/M program performance, remote sensing programs, or other evidence relevant to effectiveness of I/M programs. EPA has further suggested that good faith estimates could be based on innovative program designs.

The program evaluation to be used by the state during the 18-month period must be acceptable to EPA. EPA anticipates that such a program evaluation process will be developed by the Environmental Council of State (ECOS) group that is convening now and that was organized for this purpose. California is an active participant in the ECOS group. EPA further expects that in addition to the interim, short term evaluation to be conducted within 18 months, the state will conduct a long term, ongoing evaluation of its I/M program as required by the I/M Rule in sections 51.353 and 51.366.

At the end of the 18-month approval period, EPA will review the state's final I/M SIP revision, which will include the state's program evaluation, and take action to make the approval of the I/M program permanent, if the program evaluation data collected by the state demonstrates that the I/M program is achieving the emission reduction credits claimed in the SIP.

According to the schedule submitted by California test-only inspection began in Sacramento in August 1995. The program is expected to be fully operational in Fresno, Bakersfield and San Diego by the fall of 1996, and in the South Coast areas in early 1997. Although this schedule appears to be slipping, EPA anticipates that California will start its program within 12 months of this approval.

California has made a good faith estimate that its hybrid enhanced I/M program will meet EPA's high performance standard based on the California Pilot Program and innovative program features including an electronic transmission project with a trigger program used for enforcement, a high visibility remote sensing program, and stringent licensing and training requirements.

The pilot program conducted as part of the Memorandum of Agreement between EPA and California provided data on the effectiveness of targeting high emitting vehicles through the use of the high-emitter profile (HEP) and remote sensing combined with the HEP, and the use of Acceleration Simulation Mode (ASM) testing. The vehicles required to go to test-only facilities for inspection will comprise likely high-emitters as identified through use of the HEP and remote sensing, previously identified high emitters which must undergo annual testing for 2 to 5 years, high emitters identified by test-and-repair stations, high mileage fleet vehicles, vehicles for hire, a 2% random sample, and motorists voluntarily choosing to go to test-only stations.

California's program includes an electronic transmission program. A central Vehicle Information Database has been created and an electronic network enabling the test analyzer system units to connect automatically to the database has been established. The central database will be able to restrict the issuance of certificates under certain circumstances, e.g., if a test-only inspection is required, when the vehicle is identified as a high emitter, or when an enhanced test is required. The database will also furnish a real-time communications link to vehicle emissions data which will provide information to BAR enforcement teams to help immediately identify illicit activity. The database will also be used to develop a trigger program to identify shops that are performing improper inspections and to track the location and performance of licensed smog check technicians.

The State is also phasing in a high-visibility remote sensing program. California plans to identify as least 200,000 high emitting vehicles annually in the enhanced program areas. Data collected from the program will be used as a target parameter for the enforcement program. The program will also serve as a visible reminder to both motorists and test-and-repair stations that improper inspections and/or program avoidance may be detected. Stringent licensing and training requirements are being required for test-and-repair stations and repair technicians, respectively.

California has committed to performing quarterly evaluations of its program to determine if EPA's performance standard is being met and the credits taken for the program are being achieved. California plans to adjust the number of vehicles sent to test-only stations based on these evaluations.

b. Response to Comments. The Environmental Defense Center commented that the State's I/M program must be bolstered to return the emissions reduction necessary to meet attainment. California has committed to performing quarterly program evaluations to determine whether SIP emission reduction requirements and EPA's performance standard are being met. EPA's approval under section 348(c) of the Highway Act requires the State to collect data on the operation of the program to demonstrate with an 18 month period that the I/M credits are valid and the program is otherwise in compliance with the CAA. EPA will work with the State to help ensure that data are timely collected and that the program delivers SIP-required reductions or is promptly modified to do so.

c. Emissions Reductions. The emission reductions to be achieved by the measure are displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Enhanced I/M Program.'' The table reflects the revisions to the estimated reductions shown in the NPRM. These changes were requested by CARB in Attachment A to a letter dated June 13, 1996 (James D. Boyd to David Howekamp). South Coast 2002 NO_X is changed from 35.5 to 35.6; Southeast Desert 2005 ROG is changed from 2.9 to 2.6; Southeast Desert 2007 NO_X is changed from 2.8 to 2.7; Sacramento 2005 ROG is changed from 5.1 to 5.2; and San Joaquin Valley 1999 NO_X is changed from 4.9 to 5.0. The emission reductions claimed for the San Joaquin Valley are based on implementation of the enhanced I/M program in Bakersfield, Fresno, Stockton, and Modesto.

REDUCTIONS FROM CALIFORNIA ENHANCED I/M PROGRAM

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	34.8	32.4	40.3	35.6	32.5	33.0	.....	.....	30.2	34.8	26.2	31.1
SE Desert	2.4	2.3	3.0	2.6	2.6	2.8	2.6	2.7				
Ventura ...	1.6	1.9	1.8	2.0	1.4	1.9						

REDUCTIONS FROM CALIFORNIA ENHANCED I/M PROGRAM—Continued

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
Sac-ramento	5.4	5.7	6.3	6.5	5.2	6.4						
S. Joaquin	4.3	5.0										
S. Diego ..	0	0										

c. *EPA Action.* EPA is finalizing approval of the California I/M regulations submitted on January 22, 1996, under sections 110(k)(3) and 301(a) of the Act as strengthening the SIP and contributing specific emission reductions toward the progress, attainment, and maintenance requirements of the Act.

EPA is also finalizing, under sections 110(k)(3) and 301(a) of the Act, approval of the California I/M program and regulations submitted on January 22, 1996, as meeting the requirements of section 182(b)(4) of the Act for basic I/M in applicable areas of the State classified as moderate for ozone.[22] By mistake EPA's proposed approval was limited to ozone. In this final action EPA is also approving the California I/M program as meeting the requirements of section 187(a)(4) of the Act for basic I/M for the following areas of the State classified as moderate for CO with design values less than 12.7: Fresno, Sacramento, Modesto, Chico, Stockton and San Diego.

Under section 348(c) of the Highway Act, EPA is finalizing, for a period of 18 months, approval of the California I/M submittal of January 22, 1996, as meeting the requirements of section 182(c)(3) of the CAA for enhanced I/M in applicable areas of the State classified as serious and above for ozone. In addition, EPA is approving the I/M submittals as meeting the requirements of section 187(a)(6) of the Act for enhanced I/M for the South Coast which is classified as a serious nonattainment area for carbon monoxide; by mistake, this aspect of EPA's approval of the I/M program was also omitted from the NPRM. Finally, EPA is finalizing, for a period of 18 months, approval of the emission reductions to be achieved by the enhanced I/M program, as displayed in the table above, labeled ''Reductions from California Enhanced I/M Program.'' Section 348(c)(3) of the Highway Act provides that EPA will take regulatory action to make the approval permanent if, at the expiration of the 18-month period or at an earlier time, the data collected on the operation of the State program demonstrates that ''the credits are appropriate and the revision is otherwise in compliance with the Clean Air Act.''

If EPA finds that California has failed to start its program within 12 months from the effective date of this notice, or by February 9, 1998, and issues a letter so informing California, then this approval will convert to a disapproval as of the date of such letter. If the required State demonstration is not completed within 18 months and submitted to EPA as a SIP revision or does not show that the credits are appropriate and that the program is otherwise in compliance with the CAA, EPA will take regulatory action to disapprove the program for purposes of compliance with the enhanced I/M requirements of sections 182(c)(3) and 187(a)(6). After 18 months have elapsed, unless and until EPA approves a new SIP submittal, the SIP will no longer meet the specific requirements of the Act relating to enhanced I/M, but the State's regulations will continue in the SIP as contributing to progress, attainment, and maintenance of the NAAQS.

3. Consumer Products.

a. *Introduction.* As discussed in the NPRM, CARB classifies the emissions reductions resulting from regulations on consumer products regulations into 3 main categories: near-term, mid-term, and long-term with regard to date of promulgation and implementation.

CARB's near-term measures consist of rules adopted prior to May 1995. The existing consumer products regulations, antiperspirant and deodorant regulations, and the 1996 and 1999 VOC content standards of the recently adopted aerosol paints rule comprise the near-term measures.

CARB's mid-term measures consist of anticipated regulations from categories of consumer products for which regulations had not yet been adopted at the time of the submittal. These regulations are expected to be adopted by July 1, 1997 and implemented by the year 2005, and will cover various consumer product categories which are currently not regulated by the State of California. These mid-term measures are needed for attainment demonstrations in the Sacramento Metropolitan and Ventura County air basins. In the SIP, CARB asserts that these measures, like the near-term measures, rely on available or reasonably foreseeable technology. CARB has also committed to investigating the feasibility of incorporating reactivity considerations into the mid-term measures to reduce ozone-forming potential while providing additional flexibility at reduced costs to industry and consumers.

CARB has committed to obtaining further reductions (as compared to the near- and mid-term measures) from consumer products after 2000. These reductions may rely on available or in-the-pipeline technology, and may also rely on various combinations of traditional control strategies, technology-forcing standards, innovative market-based approaches, and consumer education programs. These long-term measures would be enforced on a statewide basis, but only the South Coast plan relies on the emissions reductions to demonstrate attainment.

CARB has further categorized their emission reduction commitments into 4 classifications, or ''measures'': CP–1, CP–2, CP–3, and CP–4. These measures are either adopted rules or commitments to adopt rules to reduce VOC emissions from consumer products and aerosol paints. A description of each of these measures follows.

b. *Review of Measures.* (1) Measure CP–1. Measure CP–1 includes two rules, both adopted prior to November 1994, that are designed to control VOC emissions from commercial products. One rule controls VOC emissions from antiperspirants and deodorants; the other rule controls emissions from household products, such as air fresheners, shaving cream, and hairsprays. Both rules were submitted to EPA on November 15, 1994. EPA

[22] The January 22, 1996 SIP submittal includes and supersedes materials contained in the State's earlier submittal of June 30, 1995.

approved these rules into the SIP on August 21, 1995 (see 60 FR 43379).

(2) Measure CP–3 (Aerosol Paints). Measure CP–3 is a near term commitment to adopt and implement VOC content standards in aerosol paints. Regulations meeting these commitments were adopted in mid-1995. These regulations limit the VOC content of aerosol paints by establishing sets of VOC content standards for various coating types. These standards establish the maximum percentage of VOC by weight allowed in the various types of aerosol coatings. The coating standards are divided into two phases. In the first phase, effective January 1, 1996, aerosol coatings' VOC content must comply with limits that range from 60 percent to 95 percent, depending on the coating.

In the second phase, currently due to take effect December 31, 1999, aerosol coatings' VOC content limits will range from 30 percent to 80 percent, depending on the type of coating. Before the second phase of content limits can be implemented, CARB must conduct a public hearing to determine if the limits are commercially and technologically feasible. If the Board determines that they are not feasible, the implementation of some or all of the limits may be postponed for up to 5 years. However, CARB must ensure that the 1999 limits do not become federally enforceable prior to the final effective date, including any extension, according to section 41712 (f)(3) of the California Health and Safety Code.

EPA approval action on both phases of the aerosol paint rules will be taken in separate rulemakings following SIP submittal of the rules.

(3) Mid-Term Committal Measure CP–2. Measure CP–2 is a mid-term commitment to adopt additional regulations in 1997 to further reduce VOC emissions from currently unregulated household, industrial and institutional, and commercial consumer products. These reductions are anticipated to result from the further regulation of new categories of consumer products through technology that is currently feasible and commercially viable. EPA approved CP–2 on December 14, 1995 (60 FR 64126).

(4) Long-Term Committal Measure CP–4. Measure CP–4 is a long-term measure to further reduce emissions after measures CP–1, CP–2, and CP–3 are implemented. On August 21, 1995, EPA approved CARB's Measure CP–4 as meeting the requirements of section 182(e)(5).

(5) Alternative Control Plans (ACPs). In order to provide industry with flexibility in meeting the VOC content limits, CARB has adopted regulations that will allow manufacturers to meet the VOC standards on an emissions average basis. The regulations, CARB's Alternative Control Plan (ACP) for consumer products and aerosol coatings, require that manufacturers carefully track sales and VOC content of all products being averaged together in order to determine total VOC emissions from their products and compliance with the rule. EPA will act on the ACP regulations following submittal by the State.

c. Emission Reductions. The following table, ''Reductions from California Consumer Products and Aerosol Paint Program,'' describes the ROG emission reductions in terms of tons per day, as identified in the SIP submittal. Credits for near-term consumer products (CP–1) are not included, since they were presumed in baseline emissions projections as adopted regulations. The table combines credits for consumer products and aerosol paints. Credit for CP–4 is claimed only for South Coast.

The ROP and attainment demonstrations for San Diego and San Joaquin Valley do not rely on reductions from the consumer products measures. The State has submitted for SIP approval no emissions reductions for these areas associated with consumer products and aerosol paints measures, although real reductions will occur in those areas. San Joaquin Valley Unified APCD requested that EPA identify a 1.1 tpd VOC emissions reduction in the San Joaquin Valley area from these measures. Since the State does not wish to claim SIP credit for these measures in the San Joaquin Valley, EPA is not assigning the credits to San Joaquin Valley.

REDUCTIONS FROM CALIFORNIA CONSUMER PRODUCTS AND AEROSOL PAINT PROGRAM [REDUCTIONS BEYOND THOSE ACHIEVED BY CP–1]

[Tons per day of ROG]

	1999	2002	2005	2007	2008	2010
South Coast	0	8	39.2	.....	42.2	89.2
SE Desert	0	0.6	3.5	3.9	.....	.....
Ventura	0	0.4	2.2	.....	.....	.....
Sacramento	0	1.1	5.6	.....	.....	.....
San Joaquin	0	.....	.....	.....	.....	.....
San Diego	0	.....	.....	.....	.....	.....

d. EPA Action. As discussed above, EPA has already fully approved all of the State's consumer products rules and committal measures with the exception of CP–3 (Aerosol Paints). EPA is now approving CP–3 under sections 110(k)(3) and 301(a) of the Act, and assigning credit to this measure, as well as to the previously approved consumer products measures, as part of the ROP and attainment demonstrations for appropriate nonattainment areas. EPA will take regulatory action on the recently adopted ACP and Aerosol Paints regulations themselves in separate rulemakings.

4. Pesticides

a. Review of Measure. California's 1994 SIP submittal includes a commitment to reduce VOC emissions from the application of agricultural and structural pesticides. The submittal describes relevant authority in Section 6220 of Title 3 of the California Code of Regulations that has been granted to the California Department of Pesticide Regulation (DPR).

b. Response to Comments. The Environmental Defense Center (EDC) questioned whether the pesticides measure should be granted credit. EDC stated that pest management research alone will not create any reductions and the SIP is entirely vague as to how these air quality benefits will be accomplished. While the NPRM refers to a June 1997 date for promulgation of regulations should the voluntary measures fail, the SIP itself recites a possible, not obligatory, 1998 date. Finally, EDC recommends that the pesticides rule that was included in EPA's 1995 Federal Implementation

Plan (or some comparable rule) must be included in the SIP.

On May 11, 1995, CARB submitted a clarification by the California Department of Pesticide Regulation (Memo from James W. Wells to James D. Boyd) to the pesticide element of the SIP, submitted on November 15, 1994. This SIP clarification, which was cited in the NPRM, states, in part, that ''The Department of Pesticide Regulation commits to adopt and submit to U.S. EPA by June 15, 1997, any regulations necessary to reduce volatile organic compound emissions from agricultural and commercial structural pesticides by specific percentages of the 1990 base year emissions, by specific years, and in specific nonattainment areas * * * as listed in the following table * * *.'' California assigns to the pesticides measure less emission reductions than were associated with EPA's proposed FIP rule but the SIP reductions are sufficient to meet progress and attainment requirements in each area for this control category.

c. Emission Reductions As described in the SIP, California has committed to adopt and submit to U.S. EPA by June 15, 1997, any regulations necessary to reduce VOC emissions from agricultural and commercial structural pesticides by 20 percent of the 1990 base year emissions in the attainment years for Sacramento, Ventura, Southeast Desert, and the South Coast, and by 12 percent in 1999 for the San Joaquin Valley. The table labeled ''Reductions from Pesticides Measure'' shows reductions counted toward attainment in each area. EPA has revised the table to reflect CEPA's request that emission reductions for interim years be excluded from the SIP, since CARB elects not to assign credit to the pesticides measure except for purposes of attainment. If reductions from the measure are, in the future, needed to meet ROP milestones, CARB must resubmit the measure and interim reduction estimates as an SIP revision.

REDUCTIONS FROM PESTICIDES MEASURE

[Tons per day of ROG]

	1999	2002	2005	2007	2008	2010
South Coast	0	0	0	0	0	1.7
Southeast Desert	0	0	0	1.5		
Ventura	0	0	2.4			
Sacramento	0	0	2.8			
San Joaquin	13					

d. EPA Action. EPA is approving the Pesticides measure under sections 110(k)(3) and 301(a) of the Act, and assigning credit to the measure as part of the attainment demonstrations for appropriate nonattainment areas. EPA will take regulatory action on the State's Pesticides regulations, if any regulations are required and are submitted, in separate rulemakings.

B. Local ROP and Attainment Plans and Measures

1. Emission Inventories

a. Response to Comments. The Engine Manufacturers Association (EMA) commented that EPA has not provided all of the data or documented all of the assumptions that were part of California's inventory and modeling analyses. EMA added that it has serious concerns that the baseline emissions inventories include potentially significant overestimates of growth in VMT, trips, and vehicle and equipment sales and usage. EMA indicated that these estimates do not accurately reflect the emissions reductions that will result from the imposition of current and future national and state regulations. Finally, EMA noted that EPA acknowledged that its baseline and projected emissions are uncertain, and EMA requested that EPA should not take final action on the proposed inventories but should require that appropriate adjustments be made in order to provide accurate and reasonable inventory calculations on which to base California's proposed measures.

EPA does not believe that it is necessary or practical for the Agency to set forth the complete emission inventory data and documentation. This information is available from the State and local agencies, and amounts to thousands of pages of emissions and activity data, emissions factors, calculations, and quality assurance programs.

The commenter provided no specific information relating to inaccuracies in the SIP emission inventories. EPA recognizes that, in general, the accuracy of inventories for any area can be improved. If EMA has specific corrections to suggest, they should be provided to the State, EPA, and local agencies for review and possible inclusion in future SIP revisions. However, EPA has determined that the existing inventories meet applicable SIP requirements and provide reasonable foundations for the SIP.

The City of Los Angeles commented that the South Coast is preparing a 1997 AQMP update, which will improve the inventory. EPA recognizes that the improved inventory in progress may allow for SIP refinement. If and when inventory updates and improvements are submitted as SIP revisions for any of the nonattainment areas, EPA will consider them.

b. EPA Action. EPA is finalizing approval of the emission inventories for each of the nonattainment areas as meeting the requirements of section 182(a)(1) of the Act.

2. San Diego

a. SIP Control Measures. Only one comment was received on the San Diego plan. As discussed above in Section II.A.1, CEPA asked EPA to exclude from the San Diego SIP those emission reductions that will result from implementation of State measures M3, M5, M8, and CP–2/CP–3, since these reductions are not needed for purposes of progress or attainment. EPA is deleting these credits from the emission reduction tables for State measures in Section II.A.

EPA is not approving any new State or local measures as part of the San Diego ozone SIP, since none were included in the State's submittal. The State demonstrated that the ROP and attainment demonstration provisions of the Act could be met with pre-existing regulations.

b. ROP Provisions. EPA is finalizing approval of the ROP plan as meeting the 15% ROP requirements of section 182(b)(1) and the post-1996 ROP requirements of section 182(c)(2) of the Act. The ROP VOC targets, projected VOC emissions, and creditable VOC and NO_X reductions are shown below in the table labeled ''San Diego ROP Forecasts and Targets.''

SAN DIEGO ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone Year	1996	1999
1990 Base Year VOC Inventory	312.6	312.6
VOC Projections (Adopted Measures)	236.1	232.0
ROP VOC Target	241.2	212.2
VOC Shortfall	0	19.8
NO_X Substitution in VOC Equivalents	0	19.8

c. Modeling and Attainment Demonstration. EPA is approving the State's modeling analysis and attainment demonstration under section 182(c)(2)(A) of the Act. A summary of the emission reductions needed to attain the standard and reductions projected from the SIP control strategy is provided below in the table labeled ''San Diego Attainment Demonstration.''

SAN DIEGO ATTAINMENT DEMONSTRATION

[Tons per summer day]

	VOC	NO_X
1990 Baseline Emissions Inventory	313	238
Carrying Capacity	232	175
Reductions Needed	81	63
Reductions from Adopted Measures	81	63

SAN DIEGO ATTAINMENT DEMONSTRATION—Continued

[Tons per summer day]

	VOC	NO_X
Reductions from Committed Local Measures	0	0
Reductions from Committed State Measures	1	1
Total SIP Reductions	82	64
Remaining Emissions in 1999	231	174

d. Overall EPA Action. EPA approves the San Diego ozone SIP with respect to the Act's requirements for emission inventories, control measures, modeling, and demonstrations of 15% ROP, post-1996 ROP, and attainment.

3. San Joaquin Valley

a. Control Measures. The San Joaquin Valley Unified APCD commented that no reductions are tied to any of the transportation control measures (TCMs) individually, but rather to the overall TCM package, since the overall emission reductions target is expected to be achieved but it is not anticipated that all of the measures would be implemented. EPA's table of control measures is consistent with the APCD's position in both the proposal and final action.

On April 4, 1996, CARB submitted a SIP revision (letter from James D. Boyd to Felicia Marcus, attaching CARB Executive Order G–125–203). This submittal requests EPA to delete from the existing SIP an obsolete TCM that was originally adopted by the Fresno County APCD as part of a 1982 ozone SIP. (The Fresno County APCD has since been absorbed into the San Joaquin Valley Unified APCD). The 1994 San Joaquin Valley AQMP does not assume emission reductions from this TCM, but rather substitutes a TCM package listed among the local measures in the table labeled ''San Joaquin Local Control Measures.'' In this document, EPA is taking final action to delete the obsolete measure, which is entitled ''Exclusive High Occupancy Vehicle Lanes on Freeway 41.''

The table labeled ''San Joaquin Local Control Measures'' indicates the dates of rule adoption and implementation and the emission reductions presumed to occur by 1999, the applicable attainment deadline. These measures are relied upon in meeting the attainment requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA is approving, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the control measures by the dates specified to achieve the emission reductions shown. EPA also is assigning credit to the measures for purposes of attainment. EPA approval of the adopted regulations will be completed in separate rulemakings in the future.

SAN JOAQUIN LOCAL CONTROL MEASURES

Rule No.	Control Measure Title	Implementing Agency	Adoption Date	Implementation Date	Reductions	
					VOC	NO_X
1999 Emission Reductions						
4403 (VOC).	Components Serving Gas Production	SJVUAPCD	2Q/91	2Q/91	4.55	
4703	Stationary Gas Turbine Engines	SJVUAPCD	3Q/94	3Q/2000		11.92
4653	Adhesives	SJVUAPCD	1Q/94	1Q/95	1.3	
4623	Organic Liquid Storage	SJVUAPCD	2Q/91	2Q/96	13.2	
	TCMs		Ongoing	Ongoing	1.8	1.5
4601	Architectural Coatings	SJVUAPCD	1Q/96	1Q/98	1.51	
4692	Commercial Charbroiling	SJVUAPCD	2Q/96	2Q/98	0.39	
4354	Glass Melting Furnaces	SJVUAPCD	1Q/96	4Q/99		2.87
4607	Graphic Arts	SJVUAPCD	4Q/95	4Q/97	0.84	
4642	Landfill Gas Control	SJVUAPCD	1Q/95	4Q/99	1.41	
4412	Oil Workover Rigs	SJVUAPCD	2Q/96	2Q/98		0.87
4623	Organic Liquid Storage	SJVUAPCD	3Q/95	3Q/98	3.0	
4662	Organic Solvent Degreasing	SJVUAPCD	1Q/96	1Q/98	2.44	
4663	Organic Solvent Waste	SJVUAPCD	2Q/96	2Q/98	0.19	
4306	Small Boilers, Process Heaters and Steam Generators.	SJVUAPCD	3Q/95	3Q/99		7.6
4611	Smaller Printer Operations	SJVUAPCD	4Q/95	4Q/97	0.30	
4702	Stationary IC Engines	SJVUAPCD	2Q/95	4Q/99		12.44
4621 and 4622.	Stationary Storage Tanks/Fuel Transfer into Vehicle Tanks.	SJVUAPCD	2Q/96	2Q/98	0.41	
	Waste Burning	ND	ND	ND		
4411	Well Cellars	SJVUAPCD	2Q/96	2Q/98	0.56	

b. ROP Provisions. On July 12, 1996, CARB submitted a revised post-1996 ROP plan for San Joaquin Valley (letter from James D. Boyd to Felicia Marcus, attaching CARB Executive Order G–125–200). The revised ROP, which was adopted on September 20, 1995, excludes NO_X reductions from specified controls at facilities located west of Interstate 5 in Fresno, Kings, and Kern Counties. This change is consistent with the 1994 San Joaquin Valley Ozone Attainment Demonstration Plan. EPA is taking final action on this substitute plan, as requested by CARB and by the San Joaquin Valley APCD (letter from David L. Crow to Regional Administrator, dated May 2, 1996).

EPA is finalizing approval of the ROP plans (the original 1994 submittal for 15% ROP requirements and the Kern District portion of the San Joaquin Valley, and the 1996 substitute submittal for post-1996 requirements) as meeting the 15% ROP requirements of section 182(b)(1) and the post-1996 ROP requirements of section 182(c)(2) of the Act. The ROP VOC targets, projected VOC emissions, and creditable VOC and NO_X reductions are shown below in the tables labeled ''San Joaquin Valley ROP Forecasts and Targets'' and ''San Joaquin Valley (Kern District) ROP Forecasts and Targets.''

SAN JOAQUIN VALLEY ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone Year	1996	1999
VOC Emissions to Meet ROP Target	433	383
VOC Emissions with Plan Reductions	430	430
NO_X Substitution in VOC Equivalents	0	47

SAN JOAQUIN VALLEY (KERN DISTRICT) ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone Year	1996	1999
VOC Emissions to Meet ROP Target	13.2	11.7
VOC Emissions with Plan Reductions	13.2	13.3
NO_X Substitution in VOC Equivalents	0	1.6

c. Modeling and Attainment Demonstration. San Joaquin Valley Unified APCD commented that the area was modeled as a single domain, with 3 areas of special study modeled on a finer scale. The APCD further stated that the air basin is not separated into subregions, and the carrying capacities referenced should not be considered separable targets in lieu of properly constructed modeling analyses. EPA's tables should not be divided into subregions. All references to carrying capacity should be deleted since the concept is not effective or accurate for a domain as large as the San Joaquin Valley and carrying capacities fail to account for the influence of spatial location of reductions or transport from one area to another. Finally, the APCD commented that the reductions in the attainment demonstration table do not add up and do not correspond to those in the District's adopted plan. The APCD stated that CARB would make the needed changes.

EPA agrees that the State's tables in the 1994 California Ozone SIP that display carrying capacities for the 3 subregions may be less accurate than reliance on basinwide modeling information, but there are also benefits, from a planning perspective, in dividing the area into subregions. The State has not employed a single, unified attainment analysis summary, and EPA is, in the final action, continuing to use the subregion information contained in the State's SIP summary document (1994 California Ozone SIP, Volume IV, Tables G–1, G–3, and G–5). EPA believes that the data included in the ''San Joaquin Valley Attainment and Rate-of-Progress Plans'' is also helpful in characterizing, from both a subregional and basinwide perspective, the attainment requirements for, and emission reduction contributions from, each area.

The San Joaquin Valley Transportation Planning Agencies Directors Association commented that the San Joaquin Valley motor vehicle emission and activity projections are outdated. The Association asked EPA to approve them but state that conformity demonstrations be allowed to be made with models or assumptions consistent with those used in the plan. The Association asked EPA to commit to rapidly expediting development of a SIP revision to reflect the new information for the development of the emission budget.

EPA will continue to work with the agencies involved in the update and refinement of the activity, emissions, and modeling data used in the SIP. EPA agrees that models and assumptions consistent with the plan should be used, in the interim, for purposes of conformity determinations. Improvements to the technical foundations of the plan's attainment demonstration are underway and should be substituted in the SIP when they are completed. Nevertheless, EPA believes that the existing plan adequately addresses applicable Clean Air Act requirements relating to emission inventories, projected inventories, and modeling analyses.

EPA is therefore taking final action to approve the State's modeling analysis and attainment demonstration under section 182(c)(2)(A) of the Act. A summary of the emission reductions needed to attain the standard and reductions projected from the SIP control strategy is provided below in the table labeled ''San Joaquin Valley Attainment Demonstration.''

SAN JOAQUIN VALLEY ATTAINMENT DEMONSTRATION

[Tons per summer day]

	North		Central		South	
	ROG	NO_X	ROG	NO_X	ROG	NO_X
1990 Baseline Emissions Inventory	129	124	126	115	217	367
Carrying Capacity	>129	>124	88	90	145	165
Reductions Needed	0	0	38	25	72	202
Adopted measures	15	8	27	9	58	164
Committed Local Measures	5	5	8	6	22	20
Committed State Measures	8	2	4	2	3	1
Total Reductions	28	15	39	17	83	185
Remaining Emissions	101	109	87	98	134	182

For purposes of the attainment demonstration, the Kern District portion of the San Joaquin Valley was not separately modeled, under the assumption that attainment in this area should result primarily from upwind reductions achieved in the South San Joaquin sub-region.

d. Overall EPA Action. EPA approves the San Joaquin Valley ozone SIP with respect to the Act's requirements for emission inventories, control measures, modeling, and demonstrations of 15% ROP and post-1996 ROP and attainment. EPA also approves SJVAPCD's commitments to adopt and implement the listed control measures to achieve the specified emissions reductions.

4. Sacramento

a. Control Measures. CEPA commented that EPA's proposal listed a measure that was not in the SIP submittal: Placer County's Woodwaste Boilers measure. EPA is deleting the measure in this final approval action. CARB provided minor corrections to the list of adoption and implementation dates. All of these changes have been incorporated in the final action.

The table labeled ''Sacramento Local Control Measures'' indicates the dates of rule adoption and implementation and the emission reductions presumed to occur by the 1999 and 2002 milestone years and by 2005, the applicable attainment deadline. The proposal contained a typographical error, in labeling as ''1996'' the column for 1999 emission reductions.

These measures are relied upon in meeting the attainment and post-1996 ROP requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA is approving, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the control measures by the dates specified to achieve the emission reductions shown. EPA also is assigning credit to the measures for purposes of ROP and attainment. EPA approval of the adopted regulations will be completed in separate rulemakings in the future.

SACRAMENTO LOCAL CONTROL MEASURES

[Tons per day]

VOC control measure title	Implementing agency	Adoption date	Implementation date	Emission reductions		
				1999	2002	2005
ROG Control Measures						
Adhesives	ECAPCD	2/95	1996	1.2	1.3	1.4
	PCAPCD	2/95.				
	SMAQMD	5/95.				
	YSAPCD	Adopted '94.				
Architectural Coatings	ECAPCD	Adopted 4/95	1996	0.9	1.3	1.6
	PCAPCD	Adopted 3/95.				
	Amendment to existing rule SMAQMD YSAPCD.	Adopted 3/95.				
Auto Refinishing	ECAPCD	Adopted '94	1996	2.1	2.6	3.2
	PCAPCD	Adopted '94.				
	SMAQMD	5/95.				
	YSAPCD	Adopted '94.				
Fugitive HC Emissions	ECAPCD	4/95	1999	1.4	1.4	1.4
	PCAPCD	Adopted.				
	SMAQMD	Adopted.				
	YSAPCD	Adopted 4/94.				
Graphic Arts	ECAPCD	Adopted 9/94	June 1995	0.4	0.5	0.5
	PCAPCD	11/94.				
	SMAQMD	'81, '93.				
	YSAPCD	Adopted 5/94.				
Landfill Gas Control	ECAPCD	11/95	1996	1.2	1.2	1.2
	PCAPCD	Adopted	1996.			
	SMAQMD	2/95	1997.			
	YSAPCD	Adopted	1996.			
Pleasure Craft Coating Operations.	ECAPCD	4/96	1996–1999	0.2	0.2	0.2
	PCAPCD	12/94.				

SACRAMENTO LOCAL CONTROL MEASURES—Continued

[Tons per day]

VOC control measure title	Implementing agency	Adoption date	Implementation date	Emission reductions		
				1999	2002	2005
	SMAQMD	1998.				
	YSAPCD	4/95.				
Pleasure Craft Refueling	ECAPCD	1998	1999	0.1	0.1	0.2
	PCAPCD	1998.				
	SMAQMD	1998.				
	YSAPCD	1998.				
Polyester Resin Operations	ECAPCD	2/96	1997	0.2	0.2	
	PCAPCD	1/96	1997.			
	SMAQMD	1998	1999.			
	YSAPCD	Adopted '93.				
Semiconductor Mfg.	PCAPCD others?	2/95	1996	0.1	0.2	0.2
SOCMI Distillation/Reactors	SMAQMD others?	9/95	1997	1.4	1.5	1.6
Surface Preparation & Cleanup.	ECAPCD	2/95	1996	3.0	3.3	3.6
	PCAPCD	2/95.				
	SMAQMD	2/95.				
	YSAPCD	Adopted 5/94.				
Vents on Underground Gasoline Storage Tanks.	SMAQMD	2/95	1996	0.1	0.2	0.2
	YSAPCD (both amend current rules).	1/95.				
Wood Products Coatings	ECAPCD	4/95	1996	0.5	0.5	0.5
	PCAPCD	Adopted 11/94	1996.			
	SMAQMD	2/95	1996.			
	YSAPCD	2/95.				
Regional NO_X Control Measures						
Boilers & Steam Generators.	ECAPCD	Adopted '94	1996–1997	0.8	0.9	1.0
	PCAPCD	Adopted '94.				
	SMAQMD	2/95.				
	YSAPCD	Adopted '94.				
Gas Turbines	PCAPCD	Adopted 10/94	1997	0.2	0.3	0.3
	SMAQMD	2/95.				
	YSAPCD	Adopted 7/94.				
Internal Combustion Engines.	ECAPCD	Adopted '94	Phased in 1997.	0.3	0.4	0.5
	PCAPCD	12/95.				
	SMAQMD	2/95.				
	YSAPCD	Adopted '94.				
Residential Water Heaters	ECAPCD	1996	1995–1997	0.3	0.4	0.5
	PCAPCD	12/95.				
	SMAQMD	1996.				
	YSAPCD	Adopted 11/94.				
Mobile NO_X Measures 1. Off-Road Heavy Duty Vehicles 2. On-Road Heavy Duty Vehicles.	All	12/95	1/97	2.0	3.0	5.0

b. ROP Provisions. EPA is finalizing approval of Sacramento area's post-1996 ROP plan under section 182(b)(2) of the Act. EPA will act on Sacramento's 15% ROP Plan in separate rulemaking. The ROP VOC targets, projected VOC emissions, and creditable VOC and NO_X reductions are shown in the table below labeled ''Sacramento ROP Forecasts and Targets.''

SACRAMENTO ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone Year	1996	1999	2002	2005
1990 Base Year VOC Inventory	211	211	211	211
VOC Inventory Projection	175	167	163	159
ROP VOC Target	162	142	124	107
Preliminary VOC Shortfall	13	25	39	52
VOC Reductions from Committal Measures	0	19	23	14

SACRAMENTO ROP FORECASTS AND TARGETS—Continued

[Tons per summer day]

Milestone Year	1996	1999	2002	2005
Total VOC Shortfall	13	6	16	38
NO_X Substitution in VOC Equivalents	13	6	16	38

c. Modeling and Attainment Demonstration. The Environmental Defense Center commented that Sacramento's attainment demonstration must be disapproved because CARB has rescinded the ZEV program, which was relied upon to produce emissions reductions necessary to demonstrate Sacramento's timely attainment. As discussed in Section I.B.3.c.(3) above, EPA strongly supports the State's ZEV program and, while CARB's March 1996 amendments to the ZEV mandate eliminates the ZEV production requirements for the 1998 through 2002 model years, the State's 10% production requirement for 2003 and later years remains in place and some new compensating reductions are expected from the national LEV program. EPA does not have information to support the commenter's contention that the ZEV amendments invalidate Sacramento's attainment demonstration.

EPA is taking final action to approve the modeling analysis and attainment demonstration under section 182(c)(2)(A) of the Act. A summary of the emission reductions needed to attain the standard and reductions projected from the SIP control strategy is provided below in the table labeled ''Sacramento Attainment Demonstration.''

Sacramento attainment demonstration (tons per summer day)	VOC	NO_X
1990 Baseline Emissions Inventory	222	164
Attainment Inventory	137	98
Reductions Needed	85	66
From Adopted Measures	55	40
From Committed Local Measures	17	7
From Committed State Measures	15	14
From National Measures[1]	1.6	4.3
Total	88.6	65.3
Remaining Emissions	133.4	98.7

[1] Credit shown is EPA's estimate of reductions from statutorily-mandated national rules.

d. Overall EPA Action. EPA approves the Sacramento ozone SIP with respect to the Act's requirements for emission inventories, control measures, modeling, and demonstrations of post-1996 ROP and attainment. EPA also approves the local agencies' commitments to adopt and implement the listed control measures to achieve the specified emissions reductions by the dates shown.

5. Ventura.

a. 1995 AQMP Update. Ventura's 1994 Air Quality Management Plan (AQMP), adopted on November 8, 1994, was submitted as part of the 1994 California Ozone SIP. On December 19, 1995, Ventura adopted a 1995 AQMP revision, with slightly revised emission inventories, control measures, modeling analyses, and attainment demonstration. At the time of the proposed action, CARB had not yet submitted this updated plan as a replacement for the 1994 AQMP, but the State indicated that it would do so in the near future and requested EPA to act upon portions of the 1995 AQMP in the final approval action. On July 12, 1996, CARB submitted the previously agreed upon portions of the 1995 AQMP intended to replace portions of the 1994 AQMP.

EPA's proposal addressed much of the new information from the 1995 AQMP, and EPA is now finalizing approval of the 1994 AQMP as modified by portions of the 1995 AQMP. The specific modifications submitted by CARB are the ''Revised Rule Adoption and Implementation Schedule'' (Table 4–2) and Appendix E–95 (revised emissions from architectural coatings in Tables E–43 and E–45) from the 1995 AQMP.

In their comment letters, the District and Environmental Defense Center (EDC) requested that EPA rulemaking reflect the 1995 AQMP revision. EPA is not acting on the entire 1995 AQMP revision at this time because the entire revision has not been submitted by the State. EPA is only acting on the portions of the 1995 AQMP which have been submitted by the State. In their SIP submittal, the State indicated that the remaining updates ''will be submitted at a later date after revisions to CARB's mobile source inventory are incorporated by the District.'' After the remaining portions of the 1995 AQMP are submitted, EPA intends to act expeditiously to take action on the submittal.

b. 1990 Base Year Inventories. Ventura County APCD requested in their comment letter that the Ventura County SIP emissions inventory used in the NPRM be revised by excluding OCS emissions, since these OCS emissions are outside the District's nonattainment area. EPA is not proposing to change the inventory estimates because CARB has not requested this change, and the totals are consistent with their SIP submittal. EPA will continue to work with the District and CARB regarding the District's comment.

1990 VENTURA SIP INVENTORIES

[Tons per summer day]

Category	ROG	NO_X
Stationary	44	17
Mobile	41	56
Outer Continental Shelf	2	8
Total	87	81

c. Control Measures. EPA's proposal addressed the 1995 AQMP updates to the control measures, with slightly revised adoption dates, implementation dates, and reductions for numerous district measures already contained in the 1994 SIP. After EPA's proposal, Ventura adopted very minor further revisions to the rule adoption schedule for 5 measures (N–102, R–317, R–410, R–421, and R–425). No change was made to the implementation dates for the measures. Ventura adopted these minor changes on January 9, 1996. If the changes are submitted as a further revision to the SIP rule adoption schedule, EPA intends to approve them since they do not adversely affect rate-of-progress or attainment. Because the changes have not been submitted at the time of this action, however, EPA is finalizing approval of the schedule as revised by Ventura on December 19, 1995, and submitted by CARB on July 12, 1996.

Also subsequent to EPA's proposal, the State and Ventura County APCD indicated that measures R–303, Architectural Coatings, and R–700/N–700, Transportation Control Measures, should be included in the list of control measures. The addition of these two measures and minor adjustments to the adoption and implementation schedules and estimates of emission reductions for some of the control measures are reflected in the table of measures below, labeled ''Ventura Local Control Measures.'' EPA's proposed approval

stated: ''If a SIP revision with the revised reduction estimates and measure R–303 is submitted before EPA's final action, EPA proposes to approve it without further opportunity for public comment.'' EPA's proposal also indicated the following finding: ''Overall, the revised reduction estimates do not negatively impact ROP or attainment.''

The State and Ventura County APCD both requested that EPA approve in the final action measure R–700/N–700, Transportation Control Measures, and delete from the existing SIP prior transportation measures. Measure R–700/N–700 was included in the 1994 Ventura AQMP but mistakenly omitted by the State from the list of measures in the State's SIP. No emission reductions from any prior transportation measures were assumed in the 1994 or 1995 Ventura AQMP. In this document, EPA is taking final action to approve measure R–700/N–700, Transportation Control Measures, and rescind from the existing SIP all prior transportation control measures.

The table labeled ''Ventura Local Control Measures'' indicates the dates of rule adoption and implementation and the emission reductions presumed to occur by each ROP milestone year and by 2005, the applicable attainment deadline. At the request of CARB and the District, EPA has deleted from this table the 1996 column of reductions, since no reductions from new local measures were used to demonstrate compliance with the 1996 ROP target.

The Environmental Defense Center commented that Ventura's measures are not fully articulated, that this violates the Administrative Procedures Act, and that the measures should be disapproved or conditionally approved. EPA disagrees with the commenter's characterization of the Ventura control measures. The commenter does not give any examples of what it perceives as ambiguities or vagueness. The measures are set forward with sufficient detail to understand the control category, the type of emission standard expected to be adopted, likely compliance options, scheduled adoption and implementation dates, base year emissions for the category, and expected emission reductions from the measure by milestone year. As discussed in section I.B.2., EPA also disagrees with the commenter's conclusion that EPA may not fully approve specific enforceable commitments to adopt control measures.

The Ventura control measures are relied upon in meeting the post-1996 ROP and attainment requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA is approving, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the control measures by the dates specified to achieve the emission reductions shown. EPA also is assigning credit to the measures for purposes of post-1996 ROP and attainment.

Some of the measures have been adopted in regulatory form. These include N–101, adopted 3/14/95; R–105, adopted 12/13/94; R–403, adopted 5/9/95; R–419, adopted 11/8/94; R–424, adopted 5/9/95; and R–606, adopted 10/10/95. EPA has already approved R–105, and EPA approval of the remaining regulations will be completed in separate rulemakings in the future.

VENTURA LOCAL CONTROL MEASURES

[tons per day]

Rule No.	Control measure	Adoption date	Implementation date	1999	2002	2005
N–101	Gas Turbines	3/95	4/97	0.45	0.47	0.49
N–102	Boilers, Steam generators, Heaters, <1 mmbtu	12/96	1/97	0.05	0.06	0.06
R–105	Glycol Dehydrators	12/94	7/96	0.73	0.65	0.57
R–303	AIM Architectural Coatings	12/96	12/97	0.0	0.0	0.89
R–317	Clean-up Solvents and Solvent Wastes	6/96	7/96	1.57	1.67	1.76
R–322	Painter Certification Program	6/97	12/97–12/98	0.48	0.51	0.53
R–324	Screen Printing Operations	6/96	7/97	0.29	0.30	0.31
R–327	Electronic Component Manufacture	6/96	7/97	0.07	0.07	0.08
R–403	Vehicle Gas Dispensing—Phase II	5/95	1/96	0.22	0.22	0.23
R–410	Marine Tanker Loading	9/96	7/97	0.0	0.0	0.0
R–419	Tank Degassing Operations	11/94	3/95	0.03	0.03	0.02
R–420	Pleasure Craft Fuel Transfer	6/97	7/98	0.08	0.08	0.08
R–421	Utility Engine Refueling Operations	12/96	9/97	0.19	0.20	0.20
R–424	Gasoline Transfer/Dispensing	5/95	1/96	0.03	0.04	0.04
R–425	Enhanced Fugitive I/M Program	9/96	5/97	1.21	1.07	0.95
R–606	Soil Decontamination	10/95	4/96	0.10	0.10	0.11
R–700	Transportation	96–05	1996–2005	0.0	0.0	0.58
N–700	Control Measures	.....	.....	0.0	0.0	0.50

[1] ''R'' refers to ROG control measures, ''N'' refers to NO_X control measures.

d. ROP Provisions. CARB and the District commented that the Ventura ROP Forecasts and Targets table in the NPRM contained erroneous information in the line titled ''VOC Inventory Including Committals.'' EPA concurs and has deleted the line from the table below labeled ''Ventura ROP Forecasts and Targets.''

EPA is finalizing approval of Ventura's ROP plan as meeting the 15% ROP requirements of section 182(b)(1) and the post-1996 ROP requirements of section 182(c)(2) of the Act. The ROP VOC targets, projected VOC emissions, and creditable VOC and NO_X reductions are shown in the table below labeled ''Ventura ROP Forecasts and Targets.''

VENTURA ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone Year	1996	1999	2002	2005
1990 Base Year VOC Inventory	85	85	85	85
VOC Inventory after Adopted Measures	64	60	57	55
ROP VOC Target	68	60	53	45
VOC Shortfall	0	0	4	10
NO_X Substitution in VOC Equivalents	0	0	4	10

e. Modeling and Attainment Demonstration. EPA's proposal reflected the additional modeling refinements and technical clarifications made in the 1995 AQMP, as requested by the State and Ventura County APCD.

The Environmental Defense Center (EDC) commented that, ''Assuming the competence of the Ventura County model, EDC is concerned that the 2005 prediction of a .12 ppm peak ozone concentration provides virtually no buffer or room for error. Any relaxation, slippage or difficulties in adopting each of the control measures, local, state and federal jeopardizes Ventura County's timely attainment. Already CARB has rescinded the bulk of the ZEV program, thereby impairing Ventura County's prospects for attainment.'' The Act does not require SIPs to overcontrol and, under the current ozone NAAQS, a .12 ppm ozone concentration is not treated as a violation. With respect to CARB's amendments to the ZEV program, see the discussion in section I.B.3.c.(2).

EDC also commented that ''EDC does not believe that the Ventura County AQMP and attendant state and national control measures are sufficient to provide for timely attainment of the ozone NAAQS in Ventura County. EDC questions the validity of the model, including its assumptions.'' The commenter provided no new information or rationale for its assertions, and EPA continues to conclude that the attainment demonstration is approvable.

On June 13, 1996, CARB provided supplemental information to EPA which clarified the ROG reductions needed for attainment in Ventura. EPA has incorporated this minor change in the attainment demonstration shown below. This minor change affects ROG reductions from ''Committed Local Measures'' (increased from 5 tpd to 6 tpd) and the ROG ''TOTAL'' column (increased from 42 tpd to 43 tpd ROG).

VENTURA ATTAINMENT DEMONSTRATION

[In tons per summer day]

	ROG	NO_X
1990 Baseline Emissions Inventory	87	81
Carrying Capacity	45	52
Reductions Needed	42	29
Reductions from Adopted Measures	30	24
Committed Local Measures	6	1
Committed State Measures	6	4
Reductions from National Measures[1]	1	1
Total	43	30

[1] Credit shown is EPA's estimate of reductions from statutorily-mandated national rules.

f. Overall EPA Action. EPA approves the Ventura ozone SIP with respect to the Act's requirements for emission inventories, control measures, modeling, and demonstrations of 15% ROP and post-1996 ROP and attainment. EPA also approves the Ventura County APCD's commitments to adopt and implement the listed control measures to achieve the specified emissions reductions by the dates shown.

7. South Coast

a. SIP Control Measures. (1) Updated Rule Adoption Schedule. EPA's proposal discussed the failure of the SCAQMD to adopt regulations on the schedule contained in the 1994 Ozone SIP, and asked the SCAQMD to adopt and submit a revised schedule that is ''reasonable and aggressive.'' EPA indicated its intention to approve substitute dates if the revision would not interfere with any applicable requirement of the Act.

On April 12, 1996, the SCAQMD adopted an updated rule schedule for the South Coast. On July 10, 1996, CARB submitted the schedule as a SIP revision. In submitting the revision, CARB summarized the State's findings regarding impacts of the delayed adoption dates:

> As stated in the Notice, the 1990–1996 rate-of-progress requirement for the South Coast was met with previously adopted state and local rules and regulations. Although the revised schedule may delay by a year or two the implementation dates of a few control measures and the associated emission reductions, all of the planned emission reductions will be on track by the year 2000. This will not affect compliance with the Act's progress requirement since the 1994 Ozone SIP currently accounts for 68 tons per day of volatile organic compound emission reductions above and beyond the minimum progress requirement through 1999. Finally, because the 2010 emission reductions from the control measures remain unchanged, the attainment demonstration will not be affected by this revised schedule.

EPA concludes that the revision would not violate applicable provisions of the Act, including ROP and attainment, assuming that the SCAQMD adheres to the new schedule. EPA therefore takes final action to approve the revised adoption dates as listed in the table labeled ''South Coast Local Control Measures.''

(2) TCM Substitution. The State and the Southern California Association of Governments both requested that EPA's final approval of the South Coast TCMs and Indirect Source control measures be accompanied by deletion of prior TCMs approved as part of previous SIPs and replaced by these new measures. The previously approved TCMs have become outdated, and were not assumed in the current attainment demonstration. The request for TCM deletion was included in the 1994 SIP submittal as one of the elements of the SCAQMD's resolution of adoption of the 1994 AQMP. In this document, EPA is taking final action to rescind from the applicable SIP all previously approved TCMs—an action which was mistakenly omitted from the proposal.

(3) Near-Term Control Measures. The State submitted comments making minor adjustments to the dates and emission reductions associated with the control measures. EPA is making those changes in this final action, as reflected in revisions to the table labeled ''South Coast Local Control Measures.''

The State also requested several adjustments to the table of measures. First, EPA's proposal included 12 SCAQMD measures which the State did not intend to submit as part of the ozone

SIP on the grounds that they are not needed for ozone attainment: CMB–01A, CMB–01B, CMB–01C, CMB–01D, CMB–01E, CMB–02A, CMB–02B, CMB–02C, CMB–06, CMB–10, CMB–11, and MON–07. The State requested deletion of the measures in the final action. EPA is correcting the mistake in the NPRM and eliminating these measures from the table.

Second, the State requested that EPA amend the table of measures to substitute for VOC RECLAIM the ''Substitute Measures for CTS–01 VOC RECLAIM'' listed in Table A–10 of Volume IV of the 1994 California Ozone SIP, along with the reductions originally associated with the VOC RECLAIM program. After submittal of the 1994 SIP, the SCAQMD decided not to adopt the VOC RECLAIM program, but to pursue instead these alternative sources of equivalent reductions. To correct the mistake in the proposal, EPA has revised the table to incorporate this list of substitute measures from the 1994 submittal, along with the reductions originally assigned to VOC RECLAIM.

Third, the State requested that EPA amend the table to list the South Coast transportation control measures (TCM–01, ATT–01, ATT–02, ATT–03, ATT–04, and ATT–05) under measure RME–01, which was intended to subsume them. In the final action, EPA has rearranged the table to display more accurately this relationship.

Fourth, the State asked EPA to clarify that the South Coast's market-based measures (MKT–01, MKT–02, and MKT–03[23]) are intended as possible alternatives to the 7 indirect source (ISR) measures in the SIP. In the final action, EPA has added a footnote and rearranged the table to place the 3 market-based measures under the ISR measures as potential replacements for them.

Finally, the State requested that EPA not make part of the SIP any emission reductions from new local measures for the 1996 ROP milestone year, since the 15% ROP plan assumes reductions only from adopted State and local rules. In the final action, EPA has deleted the 1996 column from the table of local measures.

Environmental groups commented on EPA's proposed approval of the control measures portion of the plan. NRDC and the Coalition for Clean Air commented extensively on the issue of whether EPA should approve the South Coast commitments to adopt control measures and a SIP that is based on those commitments rather than fully adopted rules. EPA has responded to these comments in section I.B.2.

The Environmental Defense Center (EDC) stated that the South Coast plan lacks potentially applicable controls and fails the ''as expeditiously as practicable'' standard. The commenter provided no examples of controls that were either not included in the South Coast SIP or were not scheduled for expeditious adoption and implementation. EPA believes that the SCAQMD and CARB adopted control measures and enforceable schedules for adoption and implementation of additional measures together represent a thorough list of control measures in light of currently available control technologies and control techniques. EPA further believes that the schedules for developing and adopting measures in the future reflects expeditious progress. CARB's adopted and scheduled mobile source, consumer product, and pesticides measures all go beyond (in many cases, they go considerably beyond) existing control requirements applicable elsewhere in the Country. SCAQMD's existing regulations generally represent the most complete and stringent controls for each subject source category in the Country.

EPA believes that SCAQMD's schedule for adopting rules meets any reasonable test for expeditious action, given the complexity of most of the pending regulations and the fact that most of the controls are for source categories previously unregulated or never yet controlled to the extent contemplated. SCAQMD's rate-of-progress demonstration exceeds the Clean Air Act 3% per year requirement. Finally, both SCAQMD and CARB supplemented their comprehensive lists of near-term measures with new-technology measures. The SCAQMD's advanced control technology research and development activities attract worldwide interest as the most significant air pollution control technology development program of any local air pollution control agency, and CARB's programs for investigating new technologies and fuels, particularly for motor vehicle emission reductions, receives similar acclaim.

(4) New-Technology Measures. NRDC and the Coalition for Clean Air (CCA) had extensive comments on EPA's proposed approval of the new-technology measures submitted by CARB and the SCAQMD for inclusion in the SIP under provisions of section 182(e)(5) of the Act. As discussed in the proposal, this CAA section authorizes EPA to approve conceptual measures that rely on new technologies or new control techniques as part of the attainment demonstration for the South Coast, the only ''extreme'' ozone nonattainment area. The Act requires that the measures not be needed to meet progress requirements for the first 10 years and that the submittal be accompanied by a commitment to adopt contingency measures 3 years before the new-technology measures are scheduled for implementation. EPA approved the CARB and SCAQMD new-technology measures on August 21, 1995 (60 FR 43379).[24]

NRDC and CCA asked that EPA include adoption dates for all section 182(e)(5) measures in the table of South Coast Local Control Measures. EPA agrees and has inserted the applicable dates, which were inadvertently omitted from the proposal.

NRDC and CCA commented that the SIP does not include adequate schedules and resource commitments for the measures. Both CARB and the SCAQMD have provided further information as updates to and elaboration on the development approach for the new-technology measures.[25]

Joint NRDC-CCA comments argued that the SIP does not include an adequate commitment from the State to adopt contingency measures at least 3 years before proposed implementation of the measures, as required by section 182(e)(5)(B). In a letter from Lynn Terry to Julia Barrow dated September 19, 1996, CARB has clarified that the State's ''commitment in the SIP with respect to the contingency measure requirement is intended to provide the commitment required by the Clean Air Act.''

NRDC and CCA argued that the South Coast SIP cannot be approved because it over-relies on speculative section 182(e)(5) new technologies, which the SIP fails to define adequately. EPA does not believe that the Act provides a quantitative limit on the extent to which the attainment demonstration may rely on new-technology measures. Moreover, the majority of needed reductions in the South Coast attainment demonstration (roughly 75% of the required VOC and

[23] Measure M–3, Congestion Pricing, was inadvertently omitted from the proposal.

[24] Under section 307(b)(1) of the CAA, petitions for review of EPA's action in approving the measures would need to have been properly filed within 60 days of this final action. Since new information has been provided relating to the section 182(e)(5) new-technology measures, however, EPA is addressing most of the comments that apply to EPA's prior approval action.

[25] Letter from Lynn Terry, Assistant Executive Officer, CARB, to Julia Barrow, Chief, Planning Office, Air & Radiation Division, USEPA, dated September 19, 1996; letter from Barry Wallerstein, Deputy Executive Officer, SCAQMD, to Dave Howekamp, Division Director, Air & Toxics Division, Region IX USEPA, dated September 18, 1996. This correspondence is part of EPA's rulemaking docket.

NO_X reductions) derive from currently adopted rules or enforceable commitments to adopt rules in the near future.

Nevertheless, EPA agrees with the commenters that all the responsible parties should work together to reduce the size of the new-technology component of the SIP by expeditiously converting these measures first into carefully defined control development projects and then into feasible regulations. EPA commits to do its share to support the needed research and development activities of CARB and the SCAQMD.

Measures which the 1994 South Coast Ozone SIP scheduled for near-term adoption and implementation, or any portion of the emissions reductions scheduled to be achieved as a result of implementation of those near-term measures, may not be converted, at some future time, into section 182(e)(5) new-technology measures or moved into emissions reductions associated with section 182(e)(5) new technology measures, without a convincing showing in a SIP revision that the technologies relied upon in the near-term rules have been found to be technologically infeasible or ineffective in achieving emissions reductions in the near-term. The near-term measures in the 1994 SIP have not been determined to ''anticipate development of new control techniques or improvement of existing control technologies'' (section 182(e)(5)). On the contrary, they were evidently determined by the SCAQMD and CARB to be both available and necessary for expeditious progress in reducing emissions in the near term in the South Coast. Should either CARB or the SCAQMD determine that new information requires a reconsideration of the near-term feasibility of the 1994 SIP near-term measures, the agencies must submit a SIP revision demonstrating convincingly that the standard defined in this paragraph above for conversion of near-term measures to section 182(e)(5) new technology measures has been met. Absent such a convincing showing, a SIP revision will not be approved by EPA.

In view of continuing progress in the development and successful application of control technologies and control techniques, the amount and relative proportion of reductions from measures scheduled for long-term adoption under section 182(e)(5), as compared to measures already adopted in regulatory form or scheduled for near-term adoption, should clearly decrease in any future SIP update. EPA will not approve a SIP revision that contains an increase in the amount and relative proportion of reductions scheduled for long-term adoption under section 182(e)(5) that is inconsistent with the standard defined in the preceding paragraph. Further, to the extent new modeling performed in any subsequent SIP revision demonstrates that there is an increase in the year 2010 carrying capacity for ROG and NO_X, this change shall not be used to decrease the amount of emissions reductions scheduled to be achieved by any near-term measure from the 1994 SIP unless CARB or the SCAQMD make the convincing showing required by the preceding paragraph.

EPA also agrees with the commenters that, as part of California's 1997 SIP revision, the SCAQMD should provide greater specificity in the description of the South Coast Air Basin long-term control measures. In order to help ensure that the measures are successfully developed and adopted pursuant to the requirements of section 182(e)(5), the 1997 SIP and a summary from publicly available budget documents submitted to EPA must define the long-term measures more precisely with respect to the affected source categories, expected reductions from each category (or as many categories as may be feasible), the most likely control technologies and control techniques to be employed, the agency's working schedule for each phase in the development and adoption of the control measures, evidence of adequate resources committed to the activities, and opportunities for the public to be informed and involved in the process. Furthermore, to ensure approvability of the 1997 SIP, the revision must contain a level of specificity for the non-budgetary items noted above at least containing the level of detail in the clarification to draft Appendix IV to the 1997 Air Quality Management Plan, which further defines the section 182(e)(5) measures, attached as Attachment 2 to the letter from Barry Wallerstein to Dave Howekamp, dated September 18, 1996. The level of specificity in the Long-Term Control Measure for Miscellaneous VOC Sources should be enhanced as additional information becomes available. EPA understands that this clarification to draft Appendix IV is being made available for public review and will be formally considered for adoption by the SCAQMD Governing Board.

(5) EPA Action. EPA concludes that the control measures should be approved in the final action. The South Coast control measures are relied upon in meeting the post-1996 ROP and attainment requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA is approving, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the near-term control measures by the dates specified to achieve the emission reductions shown. EPA also is assigning credit to the near-term and new-technology measures for purposes of post-1996 ROP and attainment.

SOUTH COAST LOCAL CONTROL MEASURES

[Tons per day of VOC/NO_X]

Control measure No.	Control measure title	Implementing agency	Adoption date	Implementation dates	1999	2002	2005	2008	2010
CTS–01	Substitute Measures for VOC RECLAIM (12 rules listed immediately below).	SCAQMD		1998–2010	22.5/0	29.9/0	37.4/0	44.9/0	49.9/0
CTS–A	Electronic Components	SCAQMD	1996						
CTS–B	Petroleum Cold Cleaning	SCAQMD	1996						
CTS–C	Solvent Cleaning Operations	SCAQMD	7/96						
CTS–D	Marine/Pleasure Craft Coatings	SCAQMD	1996						
CTS–E	Adhesives	SCAQMD	1996						
CTS–F	Motor Vehicle Non-Assembly Coating.	SCAQMD	12/96						
CTS–G	Paper/Fabric/Film Coatings	SCAQMD	9/96						
CTS–H	Metal Parts/Products Coatings	SCAQMD	10/96						
CTS–I	Graphic Arts/Screen Printing	SCAQMD	1996						
CTS–J	Wood Products Coatings	SCAQMD	6/96						
CTS–K	Aerospace/Component Coatings	SCAQMD	11/96						

SOUTH COAST LOCAL CONTROL MEASURES—Continued

[Tons per day of VOC/NO_x]

Control measure No.	Control measure title	Implementing agency	Adoption date	Implementation dates	1999	2002	2005	2008	2010
CTS–L	Automotive Assembly Operations.	SCAQMD	1997						
CTS–02	Emission Reductions from Solvents and Coatings at Non-RECLAIM Sources.	SCAQMD	1997	1998–2005	25.0/0	58.1/0	80.9/0	88.3/0	92.8/0
CTS–03	Consumer Product Labeling Program.	SCAQMD		1998–2005	0/0	0/0	0/0	0/0	0/0
CTS–04	Public Awareness/Education Programs—Area Sources.	SCAQMD		1997–1997	0/0	0/0	0/0	0/0	0/0
CTS–05	Further Emission Reductions from Perchloroethylene Dry Cleaning Operations.	SCAQMD	1994	1996–1996	2.49/0	2.73/0	2.9/0	2.99/0	2.99/0
CTS–07	Further Emission Reductions from Architectural Coatings (Rule 1113).	SCAQMD	8/96	2001–2006	0/0	27.49/0	40.5/0	60.65/0	62.26/0
FUG–01	Emission Reductions from Organic Liquid Transfer.	SCAQMD	1995	1996–1996	4.96/0	5.11/0	5.01/0	4.98/0	4.98/0
FUG–02	Emission Reductions from Active Draining of Liquid Products.	SCAQMD	7/96	1996–1996	5.52/0	5.73/0	5.49/0	5.05/0	4.76/0
FUG–03	Further Emission Reductions from Floating Roof Tanks.	SCAQMD	1996	1998–1998	0/0	0/0	0/0	0/0	0/0
FUG–04	Further Emission Reductions of Fugitive Emissions.	SCAQMD	10/96	2000–2010	0/0	.75/0	.75/0	.75/0	.75/0
RFL–01	Emission Reductions from Utility Engine Refueling Operations.	SCAQMD	1997	2000–2010	0/0	.04/0	.04/0	.05/0	.06/0
RFL–02	Further Emission Reductions from Gasoline Dispensing Facilities.	SCAQMD	1995	1996–2000	4.94/0	5.06/0	5.2/0	5.44/0	5.58/0
RFL–03	Emission Reductions from Pleasure Boat Fueling Operations.	SCAQMD	1996	1996–1996	.77/0	.80/0	.83	.86/0	.88/0
CMB–02F	Further Controls of Emissions from Internal Combustion Engines.	SCAQMD	11/96	1998–2008	1.52/6.83	1.74/6.62	1.99/5.43	2.19/3.67	2.29/2.20
CMB–03	Area Source Credits for Commercial and Residential Combustion Equipment.	SCAQMD	11/96	1997–2000	0/0	0/0	0/0	0/0	0/0
CMB–04	Area Source Credits for Energy Conservation.	SCAQMD	11/96	1997–2000	0/0	0/0	0/0	0/0	0/0
CMB–05	Clean Stationary Fuels	SCAQMD	1996	1996–2008	1.22/1.01	2.27/1.76	3.53/2.84	3.99/2.71	4.09/2.41
CMB–07	Emission Reductions from Petroleum Refinery Flares.	SCAQMD	1997	1999–1999	0/0	0/0	0/0	0/0	0/0
MSC–01	Promotion of Lighter Color Roofing and Road Materials and Tree Planting.	SCAQMD/local govts.		1996–1998	0/0	0/0	0/0	0/0	0/0
MSC–02	In-Use Compliance Program for Air Pollution Control Equipment.	SCAQMD	12/96	1997–1997	0/0	0/0	0/0	0/0	0/0
PRC–02	Further Emission Reductions from Bakeries.	SCAQMD	1996	1998–2001	.24/0	.64/0	.68/0	.72/0	.75/0
PRC–03	Emission Reductions from Restaurant Operations.	SCAQMD	10/96	1996–2001	8.55/0	10.77/0	11.14/0	11.49/0	11.7/0
PRC–04	Emission Reductions from Rubber Products Manufacturing.	SCAQMD	1996	1997–1997	.13/0	.13/0	.13/0	.13/0	.13/0
PRC–05	Emission Reductions from Malt Beverage Production Facilities and Wine or Brandy Making Facilities.	SCAQMD	1996	1997–1997	0/0	0/0	0/0	0/0	0/0
SIP–01	SIP Amendments—for Miscellaneous Sources.	SCAQMD	Various	1998–1998	.06/0	.06/0	.06/0	.05/0	.05/0
WST–01	Emission Reductions from Livestock Waste.	SCAQMD	12/96	1996–2003	8.39/0	8.86/0	9.31/0	9.77/0	10.07/0
WST–02	Emission Reductions from Composting of Dewatered Sewage Sludge.	SCAQMD	1997	1998–2000	0/0	0/0	0/0	0/0	0/0
WST–03	Waste Burning	SCAQMD	1996	1998–1998	.07/0	.07/0	.06/0	.06/0	.06/0
WST–04	Disposal of Materials Containing Volatile Organic Compounds.	SCAQMD	1996	1998–2001	.8/0	2.12/0	2.21/0	2.31/0	2.37/0
RME–01	Regional Mobility Adjustment (subsumes next 6 measures in table).				11.3/1.15	15.98/6.58	18.5/13.74	20.64/21.77	22.26/27.67
TCM–01	Transportation Improvements	SCAG	1997	2000–2010	0/0	0/0	0/0	0/0	0/0
ATT–01	Telecommunications	SCAQMD/ SCAG/local govts.		1995–2010	0/0	0/0	0/0	0/0	0/0
ATT–02	Advanced Shuttle Transit	SCAQMD/ SCAG/local govts.		1995–2010	0/0	0/0	0/0	0/0	0/0

SOUTH COAST LOCAL CONTROL MEASURES—Continued

[Tons per day of VOC/NO_X]

Control measure No.	Control measure title	Implementing agency	Adoption date	Implementation dates	1999	2002	2005	2008	2010
ATT–03	Zero Emission Vehicles/Infrastructure.	Partnership		1995–2010	0/0	0/0	0/0	0/0	0/0
ATT–04	Alternative Fuel Vehicles/Infrastructure.	Partnership		1995–2010	0/0	0/0	0/0	0/0	0/0
ATT–05	Intelligent Vehicle Highway Systems.	SCAQMD/SCAG/local govts.		1995–2010	0/0	0/0	0/0	0/0	0/0
ISR–01	Special Event Centers (SCAG Measure TCM #10).	SCAQMD/local govts.	1996	1997–2010	.77/.84	1.4/1.67	1.07/1.43	.81/1.26	1.33/2.2
ISR–02	Shopping Centers (SCAG Measure TCM #11).	SCAQMD/local govts.	1996	1997–2010	1.36/1.5	2.3/2.73	1.75/2.35	1.34/2.07	1.69/2.89
ISR–03	Registration and Commercial Vehicles (SCAG Measure TCM #12).	SCAQMD	1996	1997–2010	0/0	0/0	0/0	0/0	0/0
ISR–04	Airport Ground Access (SCAG Measure TCM #13).	SCAQMD/local govts.	1996	1997–2010	.38/.42	.77/.92	.59/.79	.45/.7	.38/.65
ISR–05	Trip Reduction for Schools (SCAG Measure TCM #14).	SCAQMD/local govts.	1996	1997–2010	.21/.24.	.47/.63	.46/.72	.35/.64	.38/.74
ISR–06	Enhanced Rule 1501 (SCAG Measure TCM #15).	SCAQMD/local govts.	1996	1997–2010	2.86/3.15	3.01/3.59	2.30/3.08	1.75/2.72	1.48/2.51
ISR–07	Parking Cash-Out (SCAG Measure TCM #16).	SCAQMD/local govts.	1995	1997–2010	.17/.17	.13/.14	.10/.12	.08/.11	.06/.1
MKT–01	Emission/VMT	SCAG	*	2000–2010	*	*	*	*	*
MKT–02	At-the-Pump Fee	SCAG	*	2000–2010	*	*	*	*	*
MKT–03	Congestion Pricing	SCAG	*	2000–2010	*	*	*	*	*
MON–01	Emission Reduction Credits for Low-Emission Retrofit Fleet Vehicles.	SCAQMD/CARB.	1996	1996–2010	0/0	0/0	0/0	0/0	0/0
MON–02	Eliminate Excessive Car Dealership Vehicle Starts; Educational.	SCAQMD/local govts.	1996		0/0	0/0	0/0	0/0	0/0
MON–04	Eliminate Excessive Curb Idling; Educational.	SCAQMD/local govts.	1996		0/0	0/0	0/0	0/0	0/0
MON–05	Emissions Reduction Credit for Heavy-Duty Buses.	SCAQMD	1995	1995–2010	0/0	0/0	.12/.65	.11/.65	.11/.65
MON–06	Emissions Reduction Credit for Heavy-Duty Trucks.	SCAQMD	1995		0/0	0/0	0/0	0/0	0/0
MOF–03	Emission Reduction Credits for Leaf Blowers.	SCAQMD/local govts.	5/96	1996–2010	0/0	0/0	0/0	0/0	0/0
MOF–04	Off-Road Mobile Source Emission Reduction Credit Programs.	SCAQMD	1995	1996–2010	0/0	0/0	0/0	0/0	0/0
FSS–01	Stage I Episode Plans	SCAQMD		2005–2010	0/0	0/0	0/0	0/0	0/0
ADV–CTS–01	Advanced Technology—Coating Technologies.	SCAQMD	2003–2005	2006–2010	0/0	0/0	0/0	14.35/0	23.88/0
ADV–FUG	Advanced Technology—Fugitive Emission Controls.	SCAQMD	2003–5	2006–2010	0/0	0/0	0/0	14.13/0	23.11/0
ADV–PRC	Advanced Technology—Process Related Emissions.	SCAQMD	2003–5	2006–2010	0/0	0/0	0/0	7.55/0	12.27/0
ADV–UNSP	Advanced Technology—Unspecified Stationary Source Controls.	SCAQMD	2003–5	2006–2010	0/0	0/0	0/0	39.45/0	66.97/0
ADV–CTS–02	Advanced Technology—Coating Technologies.	SCAQMD	1996–2000	1997–2010	0/0	20.44/0	32.37/0	45.38/0	54.69/0

*Alternative to ISR measures above.

c. ROP Provisions. EPA is finalizing approval of the South Coast ROP plan as meeting the 15% ROP requirements of section 182(b)(1) and the post-1996 ROP requirements of section 182(c)(2) of the Act. The ROP VOC targets, projected VOC emissions, and creditable VOC and NO_X reductions are shown in the table below labeled ''South Coast ROP Forecasts and Targets.'' The table reflects CARB's request that the State's ROP forecasts be substituted for the SCAQMD plan forecasts, which EPA erroneously displayed in the proposal.

SOUTH COAST ROP FORECASTS

[In tons per summer day]

	1996	1999	2002	2005	2008	2010
VOC emissions to meet ROP target	1181	1019	890	767	647	568
VOC emissions with plan reductions	1144	951	818	686	530	323

e. Modeling and Attainment Demonstration. The Environmental Defense Center (EDC) commented that EPA should reject the South Coast's attainment demonstration because CARB has abandoned the ZEV program.

EPA does not have information to support the commenter's contention that the ZEV amendments invalidate the attainment demonstration. See discussion in section I.B.3.c.(2).

As discussed above in the proposal and in section I.B.1., EPA's proposed approval of the South Coast attainment demonstration was based, in part, on the State's submission of an enforceable SIP commitment to adopt and submit as a SIP revision:

(a) a revised attainment demonstration for the South Coast as appropriate after a consultative process on future mobile source controls. This SIP revision would be due December 31, 1997; and

(b) enforceable emission limitations and other control measures needed to achieve the emission reductions which are determined to be appropriate for the State. This SIP revision would be due no later than December 31, 1999.

On May 17, 1996, CARB submitted this commitment in the form of Executive Order G–96–03, attached to a letter from John D. Dunlap, III, to Felicia Marcus. The Executive Order includes the following language:

Now, Therefore, it is Ordered that pursuant to Board Resolution 94–60, ARB hereby commits to participate in the consultative process described above, and to adopt and submit as a SIP revision: (a) By December 31, 1997, a revised attainment demonstration for the South Coast Air Basin as appropriate after the consultative process, and (b) by December 31, 1999, control measures needed to achieve any additional emission reductions which are determined to be appropriate.

EPA is taking final action to approve this commitment under sections 110(k)(3) and 301(a), and the modeling analysis and attainment demonstration under section 182(c)(2)(A) of the Act. A summary of the emission reductions needed to attain the standard and reductions projected from the SIP control strategy is provided below in the table labeled ''South Coast Attainment Demonstration.''

SOUTH COAST ATTAINMENT DEMONSTRATION

[Tons per summer day]

	VOC	NO_X
1990 Baseline Emissions Inventory	1517	1361
Carrying Capacity	323	553
Reductions Needed	1194	808
Reductions from Adopted measures	463	429
Committed Local measures	453	43
Committed State measures	231	227
''Federal Assignments''	47	109
Total	1194	808

The South Coast attainment demonstration relies, in part, on reductions from a fully-enhanced I/M program. As discussed in EPA's proposed approval of California's enhanced I/M program and above in section II.A.3., credits associated with this control measure will become permanent following the State's submission of the required analysis demonstrating that the enhanced I/M program is achieving the emission reductions claimed in the attainment demonstration. At that point, EPA's approval of the South Coast attainment demonstration will also become permanent.

f. Overall EPA Action. EPA approves the South Coast ozone SIP with respect to the Act's requirements for emission inventories, control measures, modeling, and demonstrations of 15% ROP, post-1996 ROP, and attainment. EPA approves SCAQMD's commitments to adopt and implement the near-term control measures to achieve the specified emission reductions by the dates shown. EPA also approves CARB's commitments relating to the public consultative process and future SIP revisions.

7. Southeast Desert

(a) Control Measures. As discussed in EPA's proposal, the Southeast Desert Modified Air Quality Maintenance Area (''Southeast Desert'') covers the Victor Valley/Barstow region in San Bernardino County (''Mojave''), the Coachella Valley/San Jacinto region in Riverside County (''Coachella''), and the Antelope Valley region in Los Angeles County (''Antelope'').[26] The first of these areas is the responsibility of the Mojave Desert Air Quality Management District (MDAQMD). The second and third areas are currently the responsibility of the SCAQMD. Separate control measures, ROP and attainment demonstrations were prepared for each of the areas.

The SCAQMD's existing rules and committal measures apply not only throughout the South Coast Air Basin but also in the SCAQMD's portions of the Southeast Desert. The SIP includes the State measures and a subset of the SCAQMD measures approved above in sections II.A. and II.B.6., but does not add to that list any unique State or local controls for the Coachella and Antelope regions.

The MDAQMD included in the Mojave Plan 7 measures, all of which have now been adopted in regulatory form. Three of the rules have been approved as part of the SIP: 461 Gasoline Transfer Dispensing, 1103 Asphalt Paving, and 1160 Internal Combustion Engines. The table labeled ''Mojave SIP Control Measures and VOC/NO_X Reductions lists the rules that have not yet been approved. This table includes Rules 1157, 1158, and 1159, which were mistakenly omitted from the proposal.

The MDAQMD control measures are relied upon in meeting the attainment requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA is approving, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the control measures to achieve the emission reductions shown. EPA also is assigning credit to the measures for purposes of attainment.

MOJAVE SIP CONTROL MEASURES AND VOC/NO_X REDUCTIONS

[In Tons/Day for 1996]

MDAQMD Measure	VOC	NO_X
Rule 1113 Architectural Coatings	0.92	0
Rule 1157 Boilers/ Process Heaters	0	0.04
Rule 1158 Electric Power Generation	0	0.13
Rule 1159 Gas Turbines	0	0.13

b. ROP Provisions. EPA will take action on the ROP provisions for the Southeast Desert in separate rulemakings.

c. Modeling and Attainment Demonstration. As discussed in the proposal, the SIP includes modeling information, based on the South Coast UAM analysis, demonstrating that reductions from the South Coast SIP (along with SIP reductions within the area) will bring the Southeast Desert into attainment by the statutory deadline. EPA therefore proposes to approve the Southeast Desert modeling and attainment demonstration under section 182(c)(2) of the Act.

d. Overall EPA Action. EPA approves the Southeast Desert ozone SIP with

[26] The State has recently changed the names of the respective air basins. Under State law, the Coachella-San Jacinto Planning Area is now part of the Salton Sea Air Basin, and Antelope Valley is part of the Mojave Desert Air Basin. In its 1996 session, the California State Legislature passed legislation that would establish a new air agency to have the responsibility for local air pollution plans and measures in the Antelope Valley area.

respect to the Act's requirements for emission inventories, control measures, modeling, and demonstration of attainment. EPA also approves MDAQMD's commitments to adopt and implement the listed control measures to achieve the specified emissions reductions. EPA will take action on the 15% ROP and the post-1996 ROP plan elements for the three Southeast Desert subregions in separate rulemakings.

III. Summary of EPA Actions

EPA approves the following elements of the 1994 California Ozone SIP for the listed areas, as meeting applicable CAA requirements:

(1) Emission Inventories for San Diego, San Joaquin, Sacramento, Ventura, South Coast, and Southeast Desert, under section 182(a)(1) of the CAA.

(2) 15% ROP Plans for San Diego, San Joaquin, Ventura, and South Coast, under section 182(b)(1).

(3) Post-1996 ROP Plans for San Diego, San Joaquin, Sacramento, Ventura, and South Coast, under section 182(c)(2)(B) of the CAA.

(4) Modeling and Attainment Demonstrations for San Diego, San Joaquin, Sacramento, Ventura, Southeast Desert, and South Coast, under section 182(c)(2) of the CAA.

(5) All of the local control measures listed above in section II.B., for each of the nonattainment areas, including the specific emissions reductions for each milestone year, under sections 110(k)(3) and 301(a) of the CAA.

(6) All of the State's control measures contained in the 1994 California Ozone SIP that EPA has not previously approved: M1—Accelerated Retirement of LDVs, M4—Early Introduction of 2g/bhp-hr Heavy-Duty Diesel Vehicles, M7—Accelerated Retirement of HDVs, CP3— Aerosol Paints, and Pesticides, under sections 110(k)(3) and 301(a). EPA approval includes assignment of specific emissions reductions by nonattainment area and milestone year (as displayed in the tables in section II.A.) for all of the State control measures, including those previously approved under sections 110(k)(3), 182(e)(5), and 301(a) of the CAA. Under sections 110(k)(3) and 301(a) of the Act, EPA approves CARB's commitments to revise the South Coast attainment demonstration and adopt appropriate measures following the conclusion of the public consultative process. Under section 301 of the Act, EPA issues the Agency's commitment to undertake rulemaking to promulgate additional Federal measures determined to be appropriate.

EPA approves California's I/M regulations under sections 110(k)(3) and 301(a). EPA also approves the State's basic I/M program under sections 182(b)(4) and 187(a)(4) of the CAA and the enhanced I/M program, including the assignment of specific emissions reductions identified in section II.A.3. above, under sections 182(c)(3) and 187(a)(6) of the CAA and section 348(c) of the Highway Act.

In final action, EPA deletes from the applicable SIP all transportation control measures included in prior SIPs for Ventura and the South Coast, and Fresno measure ''Exclusive High Occupancy Vehicle Lanes on Freeway 41.''

EPA will take separate regulatory action on the 15% ROP Plans for Sacramento and the Southeast Desert and the post-1996 ROP Plan for the Southeast Desert.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Regulatory Process

A. Executive Order 12886

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the Clean Air Act, do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal/state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 10, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Appendix A: Current Status of EPA's Activities Relating to the ''Federal Assignments'' in the California SIP Submittal

Note: The 1994 California Ozone SIP includes ''Federal'' mobile source assignments (SIP Measures M6, M10, M12, M13, M14, M15, and M16). In so doing, the State not only asked EPA to complete statutorily mandated responsibilities but also to undertake discretionary regulations to achieve specific mobile source emission reductions needed for the California attainment demonstrations, particularly for the South Coast. This fact sheet summarizes the current status of Federal activities relating to the source categories covered by each of the State's ''Federal Assignments.''

Heavy Duty Diesel Vehicles

Measure M6 of the 1994 California Ozone State Implementation Plan (''the SIP'') provides for adoption by EPA of a Federal oxides of nitrogen (NO_X) standard for new heavy-duty diesel on-highway vehicles. The NO_X standard called for in the SIP is 2.0 grams per brake horsepower-hour (g/bhp-hr), to be implemented beginning in 2004. A Federal standard would help reduce emissions from the large number of out-of-state trucks which operate in California.

EPA is fulfilling its commitment to propose tighter NO_X emission standards for Federal on-highway heavy-duty vehicles as part of the NO_X/PM (particulate matter) Initiative. On July 11, 1995, EPA, the California Air Resources Board (CARB), and the leading manufacturers of heavy-duty engines signed a Statement of Principles (SOP) that established a consensus plan to substantially reduce emissions from future trucks and buses on a nationwide basis. The goal of the SOP is to ensure cleaner air in a manner which is both realistic for the heavy-duty engine industry and responds to environmental needs as well. As a result of the SOP, EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) on August 31, 1995. The ANPRM announced plans to propose a choice of standards for combined non-methane hydrocarbon (NMHC) plus NO_X: 2.4 g/bhp-hr, or 2.5 g/bhp-hr with an NMHC cap of 0.5 g/bhp-hr. Engines meeting these future standards are expected to be over 80 percent cleaner than pre-control engines. EPA formally proposed these standards and related provisions in a Notice of Proposed Rulemaking (NPRM) published on June 27, 1996 (61 FR 33421–33469). The Final Rule has a target publication date of winter 1996–1997. The new standards would be implemented beginning in 2004 and would apply to all on-highway heavy-duty engines.

CARB played a very important role in the achievement of the Statement of Principles (SOP). In addition, CARB has given EPA tremendous support in the development of the ANPRM and the NPRM. As a result of the SOP and rulemaking processes, EPA and CARB will have harmonized programs for new heavy-duty engines, an advantage for engine manufacturers.

Off-Road Industrial Equipment (Diesel)

Measure M10 of the SIP provides for adoption by EPA of a Federal NO_X standard for, at a minimum, new farm and construction equipment with diesel engines rated at less than 175 hp (130 kw). These are the engines which California is preempted from regulating under the 1990 Clean Air Act Amendments. The NO_X standard called for in the SIP is 2.5 g/bhp-hr (3.3 g/kw-hr), to be implemented beginning in 2005.

In its 1991 Nonroad Study, EPA determined that nonroad diesel engines rated at 37 kw and more, including those covered in SIP measure M10, emit a substantial portion of the nation's NO_X inventory. In response, EPA set a 9.2 g/kw-hr NO_X standard for these engines in 1994, to be phased-in beginning in 1996. The Agency also expressed its intent to undertake a second tier of standard setting to further control these emissions. The Clean Air Act provides for this as a discretionary effort and contains no requirements or guidance regarding the level or timing of the standards.

Initial work on this second tier of standard setting is currently underway as part of the NO_X/PM Initiative. The NO_X/PM Initiative has been a joint program of both EPA and CARB. EPA and CARB recognize that harmonizing Federal and California standards would help to achieve air quality goals in all states by eliminating the potential for equipment with higher-emitting engines being transported across state borders. Harmonized standards would also have obvious advantages for manufacturers. The participation of CARB staff on this initiative has been invaluable.

EPA, CARB, and all key nonroad diesel engine and equipment manufacturers signed an SOP on September 13, 1996, similar in many ways to the SOP signed in 1995 relating to highway heavy-duty engines. EPA expects to propose standards for diesel engines used in most land-based nonroad equipment and in some marine applications. The proposed standards will represent second and third tiers of control for larger engines and will also include Tier 1 and Tier 2 standards for small diesel engines. These standards are expected to result in major reductions in this very large class of emission sources, with NO_X reductions ranging from 40–75%, depending on engine size. Also based on the SOP, EPA expects to propose special provisions which provide implementation flexibility to manufacturers of the nonroad equipment in which these engines are used to account for engine modifications which the engine manufacturers may choose to make. In addition to resulting in a common set of standards for this category for EPA and CARB, these standards will essentially achieve harmonization of standards between the U.S. and Europe.

Gas and LPG Equipment 25–175 Horsepower

Measure M12 of the SIP provides for adoption by EPA of a Federal program that will implement three-way catalyst technology on new nonroad equipment powered by gasoline or liquefied petroleum gas (LPG) engines rated at between 25 hp (18 kw) and 175 hp (130 kw). The goal of this measure it to reduce NO_X emissions by at least 50 percent and hydrocarbon emissions by 75 percent. This is a complementary measure to measure M10 and much of the discussion of that measure applies here as well.

EPA does not currently have any emission standards for gasoline or LPG engines in this category. However, under a consent decree signed by EPA with the Sierra Club on June 10, 1993, EPA agreed to determine by November 30, 1996 whether or not to regulate large gasoline nonroad engines and, if so, by what schedule. At this time, the Agency is considering setting standards for these engines as part of the NO_X/PM Initiative and has begun discussions about a possible SOP. Although substantial emission reductions may be pursued, there is no assurance that setting standards as low as those sought by CARB would be the most appropriate approach nationwide.

Marine Vessels

Measure M13 of the SIP assumes that the U.S. EPA and International Maritime Organization (IMO) will adopt emission standards that will reduce NO_X emissions from new marine diesel engines by 30 percent. M13 also assumes that EPA will issue standards for new marine diesel engines used in vessels operated primarily in domestic waters that will reduce NO_X emissions by at least 65 percent.

The IMO, a special agency of the United Nations, is developing regulations for the reduction of NO_X and sulfur oxides (SO_X) from ships. These regulations are part of a new Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), which addresses the control of air pollution from ships. An IMO committee, the Marine Environmental Protection Committee (MEPC) is scheduled to finalize the draft Annex in March 1997. A diplomatic conference will be held in September 1997 to review and adopt the Annex. After adoption, each signatory country will consider the Annex for ratification and, after the ratification requirements specified in the Annex are met, it will go into effect. Before the Annex can be enforced within U.S. waters, Congress will have to ratify it and provide appropriate authority to a government agency to implement it.

The emission requirements set out in the Annex will apply only to engines larger than

130 kW (175 hp) installed on ships constructed on or after January 1, 2000; engines installed on ships constructed before that date are exempt. However, the standards will apply to any replacement engine installed on any ship beginning January 1, 2000, as well as to engines that undergo ''substantial modification'' or whose power is increased by 10 percent. Because existing engines are not covered by the standards, achieving the target 30 percent reduction will require considerable time (turnover of ships is estimated to be about 30 years). Also, it will be necessary for the annex to achieve full implementation by flag states.

Only one-third of the commercial marine fleet will have turned over by 2010; therefore, the full 30 percent emission reduction from marine vessels will not be realized. To achieve greater reductions more quickly, it will be necessary to explore operational controls on ocean-going commercial marine vessels that operate off California's coasts, particularly in the South Coast region. Three studies are underway to investigate issues relating to the contribution of these marine vessels to air quality in the South Coast area and along the Santa Barbara channel. Collectively, these studies will help EPA and other interested parties understand and explore potential operational control strategies needed for further emissions reductions from marine sources. EPA is involved in all of these efforts, along with the United States Navy, the United States Coast Guard, the South Coast Air Quality Management District, and CARB.

The largest of these studies is sponsored by the United States Navy. This goal of this study is to better characterize ship traffic and its impact on ozone exceedances in Ventura County. It will investigate air trajectory and transport mechanisms, clarify ship traffic patterns, collect ozone measurement data, and collect weather parameters for modeling. This on-going study is not complete at this time. A second study, sponsored by SCAQMD, will measure the marine vessel emission inventory and explore potential control strategies. The SCAQMD study should be completed by June 1996. A third study, the Southern California Transport Study, led by CARB, will examine air pollution transport in Southern California. This study will provide an enhanced air quality and meteorological database for Southern California, which will provide the basis for improved modeling. Data will be collected at the surface and aloft, as well as over water.

As originally drafted, the standards set out in MARPOL Annex VI would apply to any engine larger than 130 kW installed on a vessel that operates in the ''marine environment.'' This means that the Annex would apply to vessels operating in domestic as well as international waters. To preserve the ability to set more stringent standards for engines installed on vessels that operate in U.S. domestic waters, the U.S. sought to limit the application of the Annex. Specifically, at the July 1996 MEPC meeting, the U.S. succeeded in obtaining an exemption to the Annex for high speed engines installed on vessels that are not engaged in international voyages. This exemption gives EPA the ability to pursue more stringent national emission control for high speed diesel marine engines on vessels that operate primarily in domestic waters. EPA is currently preparing an NPRM to set standards for these engines.

Locomotives

In Measure M14, CARB assumed locomotive emission reductions from two EPA programs. The first of these programs was the statutorily required EPA national regulation for locomotives and locomotive engines, (national locomotive regulation). EPA expects that the planned national locomotive regulation will provide all of the CARB SIP credits with the exception of the 67% reduction in NO_X emissions in the South Coast by 2010.

To address the South Coast's need for further emission reductions EPA has considered a special locomotive program for the South Coast. This program would ensure that all locomotives operating in the South Coast achieve on average, an emission level equal to EPA national locomotive regulation tier 2 standards. Since these standards are technology forcing, the practical requirement would be to require an accelerated fleet turnover in the South Coast such that only the newest engines meeting the EPA tier 2 standards would operate in the South Coast. This program would provide an approximately two-thirds reduction in locomotive NO_X emissions in the South Coast by 2010 and result in a NO_X emission level of 12 tons/day in the South Coast. The railroads that operate in the South Coast have indicated support for this program. EPA is continuing to explore innovative approaches to establish the South Coast clean locomotive fleet program as part of the SIP.

Aircraft

Measure M15 calls for U.S. EPA to adopt standards to effect a 30 percent reduction in reactive organic gases (ROG) and NO_X emissions beginning in 2000. M15 apparently applies to new commercial aircraft engines, but also suggests reconsideration of the exempt status of military aircraft.

The federal Clean Air Act authorizes EPA to establish emission standards for aircraft engines. In recognition of this preemptive authority, the SIP assigns new nationwide emission standards for commercial aircraft engines to EPA that would reduce ROG and NO_X emissions from this source by 30 percent beginning in 2000. The SIP also correctly acknowledges that military aircraft engines are currently exempt from emission standards, which otherwise apply to commercial aircraft engines. In this regard, the SIP recommends that the exempt status of these aircraft be reconsidered.

The International Civil Aviation Organization (ICAO) is the most appropriate forum for establishing commercial aircraft engine emission standards due to the international nature of the aviation industry. EPA is currently preparing a direct final rule to formally adopt the existing ICAO NO_X and CO standards.

EPA has actively participated in considering more stringent NO_X standards as part of ICAO's Committee on Aviation Environmental Protection (CAEP) in the intervening period since the FIP. In December 1995, CAEP recommended a 16 percent increase in stringency for the NO_X standard that applies to medium and large turbine engines used on commercial aircraft. The revised standard would affect newly certified engines (i.e., engine models produced for the first time) beginning in 2000, and all newly manufactured engines (i.e., engines already being produced) in 2008. The revised standard would not affect engines already in air service. No revision of the hydrocarbon emission standard was considered by CAEP at the time, principally because modern turbine engines are considered very ''clean'' in this regard.

The CAEP recommendation will now move through the ICAO hierarchy for consideration. Initially, the ICAO Council will act on the recommendation. If the Council finds it acceptable, the revision moves to the full ICAO Assembly for final action. This process may not be complete until the spring of 1998.

The emission benefits of any new NO_X standard will occur worldwide. These benefits, however, will gradually accrue over an extended period of time. More specifically, the full benefits of the revised standard will not occur until well after 2010, because of the 2008 date for full implementation of the standard and the slow fleet turnover to new, cleaner engines (e.g., aircraft last about 25 years in active service.) Therefore, very few of the potential benefits will be realized by the SIP's attainment date.

Turning to the exemption for military engines, EPA agrees with the SIP recommendation that such a blanket exemption should be reconsidered in the consultative process. EPA hopes to address the feasibility of applying emission standards to military engines in the public consultative process.

EPA has also continued to explore other ways to reduce the environmental effects of air travel in California and throughout the nation in the intervening period since the FIP. More specifically, the Agency and the Federal Aviation Administration (FAA) are working cooperatively to encourage continuing progress in reducing emissions from ground service equipment and aircraft auxiliary power units. EPA has sponsored additional work to compile technical data and emission inventory methods. This information will be used by the Federal Aviation Administration to develop an Advisory Circular for use by airlines and airport authorities interested in reducing the emissions from these sources.

Pleasurecraft

Measure M16 assumes that U.S. EPA finalizes proposed national ROG and NO_X standards for various categories of new engines used in watercraft.

EPA has finalized its proposed emission standards for spark-ignition marine engines. The final rule is expected to reduce by about 75% the HC emissions from outboard motors, personal watercraft, and jet boats beginning in model year 1998. EPA has issued guidance to states on the amount of credit that will be allowed due to this rulemaking. There is no second phase rulemaking planned.

EPA has not yet finalized the proposed emission standards for compression-ignition marine engines. The court ordered deadline for completion of this action is December 1996. EPA has not yet issued guidance to states on the amount of credit that will be allowed due to this rulemaking.

Appendix B: Schedule for Public Consultative Process

Background: The Need to Achieve Our Public Health Goals

Air pollution remains a significant public health concern in many parts of the country, including many areas of California. The Clean Air Act requires states to develop state implementation plans (SIPs) that lay out how areas will reduce pollution and attain the health-based air quality standards for a number of pollutants including ground level ozone—smog.

Despite the dramatic progress that aggressive air quality regulations have made in reducing smog levels, residents of the South Coast continue to experience by far the worst air pollution in the United States. The 1994 ozone SIP for the South Coast shows the need for massive additional reductions to reach target emission levels of VOC and NO_X—volatile organic compounds and nitrogen oxides, the pollutants that react with sunlight to form ozone.

The South Coast SIP includes federal, state and local regulations and commitments to achieve the emission reductions needed to attain the national ozone health standard by 2010. U.S. EPA has already issued or is in the process of issuing stringent national controls on most categories of mobile sources, including heavy-duty trucks and buses; construction, farm, and lawn and garden equipment; pleasure craft; some categories of marine vessels; and locomotives.

Purpose of the Public Consultative Process on Future Mobile Source Controls

Through a public process, we hope together to identify the best options for achieving further emission reductions from mobile source controls, at least to the extent they are needed for attainment of the ozone health standard in the South Coast, and to ensure that appropriate parties accept responsibility for adopting and implementing the controls expeditiously.

Schedule

July 19, 1996—Los Angeles public meeting to introduce to the general public the consultative process and to allow California stakeholders an opportunity to provide input to the proposed national truck and bus rules during the public comment period.

November 1996—Los Angeles public meeting to discuss pending national and international ship controls, possible reductions from port measures, pending national and international aircraft controls, and possible reductions from airport measures.

November 1996 to May 1997—Los Angeles informal workshops to provide further input on desirable control measures for airports/aircraft and (separately) ports/ships.

February 1997—Los Angeles public meeting to continue discussions of opportunities for reductions from future mobile source measures and to allow California stakeholders to provide informal input to the proposed national nonroad rules during the public comment period.

June 1997—Los Angeles public meeting or public hearing to summarize findings during the consultative process, identifying SIP reductions from specific new measures and setting out an approach for dealing with the remaining shortfall (if any).

Future Updates to the Schedule

Information on the date and location of public meetings will be placed on EPA Region 9's site on the Internet's World Wide Web at http://www.epa.gov/region09 (go to Air Programs). Those wishing to be placed on EPA's mailing list for public consultative process meeting announcements should write or phone Julia Barrow (see the Addresses portion of this document).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 25, 1996.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(204)(i)(A)(*6*), (c)(204)(i)(B)(*2*), (c)(204)(i)(C) through (F), (c)(205)(i)(A), (c)(213), and (c)(233) through (238) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(204) * * *

(i) * * *

(A) * * *

(*6*) State control measures: Accelerated Retirement of LDV's (Measure M1), Early Introduction of 2g/bhp-hr Heavy Duty Diesel Vehicles (Measure M4), Accelerated Retirement of Heavy-Duty Vehicles (Measure M7), Aerosol Paints (Measure CP3), and California Department of Pesticide Regulation's Pesticide Plan, as contained in ''The California State Implementation Plan for Ozone, Volume II: The Air Resources Board's Mobile Source and Consumer Products Elements,'' adopted on November 15, 1994, and tables of local agency control measures and revisions to local Rate-of-Progress plan elements as contained in ''The California State Implementation Plan for Ozone, Volume IV: ''Local Plans,'' adopted on November 15, 1994.

(B) * * *

(*2*) Control measures, emissions inventory, modeling, and ozone attainment demonstration, as contained in ''1994 Air Quality Management Plan,'' adopted on September 9, 1994.

(C) San Diego Air Pollution Control District.

(*1*) Emissions inventory, 15% Rate-of-Progress plan, Post-1996 Rate-of-Progress plan, modeling, and ozone attainment demonstration, as contained in ''1994 Ozone Attainment and Rate-of-Progress Plans for San Diego County,'' adopted on November 1, 1994.

(D) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Control measures, emissions inventory, 15% Rate-of-Progress plan, Post-1996 Rate-of-Progress plan, modeling, and ozone attainment demonstration, as contained in ''San Joaquin Valley Attainment and Rate-of-Progress Plans,'' adopted on November 14, 1994.

(E) Ventura County Air Pollution Control District.

(*1*) Control measures, emissions inventory, 15% Rate-of-Progress plan, Post-1996 Rate-of-Progress plan, modeling, and ozone attainment demonstration, as contained in ''1994 Air Quality Management Plan for Ventura County,'' adopted on November 8, 1994.

(F) Mojave Desert Air Quality Management District.

(*1*) Control measures, emissions inventory, modeling, and ozone attainment demonstration, as contained in ''Rate-of-Progress and Attainment Demonstration Plans for the Mojave Desert,'' adopted on October 26, 1994.

(205) * * *

(i) * * *

(A) Kern County Air Pollution Control District.

(*1*) Emissions inventory, modeling, and ozone attainment demonstration, as contained in ''Rate-of-Progress and Attainment Demonstration Plans for the Kern County Air Pollution Control District,'' adopted on December 1, 1994.

* * * * *

(213) California Statewide Emission Inventory submitted on March 30, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(*1*) 1990 Base-Year Emission Inventory for Ozone Nonattainment Areas in California.

(*i*) Sacramento, San Diego, San Joaquin Valley, South Coast, Southeast Desert, Ventura.

* * * * *

(233) New and amended plans for the following agencies were submitted on December 29, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) 15% Rate-of-Progress plan and Post-1996 Rate-of-Progress plan for the Los Angeles-South Coast Air Basin Area, as contained in the ''Rate-of-Progress Plan Revision: South Coast Air Basin & Antelope Valley & Coachella/San Jacinto Planning Area,'' adopted on December 9, 1994.

(B) Sacramento Metropolitan Air Quality Management District.

(*1*) Emissions inventory, Post-1996 Rate-of-Progress plan, modeling, and ozone attainment demonstration, as contained in ''Sacramento Area Attainment and Rate-of-Progress Plans,'' adopted by Sacramento Metropolitan Air Quality Management District on December 1, 1994; by Feather River Air Quality Management District on December 12, 1994; by El Dorado County Air Pollution Control District on December 13, 1994; by Yolo-Solano Air Pollution Control District on December 14, 1994; and by Placer County Air Pollution Control District on December 20, 1994.

(234) The California Vehicle Inspection and Maintenance Program was submitted on January 22, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(*1*) Motor Vehicle Inspection and Maintenance Program adopted on January 22, 1996.

(*i*) Health and Safety Code: Division 26, Part 5 § 39032.5; Chapter 5. Motor Vehicle Inspection Program, Article 1, Article 2, Article 3, Article 4, Article 5, Article 6, Article 7, Article 8, Article 9.

(*ii*) Business and Professions Code, Chapter 20.3, Automotive Repair, Article 4, § 9886, § 9886.1, § 9886.2, § 9886.4.

(*iii*) Vehicle Code § 4000.1, § 4000.2, § 4000.3, § 4000.6.

(*iv*) Title 16, California Code or Regulations, Division 33, Bureau of Automotive Repair, Article 5.5, Motor Vehicle Inspection Program, § 3340.1, § 3340.5, § 3340.6, § 3340.10, § 3340.15, § 3340.16, § 3340.16.5, § 3340.16.6, § 3340.17, § 3340.18, § 3340.22, § 3340.22.1, § 3340.22.2, § 3340.22.3, § 3340.23, § 3340.24, § 3340.28, § 3340.29, § 3340.30, § 3340.31, § 3340.32, § 3340.32.1, § 3340.33, § 3340.33.1, § 3340.35, § 3340.35, § 3340.36, § 3340.41, § 3340.41.3, § 3340.41.5, § 3340.42, § 3340.42.1., § 3340.50, § 3340.50.1, § 3340.50.3, § 3340.50.4, § 3340.50.5.

(235) New and amended plans for the following agencies were submitted on May 17, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(*1*) Executive Order G–96–031, dated May 17, 1996, State commitment to participate in public consultative process, submit a revised attainment demonstration for the South Coast as appropriate by December 31, 1997, and submit control measures to achieve emission reductions determined to be appropriate, if any, by December 31, 1999.

(236) New and amended plans for the following agencies were submitted on June 13, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(*1*) Letter dated June 13, 1996, from James D. Boyd to David Howekamp, including ''Corrections to State and Local Measures'' (Attachment A) and ''Summary Emission Reduction Spreadsheets'' (Attachment C).

(237) New and amended plans for the following agencies were submitted on July 10, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) Revised rule adoption schedule, adopted on April 12, 1996.

(238) New and amended plans for the following agencies were submitted on July 12, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) Ventura County Air Pollution Control District.

(*1*) ''Revised Rule Adoption and Implementation Schedule'' (Table 4–2) and ''Architectural Coatings'' (Appendix E–95, Tables E–43 and E–45) contained in ''Ventura County 1995 Air Quality Management Plan Revision,'' adopted on December 19, 1995.

(B) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Post-1996 Rate-of-Progress plan, as contained in ''San Joaquin Valley Revised Post-1996 Rate-of-Progress Plans,'' adopted on September 20, 1995.

3. 40 CFR part 52 is amended by adding a new section 52.238 to read as follows:

§ 52.238 Commitment to undertake rulemaking.

(a) The Administrator shall undertake rulemaking, after the South Coast mobile source public consultative process, to promulgate any VOC and NO_X mobile source controls which are determined to be appropriate for EPA and needed for ozone attainment in the Los Angeles-South Coast Air Basin Area.

4. 40 CFR part 52 is amended by adding a new section 52.241 to read as follows:

§ 52.241 Interim approval of enhanced inspection and maintenance program.

(a) Under section 348(c) of the National Highway Systems Designation Act (Pub. L. 104–59), the California SIP is approved as meeting the provisions of section 182(c)(3) for applicable ozone areas and section 187(a)(6) for applicable carbon monoxide areas with respect to the requirements for enhanced motor vehicle inspection and maintenance. This approval expires on August 7, 1998, or earlier if by such earlier date the State has submitted as a SIP revision the required demonstration that the credits are appropriate and that the program is otherwise in compliance with the Clean Air Act and EPA takes final action approving that revision.

* * * * *

[FR Doc. 97–144 Filed 1–7–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[CA114–0025; FRL–5665–9]

Approval and Promulgation of Implementation Plans; California; Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the California State Implementation Plan (SIP) for ozone for Santa Barbara County. Specifically, EPA is approving the emissions inventory, control measures, and 15% rate-of-progress plan. The California Air Resources Board (CARB) submitted this SIP revision to EPA on November 14, 1994.

EPA is approving this revision to the California SIP under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals for nonattainment areas.

EFFECTIVE DATE: This approval is effective on February 7, 1997.

ADDRESSES: Materials relevant to this rulemaking are contained in Docket No.