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MEMORANDUM

July 21, 2003

TO: Mike Brady
CC: David Ipps
FROM: Doug Eisinger, Deb Niemeier

SUBJECT: Review of EPA Draft Rule to Implement 8-hr Ozone Standard

In the attached white paper, we have reviewed key policy issues related to implementation of the 8-hr ozone standard. We drafted the white paper with two goals in mind. First, we wanted to help Caltrans identify and understand selected portions of the proposed rule particularly important to California transportation planning agencies. Second, we wanted to highlight those issues that potentially merit Caltrans comment. EPA has asked for public comments by August 1, 2003. Please let us know if you have any questions or wish to discuss any of the points raised.

Attachment

**AN ASSESSMENT OF FEDERAL 8-hr OZONE REQUIREMENTS AND
IMPLICATIONS FOR CALTRANS**

UC Davis-Caltrans Air Quality Project
<http://aqp.engr.ucdavis.edu/>

Task Order No. 9

Working White Paper
July 21, 2003

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Prepared in response to

Caltrans request to evaluate the proposed 8-hr ozone implementation policy, and identify potentially important issues for the transportation planning community.

¹ Assistance was also provided the UCD-Caltrans student researchers.

Introduction

This white paper provides information to help the California Department of Transportation (Caltrans) and Metropolitan Planning Organizations (MPOs) better understand key features of the U.S. Environmental Protection Agency's (EPA's) proposal to implement the 8-hr ozone (O₃) national ambient air quality standard (NAAQS). EPA published its proposed 8-hr O₃ implementation rule on June 2, 2003 (EPA, 2003).

The proposal marks a turning point in national policy to control O₃ pollution, and includes many provisions with ramifications for the transportation planning community. For example, for all areas designated attainment for the 8-hr O₃ NAAQS, the requirement to demonstrate conformity to the 1-hr standard would no longer apply once the 1-hr standard is revoked or determined not to apply for conformity purposes (EPA, 2003; p. 32823c; 32842a).

Historically, states have been working to reduce 1-hr O₃ concentrations for nearly 25 years. In 1979, the U.S. Environmental Protection Agency (EPA) promulgated the 0.12 ppm, 1-hr O₃ NAAQS. In July 1997, EPA promulgated a revised standard of 0.08 ppm, measured over an 8-hr period. In general, the 8-hr standard is more protective of public health and more stringent than the 1-hr standard, and there are more areas that do not meet the 8-hr standard than there are areas that do not meet the 1-hr standard.

As part of its June 2003 draft rule, EPA proposed two discrete frameworks to implement the 8-hr ozone NAAQS. The agency is currently (July 2003) seeking comment on which framework should be implemented. Once the rule is final, states will know which requirements apply for purposes of developing State Implementation Plans (SIPs) under the Clean Air Act (CAA). The final rule will clarify and establish planning obligations such that States may begin SIP development upon designation and classification of nonattainment areas. EPA is under a court-mandated obligation to designate 8-hr nonattainment areas by April 15, 2004.

This white paper is structured around six implementation issues of importance to the transportation planning community. These issues include:

1. How EPA's proposed implementation options affect attainment deadlines for new California nonattainment areas (i.e., the Mountain Counties).
2. How the transition between 1-hr and 8-hr O₃ nonattainment affects attainment deadlines in existing nonattainment areas.
3. How the transition between 1-hr and 8-hr nonattainment affects conformity demonstration deadlines.
4. How 8-hr O₃ attainment deadlines are affected by pollution transport.
5. Which EPA implementation options are the most preferable from the perspective of the transportation planning community.

6. Whether there are proposed requirements that compel more frequent updates to SIPs.

In addition, the white paper identifies portions of the proposed implementation policy for which the transportation planning community might consider offering public comment to EPA.

Implementation Issues

We have structured this section around a series of questions that highlight important implementation issues related to transportation:

Issue 1: Attainment Deadlines for Mountain Counties

Under the two classification options offered by EPA for O₃ nonattainment areas, which option would give the California Mountain Counties the longest time period to demonstrate attainment:

- Option 1, which classifies all areas under subpart 2 of the Clean Air Act (CAA) as either marginal, moderate, serious, or severe, and gives the areas anywhere from 3 to 17 years to attain? Or,
- Option 2, which classifies some areas under the CAA's subpart 1, and gives those areas 5 years to demonstrate attainment, with the possibility of another 5-year extension?

Discussion of Issue 1

Option 1 would involve classifying all areas under CAA subpart 2, using a scaled version of the classification table included in section 181 of the 1990 CAA Amendments (CAAA). The periods for attainment (running from the date of designation/classification) would be 3 years for marginal areas, 6 years for moderate areas, 9 years for serious areas, 15 years for severe-15 areas, 17 years for severe-17 areas, and 20 years for extreme nonattainment areas. For example, an area designated a "moderate" 8-hr O₃ area by EPA would be given until 2010 to achieve the new standard (6 years from the designation date of April 2004). **Table 1** provides a summary of EPA's proposal.

Option 2 would involve regulating all areas with 1-hr design values below 0.12 ppm according to CAA subpart 1, and regulating areas with 1-hr design values above 0.12 ppm under CAA subpart 2. Areas under subpart 2 would then be classified according to their 8-hr O₃ design values using the scaling approach shown in Table 1.

In contrast to EPA-proposed Option 1, Option 2 would allow some areas of the country to establish attainment deadlines under CAA Subpart 1. Subpart 1 of the CAA effectively allows nonattainment areas 5 years to reach attainment. **Appendix A** includes excerpts from the CAA that describe the subpart 1 requirements.

Table 1. Proposed “Option 1” attainment deadlines, based on 8-hr O₃ design value, and classifications based on CAA Subpart 2 (CAA, Title I, Part D sec. 181).

Area class	Design value (ppm)	Primary standard attainment date
Marginal	0.121 up to 0.138 <i>0.085 0.092</i>	3 years after enactment
Moderate	0.138 up to 0.160 <i>0.092 0.107</i>	6 years after enactment
Serious	0.160 up to 0.180 <i>0.107 0.120</i>	9 years after enactment
Severe ¹⁵	0.180 up to 0.190 <i>0.120 0.127</i>	15 years after enactment
Severe ¹⁷	0.190 up to 0.280 <i>0.127 0.187</i>	17 years after enactment
Extreme	0.280 and above <i>0.187 and above</i>	20 years after enactment

Notes: The design values for 1-hr ozone are shown first; the design values for 8-hr ozone are translated from 1-hr thresholds and are shown in ***bold and italics***. The 8-hr values are scaled from the 1-hr values based on the percent above the 1-hr ozone standard for each 1-hr nonattainment classification. For 8-hr ozone, the attainment date deadline would be based on the date areas are designated nonattainment by EPA. EPA is currently under court order to designate nonattainment areas during April 2004. For example, assuming EPA complies with its court order, a moderate 8-hr ozone nonattainment area would be expected to have an April 2010 attainment deadline.

Based on data as of 2002, the Mountain Counties would be required to attain the 8-hr ozone standard within 6 years of being designated nonattainment, regardless of the implementation option selected by EPA. Ozone design values are key to understanding the upcoming Mountain Counties’ 8-hr ozone attainment deadline. The design value is a measure of the expected worst-case concentration allowing for three exceedences of the standard per year. (i.e., the 4th exceedence is the first violation). The design value is calculated as the three-year running average of the 4th highest monitored concentrations. **Table 2**, reproduced from the California Air Resources Board (CARB), lists recent data from the Mountain Counties Air Basin. As of mid-2003, the latest data allow for calculation of a design value based on 2000 through 2002 air quality data. As shown in Table 2, the relevant 8-hour design value is 0.106 ppm and the 1-hour value is 0.143 ppm. Since the 1-hour design value is above 0.120 ppm, the area will be classified under subpart 2 under either option proposed by EPA. The 8-hour design value would yield a moderate classification and would therefore allow 6 years to reach attainment from the date of nonattainment designation. Since designations will occur in 2004, the mountain counties would have until 2010 to reach attainment of the new standards.

Note that, according to the proposed rule (EPA, 2003; p. 32813b), EPA intends to classify nonattainment areas based on the most recent data available. Assuming EPA designates nonattainment areas by April 15, 2004, they will likely use 2001-2003 air quality data to establish nonattainment classifications. Thus, the data included in Table 2 should be considered an approximate guide to the likely classification status.

Table 2. 1-hr and 8-hr ozone design values for Mountain Counties (2000-2002).

Year	Days > Standard			1-Hour Observations		8-Hour Averages		EPDC	Year Coverage
	1-Hour		8-Hour	Maximum	3-Year	Maximum	3-Year Average		
	State	Nat'l	Nat'l		4th High		4th High		
2002	62	8	59	0.156	0.143	0.137	0.106	0.143	100
2001	49	1	43	0.148	0.128	0.109	0.104	0.137	99
2000	51	4	56	0.134	0.143	0.113	0.107	0.144	100

Source: CARB (<http://www.arb.ca.gov/adam/cgi-bin/db2www/polltrends.d2w/start>).

Table 3 provides approximate 8-hr attainment deadlines for California areas using 1997-1999 data. Similar data is available for other years such as 1999-2001 (see: <http://www.epa.gov/airtrends/data/AQupdate2001.pdf>). Note that the classifications that appear in Table 3 are for reference; actual classifications will be based on the most recent data available to EPA in early 2004.

Table 3. Example California 8-hr ozone classifications based on 1997-1999 data.

Based on 1997-1999 8-hr O ₃ data	Nonattainment area	8-hr O ₃ Design value	8-hr O ₃ Classification	Option 1 (subpart 2)	
				Years allowed	Attainment Deadline
Existing nonattainment area	South Coast Air Basin	0.147	Severe	17	2021
	Western Mojave Desert	0.118	Serious	9	2013
	San Joaquin Valley	0.113	Serious	9	2013
	Ventura	0.106	Moderate	6	2010
	Sacramento Region	0.103	Moderate	6	2010
	Coachella Valley	0.100	Moderate	6	2010
	San Diego County	0.099	Moderate	6	2010
	Eastern Kern County	0.096	Moderate	6	2010
	Imperial County	0.091	Marginal	3	2007
	Antelope Valley	0.089	Marginal	3	2007
	San Francisco Bay Area	0.086	Marginal	3	2007
New nonattainment area	Central Mountain Counties	0.096	Moderate	6	2010
	Southern Mountain Counties	0.095	Moderate	6	2010
	Western Nevada County	0.095	Moderate	6	2010
	Shasta County	0.095	Moderate	6	2010
	Tehama County	0.086	Marginal	3	2007

Source: 1997-1999 8-hour data available from CARB (Velasco et al., 2000). The Santa Barbara Region was classified as being a "serious" 1-hr ozone nonattainment area in January 1998. Note that EPA will use the most recent data available to designate 8-hr ozone nonattainment areas in 2004.

Issue 2: Old vs. New Attainment Deadlines

How will the attainment deadlines differ for California areas that currently exceed the 1-hr O₃ standard *and* the 8-hr O₃ standard, assuming these areas are classified under subpart 2 of the act? For example, the Sacramento area currently has a 2005 deadline for attaining the 1-hr O₃ standard. What would their new deadline be to attain the 8-hr O₃ standard?

Discussion of Issue 2

According to a March 2000 CARB report (Velasco et al., 2000) entitled, “Recommended Area Designations for the Federal Eight-Hour Ozone Standard,” 1997-1999 emissions data indicate eleven regions in California exceed the 1-hr O₃ standards (see Table 3). **Table 4** provides a comparison between the anticipated 8-hr ozone attainment deadlines as listed in Table 3, with existing 1-hr ozone attainment deadlines. Note that in some cases, regions will gain no time extension or only a brief extension of the deadline to reach the ozone standard. For example, the Antelope Valley will retain its 2007 deadline; the San Francisco Bay Area will likely have a year 2007 deadline to achieve the 8-hr standard, rather than the year 2006 deadline it has to achieve the 1-hr standard. Other regions will gain many years to reach attainment. For example, Sacramento will gain an extension from 2005 to 2010, the San Joaquin Valley will gain an extension from 2005 to 2013, and the South Coast Air Basin will gain an extension from 2010 to 2021.

Issue 3: Conformity Demonstration Deadlines

Assume that an area was having trouble demonstrating 1-hr O₃ conformity, but felt that it would likely be able to pass an 8-hr O₃ conformity test, provided the nonattainment deadline was moved forward in time (for example, as with the Sacramento area as discussed above). When is the last time the area would have to demonstrate conformity under the 1-hr O₃ standard (the answer to this is connected to when the 1-hr O₃ standard gets revoked in a given area)? When is the first time the area would have to demonstrate conformity under the 8-hr O₃ standard? Does this mean that there will be a “conformity gap” that results, during which time period there is no 1-hr conformity test, and the 8-hr conformity test has not yet become applicable?

Discussion of Issue 3

New 8-hour ozone areas will be designated in 2004. Under the proposal, there will be a one-year grace period for conformity. That is, areas would have to show conformity for the first time in 2005. The 1-hour standards will be revoked, or partially revoked, one year following the establishment of the 8-hour standards. Therefore, areas must continue to show conformity to the one-hour standards through the one-year grace period. There is no “conformity gap.” The last time conformity must be demonstrated for the one hour standard would be, at the earliest, the first time conformity for the new standard must be demonstrated (2005). As EPA states in its proposal (EPA, 2003; p. 32819):

Table 4. Comparisons between existing 1-hr and anticipated 8-hr ozone attainment deadlines.

	Region	Current 1-Hr Standard	Proposed 8-Hr Standard			
		Attainment Deadline ^a	Design Value (ppm) ^a	Classification	Years Allowed to Reach Attainment	Attainment Deadline ^b
Existing Nonattainment Area for Both Standards	Antelope Valley	2007	0.089	Marginal	3	2007
	Coachella Valley	2007	0.100	Moderate	6	2010
	Eastern Kern County	1999	0.096	Moderate	6	2010
	Imperial Valley	Transitional	0.091	Marginal	3	2007
	Sacramento	2005	0.103	Moderate	6	2010
	San Diego County	1999 ^c	0.099	Moderate	6	2010
	San Joaquin Valley	2005	0.113	Serious	9	2013
	SF Bay Area	2006	0.086	Marginal	3	2007
	South Coast Air Basin	2010	0.147	Severe-17	17	2021
	Ventura County	2005	0.106	Moderate	6	2010
	Western Mohave Desert	2007	0.118	Serious	9	2013
New Nonattainment Area for Proposed 8-hour Standard	Central Mountain Counties	NA	0.096	Moderate	6	2010
	Southern Mountain Counties	NA	0.095	Moderate	6	2010
	Western Nevada County	NA	0.095	Moderate	6	2010
	Shasta County	NA	0.095	Moderate	6	2010
	Tehama County	NA	0.086	Marginal	3	2007

Notes to Table 4:

^aMost current deadlines and design values are based on data from Velasco et al. (2000). The design value (ppm) is the three-year average of the annual fourth highest eight-hour ozone concentration at the highest monitor (if less than 0.085 = attainment, if 0.085 ppm or greater = nonattainment).

^bProposed 8-Hour Standard Attainment Date = Designation Year (2004) + Proposed Years Allowed to Reach Attainment.

^cSan Diego requested a one-year attainment deadline extension in 1999, but may have reached attainment as of 2001 (SDAPCD, 2002).

(Issue 3, Continued)

The deciding factor supporting the schedule for the revocation in our proposal is to ensure areas do not have to perform conformity analyses for both the 1-hour and 8-hour standards at the same time. As background, areas designated nonattainment for the first time for a new standard (e.g., the 8-hour ozone standard) have a 1-year grace period before conformity applies for that standard (i.e., a 1-year grace period before conformity applies for the 8-hour ozone standard). This 1-year grace period before conformity is required for the 8-hour standard applies to all areas designated nonattainment for the 8-hour standard, regardless of their 1-hour NAAQS designation status. Thus, under either of the mechanisms described below, we are proposing that conformity for the 1-hour standard no longer apply 1 year following the

effective date of the 8-hour designation (i.e., when the standard is revoked in whole or in part). However, conformity obligations for the 1-hour ozone standard would remain applicable during the grace period and would not be affected by the designation of areas for the 8-hour standard.

Issue 4: Transport and its Effect on Deadlines

If the 8-hr O₃ problem in the Mountain Counties is due to transported pollution, rather than due to “locally generated” pollution, what will their attainment deadline be? Will the attainment deadline be based on the severity of the problem as measured in the Mountain Counties, or on the severity of the problem of the upwind area contributing to their problem? For example, if Sacramento’s pollution is transported toward the Mountain Counties and contributes overwhelmingly to their ozone problem, will the Mountain Counties get at least as long a time period as Sacramento to demonstrate attainment?

Discussion of Issue 4

Based solely on design values, the Mountain Counties and the Sacramento area will have the same attainment deadline, based on 1997-1999 data (see Table 4). The San Joaquin Valley, however, will likely have a longer time period to attain the standard (until 2013; see Table 4). However, EPA’s proposal invites comments on conditions related to overwhelming transport.

EPA notes that areas classified under subpart 1 (i.e., receiving a generic 5-year deadline to attain the standard) could receive additional time to attain the standard due to transport. However, EPA states that the CAA provides no express relief for transport areas classified under subpart 2 (i.e., classified under the framework outlined in Table 1) (EPA, 2003; p. 32828b). Under subpart 2 situations, EPA suggests that states and areas work together collaboratively to address downwind problems. Historically, California air districts have not included SIP provisions to address such downwind transport (e.g., there are no Bay Area SIP provisions designed to explicitly assist Sacramento or the San Joaquin Valley).

EPA’s proposal does, however, discuss CAA section 182(h) provisions dealing with rural transport areas. According to section G.1. in the proposed rule, for a rural nonattainment area where the ozone problem is almost entirely caused by transport from upwind areas, control requirements will be limited to the minimal requirements specified for marginal areas (EPA, 2003; p. 32828c); the attainment deadline will “...*depend on the schedule for adoption and implementation of control measures in the upwind areas.*”

Therefore, whether a Mountain Country is defined as a rural transport area is crucial. According to CAA section 182(h)(2):

The Administrator may treat an ozone nonattainment area as a rural transport area if the Administrator finds that sources of VOC (and, where the Administrator determines relevant, NO_x) emissions within the area do not make a significant contribution to the ozone concentrations measured in the area or in other areas.

Hence whether the deadline for Mountain Counties to show attainment could rely on Sacramento's or the San Joaquin Valley's deadlines depends on the relative contribution of local emissions and transported emissions from those areas.

If the Mountain Counties are not treated as rural areas (i.e., they are determined to have significant local emissions), the proposed rule gives no direct relief to these counties if they are classified under subpart 2, even though they are affected by transported emissions. The areas must comply with the attainment deadline required by their 8-hour classification. However, the rule suggests that the State could (1) recommend designation of a larger area that encompasses both upwind and downwind areas (e.g., incorporating one or more of the Mountain Counties into the Sacramento nonattainment area), or (2) require the cooperation of upwind and downwind counties in the same spirit of multi-state cooperation (pp.32829, 32855).

Whether the 8-hour non-attainment area exceeds the 1-hour ozone standard (i.e., whether it qualifies to be treated as a subpart 1 area) may also make a difference **if Option 2 is adopted**. The EPA draft proposes, under Option 2, to create a classification option of "overwhelming" transport for areas that qualify (EPA, 2003; p. 32814a). The benefits of being classified as a "Transport Area" include not only less stringent control requirements (i.e., control limited to what marginal areas must implement) but also include a later attainment date linked to control actions in the upwind area. Given that 7 out of 9 mountain counties are attainment or non-classified areas under the existing 1-hr ozone NAAQS, it might be in their interest to support designations under EPA's proposed Option 2 (meaning classification under subpart 1, with further classification as an area dominated by overwhelming transport).

Issue 5: Preferable Implementation Options from a Transportation Planning Perspective

EPA is seeking comment on various implementation options—are some options more preferable from the perspective of transportation planners? For example, are there some options that would tie air quality and transportation plans more closely together, thus making it easier to document conformity? Another way to phrase this issue is: Which of the implementation options allows for conformity documentation to be more easily achieved through transportation planning actions?

Discussion of Issue 5

From an overall perspective, transportation planning in the Mountain Counties, assuming they qualify as rural transport areas, would likely be easier under EPA-proposed Option 2 (designations under subpart 1). More time could be granted to the Mountain Counties for attainment, to allow upwind areas to implement controls. With a longer lead time to reduce 8-hr ozone concentrations, the conformity process would be less likely to encounter problems.

However, classification under subpart 1 poses a risk of reduced CMAQ funding. EPA's proposal discusses the current CMAQ apportionment formula, noting that CMAQ funding is a function of both population and the severity of the nonattainment classification. Areas designated nonattainment under subpart 1, but not classified, would not be included in the apportionment formula (EPA, 2003; p. 32861a).

For areas that are likely to be classified under subpart 2 under either of EPA's proposed options, the two options do not make much difference in terms of potential transportation conformity requirements. Under both options, areas will have a one year conformity grace period, which means, "*1 year after the effective date of an area's designation as nonattainment for the 8-hour standard, the area must have a conforming transportation plan and Transportation Improvement Program in place to fund or approve transportation projects*" (EPA, 2003; p. 32841b). Whether the timing of submitting a TIP is convenient and whether any conformity lapse could be avoided will depend on the TIP status for the 1-hour standard, as the area enters the final year prior to needing 8-hr ozone conformity determinations as of April 2005.

Issue 6: Scheduled Air Plan Updates

A final issue we considered was whether the EPA proposal included any requirements for air quality plans to be periodically updated in some manner, or for SIPs to be periodically revised to reflect latest planning assumptions. Traditionally, the transportation planning community has experienced some conformity difficulties owing to the frequency of required TIP and RTP updates, compared to the relatively static nature of SIPs.

Discussion of Issue 6

There are no provisions in the proposed implementation rule that would require air quality plans to be updated any more frequently than under existing practices. One caveat, however, is that EPA has yet to release its proposed conformity rules related to implementation of the 8-hr ozone standard. It is possible that upcoming conformity rule changes may address this issue, by perhaps lengthening the time intervals between required conformity determinations.

Opportunities for Transportation Community Comments

EPA is soliciting comments on the proposed regulations by August 1, 2003. This portion of the white paper briefly identifies potential areas for transportation community comment.

1. EPA is proposing two options to classify nonattainment areas. Assuming limited adverse CMAQ apportionment implications, Caltrans may wish to support EPA's proposed Option 2. Option 2 would assist transportation planning in the Mountain Counties by providing an opportunity to extend attainment deadlines to better account for overwhelming transport (see EPA, 2003; p. 32812). Given the relatively small fraction of the state's population contained in the Mountain Counties, it is likely that CMAQ apportionment would not be largely affected under Option 2, although this should be analyzed further. Note, however, that for the Mountain Counties to qualify as areas affected by overwhelming transport, they have to meet CAA section 182(h) requirements, meaning the Mountain Counties must be areas that do not include, and are not adjacent to, any part of a Metropolitan Statistical Area (MSA) or, a Consolidated MSA (EPA, 2003; p. 32814a). To voice support for consideration of overwhelming transport, Caltrans should explicitly comment in favor of, "Option 2 for classification under subpart 1." In other words, EPA has proposed under Option 2 the ability to classify areas under subpart 1; EPA has also proposed, under Option 2, an option to classify overwhelming

transport areas; Caltrans would need to comment in support of both of these options (see: EPA, 2003; p. 32814a-b).

2. Also related to transport, EPA is seeking comment on how to address transport concerns under subpart 2 (EPA, 2003; p. 32828b). Caltrans may wish to generally support the ability of states and EPA to consider transport when establishing attainment deadlines and control requirements, even under subpart 2. Although EPA has stated that there is no explicit statutory relief for downwind areas, EPA could explicitly state that its SIP review and approval decisions will weigh the degree to which upwind areas have accounted for downwind transport. Traditionally, such considerations have not played a key role in SIP approval actions. Further EPA attention to the transport issue may assist in protecting conformity determinations in downwind areas. An example affected area (outside of the obvious Mountain Counties) is the San Joaquin Valley and its relationship to the Bay Area.
3. EPA is proposing to allow areas an “early attainment incentive feature” that will allow the areas to escape certain control requirements. As an example, if an area’s design value suggests that it should be a “moderate” area with a 6-year attainment deadline, but the area can demonstrate that it plans to attain in 3-years, then the area may be eligible to forgo the more stringent moderate area requirements (EPA, 2003; p. 32815b). Caltrans may wish to comment on this issue. The concern is that conformity may be in jeopardy if an area does not meet its commitment for early attainment. Caltrans may wish to comment that modeling demonstrations for this option need to be reviewed through interagency consultation, with involvement from the transportation community, to insure that conformity concerns are addressed prior to seeking approval for less stringent control requirements.
4. EPA is proposing a concept called a “Clean Air Development Community” or CADC (EPA, 2003; pp. 32849a – 32852a). The concept allows SIP credit for land use patterns that reduce vehicle miles traveled (VMT) and emissions. However, EPA states that CADC measures would need to be part of the SIP, and could not be changed without EPA approval of a SIP revision (EPA, 2003; p. 32852a). Caltrans may wish to comment that EPA should explicitly acknowledge that CADCs are eligible to be considered as TCMs, for TCM substitution purposes. Oregon, New Mexico, and Texas already have EPA-approved TCM substitution provisions in their SIPs, and at least one area in California (the South Coast) is currently planning to include a TCM substitution measure in its SIP. The CADC concept is a potential avenue for future TCM emission reduction credit, and it would be beneficial for these credits to be available through TCM substitution processes, rather than only through SIP amendments.

REFERENCES

EPA (2003) 40 CFR Part 51. Proposed Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard; Proposed Rule. U.S. Environmental Protection Agency. Federal Register. Vol. 68, No. 105. pp. 32801-32870. June 2.

SDAPCD (2002) Ozone Redesignation Request And Maintenance Plan For San Diego County. San Diego County Air Pollution Control District. December.

Velasco, P., Popejoy, D., and Panson, A. (2000) Final - Recommended Area Designations for the Federal Eight-Hour Ozone Standard. Adopted by the California Air Resources Board March 23. Accessed via the Internet: <http://www.arb.ca.gov/desig/8-houroz/8hrozrpt.PDF>. Last accessed July 15, 2003.

Appendix A. Clean Air Act, Subpart 1, Section 172 Text Concerning Nonattainment Area
Deadlines for Attainment

Listed below is CAA section 172 text that describes the attainment deadlines for areas classified under Subpart of the CAA. Emphasis has been added to help identify sections that define deadlines.

(2) Attainment dates for nonattainment areas

(A) The attainment date for an area designated nonattainment with respect to a national primary ambient air quality standard shall be **the date by which attainment can be achieved as expeditiously as practicable, but no later than 5 years from the date such area was designated nonattainment** under section 107(d), except that the Administrator may extend the attainment date to the extent the Administrator determines appropriate, **for a period no greater than 10 years from the date of designation as nonattainment**, considering the severity of nonattainment and the availability and feasibility of pollution control measures.

(B) The attainment date for an area designated nonattainment with respect to a secondary national ambient air quality standard shall be the date by which attainment can be achieved as expeditiously as practicable after the date such area was designated nonattainment under section 107(d).

(C) Upon application by any State, the Administrator **may extend for 1 additional year** (hereinafter referred to as the "Extension Year") the attainment date determined by the Administrator under subparagraph (A) or (B) if - (i) the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and (ii) in accordance with guidance published by the Administrator, no more than a minimal number of exceedances of the relevant national ambient air quality standard has occurred in the area in the year preceding the Extension Year. **No more than 2 one-year extensions** may be issued under this subparagraph for a single nonattainment area.