make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347–3555 extension 4197. Reference file TN140–01–6910.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: March 4, 1996.

Phyllis P. Harris,

Acting Regional Administrator.

[FR Doc. 96–7912 Filed 4–1–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[PA028–5913b; FRL–5427–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania—Emission Statement Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision consists of an emission statement program for stationary sources that emit volatile organic compounds (VOCs) and/or nitrogen oxides (NO_x) at or above specified actual emission threshold levels within the County of Allegheny only. In the Final Rules section of this **Federal Register**, EPA is approving the Pennsylvania's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by May 2, 1996.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA office listed above; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; Allegheny County Health Department, Bureau of Air Pollution Control, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 597–3164, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title (Pennsylvania Emission Statement Program) which is located in the Rules and Regulations section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 2, 1996.

W.T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 96–7914 Filed 4–1–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 52 and 81

[MI43–01–7043; AMS-FRL–5451–3]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: State of Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve Michigan's request to redesignate the Grand Rapids (Kent and Ottawa Counties) moderate ozone nonattainment area to attainment for ozone. In addition, the EPA proposes to approve the associated section 175A maintenance plan as part of the Michigan State Implementation Plan (SIP) for attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for ozone.

DATES: Comments on this proposed action must be received in writing by May 2, 1996.

ADDRESSES: Written comments should be sent to Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of this SIP revision and EPA's analysis are available for inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Jacqueline Nwia, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6081. Anyone wishing to come to Region 5 offices should contact Jacqueline Nwia first.

SUPPLEMENTARY INFORMATION: Under the Clean Air Act, as amended in 1990 (Act), nonattainment areas can be redesignated to attainment if sufficient data are available to warrant such changes and the area satisfies other criteria contained in section 107(d)(3) of the Act. On March 9, 1995, Michigan submitted a redesignation request and section 175A maintenance plan for the Grand Rapids and Muskegon moderate ozone nonattainment areas. On May 1, 1995, Michigan submitted a supplement to the March 9, 1995, request which included documentation of public comment and hearing which was held on April 10, 1995. Further, on January 24, 1996, the State submitted a letter advising EPA of its intent to revise the section 175A maintenance plan for Grand Rapids to add control measures to the list of contingency measures in the contingency plan. Specifically, the State will include as contingency measures reasonably available control technology (RACT) for volatile organic compounds (VOC) sources in the wood furniture coating, plastic parts coating, and industrial clean-up solvents source categories. In the event one or more of these measures is selected to be implemented as contingency measures, the State will adopt rules and submit them as a revision to the SIP. The State must submit this maintenance plan SIP revision before the EPA could take final action to approve its redesignation request. If approved, the section 175A maintenance plan would become a federally enforceable part of the SIP for this area. On March 15, 1996, the State submitted a supplement to the redesignation request qualifying that the

process by which a transport effected violation will be determined will include a public participation process and consultation with the EPA.

A detailed analysis of the redesignation request and section 175A maintenance plan SIP submittal for Grand Rapids is contained in the EPA's Technical Support Document (TSD), dated March 20, 1996, from Jacqueline Nwia to the Docket, entitled "TSD for the Request to Redesignate the Grand Rapids, Michigan Moderate Nonattainment Area to Attainment for Ozone and the Proposed Revision to the Michigan Ozone SIP for a 175A Maintenance Plan," which is available from the Region 5 office listed above.

I. Background

The 1977 Clean Air Act required areas that were designated nonattainment, based on a failure to meet the ozone National Ambient Air Quality Standard (NAAQS), to develop SIPs with sufficient control measures to expeditiously attain and maintain the NAAQS. The Grand Rapids area was designated under section 107 of the 1977 Act as nonattainment with respect to the ozone NAAQS (43 FR 8962, March 3, 1978 and 43 FR 45993, October 5, 1978).

After enactment of the amended Act on November 15, 1990, the nonattainment designation of the Grand Rapids area continued by operation of law in accordance with section 107(d)(1)(C)(i) of the Act; furthermore, this area was classified by operation of law as moderate for ozone pursuant to section 181(a)(1) (56 FR 56694, November 6, 1991), codified at 40 CFR § 81.323.

The Grand Rapids area, more recently, has collected ambient monitoring data that show no violations of the ozone NAAQS during the period from 1992 through 1994. The area, therefore, became eligible for redesignation from nonattainment to attainment consistent with the Act. Quality assured data for 1995 shows that the area continues to monitor attainment. On March 9, 1995, Michigan requested redesignation of the area to attainment with respect to the ozone NAAQS and submitted a section 175A ozone maintenance SIP for the Grand Rapids area to ensure continued attainment of the ozone NAAQS. On April 10, 1995, Michigan held a public hearing on the maintenance plan component of the redesignation request. On May 1, 1995, Michigan submitted supplemental materials and technical materials to support the redesignation request, and evidence that the required opportunities for public comment were provided by the State on April 10, 1995. Public comments received during the State's public comment period and public hearing and the State's response to each are presented in Appendix B of Michigan's May 1, 1995, submittal. The EPA deemed the submittal complete on May 15, 1995. On January 24, 1996, the State submitted a letter advising EPA of its intent to revise the section 175A maintenance plan for Grand Rapids to incorporate 3 additional contingency measures. The State must submit this maintenance plan SIP revision before the EPA can take final action to approve its redesignation request. On March 15, 1996, the State submitted a supplement to the redesignation request qualifying that the process by which a transport effected violation will be determined will include a public participation process and consultation with the EPA. In order to accommodate these additional steps, the schedule for a final determination was extended from 30 days to 120 days.

II. Evaluation Criteria

The 1990 Amendments revised section 107(d)(3)(E) of the Act to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment. Specifically, section 107(d)(3)(E) provides for redesignation if: (i) The Administrator determines that the area has attained the NAAQS; (ii) The Administrator has fully approved the applicable implementation plan for the area under section 110(k); (iii) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (iv) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and (v) The State containing such area has met all requirements applicable to the area under section 110 and part D.

III. Review of State Submittal

The Michigan redesignation request for the Grand Rapids area will meet the five requirements of section 107(d)(3)(E), noted above, once the State submits the revision to the maintenance plan noted previously, as discussed in more detail below. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

1. The Area Must Have Attained the Ozone NAAQS

For ozone, an area is considered attaining the NAAQS if there are no violations, as determined in accordance with the regulation codified at 40 CFR § 50.9, based on three (3) consecutive calendar years of complete, quality assured monitoring data. A violation occurs when the ozone air quality monitoring data show greater than one (1) average expected exceedance per year at any site in the area at issue. An exceedance occurs when the maximum hourly ozone concentration exceeds 0.124 parts per million (ppm). The data should be collected and quality-assured in accordance with 40 CFR Part 58, and recorded in the Aerometric Information Retrieval System (AIRS) in order for it to be available to the public for review.

The redesignation request for the Grand Rapids area relies on ozone monitoring data for the years 1992 through 1994, to show that the area is meeting the NAAQS for ozone. The area must also demonstrate continued attainment until the area is redesignated to attainment, i.e. the area must also demonstrate attainment for the period 1993–1995.

Since the population of the urban area within the Grand Rapids nonattainment area is about 688,000, NAMS monitor specifications are applicable. NAMS requirements of 40 CFR Part 58, Appendix D specify that an area with a population of greater than 200,000 must have, at a minimum, two NAMS monitors, one urban and one neighborhood scale monitor. Since 1980, two NAMS monitors have operated in Kent County. These monitors, are cited according to EPA guidelines set forth in 40 CFR Part 58, Appendix D as follows; an urban scale monitor in Grattan township (26–081–2001), just northeast of the city of Grand Rapids urban area, measures the highest ozone concentrations resulting from ozone precursor emissions generated by the Grand Rapids urban area and a neighborhood scale monitor, just on the northeast limits of the city of Grand Rapids (26–081–0020), measures the population exposure to high ozone concentrations. Both monitors are situated in the direction of prevailing winds during the ozone season, i.e. southwest. The data from these monitors was the basis of the 1991 ozone nonattainment designation and moderate classification for Grand Rapids. Two exceedances of the ozone NAAQS have been monitored since 1992 in Kent County, both of these occurred at the Grand Rapids monitor (26–081–0020). At this site, the first

HeinOnline -- 61 Fed. Reg. 14523 1996

exceedance of 0.156 ppm occurred in 1993, and the second exceedance of 0.149 ppm occurred in 1994. Quality assured AIRS data was used to determine that the annual average expected exceedances for the years 1992, 1993, and 1994 for each monitor in Kent County is 0.7 and 0, both values less than 1.0. In addition, the area must demonstrate that it continues to attain the ozone NAAQS until the area is redesignated to attainment. Quality assured AIRS data for the period 1993–1995 demonstrates that the monitors in Kent County continue to attain the ozone NAAQS with an annual average expected exceedances for the years 1993, 1994, and 1995 for each monitor in Kent County is 1.0 and 0.3, both values less than or equal to 1.0.

In 1989, the State established an ozone monitor in Ottawa County, 26–139–0005 (Jenison), which operated through part of 1992. The Jenison site recorded two exceedances during each of the years 1989, 1990, and 1991. The monitor operated for 63 percent of the 1992 ozone season with no exceedances of the ozone NAAQS. Based on the Lake Michigan Ozone Study (LMOS) field study, which showed that higher ozone concentrations are recorded along the Lake Michigan shoreline, the State relocated the Jenison monitor to Holland, a lakeside urbanized area in Allegan County. However, the Allegan County monitor cannot be considered part of the Grand Rapids area since it is outside the two county area. In addition, two Special Purpose monitors, 26–139–0006 (Borculo) and 26–139–0007 (Holland) operated in Ottawa County during a portion of the 1991 ozone season as part of the LMOS field study. The Borculo and Holland monitors recorded 3 and 5 exceedances, respectively, during 1991. The State discontinued these monitors after the 1991 LMOS field study. At the encouragement of the EPA, the State reestablished a monitor in Ottawa County, i.e. the Jenison site, in 1994. NAMS monitoring specifications are not applicable in Ottawa County since it does not contain an urbanized area. The Jenison site will provide useful background ozone concentrations for the Grand Rapids urban area.

The EPA acknowledges that multiple exceedances of the ozone NAAQS were recorded at the various monitors in Ottawa county during 1989–1991. The redesignation, however, is based on the 3 year period 1992–1994. Consequently, monitoring data prior to 1992 would not be taken into account in the determination of attainment. The Jenison site has partial 1992 data, and complete data for 1994 and 1995. No exceedances of the ozone NAAQS were recorded at the Jenison monitor during its operation in 1992 or 1994 and one exceedance was recorded in 1995 at 0.133 ppm. The January 1979 document entitled *Guideline for the Interpretation of Ozone Air Quality Standards* (p. 13) suggests that evaluating ozone data requires the use of all ozone data collected at the site during the past 3 calendar years. If no data are available for a particular year then the remaining years are used. Consequently, since 1992 data for this monitor is incomplete and 1993 data is unavailable for this monitor, it would suffice to use ozone monitoring data for the remaining most recent calendar years, i.e. 1994–1995. Therefore, for the years 1994–1995, the Ottawa County monitor, Jenison, demonstrates attainment of the ozone NAAQS with an average number of expected exceedances of 0.5, a value less than 1.0. The EPA, therefore, believes that the more recent monitoring data for Ottawa county demonstrates that the area is attaining the ozone NAAQS.

In summary, the Grand Rapids area's 1991 nonattainment designation and moderate classification was based on the two monitors in Kent County which have complete quality assured data for the periods 1992–1994 and 1993–1995 demonstrating attainment of the NAAQS. Although multiple exceedances of the ozone NAAQS were recorded in Ottawa County in 1989–1991, more recent monitoring data demonstrates an improvement in air quality and even attainment of the ozone NAAQS.

Since the annual average number of expected exceedances for each monitor during the most recent three years is equal to or less than 1.0, at all monitors in the Grand Rapids area, the area has attained the NAAQS.

Because the Grand Rapids area has complete quality-assured data showing no violations of the standard over the most recent consecutive three calendar year period, the Grand Rapids area has met the first statutory criterion of attainment of the ozone NAAQS. The State has committed to continue monitoring in this area in accordance with 40 CFR part 58.

2. The Area Must Have a Fully Approved SIP Under Section 110(k); and the Area Must Have Met All Applicable Requirements Under Section 110 and Part D.

Before the Grand Rapids area may be redesignated to attainment for ozone, it must have fulfilled the applicable requirements of section 110 and part D. The memorandum from John Calcagni, September 4, 1992, *Procedures for Processing Requests to Redesignate Areas to Attainment* (September Calcagni) state that areas requesting redesignation to attainment had to fully adopt rules and programs that come due prior to the submittal of a complete redesignation request. If unimplemented, these rules/programs may be rolled over into the area's maintenance plan as contingency measures. As described below in the section of this notice addressing VOC RACT rules, however, the EPA is allowing an exception to this policy. While all requirements that come due prior to the submission of the redesignation request remain applicable requirements, the EPA believes it appropriate, in this instance, to allow an exception to policy to provide that the requirement for certain VOC RACT rules may be complied with simply through their incorporation among the contingency measures in the maintenance plan. For reasons described later in this action, these measures need not be fully adopted and approved prior to redesignation. Furthermore, requirements of the Act that come due subsequent to the area's submittal of a complete redesignation request would continue to be applicable to the area (*see* section 175A(c)) until a redesignation is approved, but not required as a prerequisite for redesignation. If the redesignation is disapproved, the State remains obligated to fulfill those requirements.

Section 110 Requirements

General SIP elements are delineated in section 110(a)(2) of Title I, part A. These requirements include but are not limited to the following: submittal of a SIP that has been adopted by the State after reasonable notice and public hearing, provisions for establishment and operation of appropriate apparatus, methods, systems and procedures necessary to monitor ambient air quality, implementation of a permit program, provisions for Part C (Prevention of Significant Deterioration (PSD)) and D (New Source Review (NSR)) permit programs, criteria for stationary source emission control measures, monitoring, and reporting, provisions for modeling, and provisions for public and local agency participation. For purposes of redesignation, the Michigan SIP was reviewed to ensure that all requirements under the amended Act were satisfied. On May 6, 1980 (45 FR 29801) and February 7, 1985 (50 FR 5250), the EPA fully approved Michigan's SIP as meeting the requirements of section 110(a)(2) and part D of the 1977 Act

with the exception that Michigan must meet the part D RACT requirements for the ozone SIP. See 40 CFR 52.1172. Michigan submitted, and the EPA approved into the SIP, all part D VOC RACT requirements for the ozone SIP.

Although section 110 of the Act was amended in 1990, the Grand Rapids area SIP meets the requirements of amended section 110(a)(2). A number of the requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIP met these requirements. As to those requirements that were amended (57 FR 27936 and 27939, June 23, 1992) many are duplicative of other requirements of the Act. The EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2).

Part D Requirements

Under part D, an area's nonattainment classification determines the requirements to which it is subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas. Subpart 2 of part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a). As described in the General Preamble for the Implementation of Title 1, specific requirements of subpart 2 may override subpart 1's general provisions (57 FR 13501, April 16, 1992). The Grand Rapids area was classified as moderate (56 FR 56694, November 6, 1991), codified at 40 CFR 81.323. Therefore, in order to be redesignated, the State must meet the applicable requirements of subpart 1 of part D—specifically sections 172(c) and 176, as well as the applicable requirements of subpart 2 of part D that apply to moderate areas such as Grand Rapids.

(a) Section 172(c) Requirements

Section 172(c) sets forth general requirements applicable to all nonattainment areas. Under section 172(b), the section 172(c) requirements are applicable as determined by the Administrator, but must be met no later than 3 years after an area has been designated as nonattainment under the amended Act. Furthermore, as noted above, some of these section 172(c) requirements are superseded by more specific requirements in subpart 2 of part D. In the case of the Grand Rapids area, the State has satisfied all of the section 172(c) requirements necessary for these areas to be redesignated.

For moderate ozone nonattainment areas, the section 172(c)(1) Reasonably Available Control Measures requirement was superseded by section 182(a)(2) RACT requirements. Section 182(a)(2) requires moderate ozone nonattainment areas that were previously designated nonattainment to submit RACT corrections. *See* General Preamble for the Implementation of Title I, 57 FR at 13503. The VOC RACT fix-up SIP was fully approved on September 7, 1994 (59 FR 46182).

Since the Grand Rapids area has attained the ozone NAAQS, the Reasonable Further Progress (RFP) requirement is no longer relevant. A May 10, 1995 memorandum from John Seitz to Regional Division Directors entitled *Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the National Ambient Air Quality Standard* indicates that the RFP, attainment demonstration and 179(c)(9) contingency measure SIPs would not be required for approval of a redesignation request for those areas which the EPA determines have attained the ozone NAAQS. The EPA made such determinations for the Grand Rapids area on July 20, 1995 (60 FR 37366) which also halted the sanctions clocks started January 21, 1994, for the 15 percent plans (RFP) and 179(c)(9) contingency measures. Also, see General Preamble for Implementation of Title I, 57 FR at 13564.

The section 172(c)(3) emission inventory requirement has been met by the State's submission and EPA's approval on July 26, 1994, of the 1990 base year emission inventory required by section 182(a)(1). See 59 FR 37944.

As for the section 172(c)(5) NSR requirement, the EPA has determined that areas being redesignated need not comply with the NSR requirement prior to redesignation provided that the area demonstrates maintenance of the NAAQS without part D NSR in effect. A memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled *Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment,* fully describes the rationale for this view, and is based on the Agency's authority to establish de minimis exceptions to statutory requirements. *See Alabama Power Co.* v. *Costle,* 636 F. 2d 323, 360–61 (D.C. Cir. 1979). As discussed below, the State of Michigan has demonstrated that the Grand Rapids area will be able to maintain the NAAQS without part D NSR in effect and, therefore, the State need not have a fully-approved part D NSR program prior to approval of the redesignation request for Grand Rapids. Once the area is redesignated to attainment, the PSD program, which has been delegated to Michigan, will become effective immediately. The PSD program was delegated to Michigan on September 10, 1979, and amended on November 7, 1983, and September 26, 1988.

The section 172(c)(9) contingency measures requirements also are no longer relevant since the Grand Rapids area has attained the ozone NAAQS and is no longer subject to RFP requirements. These contingency measures are intended to be applied only if the area fails to meet an RFP milestone or fails to attain the ozone NAAQS; the Grand Rapids area no longer has RFP milestones and has already attained the NAAQS. A May 10, 1995, memorandum from John Seitz to Regional Division Directors entitled *Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the National Ambient Air Quality Standard* indicates that the RFP, attainment demonstration and 179(c)(9) contingency measure SIPs would not be required for approval of a redesignation request for those areas which the EPA determines have attained the ozone NAAQS. The EPA made such determinations for the Grand Rapids area on July 20, 1995, (60 FR 37366) which also halted the sanctions clocks started January 21, 1994, for the 15 percent plans (RFP) and 179(c)(9) contingency measures. Section 175A contingency measures, however, still apply.

Finally, for purposes of redesignation, the Michigan SIP was reviewed to ensure that all requirements of section 110(a)(2), containing general SIP elements, were satisfied. As noted above, the EPA believes the SIP satisfies all of those requirements.

(b) Section 176 Conformity Requirements

Section 176(c) of the Act requires States to revise their SIPs to establish criteria and procedures to ensure that Federal actions, before they are taken, conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as to all other Federal actions ("general conformity"). Section 176 further provides that the conformity revisions to be submitted by the States must be consistent with Federal conformity regulations that the Act required the EPA to promulgate. Congress provided

HeinOnline -- 61 Fed. Reg. 14525 1996

for the State revisions to be submitted one year after the date of promulgation of final EPA conformity regulations.

The EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188), and general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under section 175A of the Act. Pursuant to 40 CFR 51.396 of the transportation conformity rule and 40 CFR section 51.851 of the general conformity rule, the State of Michigan is required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994, and November 30, 1994, respectively. Michigan submitted transportation and general conformity SIP revisions on November 24, 1994 and November 29, 1994, respectively. The EPA has not yet approved these rules as part of the SIP.

Although this redesignation request was submitted to EPA after the due dates for the SIP revisions for transportation conformity and general conformity rules, the EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continue to apply to areas after redesignation to attainment, since such areas would be subject to a section 175A maintenance plan. Therefore, the State remains obligated to adopt the transportation and general conformity rules even after redesignation and would risk sanctions for failure to do so. While redesignation of an area to attainment enables the area to avoid further compliance with most requirements of section 110 and part D, since those requirements are linked to the nonattainment status of an area, the conformity requirements apply to both nonattainment and maintenance areas. Second, EPA's federal conformity rules require the performance of conformity analyses in the absence of state-adopted rules. Therefore, a delay in adopting State rules does not relieve an area from the obligation to implement conformity requirements.

Because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet adopted, the EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request.

For the reasons just discussed, the EPA believes that the ozone redesignation request for the Grand Rapids area may be approved notwithstanding the lack of fully approved State transportation and general conformity rules. This policy was also exercised in the Tampa, Florida ozone redesignation finalized on December 7, 1995 (60 FR 62748).

(c) Subpart 2 Requirements

Grand Rapids is a moderate ozone nonattainment area and is subject to the section 182(a), 182(b) and 182(f) requirements. Under subpart 2, Grand Rapids is required to have met the requirements of section 182(a)(1), (2), and (3), section 182(b)(1), (2), (3), and (4), and section 182(f). The following discussion describes each of these requirements.

The emission inventory required by section 182(a)(1) was approved on July 26, 1994 (59 FR 37944). The RACT corrections required by section 182(a)(2)(A) were approved on September 7, 1994, and the section 182(a)(2)(B) motor vehicle inspection and maintenance (I/M) requirement is superseded by the section 182(b)(4) requirement discussed below. The emission statement SIP required by section 182(a)(3)(B) was approved on March 8, 1994 (59 FR 10752).

The RFP and attainment demonstration requirements of section 182(b)(1) are no longer applicable, as noted previously, since the area has attained the ozone NAAQS.[1]

Section 182(b)(2)(A) of the Act requires States to develop RACT rules for sources "covered by a CTG document issued by the Administrator between November 15, 1990, and the date of attainment" for moderate and above ozone nonattainment areas. With Appendix E of the General Preamble, EPA published a CTG document setting a timetable for the adoption, submittal, and implementation of certain newly-listed CTG source categories. (57 FR 13513, April 16, 1992; 57 FR 18077, April 28, 1992.) Appendix E provided that if EPA did not issue CTGs for those source categories by November 15, 1993, States were to submit RACT rules for those source categories by November 15, 1994, which were to be implemented by November 15, 1995.

The Grand Rapids area contains sources in three (Plastic Parts Coating, Wood Furniture Coating and Industrial Clean-up Solvents) of the source categories subject to the deadlines established in Appendix E. As EPA did not issue CTGs covering those source categories, the due date for the submission of RACT rules for those source categories was November 15, 1994, a date preceding the submission of the redesignation request for Grand Rapids.

Under EPA's policy regarding redesignations, since the due date for the CTG RACT rules at issue preceded the submission of the redesignation request, EPA would require full adoption, submission and approval of these rules prior to approval of the redesignation request. EPA believes, however, that, in the context of the particular circumstances of this redesignation, that it is permissible to depart from that policy and instead accept a commitment to implement these RACT rules as contingency measures in the maintenance plan rather than require full adoption and approval of the rules prior to approval of the redesignation. The State of Michigan has submitted a letter to EPA indicating its intent to revise the Grand Rapids maintenance plan so as to include a commitment to adopt and implement these RACT rules as contingency measures and, provided that the State completes its proposed revision to the maintenance plan, EPA may take final action to approve the Grand Rapids redesignation. The reasons justifying this exception to EPA's general policy are explained below.

EPA believes that several factors in combination justify this approach with respect to the Grand Rapids redesignation. First, the RACT rules at issue in this redesignation proceeding came due after the end of the ozone season in which Grand Rapids attained the standard and were not needed to bring about attainment of the standard in Grand Rapids. Second, the State has demonstrated continued maintenance of the ozone standard through 2007 without the implementation of these measures. Third, the State has placed other contingency measures in the

[1] A May 10, 1995 memorandum from John Seitz to Regional Division Directors entitled *Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the National Ambient Air Quality Standard* indicates that the RFP, attainment demonstration and 179(c)(9) contingency measure SIPs would not be required for approval of a redesignation request for those areas which the USEPA determines have attained the ozone NAAQS. The USEPA made such determinations for the Grand Rapids area on July 20, 1995 (60 FR 37366) which also concluded the sanctions process started January 21, 1994 for the 15 percent plans (RFP) and 179(c)(9) contingency measures.

HeinOnline -- 61 Fed. Reg. 14526 1996

maintenance plan that would bring about far greater emission reductions than the RACT rules and would therefore be substantially more effective in terms of correcting violations attributable to local emissions from the Grand Rapids area that may occur after redesignation. As presented in more detail in the EPA's March 20, 1996 TSD, an analysis of emission reduction estimates, at various time intervals, shows that the implementation of enhanced I/M, Stage II or low Reid Vapor Pressure (RVP) (to 7.8 psi) programs would bring about greater reductions than VOC RACT rules for wood furniture coating, plastic parts coating and industrial clean-up solvents in aggregate, and substantially greater reductions than any of these RACT rules individually. As a consequence, EPA believes that the other, more effective contingency measures, should and would be implemented first even if the RACT rules were to be fully adopted prior to redesignation.

EPA emphasizes that even under the exception to its policy proposed herein, the requirement for these RACT rules remains an applicable requirement for purposes of evaluating the redesignation request since it predated the submission of the request. The requirement, however, would be met in the form of the submission and full approval of a commitment to adopt and implement these rules as contingency measures in the maintenance plan. (Under EPA's existing policy, contingency measures in maintenance plans may consist of commitments to adopt and implement measures upon a violation of the standard. See September Calcagni Memorandum.)

EPA further notes that even without this exception to its general policy, the State would have been able to have the RACT rules become a part of the contingency measures in the maintenance plan upon approval of the redesignation. That could have occurred only after or upon EPA's full approval of the adopted RACT rules, however. Thus, the only difference between EPA's general policy and the exception to that policy described in this proposal is that a commitment to adopt and implement the RACT rules in an expeditious manner, rather than fully-adopted RACT rules, would be among the contingency measures in the maintenance plan. In light of the combination of factors discussed above, including in particular the presence of other, significantly more effective, contingency measures in the maintenance plan, EPA believes that this difference has no significant environmental consequence and that it is permissible to approve the Grand Rapids redesignation on this basis.

The VOC RACT requirements of section 182(b)(2)(B) and (C) were approved on September 7, 1994 (59 FR 46182) and October 23, 1995 (60 FR 54308)[2]. The section 182(b)(3) Stage II gasoline vapor recovery was also an applicable requirement. However, the "onboard rule"[3] was published on April 6, 1994, and section 202(a)(6) of the Act provides that once onboard rules are promulgated, Stage II gasoline vapor recovery will no longer be a requirement. The motor vehicle I/M requirement to satisfy section 182(b)(4) for the Grand Rapids area was approved on October 11, 1994 (59 FR 51379). The State need not comply with the requirements of section 182(a) and 182(b) concerning revisions to the part D NSR program in order for the Grand Rapids area to be redesignated for the reasons explained above in connection with the discussion of the section 172(c)(5) NSR requirement. With respect to the section 182(f) oxides of nitrogen (NO_x) requirements, on July 13, 1994, Michigan submitted, along with Illinois, Indiana and Wisconsin, a section 182(f) NO_X petition to be relieved of the section 182(f) NO_X requirements based on urban airshed modeling (UAM). The modeling demonstrates that NO_X emission reductions would not contribute to attainment of the NAAQS for ozone in the modeled area, which includes Grand Rapids. Refer to section 182(f)(1)(A) of the Act. The EPA approved the section 182(f) petition on January 26, 1996 (61 FR 2428) in a final rulemaking action.

Michigan has presented an adequate demonstration that the State has met all the requirements applicable to the area under section 110 and part D. The final approval of this redesignation request is contingent on the State's submittal of a revision to the SIP incorporating into the maintenance plan, a commitment to adopt and implement the relevant section 182(b)(2)(A) VOC RACT rules as contingency measures.

3. The Improvement in Air Quality Must Be Due to Permanent and Enforceable Reductions in Emissions Resulting From the SIP, Federal Measures and Other Permanent and Enforceable Reductions

Michigan maintains that the Grand Rapids area is the recipient of overwhelming amounts of ozone transported from the upwind Gary-Chicago-Milwaukee severe nonattainment areas as demonstrated by their November 14, 1994 petition.[4] The overwhelming transport demonstration includes UAM which shows that there is minimal to no change in ozone concentrations in the two Western Michigan areas even when the Grand Rapids and Muskegon VOC and NO_X emissions are entirely eliminated. The State, therefore, concluded that emission reductions within the Grand Rapids and Muskegon areas would have little or no impact on ozone concentrations within these two areas. The State maintains that the improvement in air quality in Grand Rapids is largely due to emission reductions achieved throughout the Lake Michigan region.

Nonetheless, the redesignation request demonstrates that permanent and enforceable emission reductions have occurred in the Grand Rapids area as a result of the Federal Motor Vehicle Emission Control Program (FMVCP). The submittal provides a general discussion of the development of the emission inventories for ozone precursors, VOC and NO_X, from 1991–1996 which were prepared by the Lake Michigan Air Directors Consortium (LADCO) for use in the Lake Michigan Ozone Study (LMOS). Although 1991 was not one of the years used to designate and classify the area, it was a nonattainment year. The VOC and NO_X emission inventories for the years 1991 and 1996 submitted by the State show a declining trend in emissions. Based on this declining trend, it may be deduced that the VOC and NO_X emissions from 1991 were at least equal to or lower than those of the design value year. This would demonstrate that the test of permanent and enforceable emission reductions from 1991 is at least equal to or more stringent than that from the design value year to an attainment year. With this, the EPA believes that the use of a 1987–1989 emission inventory for Grand Rapids would not have affected the conclusion that reductions in emissions from permanent and

[2] The USEPA also notes that the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation and Reactor CTG was issued on November 15, 1993, prior to the submission of the Grad Rapids redesignation request. That CTG, however, established a due date for State submittal of the SOCMI Distillation and Reactor rules of March 23, 1995 (See March 23, 1994, 59 FR 13717), a date after submission of a request to redesignate Grand Rapids to attainment. Thus, those rules are not applicable requirements for purposes of this redesignation.

[3] The rule which was published by the USEPA on April 6, 1994 requires a vehicle based (onboard) system for the control of vehicle refueling emissions.

[4] Consistent with USEPA's September 1, 1994, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, entitled Ozone Attainment Dates for Areas Affected by Overwhelming Transport.

HeinOnline -- 61 Fed. Reg. 14527 1996

enforceable programs have contributed to improvements in air quality in the area and proposes to accept 1991 as the nonattainment year for purposes of demonstrating permanent and enforceable emission reductions.

A 1996 emission inventory is provided as the attainment year emission inventory. The State maintains that the differential between the 1996 and 1994 emissions inventories for the purpose of demonstrating permanent and enforceable emission reductions is inconsequential. Michigan states that the 1996 emission inventory will further hold the State to a more stringent inventory for general and transportation conformity purposes. Although this may be true, future year emission reductions from FMVCP, and Title IV Phase I NO_x controls which were not implemented during the years used to demonstrate attainment of the ozone NAAQS, i.e. 1992–1994, cannot be included as permanent and enforceable emission reductions since those reductions have not yet occurred. Consequently, the EPA prepared 1994 emission inventories for the Grand Rapids area based on the emission inventories and documentation submitted by the State with the redesignation request.

Based on EPA's analysis, VOC emissions were reduced by 0.6 tons (0.4 percent) and NO_x emissions were reduced by 2.4 tons (1.1 percent) per day in Grand Rapids between 1991 and 1994. The emission reductions are due to FMVCP.

4. The Area Must Have a Fully Approved Maintenance Plan Meeting the Requirements of Section 175A

Section 175A of the Act sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan is a SIP revision which provides for maintenance of the relevant NAAQS in the area for at least 10 years after redesignation to attainment. The September Calcagni memorandum regarding redesignation provides further guidance on the required content of a maintenance plan.

An ozone maintenance plan should address the following five elements: the attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment and a contingency plan. The attainment emissions inventory identifies the emissions level in the area which is sufficient to attain the ozone NAAQS, and includes emissions during the time period which had no monitored violations. Maintenance is demonstrated by showing that future emissions will not exceed the level established by the attainment inventory. Provisions for continued operation of an appropriate air quality monitoring network are to be included in the maintenance plan. The State must show how it will track and verify the progress of the maintenance plan. Finally, the maintenance plan must include contingency measures which ensure prompt correction of any violation of the ozone NAAQS. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates attainment for the 10 years following the initial 10-year period. See section 175A(b) of the Act.

The State has submitted an attainment emission inventory for 1996 that identifies 160 tons of VOC and 203 tons of NO_x per day as the level of emissions in the area sufficient to attain the ozone NAAQS in the Grand Rapids area. The 1996 attainment inventory was based on an inventory of VOC and NO_x emissions from area, stationary, and mobile sources for 1991. The September Calcagni memorandum states that generally the attainment inventory would be the inventory at the time the area attained the NAAQS and should include the emissions during the time period associated with the monitoring data showing attainment. Under a strict interpretation of this policy, the 1996 emission inventory presented by the State would not qualify as an attainment year inventory. A comparison of the 1994 (an attainment year) emission inventory prepared by the EPA and the 1996 emission inventory submitted by the State and found the emission differential to be 0.25 percent for VOC and 6.21 percent for NO_x for Grand Rapids. Considering the small differential and the fact that the 1996 emission inventory would hold the Grand Rapids area to a more stringent attainment emission inventory due to the declining trend and additional VOC and NO_x emission reductions accounted for in the 1996 emission inventory, the EPA proposes to accept the 1996 emission inventory as the attainment year inventory.

The 1991 emission inventory developed by LADCO for the LMOS modeling effort also served as the basis for calculations to demonstrate maintenance by projecting emissions forward to the years 1996 and 2007. The 1991 nonattainment year emission inventory represents hot summer weekday actual emissions for the Grand Rapids area. Point and area projections are based on growth factors extracted from the EPA's Economic Growth Analysis System and supplemental information used in the development of emission projections. Point source growth factors for utilities were based on source specific data provided by the utility companies. Area source growth factors were supplemented with population and gasoline sales/marketing data. The stationary source emission estimates (point and area) were developed using the geocoded emissions modeling and projections system (GEMAP). GEMAP employs projection methodologies equivalent to those in the EPA's Emissions Projections System. In developing the mobile source emission estimates, the MOBILE5a model was used with day specific temperatures (for June 26, 1991). The input parameters for the MOBILE5a model are provided in Appendix D of the submittal. The gasoline RVP used for all inventories was 9.0 pounds per square inch (psi). The methodologies employed in developing the on-highway mobile source emissions included the Federal Highway Administration highway performance monitoring system (HPMS) traffic count for 1991 vehicle miles traveled (VMT), supplemental traffic count data obtained from the Michigan Department of Transportation, projection of VMT to projection years using a transportation model calibrated with HPMS VMT data, MOBILE5a emission factors and estimating emissions with modeled VMT and MOBILE5a.

The EPA's TSD prepared for the redesignation request contains additional details regarding the emission inventories for the Grand Rapids area for all the analyses described within this notice. It should be noted that use of the emission inventories prepared by LADCO within this redesignation request and SIP revision does not constitute approval of the emission inventories or methodologies for all the States participating in the Lake Michigan Ozone Study, particularly for purposes of UAM modeling.

In order to demonstrate continued attainment, the State projected anthropogenic 1991 emissions of VOC and NO_x to the years 1996 and 2007. These emission estimates are presented in the tables below and demonstrate that the VOC and NO_x emissions will decrease in future years. The results of this analysis show that the area is expected to maintain the air quality standard for at least ten years into the future. In fact, the emissions projections through the year 2007 show that emissions will be reduced from 1996 levels by 10 tons of VOC and 6 tons of NO_x per day by 2007 in the Grand Rapids area. These emission reductions would be the result of the implementation of FMVCP, on-board

HeinOnline -- 61 Fed. Reg. 14528 1996

vapor recovery, Title IV NO_x controls, and other Federal rules expected to be promulgated for nonroad engines, autobody refinishing, commercial/consumer solvents, and architectural and industrial maintenance coatings.

TABLE 1. GRAND RAPIDS: VOC MAINTENANCE EMISSION INVENTORY SUMMARY

[Tons per day]

	1991	1996	2001 [1]	2007
Point	39	41	44	48
Area	58	62	57	51
Mobile	64	57	54	51
Total	161	160	155	150

[1] These estimates were developed by the USEPA based on a linear interpolation between 1996 and 2007.

TABLE 2. Grand Rapids: NO_x Maintenance Emission Inventory Summary

[Tons per day]

	1991	1996	2001[1]	2007
Point	126	115	117	120
Area	31	32	29	26
Mobile	61	56	54	51
Total	218	203	200	197

[1] These estimates were developed by the USEPA based on a linear interpolation between 1996 and 2007.

The emission projections show that the emissions are not expected to exceed the level of the base year 1996 inventory during the 10-year maintenance period.

To demonstrate maintenance out to the year 2007 following redesignation, the State did not rely on a certain SIP-approved measure. The State now requests that this measure (discussed below) be moved from the applicable SIP into the maintenance plan as a contingency measure.

The State has demonstrated maintenance without an I/M program. This required SIP submittal is fully adopted and fully approved into the SIP. However, since the State has demonstrated attainment and maintenance without this program, this measure can be incorporated into the area's maintenance plan as a contingency measure. See September 17, 1993, memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation, entitled *SIP Requirements for Areas Submitting Request for Redesignation to Attainment of the Ozone and Carbon Monoxide NAAQS on or after November 15, 1992.* Since the Grand Rapids area has demonstrated that it can maintain the standard without implementation of this program, EPA proposes that the maintenance plan be approved with this element as a contingency measure.

Continued attainment of the ozone NAAQS in the Grand Rapids area depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The tracking plan for the Grand Rapids area consists of continued ambient ozone monitoring. To demonstrate ongoing compliance with the NAAQS, Michigan will continue to monitor ozone levels throughout the Grand Rapids area in accordance with the requirements of 40 CFR part 58 as necessary to demonstrate ongoing compliance with the NAAQS.

Michigan contends that the high concentrations of ozone monitored and modeled in the Grand Rapids area are due to transport from upwind areas such as Chicago and Milwaukee. The State also submits that preliminary modeling to date indicates that total elimination of anthropogenic VOC and NO_X emission sources in Grand Rapids would not significantly affect ozone concentrations in the area. The State concludes that continued maintenance of the ozone NAAQS is dependent on continued emission reductions from upwind areas. Consequently, the State identifies an actual monitored ozone violation of the NAAQS, as defined in 40 CFR § 50.9, determined not to be attributable to transport from upwind areas, as the triggering event that will cause implementation of a contingency measure. The State's March 15, 1996, supplement to the redesignation request qualifies, that as such, if a violation is monitored, the State will inform EPA that a violation has occurred, review data for quality assurance, and conduct a technical analysis including an analysis of meteorological conditions leading up to and during the exceedances contributing to the violation to determine local culpability. The State will submit a preliminary analysis to the EPA and afford the public the opportunity for review and comment. The State will also solicit and consider EPA's technical advice and analysis before making a final determination on the cause of the violation. The trigger date will be the date that the State certifies to the EPA that the air quality data are quality assured, and that the exceedances contributing to the violation are determined not to be attributable to transport from upwind areas which will be no later than 120 days after the violation is monitored.

In the event, the EPA disagrees with the State's final determination and believes that the violation was not attributable to transport, but to the area's own emissions, authority exists under section 179(a) and 110(k), to require the area to implement contingency measures, and section 107, to redesignate the area to nonattainment. In addition, the redesignation of the Grand Rapids area to attainment, in no way removes the State's obligation to get further reductions in emissions to address the broader transport phenomenon, which is being investigated as part of the Ozone Transport Assessment Group (OTAG) process.

The level of VOC and NO_X emissions in the Grand Rapids area and region wide will largely determine its ability to stay in compliance with the ozone NAAQS in the future. Despite the best efforts to demonstrate continued

HeinOnline -- 61 Fed. Reg. 14529 1996

compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Therefore, as required by section 175A of the Act, Michigan has provided contingency measures with a schedule for implementation in the event of a future ozone air quality problem. Once the triggering event, a violation of the ozone NAAQS determined not to be attributable to transport from upwind areas, is confirmed, the State will implement one or more appropriate contingency measure. The contingency measure will be selected by the Governor or the Governor's designee within 6 months of a triggering event, a monitored violation determined not to be attributable to transport. Contingency measures contained in the plan include a motor vehicle I/M program, gasoline RVP reduction to 7.8 pounds per square inch (psi), and Stage II gasoline vapor recovery. Legislative authority for implementation of these measures as contingency measures in maintenance areas has been provided by the State. In addition, the State intends to add three additional measures as contingency measures, namely, a commitment to adopt and implement VOC non-CTG RACT rules for plastic parts coating, wood furniture coating and clean-up solvents, should they be necessary to address a violation of the ozone NAAQS. The State is in the process of revising the maintenance plan SIP revision which must be submitted to the EPA before the EPA can take final action to redesignate the area to attainment. The following schedule is provided by the State for implementation of I/M, 7.8 psi RVP, and Stage II as contingency measures:

TABLE 3.—SCHEDULE FOR CONTINGENCY MEASURE IMPLEMENTATION

Measure	Date
Stage II	6 months from decision to employ Stage II or 12 months from triggering event at gasoline dispensing facilities of any size constructed after November 15, 1990. 12 months from decision to employ Stage II or 18 months from triggering event at existing gasoline dispensing facilities dispensing 100,000 gallons of gasoline per month. 24 months from decision to employ Stage II or 30 months from triggering event at existing gasoline dispensing facilities dispensing less than 100,000 gallons of gasoline a month.
Vehicle emissions testing will commence.	24 months from decision to employ I/M or 30 months from triggering event.
Implement 7.8 RVP gasoline during summer ozone season.	No later than 12 months after decision to employ 7.8 RVP or no later than 18 months from triggering event.

The EPA finds that the contingency measures provided for in the State submittals, including the commitment to adopt and implement VOC non-CTG RACT rules for plastic parts coating, wood furniture coating and clean-up solvents, meet the requirements of section 175A(d) of the Act since they would promptly correct any violation of the ozone NAAQS attributable to the area's own emissions.

In accordance with section 175A(b) of the Act, the State has committed to submit a revised maintenance SIP 8 years after the area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional 10 years.

Urban Airshed Modeling

The EPA acknowledges that the Lake Michigan States of Michigan, Wisconsin, Illinois and Indiana are conducting UAM which is being coordinated by LADCO. The modeling will be used for purposes of demonstrating attainment throughout the Lake Michigan region. Preliminary modeling results indicate that the Grand Rapids area is the recipient of transported ozone and that the area may contribute to ozone concentrations in downwind areas. The modeling, however, is not complete and is being further refined. The EPA recognizes the importance of the modeling effort and subsequent results. The EPA would like to note that the Lake Michigan States are participating in the OTAG process (Phase I/Phase II analysis) as provided for within the March 2, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, entitled *Ozone Attainment Demonstrations.* Phase II of the analysis will assess the need for regional control strategies and refine the local control strategies. Phase II will also provide the States and EPA the opportunity to determine appropriate regional strategies to resolve transport issues including any impacts the Grand Rapids area may have on ozone concentrations in its downwind areas. The EPA has the authority under sections 126 and/or 110 of the Act to ensure that the required and necessary reductions are achieved in the Grand Rapids area should subsequent modeling become available such as the modeling that will be available through completion of the Phase II analysis, or any other subsequent modeling data.

IV. Proposed Action

The EPA proposes to approve the Grand Rapids redesignation request and ozone maintenance plan as a SIP revision meeting the requirements of section 175A once the States submits a revision to the maintenance plan for Grand Rapids to incorporate the three additional contingency measures, pursuant to the State's January 24, 1996, letter. In addition, the EPA is proposing approval of the redesignation request for the Grand Rapids areas, subject to final approval of the maintenance plan, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation pending full approval of the maintenance plan SIP revision previously noted.

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.

Ozone SIPs are designed to satisfy the requirements of part D of the Act and to provide for attainment and maintenance of the ozone NAAQS. This proposed redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO_X emission limitations and restrictions contained in the approved ozone SIP. Changes to ozone SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of nonimplementation [section 173(b) of the Act] and in a SIP

HeinOnline -- 61 Fed. Reg. 14530 1996

deficiency call made pursuant to section 110(a)(2)(H) of the Act.

This action has been classified as a Table 3 Action 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.

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

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than $100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments.

The SIP approvals under section 110 and subchapter I, part D of the 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, I certify that 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 SIP's 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. section 7410(a)(2).

Redesignation of an area to attainment under Section 107(d)(3)(E) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Motor vehicle pollution, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 22, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–8004 Filed 4–1–96; 8:45 am]

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40 CFR Part 59

[AD–FRL–5451–7]

RIN 2060–AF62

National Volatile Organic Compound Emission Standards for Consumer Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards would reduce emissions of volatile organic compounds (VOC) from certain categories of consumer products. The proposed standards implement Section 183(e) of the Clean Air Act (CAA) and are based on the Administrator's determination that VOC emissions from the use of consumer products can cause or contribute to ozone levels that violate the national ambient air quality standards (NAAQS) for ozone. Ozone is a major component of smog which causes negative health and environmental impacts when present in high concentrations at ground level. These proposed standards would reduce VOC emissions by 90,000 tons per year, by requiring manufacturers, importers, and distributors to limit the VOC content of consumer products. The proposed requirements were developed in consultation with major stakeholders and are largely consistent with a proposal by representatives of the affected industry and are similar to existing standards in certain States. To date, many companies have taken steps to reformulate their products to emit less VOCs.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed standards for consumer products.

DATES: *Comments.* Comments must be received on or before June 3, 1996.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than May 2, 1996. If a hearing is held, it will take place on May 17, 1996, beginning at 10:00 a.m.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention: Docket No. A–95–40, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

The docket is located at the above address in Room M1500, Waterside Mall (ground floor), and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday; telephone number (202) 260–7548, FAX (202) 260–4400. A reasonable fee may be charged for copying docket materials.

Public Hearing. If anyone contacts the EPA requesting a public hearing by the required date (see **DATES**), the hearing will be held at the EPA Office of Administration Auditorium in Research Triangle Park, North Carolina 27711. Persons interested in presenting

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