All sanctions and sanction clocks, which were triggered as a result of the disapproval action on March 29, 2001 (66 FR 17078), continue to be stayed as a result of the interim final determination published on October 7, 2002 (67 FR 62388). The sanctions and sanction clocks will be permanently terminated on the effective date of this final rule approval.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. section 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *June 2, 2008*. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: February 15, 2008.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(353) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(353) New and amended regulations were submitted on August 12, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Bay Area Air Quality Management District.

(*1*) Rule 9–10, Inorganic Gaseous Pollutants: Nitrogen Oxides and Carbon Monoxide from Boilers, Steam Generators, and Process Heaters in Petroleum Refineries, adopted on July 17, 2002.

[FR Doc. E8–6643 Filed 4–1–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2008–0006; FRL–8550–1]

RIN 2060–AO83

Final 8-Hour Ozone National Ambient Air Quality Standards Designations for the Early Action Compact Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is designating 13 Early Action Compact (EAC) Areas as attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The EAC areas agreed to reduce ground-level ozone pollution earlier than the Clean Air Act (CAA) required and to demonstrate attainment with the 8-hour ozone NAAQS by December 31, 2007. The States in which these 13 areas are located have submitted quality-assured data indicating that the areas are in

attainment for the 8-hour ozone NAAQS based on ambient air monitoring data from 2005, 2006 and 2007. In addition, consistent with EPA's implementing regulations, the 1-hour ozone NAAQS will no longer apply in each of these areas one year after the effective date of the designation. We are modifying the 8-hour ozone NAAQS tables in the regulations to reflect the attainment designation for the 13 EAC areas and the 1-hour ozone NAAQS tables in the regulations to reflect that the 1-hour standard will no longer apply in these areas as of April 15, 2009. Additionally, we are modifying the 8-hour and 1-hour ozone NAAQS tables in the regulations to reflect the nonattainment designation for the Denver EAC area, which became effective November 20, 2007 and to reflect that the 1-hour standard will no longer apply in that area as of November 20, 2008.

DATES: This rule is effective April 15, 2008.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2008–0006. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Docket, EPA/DC, EPA West Building, EPA Headquarters Library, Room 3334, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room Hours of operation will be 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566–1742. The Air and Radiation Docket Information Center's e-mail address is *a-and-r-Docket@epa.gov*, and Web address is: *http://www.epa.gov/oar/docket.html*. In addition, we have placed a copy of the rule and a variety of materials relevant to EAC areas on EPA's Web site at *http://www.epa.gov/ttn/naaqs/ozone/eac/*.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Driscoll, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539–04, Research Triangle Park, NC 27711, phone number (919) 541–1051 or by e-mail at: *driscoll.barbara@epa.gov* or Mr. David Cole, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C304–05, Research Triangle Park, NC 27711, phone number (919) 541-5565 or by e-mail at: *cole.david@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This final action applies to the 13 EAC areas identified in section V, Table 1, below that have deferred designations for the 8-hour ozone NAAQS until April 15, 2008. Additionally, EPA is taking the ministerial action of revising the CFR to reflect the effective date of the nonattainment designation for the Denver EAC area, which was designated nonattainment on November 20, 2007, and to reflect that the 1-hour ozone standard will no longer apply in the Denver area as of November 20, 2008.

B. How Is This Document Organized?

The information presented in this preamble is organized as follows:

Outline

I. General Information
A. Does This Action Apply to Me?
B. How Is This Document Organized?
II. What is the Purpose of This Document?
III. What Action Has EPA Taken to Date for Early Action Compact Areas?
IV. What Comments Did EPA Receive on the February 6, 2008 Proposal To Designate These 13 Early Action Compact Areas in Attainment With the 8-Hour Ozone NAAQS?
V. What Is the Final Action for the 13 Early Action Compact Areas?
VI. Why Is EPA Revoking the 1-Hour Ozone Standard?
VII. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act
L. Petitions for Judicial Review

II. What Is the Purpose of This Document?

The purpose of this document is to designate 13 EAC areas as attainment for the 8-hour ozone NAAQS, as they have met all the milestones of the EAC program and demonstrated that they were in attainment with the 8-hour ozone NAAQS by December 31, 2007. This final action also takes the ministerial action of revising Section 81.306 to reflect the 8-hour ozone nonattainment designation for the Denver EAC area, which became effective November 20, 2007. Additionally, it revises the 1-hour ozone NAAQS tables for the 13 EAC areas and the Denver area to reflect that the 1-hour ozone standard no longer applies one year after the effective date of designation for each area. The 1-hour standard was revoked, effective June 15, 2005 for all other areas of the country except the 14 EAC areas that were designated nonattainment with a deferred effective date.

III. What Action has EPA Taken to Date for Early Action Compact Areas?

There are 13 EAC areas that had the effective date of their 8-hour ozone designations deferred until April 15, 2008 (71 FR 69022).[1] Fifteen other areas that are participating in the program were designated attainment in April 2004, with an effective date of June 15, 2004. These areas have remained in the program in order to continue improving their local air quality. For one EAC area, the Denver EAC area, the nonattainment designation for the 8-hour ozone NAAQS became effective November 20, 2007, consistent with the terms of a settlement agreement reached in litigation challenging our actions with respect to the Denver EAC area. *Rocky Mountain Clean Air Action* v. *EPA* (D.C. Cir. No. 07–1012). For discussions on EPA's actions to date with respect to deferring the effective date of nonattainment designations for certain areas of the country that are participating in the EAC program and Denver specifically please refer to the **Federal Register** dated June 28, 2007 (72 FR 35356) and September 21, 2007 (72 FR 53952). In addition, EPA's April 30, 2004, air quality designation rule (69 FR 23858) provides a description of the compact area approach, the requirements for areas participating in

[1] As noted previously, we also initially deferred the nonattainment designation for the Denver EAC area, but the nonattainment designation for the Denver EAC area became effective November 20, 2007.

the compact and the impacts of the compact on those areas.

You may find copies of all State reports at *http://www.epa.gov/ttn/naaqs/ozone/eac/*.

IV. What Comments did EPA receive on the February 6, 2008 proposal to designate these 13 Early Action Compact Areas in attainment with the 8-hour Ozone NAAQS?

We received three comments on the proposed rule to designate these 13 EAC areas in attainment with the 8-hour ozone standard effective April 15, 2008. We have responded to the comments in this section.

Comments: Two commenters expressed support for the compact process, the goal of clean air sooner, the incentives and flexibility the program provides for encouraging early reductions of ozone-forming pollution, and the deferred effective date of nonattainment designation. However, one commenter opposed the EAC program indicating the program conflicts with existing obligations under the Clean Air Act and may create the potential for downwind areas to be adversely affected by the emissions growth in EAC areas in the future. This commenter expressed concern about various legal aspects of the program, primarily the deferral of the effective date of the nonattainment designation for these areas. The commenter indicated that EPA lacks authority under the CAA to defer the effective date of a nonattainment designation. In addition, the commenter stated that EPA lacks authority to enter into EACs with areas and lacks authority to allow areas to be relieved of obligations under title I, part D of the CAA while these areas are violating the 8-hour ozone standard or are designated nonattainment for that standard.

Response: The compact program, as designed, gives local areas the flexibility to develop their own approach to meeting the 8-hour ozone standard. The participating communities are serious in their commitment and have demonstrated attainment with the 8-hour ozone standard sooner than was required under the CAA by implementing State and local measures for controlling emissions from local sources earlier than the CAA would otherwise require. By involving diverse stakeholders, including representatives from industry, local and State governments, and local environmental and citizens groups, a number of these communities have, for the first time, cooperated on a regional basis to solve environmental problems that affect the health and welfare of their citizens. People living in these areas realized reductions in pollution levels sooner and are enjoying the health benefits of cleaner air sooner than might otherwise occur. We incorporate our responses to similar comments from our final rules dated April 30, 2004 (69 FR 23858) and August 29, 2005 (70 FR 50988) respectively.

V. What is the Final Action for the 13 Early Action Compact Areas?

The 13 EAC areas with deferred nonattainment designations for the 8-hour NAAQS, had to meet one final milestone which was to demonstrate attainment with the 8-hour ozone NAAQS by December 31, 2007. Each of these EAC areas met all of the earlier milestones of the EAC program and the States in which the areas are located have now submitted quality-assured data demonstrating that the areas attained the 8-hour ozone NAAQS based on air quality data from 2005, 2006 and 2007. Therefore, EPA is designating these 13 areas as attainment for the 8-hour ozone standard effective April 15, 2008. Because this action will relieve a restriction by finalizing the designations for these areas, the requirement of section 553(d) of the Administrative Procedure Act that a rule not take effect earlier than 30 days following publication does not apply. Table 1 provides the 8-hour ozone design values for each of the 13 EAC areas based on the 2005–2007 air quality data.

TABLE 1.—8-HOUR OZONE DESIGN VALUES FOR COMPACT AREAS TO BE DESIGNATED ATTAINMENT FOR 8-HOUR OZONE NAAQS EFFECTIVE APRIL 15, 2008

(NOTE: Name of designated 8-hour ozone area is in parentheses)

State	Compact area (designated area),	Counties designated attainment effective April 15, 2008	8-Hour ozone design value (parts per million)
	EPA Region 3		
VA	Northern Shenandoah Valley Region (Frederick County, VA), adjacent to Washington, DC–MD–VA.	Winchester City Frederick County	0.073
VA	Roanoke Area (Roanoke, VA)	Roanoke County Botetourt County Roanoke City Salem City	0.076
MD	Washington County (Washington County (Hagerstown, MD), adjacent to Washington, DC–MD–VA.	Washington County	0.079
WV	The Eastern Pan Handle Region (Berkeley & Jefferson Counties, WV), Martinsburg area.	Berkeley County Jefferson County	0.075
	EPA Region 4		
NC	Unifour (Hickory-Morganton-Lenoir, NC)	Catawba County Alexander County Burke County (part) Caldwell County (part)	0.078

TABLE 1.—8-HOUR OZONE DESIGN VALUES FOR COMPACT AREAS TO BE DESIGNATED ATTAINMENT FOR 8-HOUR OZONE NAAQS EFFECTIVE APRIL 15, 2008—Continued

(NOTE: Name of designated 8-hour ozone area is in parentheses)

State	Compact area (designated area),	Counties designated attainment effective April 15, 2008	8-Hour ozone design value (parts per million)
NC	Triad (Greensboro-Winston-Salem-High Point, NC)	Randolph County Forsyth County Davie County Alamance County Caswell County Davidson County Guilford County Rockingham County	0.083
NC	Cumberland County (Fayetteville, NC)	Cumberland County	0.082
SC	Appalachian (Greenville-Spartanburg-Anderson, SC)	Spartanburg County Greenville County Anderson County	0.083
SC	Central Midlands Columbia area	Richland County (part) Lexington County (part)	0.082
TN/GA	Chattanooga (Chattanooga, TN–GA)	Hamilton County, TN Meigs County, TN Catoosa County, GA	0.084
TN	Nashville (Nashville, TN)	Davidson County Rutherford County Williamson County Wilson County Sumner County	0.084
TN	Johnson City-Kingsport-Bristol Area (TN portion only)	Sullivan County, TN Hawkins County, TN	0.083
EPA Region 6			
TX	San Antonio	Bexar County Comal County Guadalupe County	0.082

VI. Why Is EPA Revoking the 1-hour Ozone Standard?

The regulatory text for the 1-hour ozone standard provides that the 1-hour ozone standard "will no longer apply to an area one year after the effective date of the designation of that area for the 8-hour ozone NAAQS pursuant to section 107 of the Clean Air Act." 40 CFR 50.9(b). In accordance with this regulation, the 1-hour ozone NAAQS will no longer apply in the 13 EAC areas effective April 15, 2009. Because the 8-hour ozone nonattainment designation for the Denver EAC became effective November 20, 2007, the 1-hour ozone NAAQS will no longer apply in the Denver EAC area effective November 20, 2008. We are revising the 1-hour ozone NAAQS tables in Part 81 to reflect the date on which the 1-hour ozone standard will no longer apply for these areas.

VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735; October 4, 1993) and is therefore not subject to review under the Executive Order.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.39b). This final rule does not require the collection of any information.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an Agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the Agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this final rule on small entities, small entity is defined as: (1) A small business that is a small industrial entity as defined in the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any requirements on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules

with "Federal mandates" that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year. Thus, this final rulemaking is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because this rule does not contain Federal mandates.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the E.O. to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA establishes the scheme whereby States take the lead in developing plans to meet the NAAQS. This final rule would not modify the relationship of the States and EPA for purposes of developing programs to implement the NAAQS. Thus, Executive Order 13132 does not apply to this final rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have "Tribal implications" as specified in Executive Order 13175. It does not have a substantial direct effect on one or more Indian Tribes, since no Tribe has implemented a CAA program to attain the 8-hour ozone NAAQS at this time or has participated in a compact. Thus Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This final rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355; May 22, 2001 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This final rule does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629; Feb. 16, 1994 establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The health and environmental risks associated with ozone were considered in the establishment of the 8-hour, 0.08 ppm ozone NAAQS. The level is designed to be protective with an adequate margin of safety.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General

of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective April 15, 2008.

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by June 2, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA Section 307(b)(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control.

Authority: 42 U.S.C. 7408; 42 U.S.C. 7410; 42 U.S.C. 7501–7511f; 42 U.S.C. 7601(a)(1).

Dated: March 27, 2008.

Stephen L. Johnson,

Administrator.

■ For the reason set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart C—[Amended]

* * * * *

■ 2. Section 81.306 is amended as follows:

■ a. In the table entitled "Colorado-Ozone (1-Hour Standard) [4]" by revising footnote 4.

■ b. In the table entitled "Colorado-Ozone (8-Hour Standard)" by revising footnote 2.

§ 81.306 Colorado.

* * * * *

Colorado-Ozone (1-Hour Standard) [4]

* * * * *

[4] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Colorado except the Denver (Denver-Boulder-Greeley-Ft. Collins-Love) area where it is revoked effective November 20, 2008.

* * * * *

Colorado-Ozone (8-Hour Standard)

* * * * *

[2] Effective November 20, 2007.

* * * * *

■ 3. Section 81.311 is amended as follows:

■ a. In the table entitled "Georgia-Ozone (1-Hour Standard) [2]" by revising footnote 2.

■ b. In the table entitled "Georgia-Ozone (8-Hour Standard)" by:

■ i. Revising footnote 2.

■ ii. Under "Chattanooga, TN–GA" by revising the entry for "Catoosa County".

§ 81.311 Georgia.

* * * * *

Georgia-Ozone (1-Hour Standard) [2]

* * * * *

[2] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Georgia, except the Chattanooga (Catoosa County) area where it is revoked effective April 15, 2009.

* * * * *

GEORGIA-OZONE

[8–Hour Standard]

Designated area	Designation[a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	* *
Chattanooga, TN–GA:				
Catoosa County	(2)	Attainment.		
* *	*	*	*	* *

* * * * *

[2] Effective April 15, 2008.

* * * * *

■ 4. Section 81.321 is amended as follows:

■ a. In the table entitled "Maryland-Ozone (1-Hour Standard) [2]" by revising footnote 2.

■ b. In the table entitled "Maryland-Ozone (8-Hour Standard)" by:

■ i. Revising footnote 2.

■ ii. Under "Washington County (Hagerstown), MD" by revising the entry for "Washington County".

§ 81.321 Maryland.

* * * * *

Maryland-Ozone (1-Hour Standard) [2]

* * * * *

[2] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Maryland except the Washington Co. area where it is revoked effective April 15, 2009.

* * * * *

MARYLAND-OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	* *
Washington County (Hagerstown), MD:				
Washington County	(2)	Attainment.		
* *	*	*	*	* *

* * * * *

[2] Effective April 15, 2008.

* * * * *

■ 5. Section 81.334 is amended as follows:

■ a. In the table entitled "North Carolina-Ozone (1-Hour Standard) [2]" by revising footnote 2.

■ b. In the table entitled "North Carolina-Ozone (8-Hour Standard)" by:

■ i. Revising footnote 2.

■ ii. Under "Fayetteville, NC" by revising the entry for "Cumberland County"; under "Greensboro-Winston-Salem-High Point, NC" by revising the entries for "Alamance County", "Caswell County", "Davidson County", "Davie County", "Forsyth County", "Guilford County", "Randolph County", and "Rockingham County"; under "Hickory-Morganton-Lenoir, NC" by revising the entries for "Alexander County", "Burke County (part)", and "Caldwell County (part)", and "Catawba County".

§ 81.334 North Carolina.

* * * * *

North Carolina-Ozone (1-Hour Standard) [2]

* * * * *

[2] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in North Carolina except the Cumberland Co. (Fayetteville), Triad (Greensboro-Winston-Salem-High Point), and Unifour (Hickory-Morgantown-Lenoir areas where it is revoked effective April 15, 2009.

* * * * *

NORTH CAROLINA-OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	* *
Fayetteville, NC:				
Cumberland County	(2)	Attainment.		
Greensboro-Winston-Salem-High Point, NC:				
Alamance County	(2)	Attainment.		
Caswell County	(2)	Attainment.		
Davidson County	(2)	Attainment.		
Davie County	(2)	Attainment.		
Forsyth County	(2)	Attainment.		
Guilford County	(2)	Attainment.		
Randolph County	(2)	Attainment.		
Rockingham County	(2)	Attainment.		
* *	*	*	*	* *
Hickory-Morganton-Lenoir, NC:				
Alexander County	(2)	Attainment.		
Burke County (part) Unifour Metropolitan Planning Organization Boundary.	(2)	Attainment.		
Caldwell County (part) Unifour Metropolitan Planning Organization Boundary.	(2)	Attainment.		
Catawba County	(2)	Attainment.		
* *	*	*	*	* *

* * * * *

[2] Effective April 15, 2008.

* * * * *

■ 6. Section 81.341 is amended as follows:

■ a. In the table entitled "South Carolina-Ozone (1-Hour Standard) [2]" by revising footnote 2.

■ b. In the table entitled "South Carolina-Ozone (8-Hour Standard)" by:

■ i. Revising footnote 2.

■ ii. Under "Columbia, SC" by revising the entries for "Lexington County (part) Portion along MPO lines", "Richland County (part) Portion along MPO lines";

under "Greenville-Spartanburg-Anderson, SC" by revising the entries for "Anderson County", "Greenville County", and "Spartanburg County".

§ 81.341 South Carolina.

* * * * *

South Carolina-Ozone (1-Hour Standard) [2]

* * * * *

[2] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in South Carolina except the Central Midlands-I (Columbia) and Appalachian-A (Greenville-Spartanburg-Anderson) areas where it is revoked effective April 15, 2009.

* * * * *

SOUTH CAROLINA-OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
Columbia, SC:				
Lexington County (part) Portion along MPO lines.	(2)	Attainment.		
Richland County (part) Portion along MPO lines.	(2)			
Greenville-Spartanburg-Anderson, SC:				
Anderson County	(2)	Attainment.		
Greenville County	(2)	Attainment.		
Spartanburg County	(2)	Attainment.		
* * * * *	*	*	*	*

* * * * *

[2] Effective April 15, 2008.

* * * * *

■ 7. Section 81.343 is amended as follows:

■ a. In the table entitled "Tennessee-Ozone (1-Hour Standard) [2]" by revising footnote 2.

■ b. In the table entitled "Tennessee-Ozone (8-Hour Standard)" by:

■ i. Revising footnote 2.

■ ii. Under "Chattanooga, TN–GA" by revising the entries under "Hamilton County" and "Meigs County"; under "Johnson City-Kingsport-Bristol, TN" by revising entries for "Hawkins County" and "Sullivan County"; and under "Nashville, TN" by revising the entries for "Davidson County", "Rutherford County", "Sumner County", "Williamson County", and "Wilson County".

§ 81.343 Tennessee.

* * * * *

Tennessee-Ozone (1-Hour Standard) [2]

* * * * *

[2] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Tennessee except the Chattanooga, Johnson City-Kingsport-Bristol, and Nashville areas where it is revoked effective April 15, 2009.

* * * * *

TENNESSEE-OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
Chattanooga, TN–GA:				
Hamilton County	(2)	Attainment.		
Meigs County	(2)	Attainment.		
* * *	*	*	*	*
Johnson City-Kingsport-Bristol, TN:				
Hawkins County	(2)	Attainment.		
Sullivan County	(2)	Attainment.		
* * *	*	*	*	*
Nashville, TN:				
Davidson County	(2)	Attainment.		
Rutherford County	(2)	Attainment.		
Sumner County	(2)	Attainment.		
Williamson County	(2)	Attainment.		
Wilson County	(2)	Attainment.		
* * *	*	*	*	*

[2] Effective April 15, 2008.

* * * * *

■ 8. Section 81.344 is amended as follows:

■ a. In the table entitled "Texas-Ozone (1-Hour Standard) [2]" by revising footnote 2.

■ b. In the table entitled "Texas-Ozone (8-Hour Standard)" by:
■ i. Revising footnote 2.
■ ii. Under "San Antonio, TX" by revising the entries "Bexar County", "Comal County", and "Guadalupe County".

§ 81.344 Texas.

* * * * *

Texas-Ozone (1-Hour Standard) [2]

* * * * *

[2] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Texas except the San Antonio area where it is revoked effective April 15, 2009.

* * * * *

TEXAS-OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	* *
San Antonio, TX:	(2)			
Bexar County	(2)	Attainment.		
Comal County	(2)	Attainment.		
Guadalupe County	(2)	Attainment.		
* *	*	*	*	* *

* * * * *

[2] Effective April 15, 2008.

* * * * *

■ 9. Section 81.347 is amended as follows:

■ a. In the table entitled "Virginia-Ozone (1-Hour Standard) [3]" by revising footnote 3.

■ b. In the table entitled "Virginia-Ozone (8-Hour Standard)" by:
■ i. Revising footnote 2.
■ ii. Under "Frederick Col, VA" by revising the entries for "Frederick County" and "Winchester City", and under "Roanoke, VA" by revising the entries for "Botetourt County", "Roanoke City", "Roanoke County" and "Salem City".

§ 81.347 Virginia.

* * * * *

Virginia-Ozone (1-Hour Standard) [3]

* * * * *

[3] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Virginia except Northern Shenandoah Valley Region (Winchester City and Frederick County) and Roanoke area where it is revoked effective April 15, 2009.

* * * * *

VIRGINIA-OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
Frederick Co., VA:				
Frederick County	(2)	Attainment.		
Winchester City	(2)	Attainment.		
* *	*	*	*	* *
Roanoke, VA:				
Botetourt County	(2)	Attainment.		
Roanoke City	(2)	Attainment.		
Roanoke County	(2)	Attainment		
Salem City	(2)	Attainment.		
* *	*	*	*	* *

* * * * *

[2] Effective April 15, 2008.

* * * * *

■ 10. Section 81.349 is amended as follows:

■ a. In the table entitled "West Virginia—Ozone (1-Hour Standard) [2]" by revising footnote 2.

■ b. In the table entitled "West Virginia—Ozone (8-Hour Standard)" by:
■ i. Revising footnote 2.
■ ii. Under "Berkeley & Jefferson Cos, WV" by revising the entries for "Berkeley County" and "Jefferson County".

§ 81.349 West Virginia.

* * * * *

West Virginia-Ozone (1-Hour Standard) [2]

* * * * *

[2] The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in West Virginia except the Eastern Pan Handle Region (Berkeley and Jefferson Counties) where it is revoked effective April 15, 2009.

* * * * *

WEST VIRGINIA-OZONE
[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date[1]	Type	Date[1]	Type
Berkeley & Jefferson Cos. WV:				
Berkeley County	([2])	Attainment.		
Jefferson County	([2])	Attainment.		
* *	*	*	*	*

* * * * *

[2] Effective April 15, 2008.

* * * * *

[FR Doc. E8–6825 Filed 4–1–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2006–0678; FRL–8356–6]

Acequinocyl; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of acequinocyl and its metabolite, 2-dodecyl-3-hydroxy-1, 4-naphthoquinone (acequinocyl-OH) expressed as acequinocyl equivalents in or on nut, tree, group 14 and grape and removes the separate tolerances established for almond. Arysta LifeScience North America Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 2, 2008. Objections and requests for hearings must be received on or before June 2, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2006–0678. To access the electronic docket, go to *http://www.regulations.gov*, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Marilyn Mautz, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6785; e-mail address: *mautz.marilyn@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2006–0678 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before June 2, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is not likely to have a significant effect on the human environment. A preliminary "Environmental Analysis Check List" supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

Words of Issuance and Proposed Regulatory Text

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295; 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add new § 165.T11–002 to read as follows:

§ 165.T11–002 Safety zone; Oceanside Harbor, California.

(a) *Location.* The Coast Guard proposes establishing a temporary safety zone for the Bluewater Ford Ironman 70.3 California Triathlon. The limits of this temporary safety zone are the waters of Oceanside Harbor, California, including the entrance channel.

(b) *Effective Period.* This section is effective from 6:30 a.m. to 9:30 a.m. on March 29, 2008.

(c) *Regulations.* Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative. Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF–FM Channel 16.

Dated: January 25, 2008.

C.V. Strangfeld,

Captain, U.S. Coast Guard, Captain of the Port, San Diego.

[FR Doc. E8–2167 Filed 2–5–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2008–0006; FRL–8525–9]

Final 8-Hour Ozone National Ambient Air Quality Standards Designations for the Early Action Compact Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to designate 13 Early Action Compact (EAC) Areas as attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The EAC areas agreed to reduce ground-level ozone pollution earlier than the Clean Air Act (CAA) required and to demonstrate attainment with the 8-hour ozone NAAQS by December 31, 2007. The States in which these 13 areas are located have submitted quality-assured data indicating that the areas are in attainment for the 8-hour ozone NAAQS based on ambient air monitoring data from 2005, 2006 and 2007. In addition, the EPA plans to revoke the 1-hour ozone NAAQS for each of these areas one year after the effective date of the designations for the 8-hour ozone NAAQS, and we would modify the 1-hour ozone NAAQS tables in the regulations to reflect the application of the revocation.

DATES: Comments must be received on or before February 21, 2008.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–OAR–2008–0006, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: A-and-R-Docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* Docket EPA–HQ–OAR–2008–0006, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, Northwest, Washington, DC 20460. Please include two copies.
- *Hand Delivery:* Deliver your comments to: Air Docket, Environmental Protection Agency, 1301 Constitution Avenue, NW., Room 3334, Washington, DC 20004, Attention: Docket ID No. EPA–HQ–OAR–2008–0006. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2008–0006. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For further information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Driscoll, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539–04, Research Triangle Park, NC 27711, phone number (919) 541–1051 or by e-mail at: *driscoll.barbara@epa.gov* or Mr. David Cole, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C304–05, Research Triangle Park, NC 27711, phone number (919) 541–5565 or by e-mail at: *cole.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This proposed action applies only to the 13 EAC areas identified in section IV, Table 1, below that have deferred designations for the 8-hour ozone NAAQS until April 15, 2008. Additionally, this action notes that in the final rule, EPA plans to take the ministerial action of revising the CFR to reflect the effective date of the nonattainment designation for the Denver EAC area, which was designated nonattainment on November 20, 2007.

B. How Is This Document Organized?

The information presented in this preamble is organized as follows:

Outline

I. General Information
  A. Does This Action Apply to Me?
  B. How is This Document Organized?
II. What Is the Purpose of This Document?
III. What Action Has EPA Taken to Date for Early Action Compact Areas?
IV. What Is the Proposed Action for the 13 Early Action Compact Areas?
V. Statutory and Executive Order Reviews
  A. Executive Order 12866: Regulatory Planning and Review
  B. Paperwork Reduction Act
  C. Regulatory Flexibility Act
  D. Unfunded Mandates Reform Act
  E. Executive Order 13132: Federalism
  F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
  H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
  I. National Technology Transfer Advancement Act
  J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

II. What Is the Purpose of This Document?

The purpose of this document is to propose designating 13 EAC areas as attainment for the 8-hour ozone NAAQS, as they have met all the milestones of the EAC program and demonstrated that they were in attainment with the 8-hour ozone NAAQS by December 31, 2007. At the time we take final action on this proposal we also plan to take the ministerial action of revising Section 81.306 to reflect the nonattainment designation for the Denver EAC area. On September 21, 2007, EPA extended the deferred effective date for the Denver EAC area from September 14, 2007 to November 20, 2007, while settlement negotiations were taking place, and to

allow time for an evaluation of the Denver EAC's 8-hour ozone air quality for 2005, 2006 and the first three quarters of 2007. Evaluation of the data indicated a violation of the 8-hour ozone standard, therefore, EPA took no action to further defer the effective date of designation and Denver's nonattainment designation became effective on November 20, 2007.

In addition, the EPA plans to revoke the 1-hour ozone NAAQS for each of these EAC areas one year after the effective date of the designations for the 8-hour ozone NAAQS, and we would modify the 1-hour ozone NAAQS tables in 40 CFR part 81 to reflect the application of the revocation. This action was taken for all other areas of the country except the EACs on August 3, 2005 (70 FR 44470).

III. What Action Has EPA Taken to Date for Early Action Compact Areas?

Currently, there are 28 areas remaining in the EAC program. Of those 28 areas, 13 had their designations deferred for the ozone 8-hour NAAQ until April 15, 2008 (71 FR 69022).[1] The other 15 areas were designated attainment in April 2004, with an effective date of June 15, 2004. These areas have remained in the program in order to continue improving their local air quality. For discussions on EPA's actions to date with respect to deferring the effective date of nonattainment designations for certain areas of the country that are participating in the EAC program and Denver specifically please refer to the **Federal Register** dated June 28, 2007 (72 FR 35356) and September 21, 2007 (72 FR 53952). In addition, EPA's April 30, 2004, air quality designation rule (69 FR 23858) provides a description of the compact area approach, the requirements for areas participating in the compact and the impacts of the compact on those areas.

You may find copies of all State reports at *http://www.epa.gov/ttn/naaqs/ozone/eac/*.

IV. What Is the Proposed Action for the 13 Early Action Compact Areas?

The 13 EAC areas with deferred designations for the 8-hour NAAQS, had to meet one final milestone which was to demonstrate attainment with the 8-hour ozone NAAQS by December 31, 2007. Each of these EAC areas met all of the earlier milestones of the EAC program and the States in which the areas are located have now submitted quality-assured data demonstrating that the areas attained the 8-hour ozone NAAQS based on air quality data from 2005, 2006 and 2007. Therefore, EPA is proposing to designate these 13 areas as attainment for the 8-hour ozone standard. Table 1 provides the 8-hour ozone design values for each of the 13 EAC areas based on the 2005–2007 air quality data.

TABLE 1.—8-HOUR OZONE DESIGN VALUES FOR COMPACT AREAS PROPOSED TO BE DESIGNATED ATTAINMENT FOR 8-HOUR OZONE NAAQS EFFECTIVE APRIL 15, 2008

ote: Name of designated 8-hour ozone deferred nonattainment areas is in parentheses.

State	Compact area (designated area)	Counties proposed to be designated attainment effective April 15, 2008	8-hour ozone design value (parts per million)
EPA Region 3			
VA	Northern Shenandoah Valley Region (Frederick County, VA), adjacent to Washington, DC-MD-VA.	Winchester City, Frederick County	0.073
VA	Roanoke area (Roanoke, VA)	Roanoke County, Botetourt County, Roanoke City, Salem City.	0.076
MD	Washington County (Washington County, Hagerstown, MD), adjacent to Washington, DC-MD-VA.	Washington County	0.079
WV	The Eastern Pan Handle Region (Berkeley & Jefferson Counties, WV), Martinsburg area.	Berkeley County, Jefferson County	0.075
EPA Region 4			
NC	Unifour (Hickory-Morganton-Lenoir, NC)	Catawba County, Alexander County, Burke County (part), Caldwell County (part).	0.078
NC	Triad (Greensboro-Winston-Salem-High Point, NC)	Randolph County, Forsyth County, Davie County, Alamance County, Caswell County, Davidson County, Guilford County, Rockingham County.	0.083
NC	Cumberland County (Fayetteville, NC)	Cumberland County	0.082
SC	Appalachian—A (Greenville-Spartanburg-Anderson, SC).	Spartanburg County, Greenville County, Anderson County.	0.083
SC	Central Midlands—I Columbia area	Richland County (part), Lexington County (part)	0.082
TN/GA	Chattanooga (Chattanooga, TN-GA)	Hamilton County, TN, Meigs County, TN, Catoosa County, GA.	0.084
TN	Nashville (Nashville, TN)	Davidson County, Rutherford County, Williamson County, Wilson County, Sumner County.	0.084
TN	Johnson City-Kingsport-Bristol area (TN portion only)	Sullivan County, TN, Hawkins County, TN	0.083
EPA Region 6			
TX	San Antonio	Bexar County, Comal County, Guadalupe County	0.082

[1] As noted previously, we also initially deferred the nonattainment designation for the Denver EAC area, but the nonattainment designation for the Denver EAC area became effective November 20, 2007.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a "significant regulatory action" under the terms of Executive Order (E.O.) 12866 (58 FR 51735; October 4, 1993) and is therefore not subject to review under the E.O.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* This proposed rule does not require the collection of any information.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an Agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the Agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined as: (1) A small business that is a small industrial entity as defined in the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This proposed rule will not impose any requirements on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year. Thus, this proposed rulemaking is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because this rule does not contain Federal mandates.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the E.O. to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA establishes the scheme whereby States take the lead in developing plans to meet the NAAQS. This proposed rule would not modify the relationship of the States and EPA for purposes of developing programs to implement the NAAQS. Thus, E.O. 13132 does not apply to this proposed rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and confined governments, EPA specifically solicits comment on this proposed rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This proposed rule does not have "Tribal implications" as specified in E.O. 13175. It does not have a substantial direct effect on one or more Indian Tribes, since no Tribe has

implemented a CAA program to attain the 8-hour ozone NAAQS at this time or has participated in a compact. Thus Executive Order 13175 does not apply to this rule. EPA specifically solicits additional comments on this proposed rule from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045: "Protection of Children From Environmental Health and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The EAC program has provided cleaner air sooner than required under the CAA to these communities. The public is invited to submit or identify peer-reviewed studies and data, of which the agency may not be aware, that assessed results of early life exposure to ozone.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to E.O. 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355; May 22, 2001) because it is not a significant regulatory action under E.O. 12866.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (NTTAA), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This proposed rule does not involve technical standards. Therefore, EPA is not considering the use of any VCS. EPA welcomes comments on this aspect of the proposed rulemaking and specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629; Feb. 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The health and environmental risks associated with ozone were considered in the establishment of the 8-hour, 0.08 ppm ozone NAAQS. The level is designed to be protective with an adequate margin of safety.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control.

Authority: 42 U.S.C. 7408; 42 U.S.C. 7410; 42 U.S.C. 7501–7511f; 42 U.S.C. 7601(a)(1).

Dated: January 31, 2008.

Stephen L. Johnson,

Administrator.

[FR Doc. E8–2187 Filed 2–5–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2007–0674; FRL–8345–2]

2,4-D, Bensulide, DCPA, Desmedipham, Dimethoate, Fenamiphos, Phorate, Sethoxydim, Terbufos, and Tetrachlorvinphos; Proposed Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke certain tolerances for the herbicide sethoxydim and the insecticides dimethoate, fenamiphos, terbufos, and tetrachlorvinphos. Also, EPA is proposing to modify certain tolerances for the herbicides 2,4-D, DCPA, desmedipham, and sethoxydim and the insecticides dimethoate, fenamiphos, phorate, and tetrachlorvinphos. In addition, EPA is proposing to establish new tolerances for the herbicides bensulide and sethoxydim. The regulatory actions proposed in this document are in follow-up to the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and tolerance reassessment program under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(q).

DATES: Comments must be received on or before April 7, 2008.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0674 by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–0674. EPA's policy is that all comments

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional Explanation
*	*	*	*	*
Documents Incorporated by Reference (9 VAC 5–20–21, Paragraphs E.4.a. (21) and (22))..	Fredericksburg VOC Emissions Control Area Designated in 9 VAC 5–20–206.	05/14/07	12/05/07 [Insert page number where the document begins].	State effective date is 10/04/06.
*	*	*	*	*

[FR Doc. E7–23386 Filed 12–4–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[EPA–R05–OAR–2007–0390; FRL–8501–1]

Approval of Implementation Plans; Ohio; Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, the EPA is withdrawing the October 16, 2007 (72 FR 58546), direct final rule approving the State of Ohio's September 26, 2007, request to revise the Ohio State Implementation Plan (SIP) by incorporating provisions related to the implementation of EPA's Clean Air Interstate Rule (CAIR). In the direct final rule, EPA stated that if adverse comments were submitted by November 15, 2007, the rule would be withdrawn and not take effect. On November 9, 2007, EPA received a comment. EPA believes this comment is adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed action also published on October 16, 2007 (72 FR 58571). EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 72 FR 58546 on October 16, 2007, is withdrawn as of December 5, 2007.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6084, *paskevicz.john@epa.gov.*

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Electric utilities, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 97

Environmental protection, Administrative practice and procedure, Air pollution control, Electric utilities, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: November 23, 2007.

Gary Gulezian,

Acting Regional Administrator, Region 5.

■ Accordingly, the amendments to 40 CFR 52.1870 and part 97 which were published in the **Federal Register** on October 16, 2007 (72 FR 58546) on pages 58552–58553 are withdrawn as of December 5, 2007.

[FR Doc. E7–23504 Filed 12–4–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R03–OAR–2006–0353; EPA–R03–OAR–2007–0476; EPA–R03–OAR–2005–VA–0007; EPA–R03–OAR–2005–VA–0013; EPA–R03–OAR–2005–0548; EPA–R03–OAR–2006–0485; EPA–R03–OAR–2006–0682; EPA–R03–OAR–2006–0692; EPA–R03–OAR–2006–0817; FRL–8500–8]

Approval and Promulgation of Air Quality Implementation Plans; Maryland, Pennsylvania, Virginia, West Virginia; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error in the part 81 tables of a series of final rules pertaining to EPA's approval of ozone redesignation requests for Kent and Queen Anne, Erie, Fredericksburg, Shenandoah, Charleston, Parkersburg-Marietta, Steubenville-Weirton, Wheeling, and Huntington-Ashland 8-hour ozone nonattainment areas. The requests to redesignate the areas from nonattainment to attainment were submitted by Maryland, Pennsylvania, Virginia, and West Virginia.

EFFECTIVE DATE: December 5, 2007.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166 or by e-mail at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we" or "our" are used we mean EPA. The following table is a summary of the dates on which we published final rulemaking documents announcing our approval of three simultaneous actions for nine areas: (1) Redesignation from nonattainment to attainment of 8-hour ozone national ambient air quality standard (NAAQS); (2) approval of the areas' maintenance plans, and (3) approval of the emissions 2002 base-year inventories and mobile budgets. The effective dates for the three actions were announced in the **DATES** section as being 30 days from the date of publication.

State	Nonattainment area	Date of publication	FRN	Effective date
Maryland	Kent & Queen Anne's	December 22, 2006	71 FR 76920	January 22, 2007.
Pennsylvania	Erie	October 9, 2007	72 FR 57207	November 8, 2007.
Virginia	Fredericksburg	December 23, 2005	70 FR 76165	January 23, 2006.
	Shenandoah	January 3, 2006	71 FR 24	February 2, 2006.
West Virginia	Charleston	July 11, 2006	71 FR 39001	August 10, 2006.
	Huntington-Ashland	September 15, 2006	71 FR 54421	October 16, 2006.
	Parkersburg-Marietta	May 8, 2007	72 FR 25967	June 7, 2007.
	Steubenville-Weirton	May 14, 2007	72 FR 27060	June 13, 2007.
	Wheeling	May 15, 2007	72 FR 27247	June 14, 2007.

The corresponding effective dates in the 40 CFR part 81 tables for each nonattainment area should have also been 30 days from date of publication, but were inadvertently established as the dates of publication. This action corrects the erroneous effective date in part 81 for each of the above listed areas.

In the rule documents published in the **Federal Register** on the effective dates given in the above table, the part 81 tables for the nonattainment areas listed in the above table are corrected by revising the entry for the effective designation date for these areas from the date of publications given in the above table to the effective dates given in the above table (for example, for Kent & Queen Anne, corrected from December 23, 2006 to January 22, 2007).

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because this rule is not substantive and imposes no regulatory requirements, but merely corrects a citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)). Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of December 5, 2007. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. These corrections to the tables in 40 CFR 81.321, 81.339, 81.347 and 81.349 for Maryland, Pennsylvania, Virginia and West Virginia are not "major rules" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 20, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. In § 81.321, the table entitled "Maryland—Ozone (8-Hour Standard)" is amended by revising the entry for Kent and Queen Anne's Area to read as follows:

§ 81.321 Maryland.

* * * * *

MARYLAND—OZONE (8-HOUR STANDARD)

Designated Area	Designation [a]		Category/Classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	*
Kent and Queen Anne's Area				
Kent County	January 22, 2007	Attainment		
Queen Anne's County	January 22, 2007	Attainment		
* *	*	*	*	*

[a] Includes Indian County located in each county or area, except otherwise noted.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

■ 3. In § 81.339, the table entitled "Pennsylvania-Ozone (8-Hour Standard)" is amended by revising the entry for Erie, PA: Erie County to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—OZONE (8-HOUR STANDARD)

Designated Area	Designation [a]		Category/Classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	*
Erie, PA: Erie County	11/8/2007	Attainment		
* *	*	*	*	*

[a] Includes Indian County located in each county or area, except otherwise noted.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

■ 4. In § 81.347, the table entitled "Virginia—Ozone (8-Hour Standard)" is amended by revising the entries for Fredericksburg, VA and Madison and Page Cos. (Shenandoah NP), VA Area to read as follows:

§ 81.347 Virginia.

* * * * *

VIRGINIA—OZONE (8-HOUR STANDARD)

Designated Area	Designation [a]		Category/Classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	*
Fredericksburg, VA:				
City of Fredericksburg	January 23, 2006	Attainment		
Spotsylvania County	January 23, 2006	Attainment		
Stafford County	January 23, 2006	Attainment		
Madison and Page Cos. (Shenandoah NP), VA area:				
Madison County (part)	February 2, 2006	Attainment		
Page County (part)	February 2, 2006	Attainment		
* *	*	*	*	*

[a] Includes Indian County located in each county or area, except otherwise noted.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

■ 5. In § 81.349, the table entitled "West Virginia—Ozone (8-Hour Standard)" is amended by revising the entries for Charleston, WV; Huntington-Ashland, WV-KY; Parkersburg-Marietta WV-OH Area; Wheeling, WV-OH Area; and Steubenville-Weirton, OH-WV Area to read as follows:

§ 81.349 West Virginia.

* * * * *

WEST VIRGINIA—OZONE (8-HOUR STANDARD)

Designated Area	Designation[a]		Category/Classification	
	Date[1]	Type	Date[1]	Type
* *	*	*	*	*
Charleston, WV:				
Kanawha County	August 10, 2006	Attainment		
Putnam County	August 10, 2006	Attainment		
Huntington-Ashland, WV-KY				
Cabell County	October 16, 2006	Attainment		
Wayne County	October 16, 2006	Attainment		
Parksburg-Marietta, WV-OH Area:				
Wood County	June 7, 2007	Attainment		
Wheeling, WV-OH area:				
Marshall County	June 14, 2007	Attainment		
Ohio County	June 14, 2007	Attainment		
Steubenville-Weirton, OH-WV area:				
Brooke County	June 13, 2007	Attainment		
Hancock County	June 13, 2007	Attainment		
* *	*	*	*	*

[a] Includes Indian County located in each county or area, except otherwise noted.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. E7–23498 Filed 12–4–07; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 94

[EPA–HQ–OAR–2007–0120; FRL–8502–6]

RIN 2060–A026

Change in Deadline for Rulemaking to Address the Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: A February 2003 final rule established the first U.S. emission standards for new compression-ignition Category 3 marine engines, those with a per-cylinder displacement at or above 30 liters. It also established a deadline of April 27, 2007 for EPA to promulgate a second set of emission standards for these engines. This rulemaking schedule was intended to allow time to consider the state of technology for deeper emission reductions and the status of international action for more stringent standards. Since 2003 we have continued to gain a greater understanding of technical issues and assess the continuing efforts of manufacturers to apply advanced emission control technologies to these engines. In addition, we have continued to work with and through the International Maritime Organization toward more stringent emission standards that would apply to all new marine diesel engines on ships engaged in international transportation. Much of the information necessary to develop more stringent Category 3 marine diesel engines standards has become available only recently and we expect more information to come to light in the course of the current negotiations underway as part of the international process. EPA is therefore adopting a new deadline for the rulemaking to consider the next tier of Category 3 marine diesel engine standards. Under this new schedule, EPA would adopt a final rule by December 17, 2009. EPA has started this rulemaking process by publishing an Advance Notice of Proposed Rulemaking elsewhere in today's **Federal Register**.

DATES: This rule is effective on January 4, 2008.

ADDRESSES: All documents in the docket are listed in the www.regulations.gov index under Docket ID No. EPA-HQ-OAR–2007–0120. Some information listed in the index is not publicly available, such as confidential business information or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Michael Samulski, Assessment and Standards Division, Office of Transportation and Air Quality, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4532; fax number: (734) 214–4050; e-mail address: *samulski.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does This Action Apply to Me?

This action will affect companies that manufacture, sell, or import into the United States new marine compression-ignition engines for use on vessels flagged or registered in the United States; companies and persons that make vessels that will be flagged or registered in the United States and that use such engines; and the owners or operators of such U.S. vessels. This action may also affect companies and persons that rebuild or maintain these engines. Affected categories and entities include the following:

Category	NAICS Code[a]	Examples of potentially affected entities
Industry	333618	Manufacturers of new marine diesel engines.

Authority: 42 U.S.C. 7401 *et seq.*

Subpart VV—Virginia

■ 2. In § 52.2420, the entry for the Attainment Demonstration and the Early Action Plan for the Roanoke MSA Early Action Compact Area in paragraph (e) is added at the end of the table to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Attainment Demonstration and Early Action Plan for the Roanoke MSA Ozone Early Action Compact Area.	Botetourt County, Roanoke City, Roanoke County, and Salem City.	12/21/04, 2/15/05	8/17/05 [Insert **Federal Register** page number where the document begins].	

[FR Doc. 05–16294 Filed 8–16–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R03–OAR–2005–VA–0005; FRL–7954–4]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Attainment Demonstration for the Northern Shenandoah Valley Ozone Early Action Compact Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a revision to the Commonwealth of Virginia State Implementation Plan (SIP). This revision consists of an Early Action Compact (EAC) Plan that will enable the Northern Shenandoah Valley Ozone EAC Area to demonstrate attainment and maintenance of the 8-hour ozone national ambient air quality (NAAQS) standard. This action is being taken under the Clean Air Act (CAA or Act).

DATES: This final rule is effective on September 16, 2005.

ADDRESSES: EPA has established a docket for this action under Regional Material in EDocket (RME) ID Number R03–OAR–2005–VA–0005. All documents in the docket are listed in the RME index at *http://www.docket.epa.gov/rmepub/*. Once in the system, select "quick search," then key in the appropriate RME identification number. Although listed in the electronic docket, some information is not publicly available, *i.e.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On May 17, 2005 (70 FR 28260), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of the attainment demonstration and the Early Action Plan (EAP) for the Northern Shenandoah Valley Ozone EAC Area, which consists of the City of Winchester and Frederick County. The formal SIP revision was submitted by the Virginia Department of Environmental Quality on December 20, 2004 and supplemented on February 15, 2005. Other specifics of the Commonwealth's SIP revision for the Northern Shenandoah Valley Ozone EAC Area, and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. On June 16, 2005, EPA received adverse comments on its May 17, 2005 NPR. A summary of the comments submitted and EPA's responses are provided in Section II of this document.

II. Summary of Public Comments and EPA Responses

Comment: Several commenters expressed support for the compact process, the goal of clean air sooner, the incentives and flexibility the program provides for encouraging early reductions of ozone-forming pollution, and the deferred effective date of nonattainment designations.

Response: EPA acknowledges the comments of support for our final action.

Comment: One commenter opposes the approval of the SIP revision for the Northern Shenandoah Valley Ozone EAC Area because the Area is in violation of the 8-hour ozone standard. The commenter also states that the SIP revision provides for the deferment of a nonattainment designation until a future date, potentially as late as December 31, 2007, and relieves the Area of obligations under Title I, part D of the CAA. Although the commenter is supportive of the goal of addressing proactively the public health concerns associated with ozone pollution, the commenter believes that EPA does not have the legal authority to defer effective dates of designations or to allow areas to be relieved of obligations under Title I, part D of the CAA while they are violating the 8-hour ozone standard, or are designated nonattainment of that standard.

Response: EPA first announced the EAC process in a June 19, 2002 letter from Gregg Cooke, Administrator, EPA Region VI to Robert Huston, Texas Commission on Environmental Quality, followed by a November 14, 2002 memorandum from Jeffrey R. Holmstead, Assistant Administrator, EPA's Office of Air and Radiation to the EPA Regional Administrators, entitled, "Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts." EPA formalized the EAC process in the designation rulemaking on April 30, 2004 (69 FR 23858). In the designation rule, EPA designated 14 EAC areas as nonattainment, but deferred the

effective date of the designation until September 30, 2005. The EAC program gives local areas the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided the participating communities are serious in their commitment to control emissions from local sources earlier than the CAA would otherwise require. By involving diverse stakeholders, including representatives from industry, local and State governments, and local environmental citizens' groups, a number of communities are discussing for the first time the need for regional cooperation in solving air quality problems that affect the health and welfare of its citizens. People living in these areas that realize reductions in pollution levels sooner will enjoy the health benefits of cleaner air sooner than might otherwise occur. EPA believes this proactive approach involving multiple, diverse stakeholders is beneficial to the citizens of the area by raising awareness of the need to adopt and implement measures that will reduce emissions and improve air quality.

EPA disagrees with the comments that this action on the SIP revision for the Northern Shenandoah Valley Ozone EAC Area defers the nonattainment designation for this Area. In our May 17, 2005 NPR (70 FR 28260), EPA proposed approval of an attainment demonstration and EAP SIP revision for the Northern Shenandoah Valley Ozone EAC Area. This SIP revision includes an attainment demonstration which demonstrates attainment of the 8-hour ozone NAAQS in the Northern Shenandoah Valley Ozone EAC Area by December 31, 2007, and also demonstrates maintenance of the 8-hour NAAQS for five years following the attainment date. As noted in the proposed action, approval of the attainment demonstration and EAP constitutes one of several milestones that an area must meet in order to participate in the EAC process. While approval of this plan is a prerequisite for an extension of the deferred effective date of the designation of this Area, *see* 40 CFR 81.300(e)(3), neither the proposed approval of this SIP nor this final action approving the SIP purports to extend the deferral of the effective date of the nonattainment designation for this Area. In a separate rulemaking (69 FR 23858, April 30, 2004), EPA deferred the effective date of the air quality designations of all 14 EAC areas to September 30, 2005. In the April 30, 2004 final rule, EPA responded to comments received during the comment period for this final rule. In a separate proposed rule (70 FR 33409, June 8, 2005), EPA proposed to extend the deferral of the effective date of the air quality designations for these 14 EAC areas. EPA will consider comments regarding its legal authority in the final rule associated with the June 8, 2005 proposed rule.

Regardless of whether EPA's separate actions deferring the effective date of the nonattainment designation for this Area are appropriate, EPA sees no basis to disapprove the attainment and maintenance plan. The provisions of the statute generally provide that areas must demonstrate attainment and maintenance of the NAAQS. *See e.g.*, CAA section 110(a)(1) (requiring areas to submit plans providing for "implementation, maintenance, and enforcement" of each NAAQS) and CAA section 172(c)(1) (requiring nonattainment areas to submit plans demonstrating attainment of the NAAQS). The commenter has provided no substantive reason why this plan does not demonstrate attainment and maintenance of the 8-hour standard. Therefore, this action approving the attainment demonstration and maintenance plan is appropriate.

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information: (1) That are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1–1198, precludes granting a "required by Federal law to maintain program delegation, authorization or approval," since Virginia must "enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts * * *." The opinion concludes that "regarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval."

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that "to the extent consistent with requirements imposed by Federal law," any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since "no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity."

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a State audit privilege and immunity law can affect only State enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the State plan, independently of any State enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, State audit privilege or immunity law.

IV. Final Action

EPA is approving the attainment demonstration and the EAP for the Northern Shenandoah Valley Ozone EAC Area. The modeling of the ozone and ozone precursor emissions from sources affecting the Northern Shenandoah Valley Ozone EAC Area demonstrates that the specified control strategies will provide for attainment of the 8-hour ozone NAAQS by December 31, 2007 and maintenance of that standard through 2012.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action, approving the attainment demonstration and the EAP for the Northern Shenandoah Valley Ozone EAC Area, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 9, 2005.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart VV—Virginia

■ 2. In § 52.2420, the entry for the Attainment Demonstration and Early Action Plan for the Northern Shenandoah Valley Ozone Early Action Compact Area in paragraph (e) is added at the end of the table to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation

EPA APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL—Continued

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	* *	*	*	*
Attainment Demonstration and Early Action Plan for the Northern Shenandoah Valley Ozone Early Action Compact Area.	City of Winchester and Frederick County.	12/20/04, 02/15/05	8/17/05 [Insert **Federal Register** page number where the document begins].	.....

[FR Doc. 05–16293 Filed 8–16–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R03–OAR–2005–MD–0004; FRL–7954–2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Attainment Demonstration for the Washington County Ozone Early Action Compact Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a revision to the State of Maryland State Implementation Plan (SIP). This revision consists of an Early Action Compact (EAC) Plan that will enable the Washington County, Maryland Ozone EAC Area to demonstrate attainment and maintenance of the 8-hour ozone national ambient air quality (NAAQS) standard. This action is being taken under the Clean Air Act (CAA or Act).

DATES: This final rule is effective on September 16, 2005.

ADDRESSES: EPA has established a docket for this action under Regional Material in EDocket (RME) ID Number R03–OAR–2005–MD–0004. All documents in the docket are listed in the RME index at *http://www.docket.epa.gov/rmepub/*. Once in the system, select "quick search," then key in the appropriate RME identification number. Although listed in the electronic docket, some information is not publicly available, *i.e.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Ellen Wentworth, (215) 814–2034, or by e-mail at *wentworth.ellen@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On May 17, 2005 (70 FR 28256), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of the attainment demonstration and the Early Action Plan (EAP) for the Washington County Ozone EAC Area. The formal SIP revision was submitted by the Maryland Department of the Environment on December 20, 2004 and supplemented on February 28, 2005. Other specifics of the State's SIP revision for the Washington County Ozone EAC Area, and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. On June 16, 2005, EPA received adverse comments on its May 17, 2005 NPR. A summary of the comments submitted and EPA's responses are provided in Section II of this document.

II. Summary of Public Comments and EPA Responses

Comment: One commenter opposes the approval of the SIP revision for the Washington County Ozone EAC Area because the Area is in violation of the 8-hour ozone standard. The commenter also states that the SIP revision provides for the deferment of a nonattainment designation until a future date, potentially as late as December 31, 2007, and relieves the Area of obligations under Title I, part D of the CAA. Although the commenter is supportive of the goal of addressing proactively the public health concerns associated with ozone pollution, the commenter believes that EPA does not have the legal authority to defer effective dates of designations or to allow areas to be relieved of obligations under Title I, part D of the CAA while they are violating the 8-hour ozone standard, or are designated nonattainment of that standard.

Response: EPA first announced the EAC process in a June 19, 2002 letter from Gregg Cooke, Administrator, EPA Region VI to Robert Huston, Texas Commission on Environmental Quality, followed by a November 14, 2002 memorandum from Jeffrey R. Holmstead, Assistant Administrator, EPA's Office of Air and Radiation to the EPA Regional Administrators, entitled, "Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts." EPA formalized the EAC process in the designation rulemaking on April 30, 2004 (69 FR 23858). In the designation rule, EPA designated 14 EAC areas as nonattainment, but deferred the effective date of the designation until September 30, 2005. The EAC program gives local areas the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided the participating communities are serious in their commitment to control emissions from local sources earlier than the CAA would otherwise require. By involving diverse stakeholders, including representatives from industry, local and State governments, and local environmental citizens' groups, a number of communities are discussing for the first time the need for regional cooperation in solving air quality problems that affect the health and welfare of its citizens. People living in these areas that achieve reductions in pollution levels sooner will enjoy the health benefits of cleaner air sooner than might otherwise occur. EPA believes this proactive approach involving multiple, diverse stakeholders is beneficial to the citizens of the area by raising awareness of the need to adopt and implement measures that will reduce emissions and improve air quality.

EPA disagrees with the comments that this action on the SIP revision for the Washington County Ozone EAC Area defers the nonattainment designation for this Area. In our May 17, 2005 NPR (70 FR 28256), EPA proposed approval of an

Dated: May 3, 2005.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. 05–9783 Filed 5–16–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R03–OAR–2005–VA–0005; FRL–7913–9]

Approval and Promulgation of Air Quality Implementation Plans; Virginia, Attainment Demonstration for the Northern Shenandoah Valley Ozone Early Action Compact Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This proposed revision consists of an Early Action Compact (EAC) Plan that will enable the Northern Shenandoah Valley Ozone EAC Area to demonstrate attainment and maintenance of the 8-hour ozone national ambient air quality standard (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 16, 2005.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID Number R03–OAR–2005–VA–0005 by one of the following methods:

A. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Agency Web site: http://www.docket.epa.gov/rmepub/* RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

C. *E-mail: campbell.dave@epa.gov.*

D. *Mail:* R03–OAR–2005–VA–0005, David Campbell, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

E. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to RME ID No. R03–OAR–2005–VA–0005. EPA's policy is that all comments received will be included in the public docket without change, and may be including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through RME, regulations.gov or e-mail. The EPA RME and the Federal regulations.gov Web sites are an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the RME index at *http://www.docket.epa.gov/rmepub/.* Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION: On December 20, 2004, the Commonwealth of Virginia submitted a revision to its SIP. This revision consists of an Early Action Plan (EAP) for the Northern Shenandoah Valley Ozone EAC Area. On February 15, 2005, the Commonwealth supplemented its December 20, 2004 submittal by providing a copy of the record of hearing and summary of testimony during its rule adoption process.

I. Background

In 1997, EPA established a new 8-hour ozone NAAQS that addresses the longer-term impact of ozone at lower levels. As such, the new standard is set at a lower level, 0.08 parts per million (ppm) than the previous 1-hour standard, 0.120 ppm, and is more protective of human health. Attainment of the 8-hour ozone standard is determined by averaging three years of the fourth highest 8-hour ozone levels as recorded by ambient air quality monitor(s) in an area. This number, called the design value, must be lower than 85 parts per billion (ppb) in order for the area to comply with the ozone standard. Currently, the Northern Shenandoah Valley EAC Area, which consists of the City of Winchester and Frederick County, has an official design value based on quality-assured air quality data for the period 2001 to 2003 of 85 ppb.[1]

To begin to address the elevated ozone concentrations in the Northern Shenandoah Valley Area, the Virginia Department of Environmental Quality (VADEQ) investigated voluntary actions that could be implemented proactively to improve air quality. Virginia found the most promising of all of the options it explored to be EPA's EAC program. EACs are voluntary agreements entered into by affected local jurisdictions, state regulatory agencies, and EPA to develop EAPs to reduce ozone precursor pollutants, such as nitrogen oxides (NO_X) and volatile organic compounds (VOCs) and improve local air quality. The goal of the EAP is to bring about a positive change to local air quality on a schedule that is faster than the traditional regulatory nonattainment area designation and air quality planning process. These plans include the same components of traditional SIPs for nonattainment areas: emissions inventories, control strategies, schedules and commitments, and a demonstration of attainment based on photochemical modeling.

[1] To attain the 8-hour national ambient air quality standard (NAAQS) for ozone requires the fourth highest 8-hour daily maximum ozone concentration, average over three consecutive years, to be ≤80 parts per billion (ppb) at each monitoring site (*See* 40 CFR Part 50.10, Appendix I, paragraph 2.3). Because of the stipulations for rounding significant figures, this equates to a modeled attainment target of ≤ 84 ppb. Because non-significant figures are truncated, a modeling estimate of < 85 ppb is equivalent to ≤ 84 ppb.

The goal of an EAP is to develop a comprehensive strategy that will allow an area to achieve attainment of the 8-hour ozone standard by 2007. This goal is accomplished by selecting and implementing local ozone precursor pollutant control measures and other state and nationally-implemented control measures that reduce emissions and allows the area to comply with the NAAQS for ozone. Areas successful in developing a plan that demonstrates attainment of the 8-hour ozone standard by 2007 will receive a deferral of the effective date of the nonattainment designation for the area from EPA. This deferral will remain in place as long as certain milestones are met, such as implementation of local controls by 2005. If the interim milestones are met and the area demonstrates attainment of the standard during the period from 2005 to 2007, based on quality-assured air quality data, then the nonattainment designation for the relevant area will be withdrawn by EPA and the area will face no further regulatory requirements. If an area fails at any point in the process, the nonattainment designation will become effective, along with all of the associated regulatory requirements of such a designation.

In December 2002, a number of states entered into EAC agreements, pledging to reduce emissions earlier than required by the Act for compliance with the 8-hour ozone standard. These states and local communities had to meet specific criteria and agreed to meet certain milestones for development and implementation of their individual EAC agreements. States with communities participating in the EAC program had to submit plans for meeting the 8-hour ozone standard by December 31, 2004, rather than the June 15, 2007 deadline applicable to all other areas not meeting the standard. The EACs required communities to develop and implement air pollution control strategies, account for emissions growth, and demonstrate attainment and maintenance of the 8-hour ozone standard. Greater details on the EAC program are explained in EPA's December 16, 2003 (68 FR 70108) proposed **Federal Register** notice entitled, "Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas." In December 2002, the Northern Shenandoah Valley Area entered into an EAC with both the Commonwealth and EPA. This compact was signed by all parties involved and then submitted to EPA by the required date of December 31, 2002.

On April 15, 2004, EPA designated all areas for the 8-hour ozone standard. The EPA deferred the effective date of nonattainment designations for EAC areas that were violating the 8-hour standard, but continued to meet their established EAC milestones. On April 30, 2004 (69 FR 23858), EPA published its formal air quality designations and classifications for the 8-hour ozone standard. This action included the deferral of the effective date for all nonattainment areas that entered into EACs and developed EAPs, including the Northern Shenandoah Valley EAC Area. Specifically, the Winchester/Frederick Area was designated as a "basic" nonattainment area with the effective date of the designation deferred until September 30, 2005. In a separate notice, EPA expects to continue to officially defer the effective date of the nonattainment designation for this Area, among others, in the future so long as the Area continues to fulfill its EAC obligations, including semi-annual status reporting requirements, implementation of the measures in its EAP by December 31, 2005, and a progress assessment by June 30, 2006. EPA anticipates extending the currently effective deferral for all EAC areas from September 30, 2005 until December 31, 2006, provided the above conditions are met.

II. Summary of SIP Revision

A. Content of the Northern Shenandoah Valley EAC Area Attainment Demonstration

As part of its EAC plan, Virginia developed an attainment demonstration supported by an ozone photochemical modeling study for the Northern Shenandoah Valley EAC Area. The attainment demonstration identifies a set of measures that will result in emission reductions and provides analyses that predict that the measures result in ambient air quality concentrations that meet the 8-hour ozone standard in the Northern Shenandoah Valley EAC Area.

The attainment demonstration was supported by results of a photochemical modeling analysis and technical documentation for all ozone monitors in the Northern Shenandoah Valley EAC Area. EPA believes that VADEQ's 8-hour ozone photochemical modeling study developed for the Northern Shenandoah Valley EAC Area meets EPA's current modeling requirements. The Commonwealth has adequately followed all relevant EPA guidance in demonstrating that the Northern Shenandoah Valley EAC Area will attain the 8-hour ozone NAAQS in 2007, and continue to do so in 2012. The modeling results predict the maximum 2007 8-hour ozone design value for this area to be 81.8 ppb, which is less than what is needed (≤84 ppb) to show modeled attainment of the 8-hour ozone NAAQS.

The attainment modeling information presented in this notice should be used in conjunction with the Commonwealth's SIP submittal and EPA's technical support document (TSD), as certain modeling requirements performed by the State (i.e., details of the quality assurance procedures performed, detailed analysis of data suitability, complete listings of all data inputs and outputs, etc.) are not reproduced in this notice.

B. Measures Included in the EAC SIP

The Northern Shenandoah Valley EAP is designed to enable a proactive approach to ensuring attainment of the 8-hour NAAQS. Using the EAP approach, the Northern Shenandoah Valley EAC Area will be implementing emission-reduction measures directed at attaining the 8-hour standard starting in 2005. The Area is then required to demonstrate compliance with the 8-hour ozone standard by 2007, and maintain compliance with the standard at least through 2012. Compliance with the standard will be determined using ozone monitoring data.

The EAP control measures for the Northern Shenandoah Valley EAC Area consist of local, state and Federal emission reduction strategies. Control measures to be implemented on the local level that were included in the demonstration of attainment for the Area include a comprehensive local ozone action day/public awareness program. This strategy is a combination of activities to reduce ozone precursors which includes: a general public awareness program; a school-based awareness program; an educational and promotional campaign; an employer-based ozone action day campaign; dynamic message signs; video monitor deployment; lawn and garden equipment usage restrictions for state and local governments; other state and local government restrictions (*e.g.* refueling guidelines, pesticide application restrictions); and voluntary restrictions by the general public (*e.g.* lawn and garden equipment usage, refueling).

Virginia has also submitted a number of locally-implemented measures in their EAP that, although not included in the attainment demonstration, will provide additional air quality benefits to the Northern Shenandoah Valley EAC Area and surrounding communities. These control measures include: vehicle miles of travel (VMT) reduction

programs—programs/activities designed to reduce VMT, enhanced/expanded Northern Shenandoah Valley Regional Commission ridesharing program; open burning restrictions during days with elevated predicted ozone concentrations; engine-idling restrictions for public and private diesel trucks; advanced emissions control technology for area school bus fleets; and voluntary emission reductions by local industries.

In addition to the local strategies, several State and Federal actions have or will produce substantial ozone precursor emissions reductions both inside and outside of the local EAC area. These state and Federal actions are aimed at reducing local emissions by limiting the transport of pollution into the area from emissions sources located outside of the local area. These strategies, when combined with the local strategies, are expected to lower area ozone concentrations to the level at or below the ozone standard.

Control measures to be implemented on the state level that were included in the attainment demonstration for the Area include: VOC reasonably available control technology (RACT) requirements for selected point and area sources in the City of Winchester and Frederick County and State cutback asphalt regulations that will control VOC emissions in the City of Winchester and Frederick County.

Virginia has also submitted a number of State-supported measures in their EAP that were not included in the attainment demonstration but are expected to provide additional air quality benefits to the Northern Shenandoah Valley EAC Area. These control measures include: The National Low Emission Vehicle Program (NLEV) and the utilization of an enhanced ozone forecasting tool for the Northern Shenandoah Valley EAC Area to support the local ozone action days program and associated voluntary emission reduction efforts.

The NO_X SIP Call (63 FR 57356, October 27, 1998) required states to implement reductions necessary to address the ozone transport problem, and on June 25, 2002, Virginia submitted its NO_X Budget Trading Program to meet its Phase I NO_X SIP Call obligations. Virginia's Phase I program applies to electric generating units that serve a generator greater than 25 megawatts and to industrial units greater than 250 mmBTU/hr. On July 8, 2003 (68 FR 40520), EPA conditionally approved Virginia's NO_X Budget Trading Program, and fully approved the program on August 25, 2004 (69 FR 52174). Virginia began implementing its NO_X Budget Trading Program during the 2004 ozone season. The photochemical modeling that demonstrates attainment for the Northern Shenandoah Valley Area relies upon expected benefits from the NO_X Budget Trading Program throughout the modeling domain.

To help achieve attainment in the Area, VADEQ has recently adopted NO_X reasonably available control technology (RACT) requirements for certain sources located in the Northern Shenandoah Valley EAC Area. At this time, Virginia has formally established NO_X RACT requirements for one source located in the Northern Shenandoah Valley EAC Area. The Commonwealth has submitted the source-specific NO_X RACT requirements to EPA for approval into the Virginia SIP. On April 27, 2005 (70 FR 21621), EPA published a final rulemaking approving the source-specific-specific NO_X RACT determination for the Northern Shenandoah Valley EAC Area.

At the Federal level, numerous EPA programs have been or will be implemented to reduce ozone pollution. These programs that were included in the modeled demonstration attainment cover all the major categories of ozone generating pollutants and are designed to assist many areas that need to come into compliance with the Federal ozone standard. These include stationary and area source controls (low-VOC industrial/architectural paints, vehicle paints, metal-cleaning products, and consumer products); motor vehicle emissions controls for VOCs and NO_X (NLEV, Tier 2 vehicle requirements and heavy-duty diesel standards); and non-road vehicle and equipment standards to control VOCs and NO_X emissions (lawn and garden equipment, construction equipment, boat engines and locomotives).

All these measures have been developed to address the creation of ozone producing emissions in local areas as well as to lessen the regional transport of ozone as a comprehensive approach to reducing ozone levels. A detailed description of all the control measures, including those that were included in the attainment demonstration, as well as the additional measures that are expected to assist the area in meeting attainment of the standard in 2007, can be found in the TSD prepared in support of this rulemaking.

C. Maintenance for Growth

Consistent with EPA guidance, the EAP also contains components to ensure maintenance of the 8-hour ozone standard through 2012, five years beyond the 2007 attainment date. The Northern Shenandoah Valley EAC Area has developed an emissions inventory for the year 2012, as well as a continuing planning process to address this essential part of the plan. Due to the emission control measures identified in the EAP, the emissions inventory predicted an overall reduction in emissions through 2012. From 1999 to 2007, emissions of VOCs are estimated to decline by 17.9 percent and emissions of NO_X are estimated to be reduced by 21.2 percent. By 2012, emissions are predicted be 0.6 percent less than those modeled in 2007 for VOCs, and 20.0 percent less than those modeled in 2007 for NO_X. Using air quality models to anticipate the impact of growth, as well as the Federal, state-assisted, and locally-implemented measures to reduce emissions, the Commonwealth of Virginia has projected the Area will be in attainment of the 8-hour ozone standard in 2007 and will remain in attainment through 2012.

To fulfill the continuing planning process that will ensure that the Northern Shenandoah Valley EAC Area will maintain the 8-hour ozone standard through 2012, the Northern Shenandoah Valley EAP establishes a commitment and mechanism to work with local stakeholders to identify and require additional measures to further reduce ozone precursor emissions. In addition, the EAC signatories and implementing agencies will review all EAC activities and report on these results in semi-annual reports beginning in June 2006. The semi-annual reports will track and document, at a minimum, control strategy implementation and results, monitoring data, and future plans. Furthermore, as part of the SIP submittal, the Northern Shenandoah Valley Area commits to submit periodic updates to VADEQ and EPA on the implementation status and results of the local control program with sufficient details to make program sufficiency determinations. Although not required by the EPA, the Northern Shenandoah Valley EAP contains contingency measures which could be implemented in response to any unexpected shortfall in anticipated reductions. These additional strategies include the implementation of one or more of the following Ozone Transport Commission (OTC) rules: Portable Container Rule, Architectural/Industrial Maintenance Coatings Rule, Mobile Equipment Repair and Refinishing Rule, Solvent Cleaning Operations Rule, and Consumer Products Rule.

III. General Information Pertaining to SIP Submittal From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information "required by law," including documents and information "required by Federal law to maintain program delegation, authorization or approval," since Virginia must "enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts.* * *" The opinion concludes that "[regarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval."

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that "[to the extent consistent with requirements imposed by Federal law," any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since "no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity."

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Proposed Action

EPA is proposing to approve the attainment demonstration and the EAP for the Northern Shenandoah Valley EAC Area in the Commonwealth of Virginia. The modeling of ozone and ozone precursor emissions from sources affecting the Northern Shenandoah Valley EAC Area demonstrates that the specified control strategies will provide for attainment of the 8-hour ozone NAAQS by December 31, 2007 and maintenance of that standard through 2012. To date, the Northern Shenandoah Valley EAC Area has met all of its EAC milestones and, as long as the Area continues to meet the agreed upon milestones, the nonattainment designation for this Area will be deferred until September 30, 2005. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)). This action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the

requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This proposed rule pertaining to the attainment demonstration and EAP for the Northern Shenandoah Valley Ozone EAC Area does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and record-keeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 3, 2005.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. 05–9784 Filed 5–16–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R03–OAR–2005–WV–0001; FRL–7914–1]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia, Attainment Demonstration for the Eastern Panhandle Region Ozone Early Action Compact Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of West Virginia. This proposed revision consists of an Early Action Compact (EAC) Plan that will enable the Eastern Panhandle Region Ozone EAC Area to demonstrate attainment and maintenance of the 8-hour ozone national ambient air quality (NAAQS) standard. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 16, 2005.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID Number R03–OAR–2005–WV–0001 by one of the following methods:

A. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Agency Web site: http://www.docket.epa.gov/rmepub/* RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

C. *E-mail: campbell.dave@epa.gov.*

D. *Mail:* R03–OAR–2005–WV–0001, David Campbell, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

E. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to RME ID No. R03–OAR–2005–WV–0001. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.docket.epa.gov/rmepub/,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through RME, regulations.gov or e-mail. The EPA RME and the Federal regulations.gov Web sites are an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the RME index at *http://www.docket.epa.gov/rmepub/.* Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE., Charleston, West Virginia 25304–2943.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION: On December 29, 2004, the State of West Virginia submitted a revision to its SIP. This revision consists of the Early Action Plan (EAP) for the Eastern Panhandle Region Ozone EAC Area which consists of Berkeley and Jefferson Counties.

I. Background

In 1997, EPA established a new 8-hour ozone NAAQS that addresses the longer-term impact of ozone at lower levels. As such, the new standard is set at a lower level, 0.08 parts per million (ppm) than the previous 1-hour standard, 0.120 ppm, and is more protective of human health. Attainment of the 8-hour ozone standard is determined by averaging three years of the fourth highest 8-hour ozone levels as recorded by ambient air quality monitor(s) in an area. This number, called the design value, must be lower than 85 parts per billion (ppb) to comply with the standard. Currently, Berkeley and Jefferson Counties' official design value based on quality-assured air quality data for the period 2001–2003 is 86 ppb.[1]

[1] To attain the 8-hour national ambient air quality standard (NAAQS) for ozone requires the fourth highest 8-hour daily maximum ozone concentration, average over three consecutive years, to be ≤ 80 parts per billion (ppb) at each monitoring

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
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FEB 15 2005

Ms. Judith M. Katz, Director
Air Protection Division (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Reference: SIP Revision for the Northern Shenandoah Valley Ozone Early Action Compact Area

Dear Ms. Katz:

By letter of December 20, 2004, we requested approval of a revision to the Commonwealth of Virginia State Implementation Plan (SIP) approved under the authority of § 10.1-1307.2 A of the Virginia Air Pollution Control Law. The revision consists of an Early Action Compact Area Plan for the Northern Shenandoah Valley Ozone Early Action Compact Area.

The December 20, 2004 submittal was not complete in that it did not include Enclosure 3 (Record of Hearing and Summary of Testimony) which is now being provided by enclosure to this letter.

If you have any questions or need additional information, please let us know.

Sincerely,

Bob Burnley

Robert G. Burnley

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Enclosure

RECORD OF HEARING AND SUMMARY OF TESTIMONY

As required by 40 CFR 51.102(e), the complete record of the hearing, along with a list of witnesses and the text of the written presentations or summary of the oral presentations, is located at the Office of Air Regulatory Development of the Department of Environmental Quality.. The Department contact to access this information is the Director, Office of Air Regulatory Development.

As required by Section 2.1(h) of Appendix V of 40 CFR Part 51, below is a summary of the testimony received and responses thereto. Included is a brief statement of the subject, the identification of the commenter, the summary of the comment and the response (analysis and action taken). Each issue is discussed in light of all of the comments received that affect that issue. All comments have been reviewed and responses developed based on an evaluation of the issues raised in consideration of the overall goals and objectives of the air quality program and the intended purpose of the document under review.

SUBJECT: Modeling Analysis and Emissions Inventory

COMMENTER: Region III, U.S. Environmental Protection Agency

TEXT: As part of the early action process, a regional photochemical modeling analysis must be performed to support the conclusion that the area involved will come into compliance with the ozone standard. A modeling analysis and report must be included as part of the early action plan for the Winchester area. Quality assurance of the results of the modeling and associated data inputs and outputs (including emissions inventories) is a required part of this process.

RESPONSE: A review of the emissions inventories used in the modeling analysis has been performed. This review has resulted in adjustments to these inventories. In addition, the modeling analysis has been performed again using the adjusted emissions inventory data. This updated modeling analysis shows that the Winchester area is predicted to come into compliance with the ozone air quality standard by the year 2007 which is a requirement of the early action compact program. These updated results are included in the final plan.

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DEC 20 2004

Ms. Judith M. Katz, Director
Air Protection Division (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Reference: SIP Revision for the Northern Shenandoah Valley Ozone Early Action Compact Area

Dear Ms. Katz:

Pursuant to the requirements of Section 110 of the Clean Air Act, we are officially requesting approval of a revision to the Commonwealth of Virginia State Implementation Plan (SIP) approved under the authority of § 10.1-1307.2 A of the Virginia Air Pollution Control Law and submitted in accordance with the requirements of 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). As provided in Section 174 of the Clean Air Act, the plan revision was prepared by the Northern Shenandoah Valley Air Quality Improvement Task Force. The plan revision is effective December 31, 2004.

This revision consists of an Early Action Compact Area Plan that enables the Northern Shenandoah Valley Ozone Early Action Compact Area to avoid the nonattainment designation by reducing emissions to a level that will enable the area to attain the ozone standard sooner than otherwise required (by 2007 rather than 2010) in exchange for avoiding a nonattainment designation.

Enclosed are the following:

1. Early Action Compact Plan for The Northern Shenandoah Valley Ozone Early Action Compact Area

2. Certification of Public Participation Activities

3. Record of Hearing and Summary of Testimony

This submittal also serves as the semi-annual progress report due December 31, 2004.

If you have any questions or need additional information, please let us know.

Sincerely,

Robert G. Burnley

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Enclosures

Ozone Early Action Plan
Northern Shenandoah Valley

ENCLOSURE 1

The Northern Shenandoah Valley Ozone Early Action Compact Area

State Implementation Plan

Effective
December 31, 2004

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State Implementation Plan
For the
Northern Shenandoah Valley Ozone Early Action Compact Area

1. BACKGROUND

A. Introduction & Project Background

In 1997 the United States Environmental Protection Agency (EPA) established a new 8-hour ozone National Ambient Air Quality Standard (NAAQS). This standard was the result of a review of ground level ozone and related health impacts, and was set to replace the older 1-hour standard. The purpose of this new standard was to address the longer-term impact of ozone exposure at lower levels. As such, the new standard is set at a lower level (0.08 parts per million) than the previous standard (0.120 parts per million) and is more protective of human health.

As part of the implementation of the new standard, states submitted area designation recommendations to the EPA in June of 2000 that identified potential ozone nonattainment areas based on air quality data from 1997 to 1999. The Winchester/Frederick County area was identified at that time as one of the potential nonattainment areas in Virginia, mainly based on the fact that ozone concentrations exceeding the standard had been recorded at the monitor located in Frederick County. The State and EPA have reaffirmed this designation in subsequent nonattainment recommendations and proposals.

During the development of these state recommendations, a number of concerns were raised by the potential nonattainment areas about the adverse impacts of a possible nonattainment designation on these areas. In response, the Virginia Department of Environmental Quality (DEQ) began to investigate voluntary actions that could be implemented proactively to improve air quality and lessen the possible impact of a formal nonattainment designation in areas that marginally exceed the new standard.

The most promising of all the options explored is the EPA's ozone Early Action Compact (EAC) program. The EAC concept was originally developed by several areas in Texas in early 2002 and subsequently endorsed and expanded by the EPA as national voluntary program.

EACs are voluntary agreements by the localities, states, and the EPA to develop Early Action Plans (EAPs) to reduce ozone precursor pollutants and improve local air quality in a proactive manner, and in a shorter time than what would occur through the traditional nonattainment area designation and planning process. These plans must include the same components that make up traditional State Implementation Plans (SIPs). This includes emissions inventories, control strategies, schedules and commitments, and a demonstration of attainment based on photochemical modeling.

The goal of an EAP is to develop a comprehensive strategy that will bring an area into attainment of the 8-hour ozone standard by 2007. This goal is will be achieved by selecting and implementing local ozone precursor pollutant control measures that when combined with other measures on the state and national level, are sufficient to bring the area into compliance with the standard. If the area is successful in developing a plan that demonstrates attainment of the 8-hour ozone standard by 2007, the EPA will defer the effective date of the nonattainment designation for the area. This deferral will remain in place as long as certain milestones are met, such as implementation of local controls by 2005. If all interim milestones are met and the area demonstrates attainment of the standard during the period from 2005 to 2007 through air quality data, then the nonattainment designations will be withdrawn by EPA, without further regulatory requirements. If an area fails at any point in the process, it will revert back to traditional nonattainment status, with all the associated requirements of such a designation.

The Northern Shenandoah Valley area entered into an Early Action Compact with both the Commonwealth and EPA for the area including the City of Winchester and Frederick County. This Compact was signed by all the parties involved and then submitted to the EPA by the required date (December 31, 2002). The area has subsequently established and commissioned the Northern Shenandoah Valley Air Improvement Task Force to serve as the major stakeholder group to coordinate

the development of an early action plan for the area. This Task Force has a diverse and knowledgeable membership, which greatly aided the development of a comprehensive plan.

Both this area, and the other Early Action Compact area in Virginia (Roanoke), are well suited for this project due to their geographic location and extent, marginal nonattainment air quality levels, and common influences of ozone transport and other external factors. Both areas are located in the western part of Virginia and would be separate and relatively small nonattainment areas, if formally designated.

Since the EAC process in Winchester/Frederick area began with the establishment of the Northern Shenandoah Valley Air Improvement Task Force and the formal development and signing of the Early Action Compact, a series of required documents have been produced. These efforts culminated in the submission of the official EAP in March 2004. Provided below is a listing and timeline of the products and documents provided by the Northern Shenandoah Valley EAC effort:

- **December 31, 2002** – Early Action Compact for the Area.
- **June 16, 2003** – Potential local control list submission.
- **June 30, 2003** – 1st annual status report for January to June 2003.
- **December 31, 2003** – 2nd annual status report for July to December 2003.
- **March 31, 2004** – Completed local Early Action Plan submitted to DEQ & EPA.
- **June 30, 2004** – 3rd annual status report for January to June 2004.

All these documents and enclosures, along with other information concerning the EAC program and other EAC areas, can be viewed and retrieved at from the following EPA web site:

http://www.epa.gov/ttn/naaqs/ozone/eac/index.htm

As a result of the completion of these task and documents, EPA published its formal air quality designations and classifications for the 8-hour ozone standard on April 30, 2004, for all areas of the County. This action included the deferral of the effective date for all nonattainment areas with approved early action plans including the Northern Shenandoah Valley area. Specifically, the Winchester/Frederick area was designated as a "basic" nonattainment area with the effective date of the designation deferred to September 30, 2005. Additional deferrals of the effective date of the nonattainment designation will be granted by EPA as long as the area continues to meet the schedule and commitments contained in the EAP, including the submission of this State Implementation Plan.

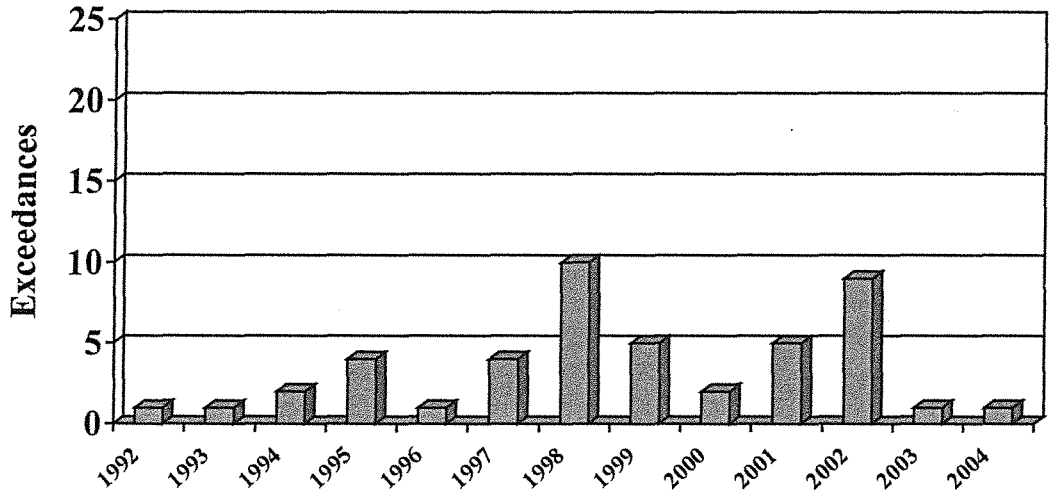
The remainder of this SIP narrative document describes the process and results of the ozone early action plan for the Winchester/Frederick area including significant events/actions, public participation, and technical support activities performed to support the overall planning effort.

B. The 8-Hour Standard in the Northern Shenandoah Valley Area

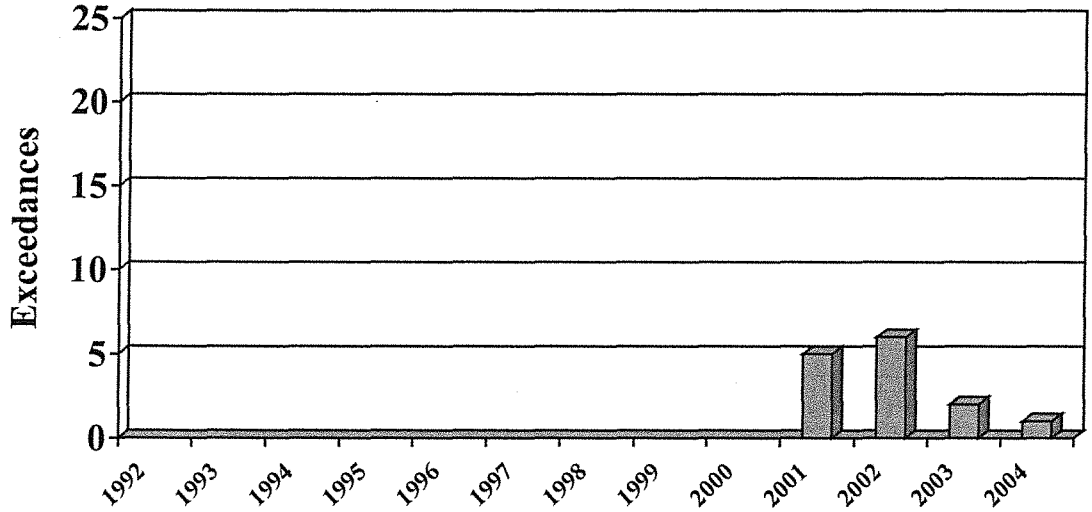
During the past several years air quality planning in the Northern Shenandoah Valley has intensified as ozone concentrations in the area have exceeded the value permitted by the 8-hour ozone NAAQS. Due to legal challenges to the NAAQS and ensuing litigation, EPA has just recently designated areas of the United States in violation of the 8-hour ozone NAAQS. Based on the most current official ozone monitoring data, the Winchester/Frederick area has been designated a nonattainment area with a deferred effective date as described earlier.

The 8-hour ozone standard is determined by averaging three years of the fourth highest 8-hour ozone levels in an area. This number, called the design value, must be lower than 85 parts per billion (ppb) to comply with the standard. Currently, the Northern Shenandoah Valley area's official design value (averaging 2001, 2002 and 2003) is 85 ppb. Each year this design value may vary. Data is available for the area for the 8-hour ozone standard beginning in 1992. Ozone concentrations have exceeded the standard a total of 46 times during the period from 1990 to 2004. The number of exceedences recorded at the Frederick County monitor from 1991 to 2004 are shown below. Data from the nearby monitors in Fairfax County and Martinsburg, WV are also shown for comparison purposes:

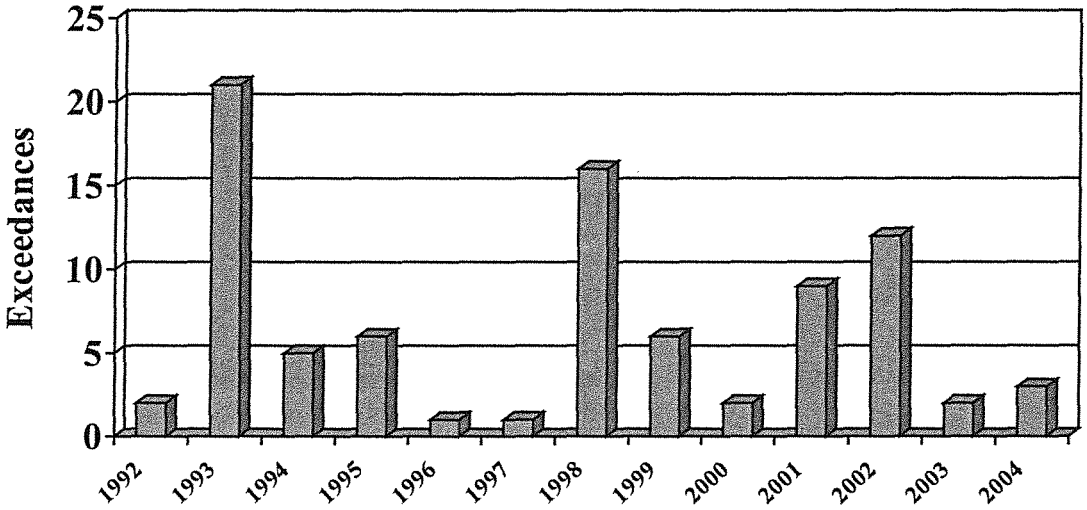
Frederick County 8-hour Ozone Exceedances (1992 to 2004)



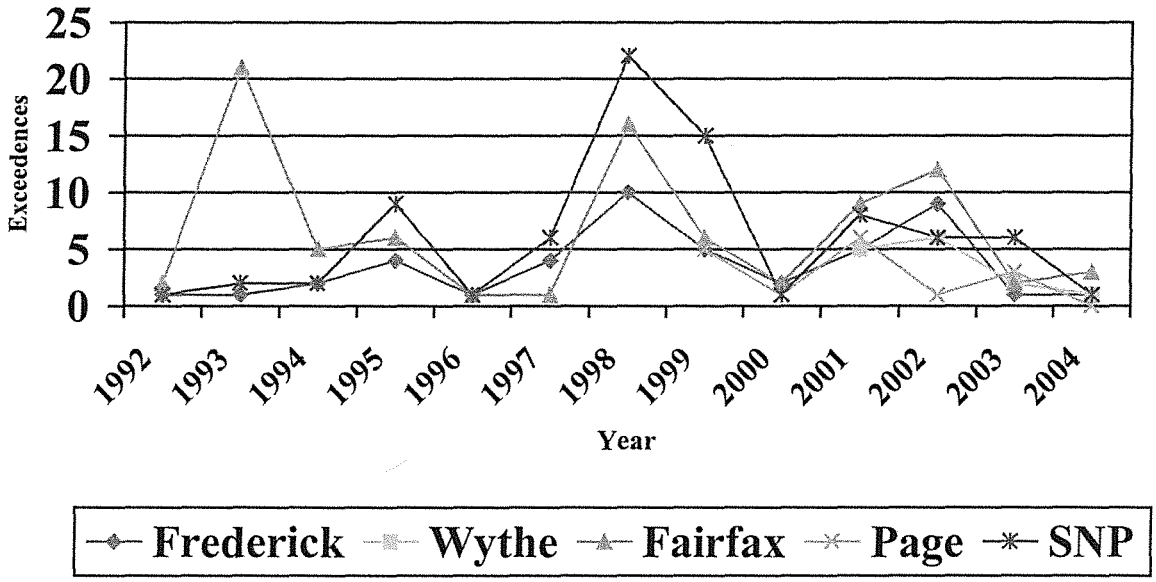
Martinsburg 8-hour Ozone Exceedances (2001 to 2004)



Fairfax (Chantilly) 8-hour Ozone Exceedances (1991 to 2004)



8-Hour Ozone Exceedences (1992 to 2004)



During 2002 to 2004, the Frederick monitor recorded 8-hour exceedences on the following days:

2002		2003		2004	
June 21	87 ppb	June 25	94 ppb	July 3	89 ppb
June 25	87 ppb				
July 2	93 ppb				
August 11	92 ppb				
August 13	91 ppb				
August 21	89 ppb				
Sept 9	87 ppb				
Sept 10	97 ppb				
Sept 13	85 ppb				

Based on unofficial ozone data from the summer of 2004, the Winchester/Frederick area is currently in compliance with the 8-hour standard. The three-year average design value at the Frederick monitor for 2002 to 2004 is 78 ppb.

C. Early Action Program (EAP)

The region agreed and committed itself to the EAP process to expedite air cleanup for future public health and welfare. The EAP was developed according to the protocol endorsed by EPA Region 6 on June 19, 2002. This protocol offers a more expeditious time line for achieving clean air than expected under EPA's 8-hour implementation rulemaking.

The principles of the EAP to be executed by Local, State and EPA officials are:

- Early planning, implementation, and emission reductions leading to expeditious attainment and maintenance of the 8-hour ozone standard;
- Local control of the measures to be employed, with broad-based public input;
- State support to ensure technical integrity of the EAP;
- Formal incorporation of the EAP into the SIP;
- Deferral of the effective date of nonattainment designation and related requirements so long as all EAP terms and milestones are met; and
- Safeguards to return areas to traditional SIP requirements should EAP terms and/or milestones be unfulfilled, with appropriate credit given for emission reduction measures implemented.

The Northern Shenandoah Valley EAP has two principal components:

1. The Early Action Compact (EAC) — EAC was the Memorandum of Agreement to prepare and implement an Early Action Plan (EAP). More specifically, the EAC established measurable milestones for developing and implementing the EAP.

2. The Early Action Plan (EAP) — This EAP serves as the area's official air quality improvement plan, with quantified emission-reduction measures. The EAP will include all necessary elements of a comprehensive air quality plan, (such as formal State Implementation Plans), but will be tailored to local needs and driven by local decisions. Moreover, the EAP will be incorporated into the formal SIP and the region will be legally required to carry out this plan just as in nonattainment areas. For example, development of the EAP requires the same scientific diligence and undergo the same scrutiny as the nonattainment areas SIPs, so that the emission reduction strategies selected will be adequate to ensure the region stays in attainment of the 8-hour standard.

EAP versus Traditional Nonattainment

A major advantage of the region's participation in an EAP is the flexibility afforded to the signatories in selecting emission reduction measures and programs that are best suited to local needs and circumstances. Recognizing the varied social and economic characteristics of the region, not all measures can or should be implemented by every entity.

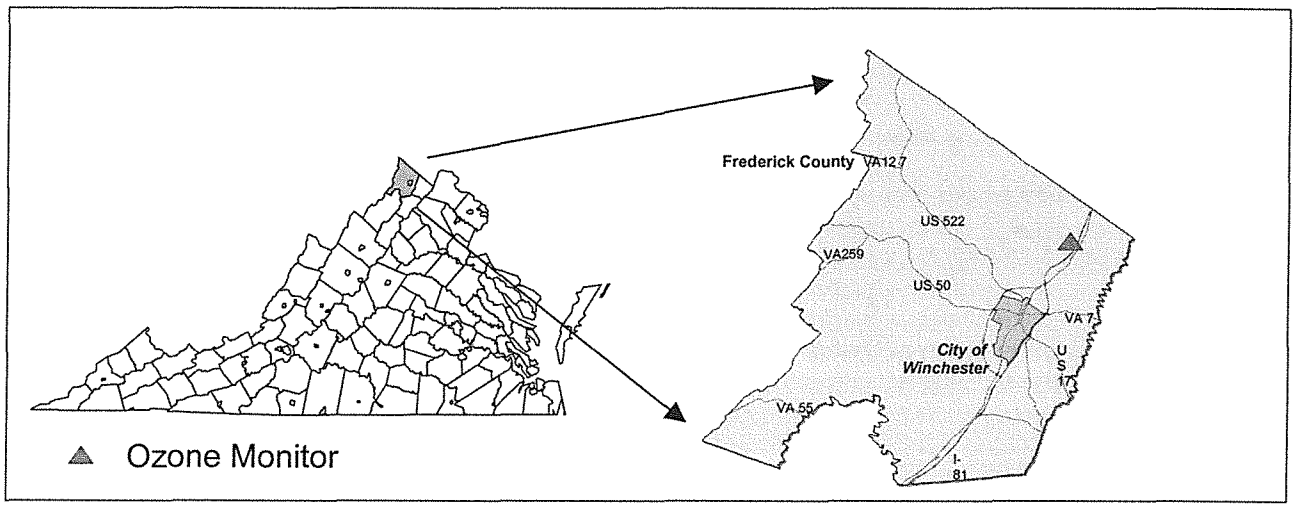
- The EAP allows for more local control in selecting emission-reduction measures.
- The EAP provides deferral of nonattainment designation and related requirements, as long as Plan requirements and milestones are met. This would prevent any related stigma associated with a formal nonattainment designation.
- The EAP is designed to achieve clean air faster than under the traditional SIP process.
- Should any milestones be missed in designing or implementing the Plan, the area would automatically revert to the traditional SIP requirements, with appropriate credit given for emission reduction measures already implemented.

The Northern Shenandoah Valley EAP is designed to enable a local, proactive approach to ensuring attainment of the 8-hour ozone NAAQS, and so protect human health. Using the EAP approach, the region could begin implementing by 2005 emission-reduction measures directed at attaining the 8-hour standard. This allows for a significantly earlier start than waiting for formal EPA nonattainment designation, and it gives more flexibility in choosing which emission reduction strategies to implement. The area is then required to demonstrate compliance with the ozone standard by 2007 through ozone monitoring data.

D. Description of the Early Action Compact Area

The Winchester/Frederick area is located in the Valley and Ridge Region of Virginia that includes the Northern Shenandoah Valley and the Appalachian Ridge. The major urban center of the area is the City of Winchester that is in turn surrounded by the suburban/rural Frederick County. This urban center along with the major commercial transportation corridor of Interstate 81 is located in the Valley portion of the project area. Much of the western portion of Frederick County is mountainous and forested rural area associated with the Appalachian Ridge. The majority of the area population and industry is centered in and around Winchester, and along the I-81 corridor. The area's ozone monitor is located in northeastern Frederick County just south of the West Virginia Border.

Winchester/Frederick County Early Action Area



The vital statistics of the area in terms of ozone related criteria are as follows:

- Land Area – 424 square miles
- Population (2000) – 82,794
- Population density (2000) – 195 per square mile
- Projected Population (2010) – 93,095
- Volatile Organic Compound Emissions (2002) – 23 tons per summer day
- Oxides of Nitrogen Emissions (2002) – 19 tons per summer day
- Prevailing Ozone Season Wind Direction – From the West/Southwest
- 8-hour Ozone Design Value (2001 – 2003) – 0.085 parts per million

2. PROJECT ORGANIZATION & PROGRESS SUMMARY

Provided below is a summary of the Early Action process and progress made leading up to the development of this SIP document. A great number of organizations and individuals have contributed to the successful completion of this effort.

A. Organization

The Winchester-Frederick County Economic Development Commission (EDC) initiated the Early Action process with City and County officials to develop an inclusive stakeholder involvement process to assist in producing a realistic and workable EAP. The result of this was the Northern Shenandoah Valley Air Improvement Task Force that was initially established in November 2002 as the group that would develop the EAP for the area. The Task Force includes representatives of local governments, involved state and federal agencies, business and industry, as well as environmental groups. A complete listing of Task Force members included as Appendix A. The Task Force also guided the work of a consultant in the development of the Ozone Early Action Plan.

B. Progress Summary

As stated before the Northern Shenandoah Valley EAC process began back in the fall of 2002 with discussions and final agreement to participate in the EAC program. This resulted in the formal submission of a compact, signed by representatives of the all parties involved, to the EPA on December 23, 2002.

The Air Improvement Task Force met on a nearly monthly basis throughout 2003 and 2004. These meetings were held in accessible locations and open to public and media representatives. These meetings were supplemented by presentations to the Northern Shenandoah Valley Regional Commission, various business and civic groups a special Public Briefing on the EAC, as well as numerous public sessions of the Winchester City Common Council and the Frederick County Board of Supervisors. A complete chronology of EAC/EAP activities is included as Attachment C.

The first deliverable of the taskforce and major milestone in the EAP process was a list of ozone precursor pollutant control measures under consideration for inclusion in the formal local air quality (EAP) plan. This list was developed and submitted to EPA on June 11, 2003.

On June 30, 2003, the 1st Semi-Annual Status Report was submitted to EPA. That report fulfilled the first reporting milestone required by the EAC. This report described the process achieved thus far by the taskforce in developing control strategies and gaining public input.

The 2nd Semi-Annual Status Report in December 2003 provided a list of the control measures under consideration for adoption by the area. This report listed and described each measure and provided the likely implementation dates, a current assessment of the amount of emission reductions expected to be achieved through implementation of the measure, and the geographical area in which each control measure is anticipated to apply.

On March 31, 2004, all the efforts of the parties involved culminated in the development and submission of the final local Early Action Plan and supporting documentation. This submission contained local, state, and federal control measures and estimates, emissions inventories and predictions, and a demonstration that the area would come into compliance with the ozone standard by 2007.

On June 30, 2004, the 3rd Semi-Annual Status Report was submitted to which provided additional detail on the implementation of the Northern Shenandoah EAP.

To develop the final list of local controls, the Task Force reviewed a broad spectrum of potential strategies. Those strategies were narrowed to a manageable level based on their perceived promise for implementation in the local area. In September 2003, the Task Force identified 25 potential strategies for evaluation by EAP contractor. Their evaluation included the following:

- Completing a preliminary screening on all strategies identified by the Task Force and ranking of these strategies based on their approximate contribution levels to the VOC and NO_X emission inventories, as well as past experience in program effectiveness and feasibility;

- Preparing a technical memorandum presenting the ranking of the strategies, as well as documenting the data, methodology and assumptions used in developing the ranking after completing the initial screening of strategies;

- Recommending the top ten strategies (with input from the Task Force);

- Analyzes of the top ten strategies via a cost-effectiveness analysis and feasibility assessment, using in-house data and information, as well as relevant data obtained from technical publications related to those selected strategies.

- Submission of a report presenting the results of the cost effectiveness analysis and feasibility assessment of the selected strategies, as well as documenting the data, methodology, and assumptions used in the cost-effectiveness analysis and feasibility assessment.

Based on this work by Environ, the Task Force recommended both local signatory parties adopt eleven (11) local strategies. These local strategies were divided into two phases due to implementation timing. Strategies listed in the first phase are currently being implemented or will be implemented no later than December 31, 2005. Phase 2 strategies serve as contingency measures. These measures require additional time to develop and implement by state regulation and will be implemented if and when needed as described in Section 5 – Maintenance for Growth. The Frederick County Board of Supervisors adopted these strategies by vote unanimously at the November 12, 2003 Board meeting. The City of Winchester's Common Council in turn adopted the same strategies unanimously by vote on January 27, 2004.

The subsequent final Early Action Plan (EAP) was developed and presented for formal adoption to each governing body of the jurisdictions involved. In turn, both jurisdictions have formally passed resolutions of endorsement and adoption of the plan and have committed to its subsequent implementation.

C. Stakeholder Involvement and Meetings

Throughout the EAP process, extensive efforts were extended to inform and involve the public in the process in order to obtain their input and participation. The main vehicle used to coordinate the overall EAP process was the EAP Task Force as described earlier. The main vehicle for public outreach for this process has been the development of a local website devoted to the EAP and air quality in the Northern Shenandoah Valley (valleyairnow.com). Provided below is a comprehensive list of meetings, actions, and public events involved in the EAP effort in the area:

Date	Activity
June 19, 2002	EPA Protocol for EACs issued June 19, 2002
June 26, 2002	EDC attended workshop on non-attainment issue by DEQ & VDOT *(Staunton, VA)*
August 23, 2002	EDC attended workshop on non-attainment issue by DEQ & VDOT *(Winchester, VA)*
September 6, 2002	EDC Commission briefed on issue and supported staff recommendation to further research issue
September 17, 2002	Non-attainment issue briefing with Rezin Inc.
September 24, 2002	EDC attended briefing on non-attainment issue by DEQ & EPA to Shenandoah Valley Manufacturers Association *(Winchester, VA)*
October 4, 2002	EDC Commission updated on non-attainment & ozone flex plan. Staff created a Task Force to assist in the development of plan.
October 7, 2002	Winchester City, Frederick County, and Clarke County representatives meet with DEQ and EPA officials on Ozone Early Action Plan. *(Woodbridge, VA)*
October 16, 2002	EDC submitted letter on Ozone Early Action Plan to Frederick County and provided of copy of letter to City of Winchester
October 23, 2002	Upon the invitation by Frederick County administration, the EDC briefed the BOS on the Ozone Early Action Plan.
November 8, 2002	Air Quality Improvement Task Force invitation sent out
November 14, 2002	EPA issued guidance memo on EACs
November 15, 2002	Air Quality Improvement Task Force 1st Meeting
November 15, 2002	Follow-up Materials provided to Task Force members unable to attend
November 20, 2002	First draft of Early Action Compact distributed to task force
November 22, 2002	Air Quality Improvement Task Force 2nd Meeting
December 2, 2002	Final draft of Early Action Compact distributed to task force
December 3, 2002	Early Action Compact submitted to City and County for December 10th and December 11th agenda respectively
December 6, 2002	Early Action Compact distributed to EDC Commission
December 9, 2002	Public Briefing on Early Action Compact
December 10, 2002	Early Action Compact discussed by Winchester City Common Council and referred to special work session on December 16th
December 17, 2002	Early Action Compact discussed/approved by Frederick County BOS
December 31, 2002	Early Action Compact signed by City of Winchester and Frederick County
February 4, 2003	Air Quality Improvement Meeting #3
February 11, 2003	Air Quality Improvement Meeting #4

Date	Activity
March 4, 2003	Air Quality Improvement Meeting #5
March 26, 2003	Selection of Wilbur Smith Associates to assist in developing EAP
April 10, 2003	Air Quality Improvement Meeting #6
May 7, 2003	Air Quality Improvement Meeting #7
May 22, 2003	Presentation to Northern Shenandoah Valley Regional Commission
June 4, 2003	Air Quality Improvement Task Force Meeting #8
June 4, 2003	Selection of local control strategies under consideration for 6-16 milestone
June 10, 2003	Winchester Common Council approves June 16th submittal
June 11, 2003	Frederick County Board of Supervisors approves June 16th submittal
June 15, 2003	Submission of 6-16 milestone documents to VDEQ
June 30, 2003	Submission of 2nd semi-annual status report
August 6, 2003	Air Quality Improvement Task Force Meeting #9
September 3, 2003	Air Quality Improvement Task Force Meeting #10
October 30, 2003	Air Quality Improvement Task Force Meeting #11
December 17, 2003	Air Quality Improvement Task Force Meeting #12
December 17, 2003	Local Government Open House to discuss the EAP process
January 7, 2004	Air Quality Improvement Task Force Meeting #13
February 18, 2004	Air Quality Improvement Task Force Meeting #14
March 24 , 2004	Effective date for state RACT regulations for the EAC area
March 31, 2004	Submission of the final Early Action Plan to DEQ and EPA
April 13, 2004	Formal resolution of EAP adoption/support by Winchester City
April 27, 2004	Formal resolution of EAP adoption/support by Frederick County
April 30, 2004	1st Deferral of Winchester/Frederick area nonattainment designation
June 2, 2004	Air Quality Improvement Task Force Meeting #15
June 30, 2004	Submission of 3rd semi-annual status report
August 4, 2004	Air Quality Improvement Task Force Meeting #16
October 26, 2004	Air Quality Improvement Task Force Meeting #17
November 20, 2004	Winchester/Frederick EAP SIP Revision Public Notice
December 20, 2004	Winchester/Frederick EAP SIP Revision Public Hearing
December 31, 2004	EAP SIP Revisions submitted to EPA

3. EMISSION REDUCTION STRATEGIES

This section describes the local control measures that have been adopted and included in the final local Early Action Plan. These measures, when combined with control strategies at the state and federal levels, are meant to significantly reduce ozone precursor emissions and bring the Northern Shenandoah Valley area into compliance with the 8-hour ozone standard.

A. Local Control Measures

The Phase I strategies are being implemented as quickly as possible, but no later than the end of 2005. These measures have the greatest public acceptance and provide an important foundation for any future expanded efforts. **A further description of these control measures, local contacts, and actual or predicted implementation dates are presented in Appendix A.**

1. Ozone Action Days/Public Awareness

Implementation of a comprehensive local ozone action days program. This strategy is actually a combination of a number of measures that had been evaluated earlier as individual strategies and are currently being implemented, including:

- General Public Awareness Program
- School-based Public Awareness Program
- Education and Promotion Campaign
- Employer-based Ozone Action Days
- Area Sources Ozone Action Days
- Dynamic Message Signs
- Video Monitor Deployment
- Lawn and Garden Equipment Usage Restrictions for State/Local Governments
- Other State/Local Government Restrictions (Refueling, Pesticides)
- Voluntary restrictions by Public (lawn and garden, refueling, others)

These strategies will be implemented during the ozone season and specifically in a coordinated response to forecasts of predicted high ozone concentrations above the standard from the DEQ. An area specific forecasting tool has been developed for this purpose by a DEQ consultant. The DEQ is also in the process of hiring a second meteorologist to support this forecast and advisory program.

The local governments have budgeted up to $70,000 annually in local public funding assistance to assist in implementation of this strategy through the establishment of a local ozone action day coordinator and public outreach. Participation from business, either in-kind or financially, is being aggressively pursued. This coordinator along with the Task Force will maintain a strong program to raise public understanding and awareness of air quality issues and action that will be a key to successful air quality improvements. The website in support of this EAP is already constructed and online. Valleyairnow.com will act as the centerpiece of this program. This measure is expected to reduce VOC emissions by 0.3 tons/day and NO_X emissions by 0.02 tons/day in the area. This measure is being submitted for SIP credit and was included in the attainment demonstration for the area.

2. VMT Reduction Programs

Implementation of a comprehensive local VMT reduction program. This strategy combines a number of individual programs/activities designed to reduce vehicle miles of travel (VMT). These include:

- Enhanced/expanded Northern Shenandoah Valley Regional Commission Ridesharing Program

- Bicycle and Pedestrian Accommodation
- Green Space Preservation
- Promotion of Mixed Use Development
- Promotion of Telecommuting

The existing ridesharing program operated by the Northern Shenandoah Valley Regional Commission provides an excellent starting point for encouraging and promoting car and van pooling in the region. A combination of the other sub-measures are aimed at improving community pedestrian and bicycle facilities and usage, as well as reducing or eliminating those trips, which are unnecessary. While the projected emissions reductions are relatively small, the long-term benefits for both air and community quality of life is important. This program is being implemented through the regional MPO. This measure is expected to reduce VOC emissions by 0.15 tons/day and NO_X emissions by 0.3 tons/day in the area. This measure is not being submitted for SIP credit and was not included in the attainment demonstration for the area.

3. Open Burning Restrictions

Open burning bans/restrictions during predicted high ozone days and/or the ozone season. The EAP jurisdictions have committed to ban or restrict open burning during predicted high ozone days. This measure is expected to reduce VOC emissions by 0.28 tons/day and NO_X emissions by 0.12 tons/day in the area. This measure is not being submitted for SIP credit and was not included in the attainment demonstration for the area.

4. Engine Idling Restrictions

Restrictions on public and private diesel truck idling. A large amount of idling emissions are generated from heavy-duty diesel vehicles that are parked at truck stops, rest areas and to a lesser extent, distribution centers. The EAC jurisdictions are committed to limit idling of local government vehicles (including school buses) and to promote voluntary restrictions from privately owned vehicles and fleets. This measure is expected to reduce NO_X emissions by 0.1 tons/day in the area. This measure is not being submitted for SIP credit and was not included in the attainment demonstration for the area.

5. School Bus Retrofits

Retrofit control technology for area school bus fleets. This measure involved the installation of oxidation catalysts on 136 school buses. Frederick County will retrofit 126 buses and will soon put out a contract for bid to complete this work. The City of Winchester will retrofit 10 buses and has a contract in place to complete this work. This measure is expected to reduce VOC emissions by 0.002 tons/day and NO_X emissions by 0.001 tons/day in the area. This measure is not being submitted for SIP credit and was not included in the attainment demonstration for the area.

6. Voluntary Industrial Reductions

Voluntary reductions for local industries. The EAC jurisdictions will seek voluntary commitments form local industries to reduce ozone precursor emissions during the ozone season and/or on predicted high ozone days. This strategy will help increase awareness of the pollution problem and establish a relationship between local government and area industry. The emission reductions expected from this measure cannot be calculated at this time. This measure is not being submitted for SIP credit and was not included in the attainment demonstration for the area.

B. Phase II Strategies (Contingency Measures)

Phase II strategies represent the contingency measure section of the Early Action Plan. One or more of the strategies listed below may be implemented in response to continuing exceedances of the ozone standard or a shortfall in anticipated emission reductions from Phase I of the plan. These strategies

would require more lead-time for implementation as well as additional work with expanded groups of stakeholders. The contingency plan and measures are described in detail in Section 5 (D) – Maintenance for Growth (Contingency Measures).

7. OTC Portable Container Rule
8. OTC Architectural/Industrial Maintenance Coatings Rule
9. OTC Mobile Equipment Repair and Refinishing Rule
10. Solvent Cleaning Operations Rule
11. Truck Stop Electrification

B. State/Federal Control Measures

In addition to the local strategies identified in the preceding discussion, several state and federal actions have or will produce substantial ozone precursor emission reductions both inside and outside of the local EAC area. These reductions are aimed at reducing local emissions and the movement (transport) of pollution into the area. These strategies, when combined with the local strategies, are expected to lower area ozone concentrations to the level at or below the ozone standard.

State Control & Support Measures

At the state level, four significant actions have been taken to support ozone standard attainment in Virginia and specifically in the Northern Shenandoah Valley EAC area.

- Regional ozone transport control program (i.e., the NO_X SIP Call)
- National Low Emission Vehicle Program (VA early opt-in beginning in 1999)
- Reasonably Available Control Technology (RACT) controls for existing industries
- Enhanced ozone forecasting tool for the Northern Shenandoah area

1. Regional Reduction of NO_X Emissions (NO_X SIP Call)

In response to EPA's call for the reduction of NO_X emissions from large combustion sources (i.e., the NO_X SIP Call), the state has adopted and implemented a program to significantly reduce emissions of NO_X as part of a regional program to reduce ozone transport.

On May 21, 2002, the Virginia Air Pollution Control Board adopted a final state regulation concerning the NO_X Budget and Emissions Trading Program, 9 VAC 5 Chapter 140, in response to the EPA NO_X SIP Call. The final regulation was published in the Virginia Register on June 17, 2002, and became effective on July 17, 2002. On June 25, 2002, the regulation was submitted to EPA along with the initial allocations for the affected units. On November 12, 2002, EPA issued a notice proposing approval of the state program, with the exception of the NO_X allowance banking provisions dealing with the start date of flow control. This deficiency has subsequently been corrected and submitted to EPA for full final approval of the state program.

This program alone is predicted to reduce ozone forming NO_X emissions by up to 30,000 tons per ozone season in Virginia. Beginning on May 31, 2004, facilities and emission units subject to the state NO_X budget and trading rule must comply with this rule during the control period from May to September of every year hence forth. As part of this program, affected sources must adhere to emission rates and caps unless additional emission allowances are obtained though the EPA administered trading program.

2. National Low Emission Vehicle Program

The National Low Emissions Vehicle (NLEV) program is a voluntary clean vehicle program established by EPA through national regulation on December 16, 1997. Due to the voluntary nature of the program, it was contingent upon agreement by northeastern states (including Virginia) and the major auto manufacturers. Virginia opted into this program for lower vehicle standards, beginning model year 1999 vehicles, as part of the initial startup of this program. Virginia subsequently adopted a state NLEV regulation, 9 VAC 5 Chapter 200, which became effective on April 14, 1999.

This program has and will continue to provide substantial ozone precursor emission reductions in Virginia that will assist regions like the Northern Shenandoah Valley area in meeting air quality standards and goals.

3. Reasonably Available Control Technology (RACT) controls for existing industries

To address local emissions, the state has recently adopted Reasonably Available Control Technology (RACT) controls for industries in the area to further reduce the local contribution to ozone formation. This regulation was adopted by the Air Pollution Control Board in October 2003 and became effective on March 23, 2004. Compliance with this rule will be required by November 15, 2005. Because this measure has specifically been adopted to support the Early Action Plan, this measure has been included and modeled as a local control measure.

4. Enhanced Ozone forecasting tool for the Northern Shenandoah Valley Area

Although not a direct control measure, the DEQ has completed a contract with Sonoma Technology, Inc. to develop an area specific ozone forecast tool to support the local ozone action days program and associated voluntary emission reduction efforts. This tool has been provided and is currently undergoing testing. DEQ is also in the process of filling a second meteorologist/forecaster position to develop and issue area specific ozone forecasts. Steps are also being taken to coordinate ozone forecasts and alerts with the neighboring West Virginia and Maryland EAC areas. Full implementation of this program will begin during the 2005 ozone season.

Federal Control Measures

On the federal level, numerous EPA programs have been or will be implemented to reduce ozone pollution. These programs cover all the major categories of ozone generating pollutants and are designed to assist many areas that need to come into compliance with the federal ozone standard. A brief description of these strategies is provided below:

Stationary & Area Source Controls

In addition to the NO_X SIP Call program, the EPA has developed a number of control programs to address smaller "area" sources of emissions that are significant contributors to ozone formation. These programs reduce emissions from such sources as industrial/architectural paints, vehicle paints, metal-cleaning products, and selected consumer products.

Motor Vehicle Controls

The EPA continues to make significant progress in reducing motor vehicle emissions. Several federal programs have established more stringent engine and associated vehicle standards on cars, sport utility vehicles, and large trucks. These programs combined are expected to produce progressively larger emission reductions over the next twenty years as new vehicles replace older ones.

Non-Road Vehicle & Equipment Standards

The category of "non-road" sources that covers everything from lawn and garden equipment to aircraft, has become a significant source of air pollutant emissions. In response, EPA has adopted a series of strategies to address these sources. These programs include engine emission standards for lawn and garden equipment, construction equipment, boat engines, and locomotives.

All these measure have been developed to address the creation of ozone producing emissions in the local area as well to lessen the transport of ozone into the area as a comprehensive approach to reducing ozone levels. **A detailed summary and description of all the control measures contained in this plan and the emission reductions and estimation methods are presented in Appendix B to this document.**

4. AIR QUALITY TECHNICAL SUPPORT ACTIVITIES

A. Background

Air Quality analyses are used to simulate the combination of meteorology, emissions, and atmospheric chemistry that promote ozone formation and higher ambient concentrations in a given area. Once a representative scenario (episode) conducive to ozone formation, based on an actual observed ozone event, is selected and validated, various emission reduction strategies can be tested to predict whether they would succeed in reducing ozone and attaining the ozone standard. The major steps involved in photochemical modeling is as follows:

- Selection of type and geographic scale of photochemical model
- Selection of representative ozone episode(s)
- Base case episode modeling and validation
- Future year projection and attainment demonstration modeling

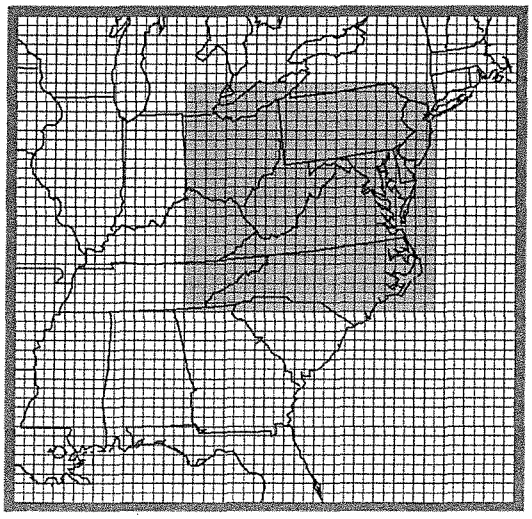
B. Model and Domain Selection

Due to the regional nature of ground level formation and transport that is prevalent in the Eastern United States, combined with the reasonable assumption the early action area is impacted by ozone transport, a regional photochemical modeling exercise has been selected for this project. This selection will allow for the evaluation of the impact of transport on the study area as well as the impact of regional and national control strategies in reducing ozone transport into these areas.

The initial photochemical model selected for this purpose in EPA's MODELS3/CMAQ model that is EPA's latest modeling platform for such analyses. The meteorological inputs required to run the model will be developed using the MM5 meteorology model, and the emissions inputs will be developed using the SMOKE emissions preprocessor model. The purpose of these model data input preprocessors is to temporally and spatially allocate these inputs to a grid system used by the photochemical model to recreate the atmospheric interaction of all these factors in promoting ozone formation.

Due the need to model a larger region for ozone transport assessment, a regional domain that covers a large portion of the Mid-Atlantic States has been chosen to support the early action modeling. This domain has been used in previous analyses by the State to assess transport and the regional effect of emission reductions. The domain will consist of a series of descending grid cells from 36 kilometers (km) at the edges of the domain, to 12 km in the Mid-Atlantic area. In this way the resolution of the model and modeling results will be the highest in and around the early action planning areas. This modeling domain is shown below.

Early Action Modeling Domain of 36 km & 12 km Resolution

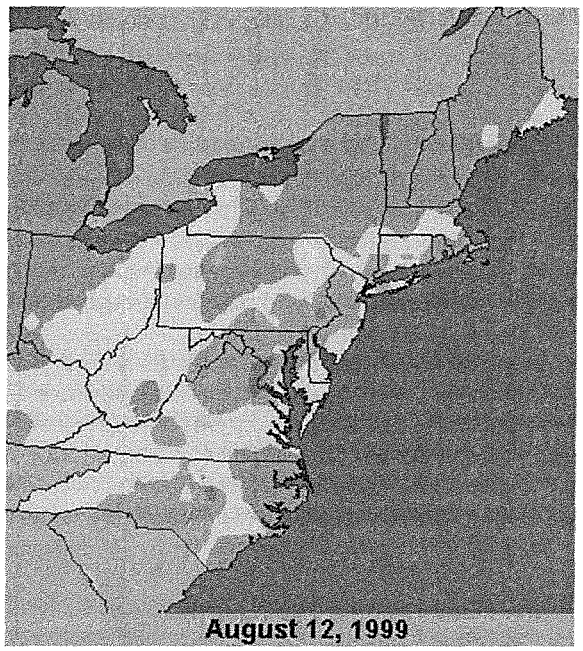


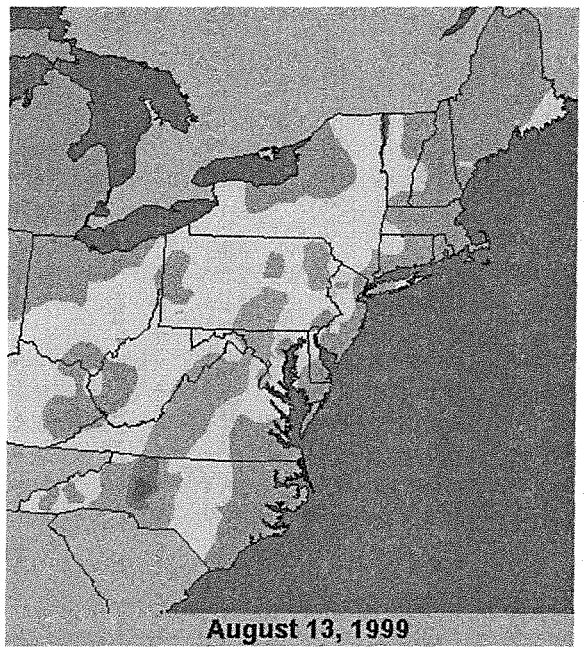
C. Episode Selection

One of the key aspects of a modeling analysis of a particular area and air pollution problem is to select one or more representative episodes to model. The selection process should reflect one or more of the prevailing meteorological and emissions conditions that produce higher levels of ozone in the subject area. An additional consideration for this project is that EPA guidance requires that the baseline emission inventory and subsequent episode(s) selected for an EAP are no older than 1999. Finally, since three states are developing plans in the same general area, an episode common to all three was selected.

The result of this process produced an ozone episode that occurred on August 12th and 13th in 1999. This episode was selected mainly because exceedences of the ozone standard were observed at all the area monitors involved in this effort (including Frederick Co.), during this period. This episode also involved the transport of ozone into Virginia from both the West and Southwest. To adequately simulate the events leading up and following this episode, a 10 day period from August 8th to the 18th was be modeled. An additional episode, probably in 2002, will be selected and modeled to retest and confirm the results of the EAC modeling and to begin the analysis of other nonattainment areas in Virginia. The EPA ozone maps of the August 12th & 13th, 1999 episode are shown below.

The Ozone Episode of August 12th & 13th, 1999





The episode meteorological conditions of August 12th and 13th in 1999 are listed below.

<u>August 12th</u>
The surface weather map on the morning of August 12th indicated a trough of low pressure extending from coastal New England, through the Delmarva region into central Virginia. South and east of the trough, surface winds were generally from the southeast and higher dew point temperatures, indicative of maritime air. West of the trough, surface winds were calm and variable with lower dew point temperatures, indicative of ozone–conducive continental air. Haze was reported over a large area from Maine into Tennessee and Georgia. Surface winds remained light into the afternoon. Surface and 1500 meter 48-hour back trajectories for Roanoke ending that afternoon indicated that air passed over the Ohio River Valley and West Virginia. The evening surface weather map indicated the trough of low pressure separating maritime from continental air persisted from New England southwestward through Maryland and Richmond, extending into central North Carolina. Maximum temperatures east of the trough were around 90 degrees. West of the trough, high temperatures reached into the low to mid 90s.

August 13th

The surface weather map on the morning of August 13th indicated the trough extended from Washington, D.C. through central Virginia into central North and South Carolina. Again, higher dew point temperatures and southerly winds east of the trough indicated maritime air. Lower dew points and calm winds west of the trough indicated the presence of a continental air mass. Forty-eight hour surface and 1500 back trajectories for Roanoke ending that afternoon originated from the Great Smokey Mountains region of northeastern Tennessee and north central Tennessee, respectively. The surface trough separating the maritime air from the continental air persisted into the evening. High temperatures reached the mid-to-upper 90s in the region.

D. Emissions Inventory and Control Measures Summary

This section presents the various air pollutant emissions inventories developed to support the Northern Shenandoah Valley Ozone Early Action Plan. Typical daily inventories during the ozone season, expressed in tons per day, have been developed for this purpose. These inventories include baseline, interim, and future projection years to determine historic, current, and future emissions levels as part of the air quality plan development process. The major source categories used to present this inventory data are:

- **Stationary Point Sources -** Large utility and industrial facilities with significant individual emissions.
- **Mobile Sources -** Motor vehicles operated on public roads such as interstates, freeways, and local roads.
- **Area Sources -** Small individual sources of emissions such as gasoline distribution and marketing, solvent usage, and others.
- **Non-road Mobile Sources -** Motor vehicles and equipment such as lawn and garden tools, construction equipment, locomotives, and aircraft.

The first inventory developed for this process was the baseline emissions inventory. 1999 was selected for this purpose, since the ozone episode being modeled to support the EAP process occurred during the summer of 1999. This inventory serves as a baseline estimate of area emissions during the time when the modeled episode occurred. This inventory reflects actual emissions in the area during this year.

The second inventory to be developed was the interim (current) year emissions inventory. 2002 was selected for this purpose because this is the latest year for which a comprehensive inventory for all sources has been developed. This inventory serves to represent existing emissions levels in the local area and can also be compared to the baseline inventory to determine emissions trends. This inventory also reflects actual emissions in the area during this year.

The last two inventories developed for this process are predicted future year emissions inventories that represent base case (uncontrolled) and control case (controlled) emissions scenarios. The year selected for this purpose was 2007, which is the year by which the area must come into compliance with the ozone standard. The future base case inventory represents uncontrolled emissions projected with appropriate growth factors. The exception to this is the mobile source inventory that contains some reductions associated with previous federal/state motor vehicle controls. The future control case inventory represents the application of all control expected to be implemented in the local area by the attainment year. This includes the local impact of additional federal/state control measures, and the local control measures selected as part of the EAP process. A summary table and bar graph of these emissions inventories is presented below. The various emissions inventories developed as part of EAP process are also presented. Finally, a table summarizing all emissions control measures and predicted reductions from 2007 uncontrolled levels is presented.

The emissions estimates used in this document were derived using the following method/models:

Point Sources – Actual base and interim estimates obtained for the DEQ Comprehensive Environmental Data System (CEDS). Future point source emissions were estimated using actual historical data and applying appropriate growth factors from the EPA EGAS growth factor model.

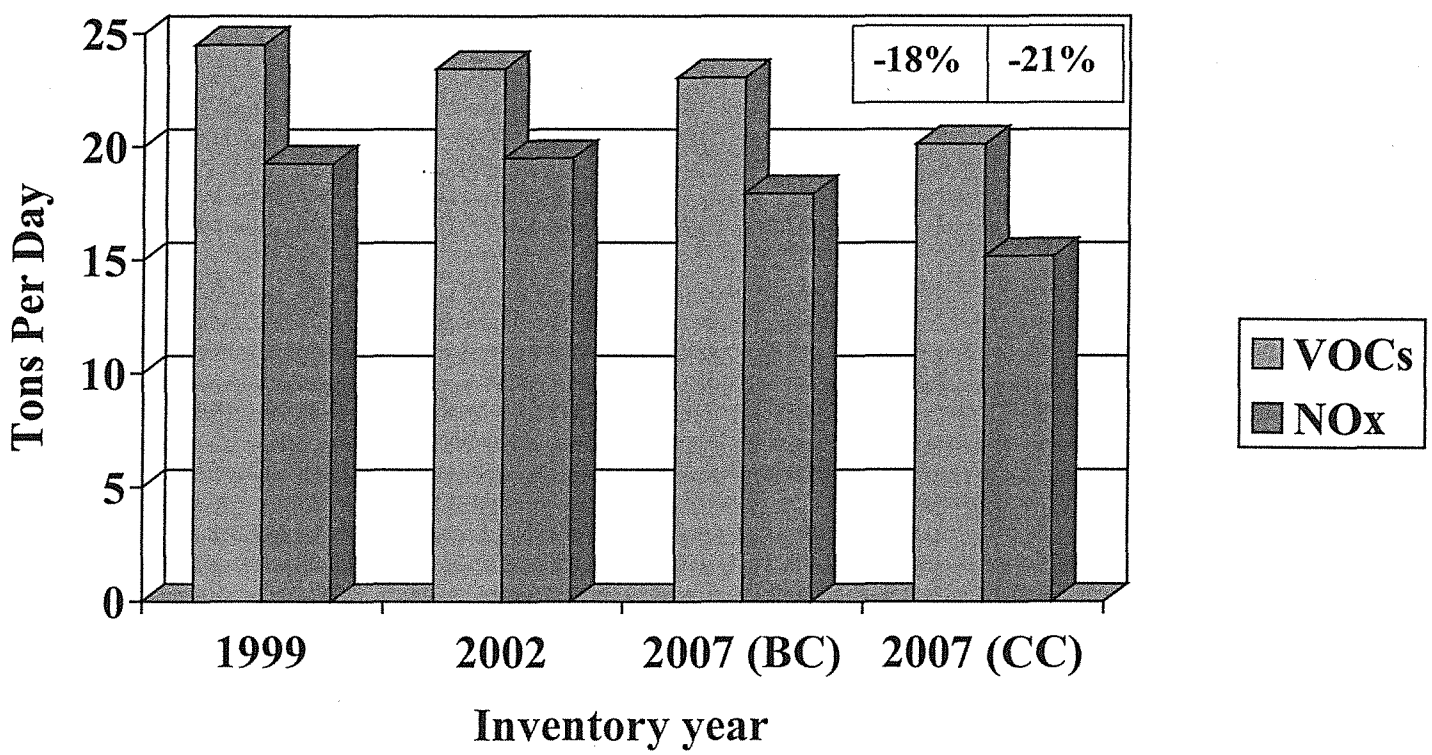
Area Sources – All inventories calculated using established EPA area source emission factors and actual or projected area specific activity data such as population, households, and others.

Mobile Source – All inventories calculated using the EPA MOBILE6 emissions factor model combined with actual or forecasted travel and fuel data.

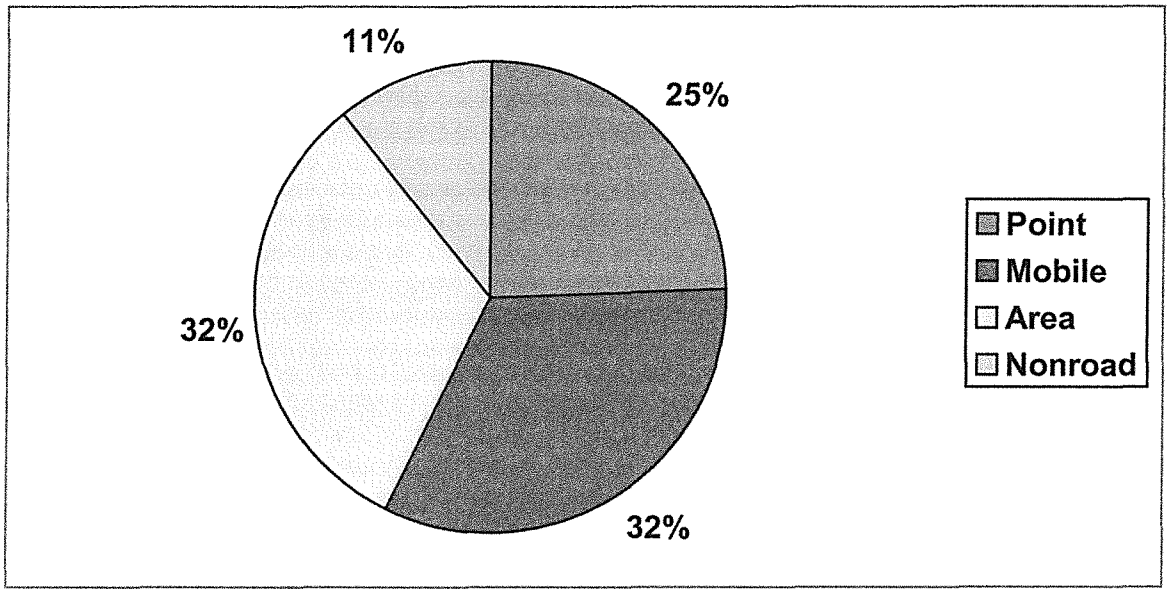
Nonroad Sources – All inventories calculated using the EPA NONROAD model.

Northern Shenandoah Valley EAP Emissions Inventory and trends Summaries

Source Category	1999 (Baseline)	2002 (Interim)	2007 (Base Case)	2007 (Control Case)
Volatile Organic Compound (VOC) Emissions in tons/day				
Point Sources	6.019	5.638	6.492	6.068
Area Sources	7.806	7.982	8.221	7.081
Non-road Sources	2.650	2.672	2.986	2.051
Mobile Sources	8.047	7.164	5.372	4.934
Totals:	24.522	23.456	23.071	20.134
Oxides of Nitrogen (NO_X) Emissions in tons/day				
Point Sources	0.745	0.934	1.075	1.075
Area Sources	2.526	2.603	2.735	2.612
Non-road Sources	1.910	1.942	3.026	1.647
Mobile Sources	15.090	14.029	11.888	9.952
Totals:	19.271	19.508	17.942	15.186



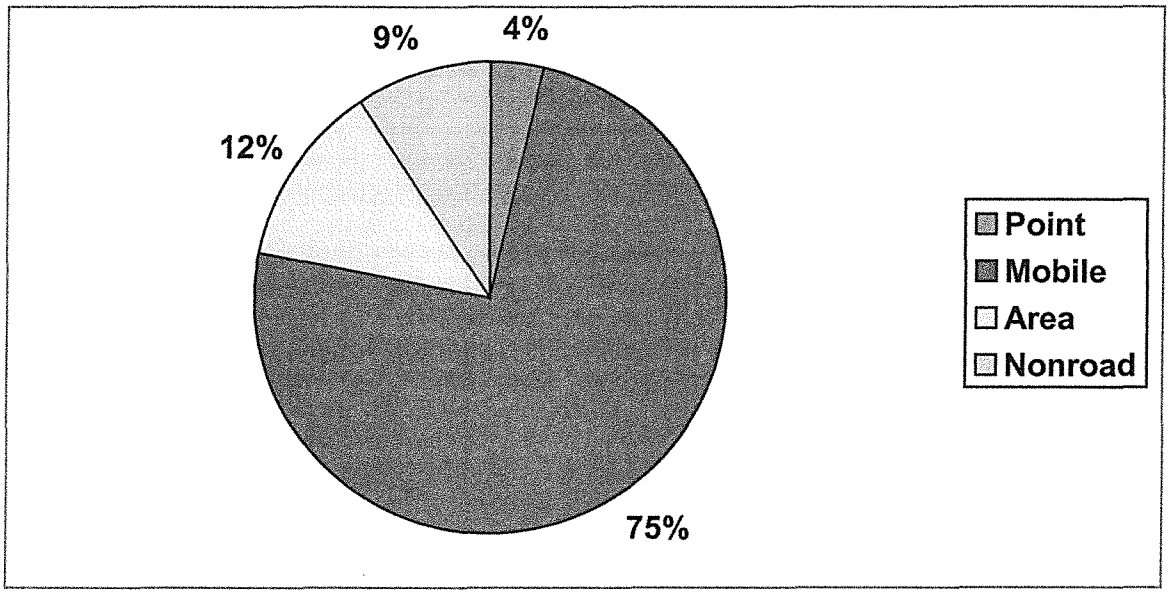
Northern Shenandoah Valley Emissions Inventory – 1999 Baseline Ozone Season Daily Emissions of Volatile Organic Compounds (VOC)



Summary of the Northern Shenandoah Valley Baseline VOC Emissions Inventory for Calendar Year 1999

Summary of the Northern Shenandoah Valley Baseline VOC Emissions Inventory for Calendar Year 1999	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 Individual Facilities (7 in Winchester, 18 in Frederick) Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	6.019 tpd
On-Road Mobile Sources	
Motor Vehicles on Public Roads – **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	8.047 tpd
Area Sources	
Use of Solvent-based Products – Description: paints, cleaners, consumer products, & others.	5.321 tpd
Gasoline Distribution & Marketing – Description: Gasoline storage & transfer operation at terminals and service stations	1.851 tpd
All Others – description: Open burning, landfills, & others	0.634 tpd
Non-Road Mobile Sources	
Non-road Equipment – Description: lawn & garden, construction, recreational vehicles.	2.630 tpd
All Others – Description: Locomotives, aircraft, boats	0.020 tpd
Total	**24.522 tpd**

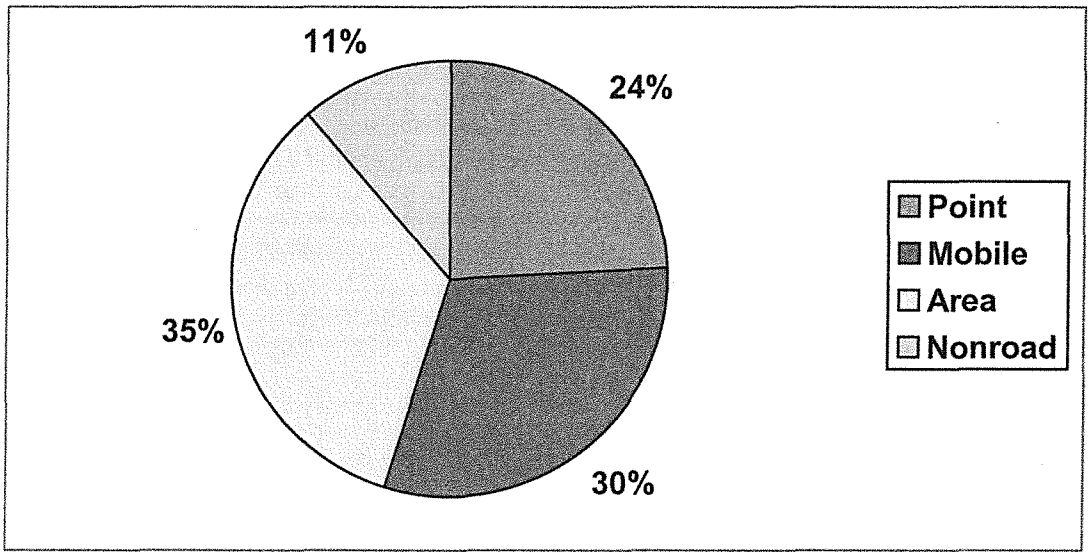
Northern Shenandoah Valley Emissions Inventory – 1999 Baseline Ozone Season Daily Emissions of Oxides of Nitrogen (NOX)



Summary of the Northern Shenandoah Valley Baseline NOx Emissions Inventory for Calendar Year 1999

Summary of the Northern Shenandoah Valley Baseline NO_X Emissions Inventory for Calendar Year 1999	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 Individual Facilities (7 in Winchester, 18 in Frederick) Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	0.745 tpd
On-Road Mobile Sources	
Motor Vehicles on Public Roads - **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	15.090 tpd
Area Sources	
Fuel Consumption – Description: Fuel consumption for heating, cooling, and other purposes in all sectors.	2.317 tpd
All Others – description: Open burning, landfills, & others	0.209 tpd
Non-Road Mobile Sources	
Non-road Equipment – Description: lawn & garden, construction, recreational vehicles.	1.870 tpd
All Others – Description: Locomotives, aircraft, boats.	0.040 tpd
Total	**19.271 tpd**

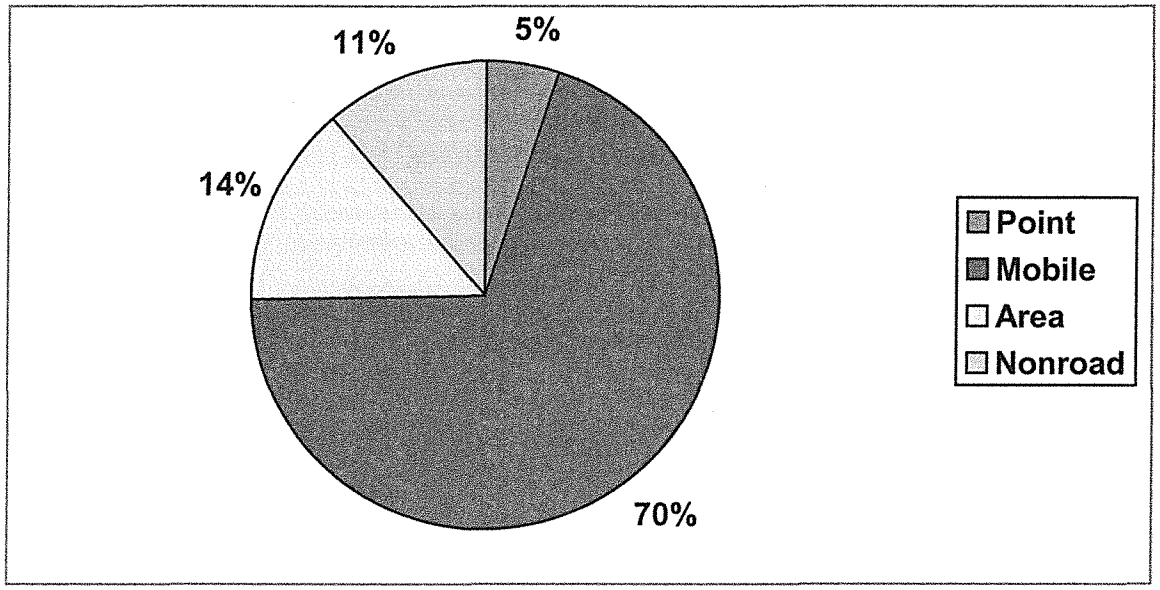
Northern Shenandoah Valley Emissions Inventory – 2002 Ozone Season Daily Emission of Volatile Organic Compounds (VOC)



Summary of the Northern Shenandoah Valley Baseline VOC Emissions Inventory for Calendar Year 2002

Summary of the Northern Shenandoah Valley Interim VOC Emissions Inventory for Calendar Year 2002	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 individual facilities (7 in Winchester, 18 in Frederick) - Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	5.638 tpd
On-Road Mobile Sources	
Motor Vehicles on all roads – **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	7.164 tpd
Area Sources	
Use of solvent-based products – Description: paints, cleaners, consumer products, & others.	5.399 tpd
Gasoline distribution & Marketing – Description: Gasoline storage & transfer operation at terminals and service stations	1.927 tpd
All Others – description: Open burning, landfills, & others	0.656 tpd
Non-Road Mobile Sources	
Non-road equipment – Description: lawn & garden, construction, recreational vehicles and boats.	2.650 tpd
All others – Description: Locomotives & aircraft	0.022 tpd
Total	**23.456 tpd**

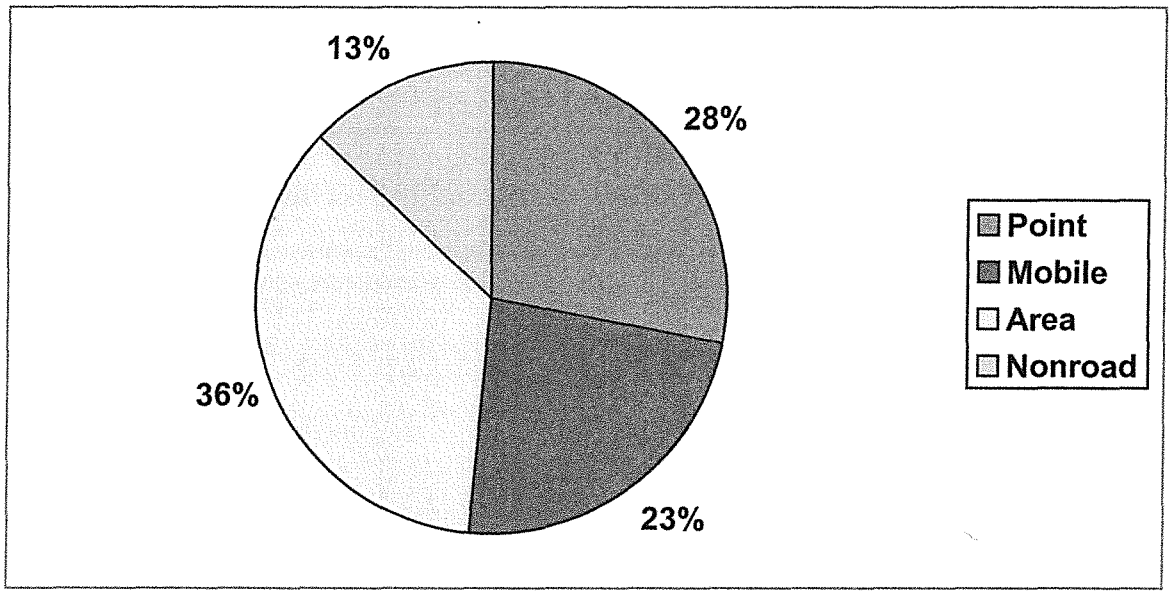
Northern Shenandoah Valley Emissions Inventory – 2002 Ozone Season Daily Emission of Oxides of Nitrogen (NO_X)



Summary of the Northern Shenandoah Valley Baseline NOx Emissions Inventory for Calendar Year 2002

Summary of the Northern Shenandoah Valley Interim NO_X Emissions Inventory for Calendar Year 2002	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 individual facilities (7 in Winchester, 18 in Frederick) - Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	0.934 tpd
On-Road Mobile Sources	
Motor Vehicles on Interstates - **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	14.029 tpd
Area Sources	
Fuel Consumption – Description: Fuel consumption for heating, cooling, and other purposes in all sectors.	2.386 tpd
All Others – description: Open burning, landfills, & others	0.217 tpd
Non-Road Mobile Sources	
Non-road equipment – Description: lawn & garden, construction, recreational vehicles and boats.	1.900 tpd
All others – Description: Locomotives & aircraft	0.042 tpd
Total	**19.508 tpd**

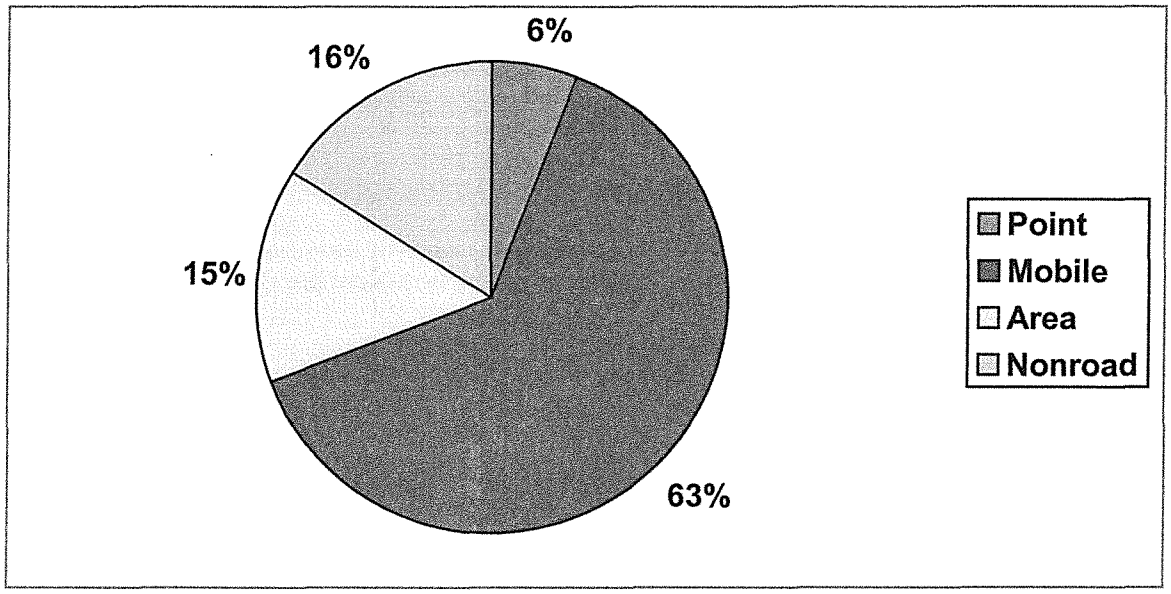
Northern Shenandoah Valley Emissions Inventory – 2007 Base Case Ozone Season Daily Emissions of Volatile Organic Compounds (VOC)



Summary of the Northern Shenandoah Valley Base Case VOC Emissions Inventory for Calendar Year 2007

Summary of the Northern Shenandoah Valley Base Case VOC Emissions Inventory for Calendar Year 2007	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 Individual Facilities (7 in Winchester, 18 in Frederick) Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	6.492 tpd
On-Road Mobile Sources	
Motor Vehicles on Public Roads – **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	5.372 tpd
Area Sources	
Use of Solvent-based Products – Description: paints, cleaners, consumer products, & others.	5.470 tpd
Gasoline Distribution & Marketing – Description: Gasoline storage & transfer operation at terminals and service stations	2.061 tpd
All Others – description: Open burning, landfills, & others	0.690 tpd
Non-Road Mobile Sources	
Non-road Equipment – Description: lawn & garden, construction, recreational vehicles.	2.961 tpd
All Others – Description: Locomotives, aircraft, boats	0.025 tpd
Total	**23.071 tpd**

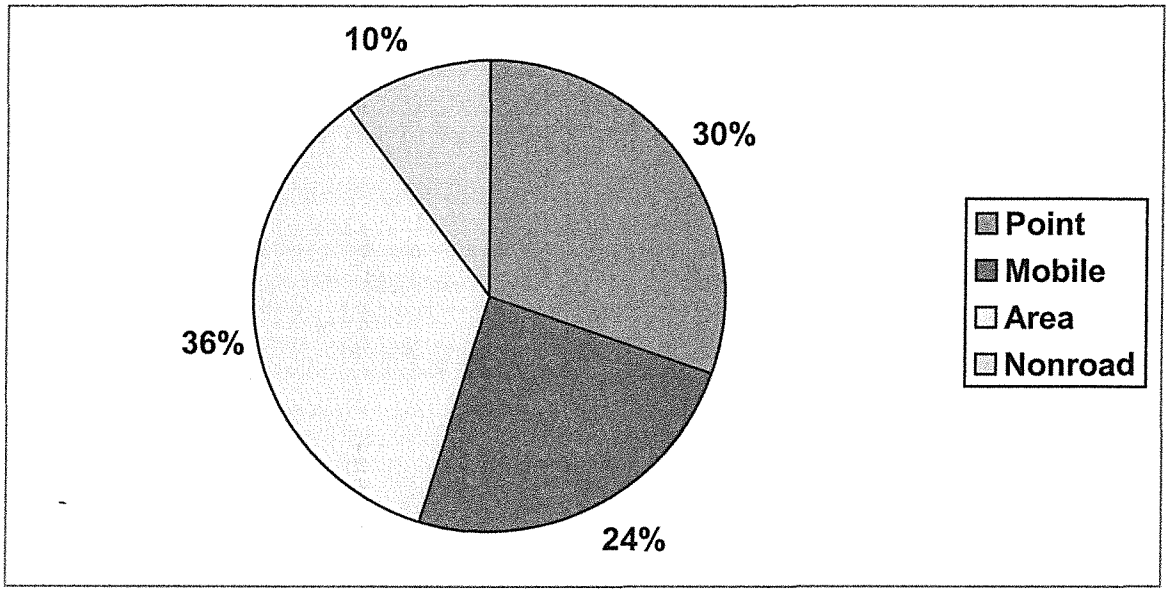
Northern Shenandoah Valley Emissions Inventory – 2007 Base Case Ozone Season Daily Emissions of Oxides of Nitrogen (NOX)



Summary of the Northern Shenandoah Valley Base Case NOX Emissions Inventory for Calendar Year 2007

Summary of the Northern Shenandoah Valley Base Case NO_X Emissions Inventory for Calendar Year 2007	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 Individual Facilities (7 in Winchester, 18 in Frederick) Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	1.075 tpd
On-Road Mobile Sources	
Motor Vehicles on Public Roads - **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	11.888 tpd
Area Sources	
Fuel Consumption – Description: Fuel consumption for heating, cooling, and other purposes in all sectors.	2.506 tpd
All Others – description: Open burning, landfills, & others	0.229 tpd
Non-Road Mobile Sources	
Non-road Equipment – Description: lawn & garden, construction, recreational vehicles.	2.198 tpd
All Others – Description: Locomotives, aircraft, boats	0.046 tpd
Total	**17.942 tpd**

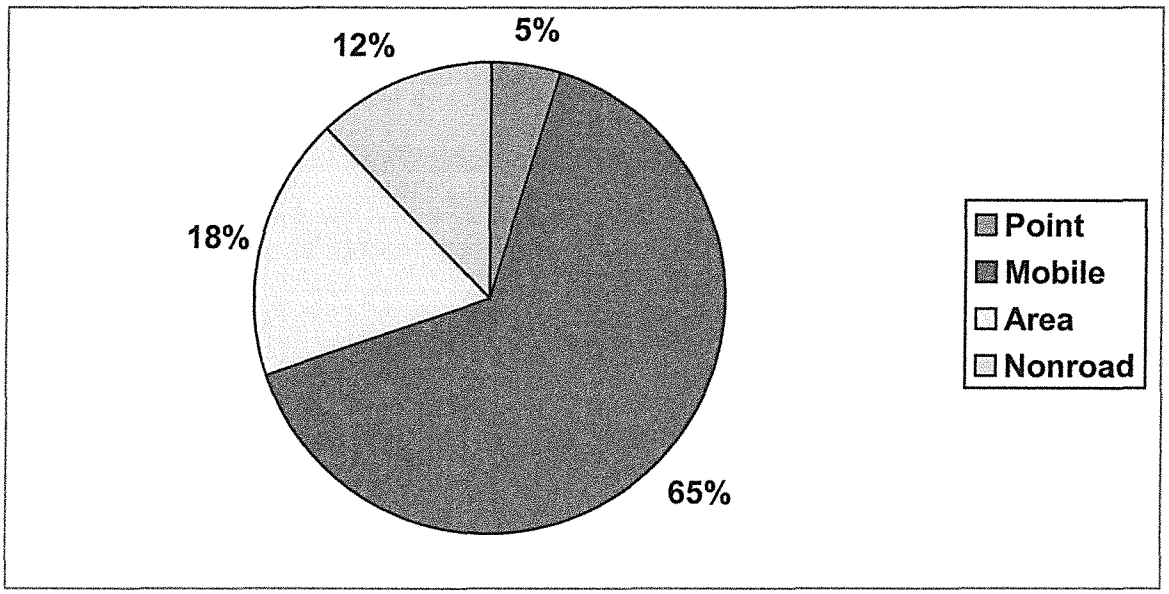
Northern Shenandoah Valley Emissions Inventory – 2007 Control Case Ozone Season Daily Emissions of Volatile Organic Compounds (VOC)



Summary of the Northern Shenandoah Valley Control Case VOC Emissions Inventory for Calendar Year 2007

Summary of the Northern Shenandoah Valley Control Case VOC Emissions Inventory for Calendar Year 2007	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 Individual Facilities (7 in Winchester, 18 in Frederick) Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	6.068 tpd
On-Road Mobile Sources	
Motor Vehicles on Public Roads – **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	4.934 tpd
Area Sources	
Use of Solvent-based Products – Description: paints, cleaners, consumer products, & others.	4.693 tpd
Gasoline Distribution & Marketing – Description: Gasoline storage & transfer operation at terminals and service stations	1.978 tpd
All Others – description: Open burning, landfills, & others	0.410 tpd
Non-Road Mobile Sources	
Non-road Equipment – Description: lawn & garden, construction, recreational vehicles.	2.030 tpd
All Others – Description: Locomotives, aircraft, boats	0.021 tpd
Total	**20.134 tpd**

Northern Shenandoah Valley Emissions Inventory – 2007 Control Ozone Season Daily Emissions of Oxides of Nitrogen (NOX)



Summary of the Northern Shenandoah Valley Base Control Case NOX Emissions Inventory for Calendar Year 2007

Summary of the Northern Shenandoah Valley Control Case NO_X Emissions Inventory for Calendar Year 2007	
Major Source Categories	Emissions (tons/day)
Major Stationary Point Sources	
25 Individual Facilities (7 in Winchester, 18 in Frederick) Description: Includes several printing, plastics, and mineral products industries. No utilities in the project area.	1.075 tpd
On-Road Mobile Sources	
Motor Vehicles on Public Roads - **Description**: local and through traffic on the I-81 corridor. Large percentage of heavy-duty diesel trucks. Also, vehicle traffic on all other public roads from major arterials to local roads.	9.952 tpd
Area Sources	
Fuel Consumption – Description: Fuel consumption for heating, cooling, and other purposes in all sectors.	2.506 tpd
All Others – description: Open burning, landfills, & others	0.106 tpd
Non-Road Mobile Sources	
Non-road Equipment – Description: lawn & garden, construction, recreational vehicles.	1.620 tpd
All Others – Description: Locomotives, aircraft, boats	0.027 tpd
Total	**15.186 tpd**

Provided below is a comprehensive summary of the controls at all levels that apply to the Northern Shenandoah Valley area in the projected 2007 attainment year. The status of each of these measures in terms of federal enforceability and inclusion in the future base case and/or control case modeling is also indicated.

Control Measures & Estimated Emissions Reductions
(From Uncontrolled Levels in 2007)

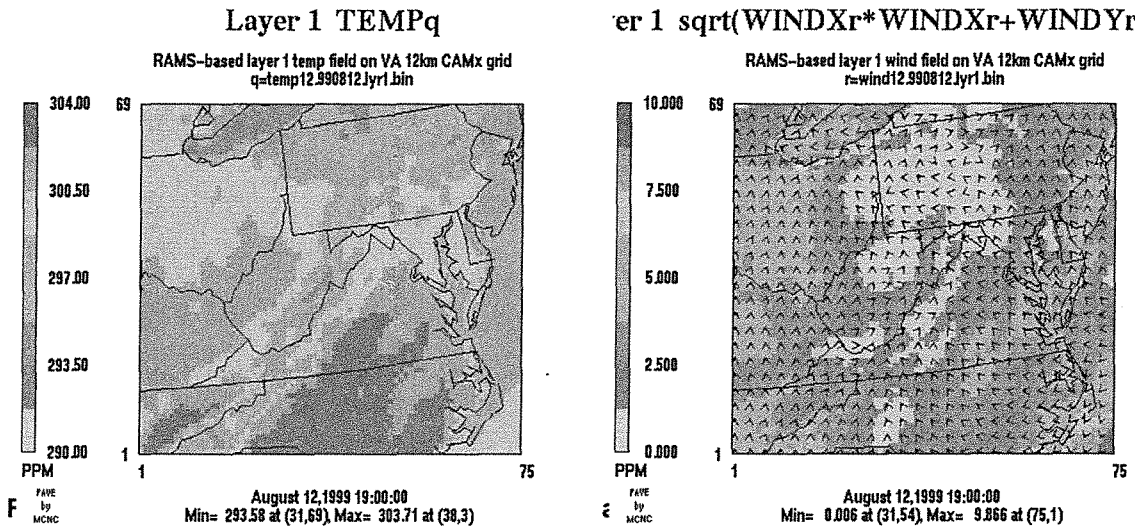
Emissions Control Measures	VOC (tpd)	NO_X (tpd)	Modeled
State/Federal Area Source Controls			
Architectural & Industrial Paints – Federal Rule (Federally Enforceable)	0.134	0.000	YES
Consumer Products – Federal Rule (Federally Enforceable)	0.056	0.000	YES
Metal Cleaning Solvents – Federal Rule (Federally Enforceable)	0.056	0.000	YES
Motor Vehicle Refinishing – Federal Rule (Federally Enforceable)	0.003	0.000	YES
Cutback Asphalt – State Rule (Federally Enforceable)	0.001	0.000	YES
Subtotals:	0.250	0.000	
Federal Non-Road Source Controls			
Small Gasoline Engine Standards – Federal Rule (Federally Enforceable)	0.812	0.027	YES
Diesel Engine Standards – Federal Rule (Federally Enforceable)	0.047	0.276	YES
Locomotive Engine Standards – Federal Rule (Federally Enforceable)	0.000	0.020	YES
Large Gasoline Engine Standards – Federal Rule (Federally Enforceable)	0.068	0.248	YES
Recreational Engine Standards – Federal Rule (Federally Enforceable)	0.004	0.000	YES
Subtotals:	0.931	0.571	
Federal Mobile Source Controls			
Previous Motor Vehicle Standards – Federal Rule (Federally Enforceable)	2.675	3.202	YES
Tier 2 Vehicle Standards – Federal Rule (Federally Enforceable)	0.438	1.825	YES
Heavy Duty Diesel Standards – Federal Rule (Federally Enforceable)	0.001	0.111	YES
Subtotals:	3.114	5.138	
State/Local Early Action Plan Controls			
Existing Source RACT Controls – State Rule (Federally Enforceable)	0.792	0.000	YES
Ozone Action Days Program – State/Local (Mandatory/Voluntary)	0.302	0.015	YES
VMT Reduction – Local (Voluntary)	0.148	0.299	NO
Open Burning Restrictions (Mandatory/Voluntary)	0.122	0.280	NO
School Bus Retrofit Program (Mandatory)	0.002	0.001	NO
Engine Idling Restrictions (Mandatory/Voluntary)	0.000	0.102	NO
Subtotals:	1.366	1.291	
TOTALS:	5.661	7.000	

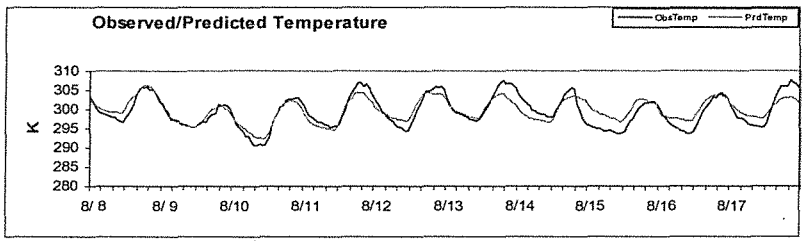
E. Base Case Modeling

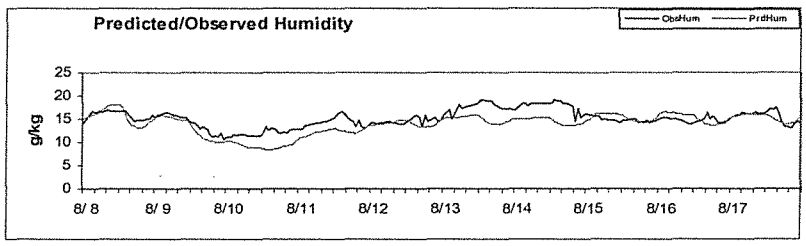
A 1997 episode was originally selected to support the development of the early action plan since emissions and meteorological data were readily available and quality assured. However, subsequent to this decision, EPA EAP guidance required that inventories and episodes no older than 1999 had to be used in this effort. As a result, the episode described above as been selected for the EAC planning effort.

DEQ has obtained the necessary meteorological data for the 1999 episode and successfully completed the processing of the data through the MM5 meteorological model. Several MM5 runs were required to adequately simulate the relatively complex meteorological conditions that existed during the selected ozone episode as previously described. Selected results of the meteorological modeling used as input into the regional air quality model are provided below.

Meteorological Modeling – Selected Results for Temperature and Winds





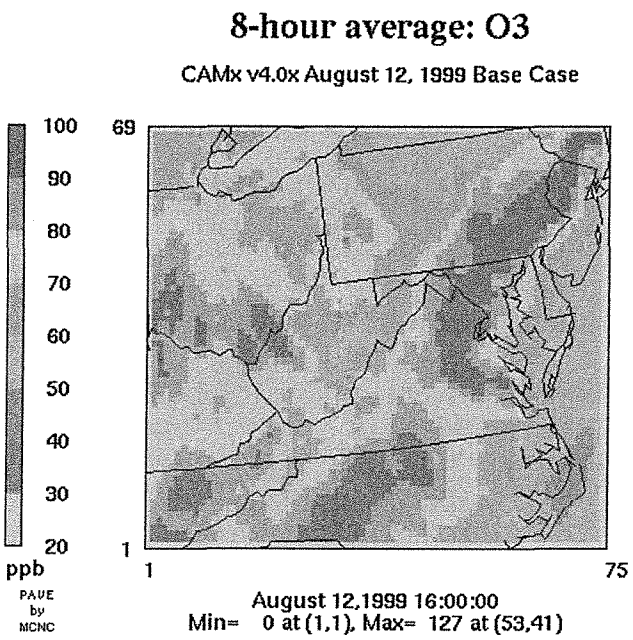


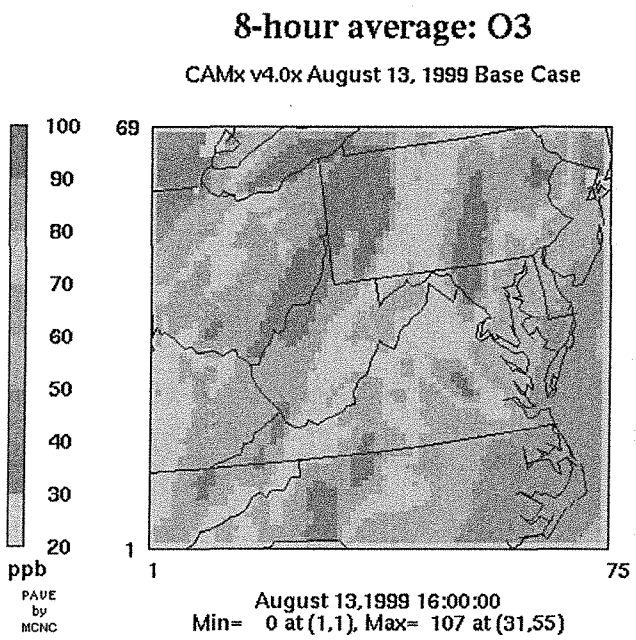
Emissions data for 1999 from all state in the modeling domain has also been obtained from the NEI. This emissions data has been supplemented with state specific data from Virginia and West Virginia. The conversion of this data to SMOKE input files and the preprocessing of this data through the SMOKE emission model has also been completed. Several problems were encountered during the processing of the emissions data that delayed the commencement of base case modeling efforts. The most difficult problem dealt with the EPA requirement that all EAC modeling efforts used MOBILE6-based emissions for mobile sources. To do this we had to use the latest draft version of the SMOKE emissions

preprocessor (Version 1.5). Numerous problems were encountered in attempting to install and run the mobile emissions through this version of the emissions model. Ultimately, the DEQ contracted the developers of SMOKE (Carolina Environmental Program to solve these problems and process the emissions data through this latest version of the emissions preprocessor. With this external assistance, the emissions preprocessing step was completed.

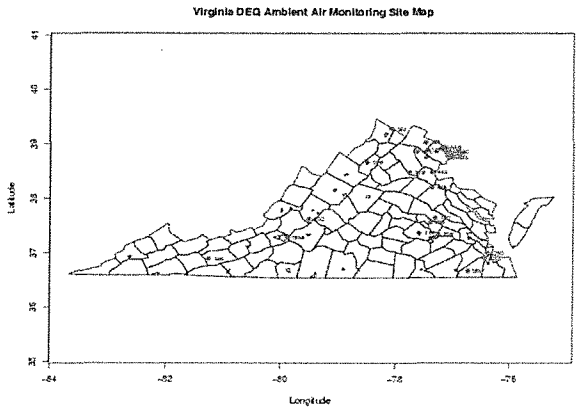
Once all the preprocessing steps were completed, the regional photochemical modeling exercise was begun. After several runs using the CMAQ model were completed, it became obvious that the performance of the model was not up to EPA standards using the selected episode. After internal consultations, it was decided to change photochemical models from CMAQ to the Comprehensive Air Quality Model with Extensions (CAMx). The modeling platform was thus changed to use this alternative air quality model. After several runs using CAMx, base case modeling results were produced that meet or exceed EPA's acceptance criteria for model performance. The base case results of the validated CAMx model are presented below in graphic form showing the simulation of the ozone episode days of August 12th and 13th, 1999. Also presented below are selected comparisons of observed and model predicted ozone concentrations at several area monitors .

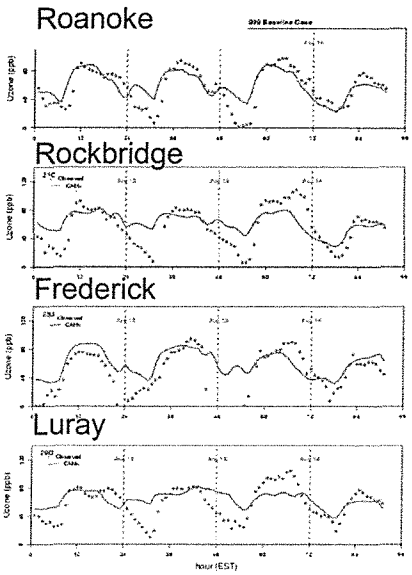
CAMx Photochemical Model Results – Base Case Modeling





Air Quality Model Validation – Observed & Predicted Ozone Concentrations





In summary, the base case modeling was completed for the selected ozone episode and the performance evaluation of the model indicates that:

- The EPA performance goals established for air quality models have been met.
- The model performance is acceptable for use in future and control case modeling.

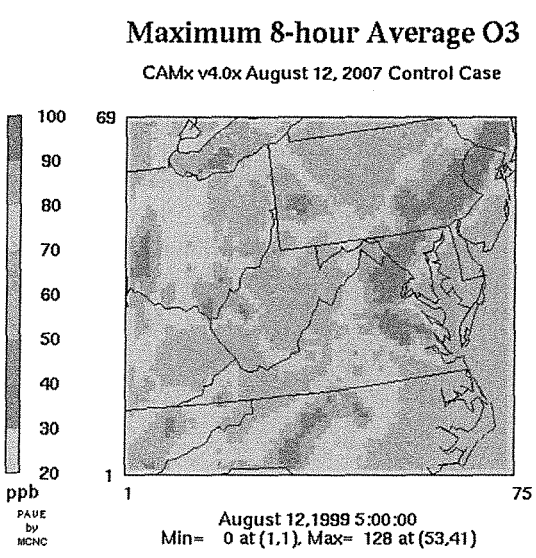
F. Future Case Modeling

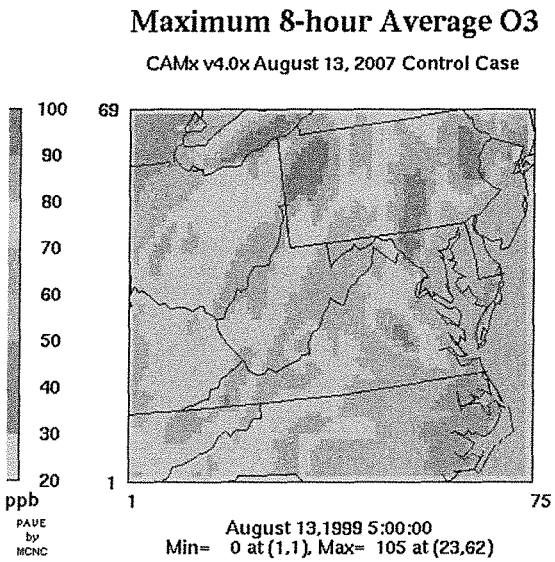
Once the base case modeling and associated performance evaluation and validation was completed, work began on the future base and control case modeling scenarios. In order to do this, a future year modeling emissions inventory had to be developed to predict future ozone precursor emissions levels in the EAC areas and the overall modeling domain to account for both anticipated growth in unregulated emissions sources and reduction in emissions from sources subject to local, state, and federal control strategies. In developing these future year inventories, the DEQ worked with neighboring EAC states to ensure the consistency of these future estimates. Standard emissions projection and control techniques were used to develop the projected emissions inventories for this purpose.

First, the future base case scenario was modeled based on the assumption of emissions growth from unregulated or uncontrolled source categories. Also included in this scenario were controlled estimates for source categories subject to State/Regional/National strategies already promulgated for the control of ozone precursor emissions that were not directly relating to the strategies to be implemented through the local control program. This modeling showed reductions in predicted ozone concentrations in the EAC area and throughout the entire modeling domain. **In fact, the base case controls were predicted to be sufficient to bring the Northern Shenandoah Valley EAC area into compliance with the ozone standard.**

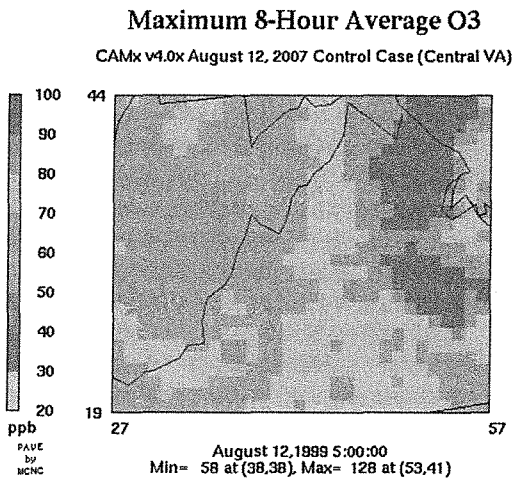
The second future modeling scenario involved the addition of the local control strategies contained in the EAP to serve as the control case inventory for this project. The combination of all the controls at all applicable levels (local, state, federal) produced the results shown below.

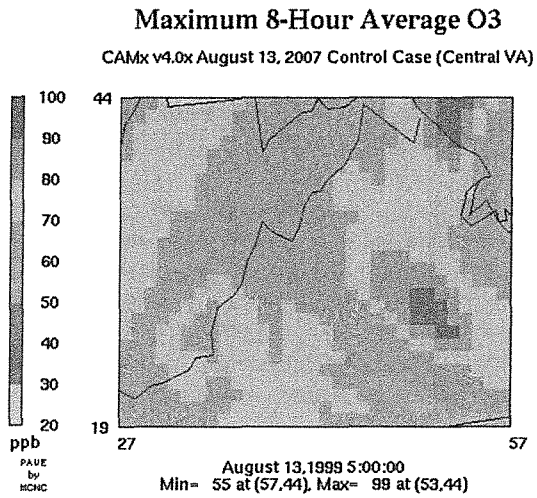
Regional Modeling Results – Future Control Case Predictions (Full Domain)





Regional Modeling Results – Future Control Case Predictions (Central VA)





The results of the control case modeling shows that many areas within the modeling domain would be at or below the 8-hour ozone standard in 2007 under this episode scenario as a result of the control strategies to be implemented during this time period. **Specifically, the Northern Shenandoah Valley area is predicted to experience a 6% reduction in local ozone concentrations. It is also predicted that the base case design value for the area of 87 parts per billion will be reduced to 81 parts per billion in 2007**. Therefore, the modeling exercise indicates that the desired result of reducing ozone concentrations to levels below the 8-hour ozone standard will be achieved by the implementation of the controls included in this EAP, when combined with the control strategies being implemented on the state and federal levels. A summary of the attainment demonstration results are presented in the table below:

Determination of Current Design Value for Winchester/Frederick

County/City	AIRS ID	1998-2000 Design Value, ppb	2001-2003 Design Value, ppb	Current Design Value
Frederick Co.	510690010	87	85	87

Attainment Test Results for the Northern Shenandoah Valley EAC Area (Maximum 9 Grid Cells)

County/City	Modeled Average Base-Year (1999) Daily 8-hr Maximum O3 (ppb)	Modeled Average Future-Year (2007) Daily 8-hr Maximum O3 (ppb)	Relative Reduction Factor (RRF)	Current Design Value	2007 Future Design Value	Number of Analysis Days	Pass/Fail Status
Frederick	78	73	0.94	87	81.8	6	PASS

Nonattainment **Attainment**

5. MAINTENANCE FOR GROWTH

A. Background

Beyond the attainment demonstration provided above, the Early Action Compact also calls for a mechanism and demonstration that the area can continue to attain the ozone standard after 2007. This section addresses this demonstration of maintenance and establishes a contingency plan and associated measures that may be needed to address future unanticipated problems in the implementation of this air quality plan or worsening air quality in the Northern Shenandoah Valley area. The following supporting information is provided to demonstrate that the area will remain in attainment for a substantial time after the predicted attainment date of 2007. It also serves to demonstrate that sufficient contingencies are available to address any potential plan or air quality setbacks or problems.

B. Demonstration of Maintenance

A demonstration of maintenance consists of a finding that a given area in compliance or predicted to be in compliance with a air quality standard will remain in compliance with that standard for a period of time. These demonstrations are generally made using one of two methods:

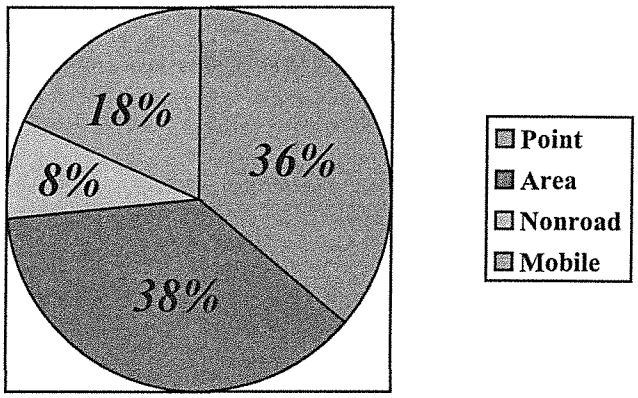
- An air quality modeling analysis that predicts that the area will remain in compliance, or
- An emissions analysis that predicts that emissions will remain below "attainment" levels.

Given the time and data constraints involved in the EAP process, it was not possible to perform an additional modeling analysis for a future year other than 2007. Therefore, an emissions analysis has been developed and is presented below.

A future 2012 ozone precursor emissions inventory has been developed for the Northern Shenandoah Valley area using the same methods as those used to develop the other inventories in this document. A summary of this 2012 inventory is provided below along with a comparison to the base (1999), interim (2002), and attainment (2007) inventories for the area.

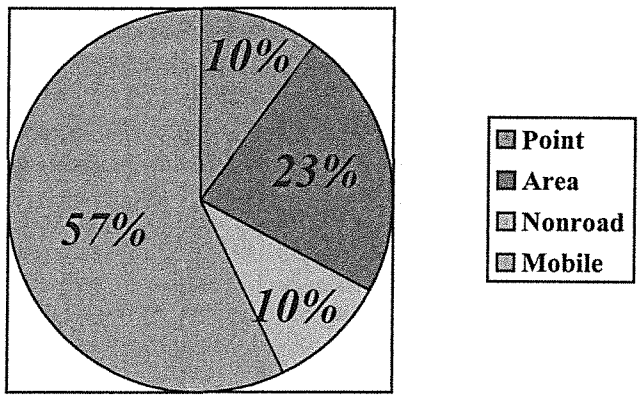
2012 Projected VOC Emissions:

CATEGORY	*DAILY EMISSIONS*
Point	7.207
Area	7.481
Nonroad	1.680
Mobile	3.652
TOTAL:	**20.020**

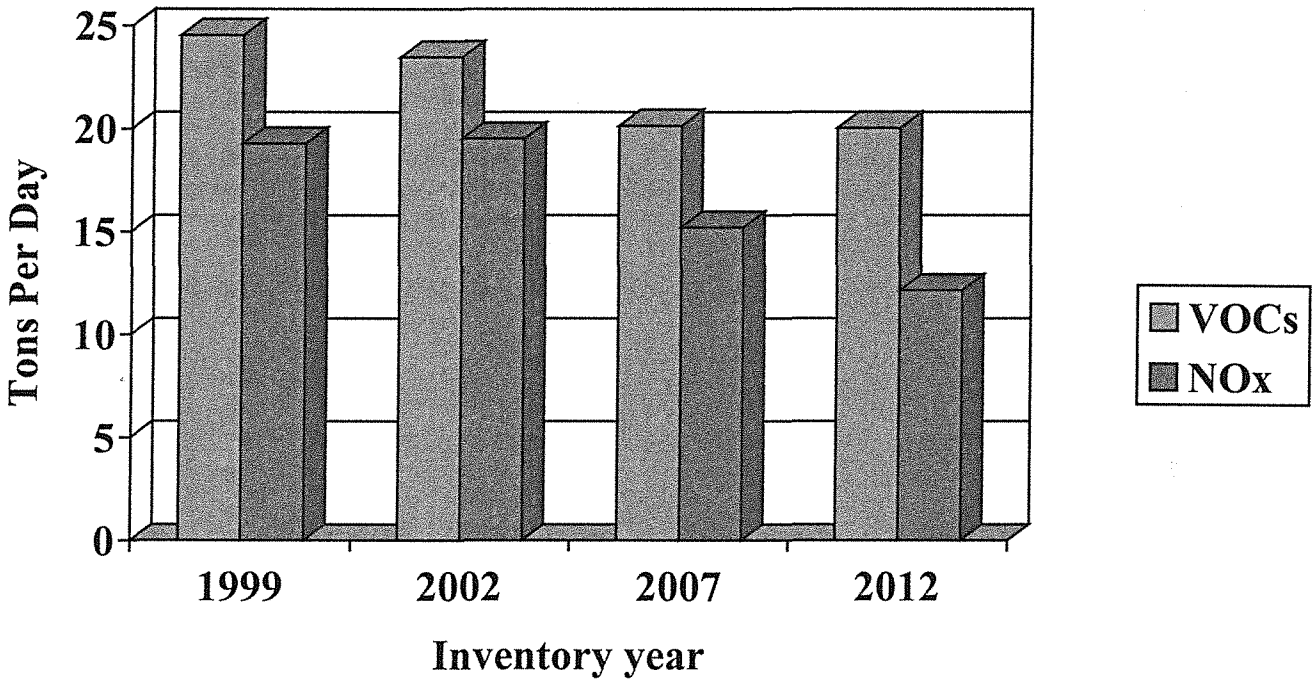


2012 Projected NO_X Emissions:

CATEGORY	*DAILY EMISSIONS*
Point	1.225
Area	2.760
Nonroad	1.210
Mobile	6.951
TOTAL:	**12.146**



Ozone Emissions Inventory Comparisons for NSV (1999 to 2012)



As demonstrated by the charts presented above, it is predicted that ozone precursor emissions in 2012 for the Northern Shenandoah Valley area will remain below attainment year (2007) levels. Therefore, this analysis serves as an indicator that the area is likely to continue to be in compliance with the ozone standard based on local predicted emissions trends.

C. Other Air Quality Modeling Exercises

Although specific modeling of an additional future maintenance year has not been performed as part of this project, other recent modeling exercises performed by the EPA to support regional or national programs provide some indication that many areas of the Country will attain the ozone standard in the near term. These same modeling exercises also indicate that most of these areas will remain in attainment for at least ten years after their projected attainment date. The latest of these EPA modeling projects, used to support the national Clean Air Interstate Rule (CAIR), indicates that most areas in Virginia will attain the ozone standard by 2010 and will remain in attainment at least out to 2020, even without the implementation of this rule.

These regional modeling exercise have been performed by EPA to support various rulemaking actions, most recently in support of the Clear Skies Act (CSA) and Clean Air Interstate Rule (CAIR). Although these modeling exercises were performed for different reasons, they have produced predicted future ozone levels that provide additional information on predicted ozone trends in the future. A summary of these modeling exercises and the resulting ozone predictions for the Northern Shenandoah Valley area is provided in the table below:

MONITOR	2010	2015	2020
Frederick	71 PPB (CSA)	70PPB (CAIR)	63 PPB (CSA)

As can be seen above, all of these EPA modeling exercises predict attainment in the Northern Shenandoah Valley area from 2010 out to 2020. In addition, these results show that predicted ozone design values will continue to decrease during this period. The specific prediction of these results for the area is that the design value in 2015 will be at 70 parts per billion, and decrease to 63 parts per billion in 2020.

D. Contingency Measures

As part of the local EAP, a mechanism and commitment is in place to monitor the progress towards implementing the local controls and assessing their effectiveness. Furthermore, as part of this SIP submittal, the local area commits to continue to submit periodic updates in the form of semi-annual status reports to DEQ and EPA on the implementation status and results of the local control program with sufficient details to make program sufficiency determinations.

If it is found that progress is not being made or the level of emissions reductions expected have not been achieved, the local Task Force will reevaluate the existing strategies to enhance their effectiveness or recommend the adoption of additional control measures. This mechanism represents the local contingency measure portion of the EAP. One or more enhanced or new strategies would be implemented in response to continuing exceedances of the ozone standard or a shortfall in anticipated emission reductions from the initial EAP. These additional strategies would be developed and implemented if the situation warranted or called for additional local emission reductions in response to worsening air quality or an unexpected shortfall in local emission reductions. These measures would require additional lead-time for implementation as well as additional work with an expanded group of stakeholders. Truck stop electrification has specifically identified as a potential measure to be evaluated and implemented, if needed.

Beyond the possible implementation of additional local controls as discussed above, the DEQ will be prepared to implement of the "Ozone Transport Commission" (OTC) rules in the area as contingency and/or maintenance measures. One or more of these rules may be implemented if a substantial failure occurs in the local control plan in terms of failure to implement controls, or in response to worsening air quality. DEQ will begin the regulatory process to enable implementation of the following additional measures as needed:

<u>OTC Portable Container Rule</u>

The portable container rule would reduce emissions that result from either gas container spillage or permeation. Additional benefits include potential reduction of water contamination and reduction of potential fire hazards. The estimated emissions reduction benefits from this measure is < 0.001 tons/day of VOC.

<u>OTC Architectural/Industrial Maintenance Coatings Rule</u>

This rule would require reformulated coatings to meet lower VOC content limits than under the current federal rule. Manufacturers would be required to assume the primary responsibility to produce coatings that meet or exceed VOC content limits for sale and use at the retail and wholesale levels. The estimated emissions benefit from this measure is approximately 0.166 ton/day of VOC.

OTC Mobile Equipment Repair and Refinishing Rule
This rule would require lower VOC content for paints and use of improved transfer efficiency application and cleaning equipment. The rule would apply primarily to small businesses that apply refinishing materials and to a variety of mobile equipment repair and refinishing facilities. The approximate emissions reduction for this strategy is estimated to be 0.002 tons/day VOC.

OTC Solvent Cleaning Operations Rule
This rule would establish additional hardware and operating requirements for vapor cleaning machines used to clean metal parts. It also includes volatility restrictions for cold cleaning solvents. Degreasing and solvent cleaning operations are performed by many commercial and industrial facilities. The estimated emissions benefit for this rule is 0.335 tons/day of VOC.

OTC Consumer Products Rule
This rule would establish additional VOC content restrictions on various consumer products sold in the area. This rule mainly impacts the manufacturers and users of these products. The estimated emissions benefit for this rule is 0,071 tons/day VOC.

A detailed summary and description of all these contingency measures and the emission reductions and estimation methods is presented in Appendix B to this document.

The specific triggers that will prompt the implementation of the contingency measures in this section are as follows:

1. Failure to implement one or more local control measures.

If the area is unable to implement one or more local controls, the area will develop and implement one or more equivalent control measures.

2. Failure to substantially implement or support the local air quality plan.

If the area fails to substantially implement or support the local air quality plan, one or more state "OTC" rules will be adopted and implemented by DEQ as expeditiously as possible.

3. For a new violation of the 8-hour ozone standard.

If a violation of the standard occurs after to the submission and approval of this plan, one or more state "OTC" rules will be adopted and implemented by DEQ as expeditiously as possible.

DEQ reserves the right to substitute equivalent measures for use as contingency measures as part of this plan if and when needed.

APPENDIX A

NORTHERN SHENANDOAH VALLEY EARLY ACTION PLAN

LOCAL CONTROL IMPLEMENTATION STATUS UPDATE

DECEMBER 31, 2004

Summary

Below is a summary of process toward the full reasonable effective implementation of emission control strategies in Phase I of the NSVEAP.

1. Ozone Action Days/Public Awareness

This strategy is actually a combination of several measures that had been evaluated earlier as individual strategies including:

Control Strategies	Status	Full Implementation Schedule	Voluntary Regional Implementation
General Public Awareness Program	Under development	Spring 2005	Spring 2006
School-based Public Awareness Program	Under development	Spring 2005	Spring 2006
Education and Promotion Campaign	Under development	Spring 2005	Spring 2006
Employer-based Ozone Action Days	Under development	Spring 2005	Spring 2006
Area Sources Ozone Action Days	Under development	Spring 2005	Spring 2006
Dynamic Message Signs	Completed	Summer 2004	Summer 2005
Video Monitor Deployment	Completed	Summer 2004	Summer 2005
Lawn & Garden Equipment Usage Restrictions for State/Local Govts	Enforcement options for Winchester and Frederick County forward for review, comment and action	Spring 2005	Spring 2006
Other State/Local Govt Restrictions (Refueling, Pesticides)	Enforcement options for Winchester and Frederick County forward for review, comment and action	Spring 2005	Spring 2006

2. VMT Reduction Programs

This strategy combines a number of individual programs/activities designed to reduce vehicle miles of travel (VMT). These include:

Control Strategies	Status	Full Implementation Schedule	Voluntary Regional Implementation
Enhanced/expanded NSV Regional Commission Ridesharing Program	Under development within Metropolitan Planning Organization	Spring 2005	Spring 2006
Bicycle and Pedestrian Accommodation	Working with the Green Circle Project and City/County Planning Departments	Spring 2005	Spring 2006
Green Space Preservation	Working with City/County Planning Departments to discover feasible options	Spring 2005	Spring 2006
Promotion of Mixed Use Development	Working with City/County Planning Departments to discover feasible options	Spring 2005	Spring 2006

Promotion of Telecommuting	Working with NetTech Center of Winchester and Telework Consortium on applicable opportunities	Spring 2005	Spring 2006

3. Open Burning Restrictions

Establishing open burning restrictions for land clearing activities has the potential to reduce combustion sources in the emissions inventories. While this type of rule is sometimes difficult to enforce, the reduction of related fire hazards along with the reduction of visible smoke and resulting air quality benefits were deemed important by the Task Force. Local policies or ordinances will implement this measure.

Control Strategies	Status	Full Implementation Schedule	Voluntary Regional Implementation
Open Burning Restrictions	Enforcement options for Winchester and Frederick County forward for review, comment and action	Spring 2005	Spring 2006

4. Engine Idling Restrictions

Restrictions for engine idling was another strategy included, due in part to the heavily traveled I-81 corridor in NSV, which has a high percentage of heavy truck travel. A large amount of idling emissions are generated from heavy-duty diesel vehicles that are parked at truck stops, rest areas and to a lesser extent, distribution centers.

Control Strategies	Status	Full Implementation Schedule	Voluntary Regional Implementation
Engine Idling Restrictions	Enforcement options for Winchester and Frederick County forward for review, comment and action	Spring 2005	Spring 2006

5. School Bus/Heavy Duty Fleets Retrofits

Retrofitting heavy duty diesel engines with emissions control technologies, such as EGR systems, or after treatment devices is an emissions control measure that shows promise for the NSV. In fact, the availability of funding to support the retrofit of school buses will give implementation of this measure a positive boost. DEQ has allocated up to $475,000 in funding assistance to assist in implementation of this strategy.

Control Strategies	Status	Full Implementation Schedule	Voluntary Regional Implementation
School Bus Fleets Retrofits	City/County School Systems implementing according to plans with VDEQ	Spring 2005	Spring 2006
Heavy Duty Fleets Retrofits	Researching feasible options and other comparable programs	Spring 2005	Spring 2006

6. Voluntary Industrial Reductions

The emissions reduction benefits are sometimes difficult to quantify for this strategy, however, an initial voluntary approach seeking industrial reductions is a reasonable and practical way for an EAC area to begin. In addition, this strategy would help increase awareness of the pollution problem and establish a relationship between local government and area industry. The estimated emissions reduction potential for these types of strategies for the area will be determined as agreements are reached with local industries.

Control Strategies	Status	Full Implementation Schedule	Voluntary Regional Implementation
Voluntary Industrial Reductions	City/County School Systems implementing according to plans with VDEQ	Spring 2005	Spring 2006

Detail

Below is a detail description of process toward the full reasonable effective implementation of emission control strategies in Phase I of the NSVEAP.

1. Ozone Action Days/Public Awareness

This strategy consists of a number individual programs/activities, which aim to educate the public, government and business regarding the health effects of air pollution and actions they can take to help reduce it would potentially reduce some emissions, mostly mobile and area source emissions. These strategies would be implemented through the year with an emphasis on a coordinated response to a forecast of high ozone concentrations above the standard from the DEQ. A description and update of implementation of each individual program/activity is provided below.

General Public Awareness Program

Strategy Description

- Develop and implement a program to educate the public regarding the health effects of air pollution and actions they can take to help reduce it.

Implementation to Date

- Developed and maintained website for overall program, www.valleyairnow.com. Website contains general information on ozone, suggestions for individuals, employers, educators and government on how to improve air quality and documents related to our community's Ozone Early Action Plan. Website will be updated to reflect current season and current air quality data.
- Developed Ozone Alert system via email and fax individually tailored to four identified audiences, media, employers, educators and government.
- Developed three public service announcements related to strategies
- Developed job description for Ozone Action Coordinator

School-based Public Awareness Program

Strategy Description

- Develop and implement a program for use in local schools to educate children and their parents regarding air pollution.

Implementation to Date

- Inserted information on suggestions actions for educators into program's website, www.valleyairnow.com.
- Developed Ozone Alert system via email and fax tailored to educators.

- Education and Promotion Campaign

  Strategy Description

  - Develop and implement a program to promote bicycling and walking as alternatives to short single occupant trips.

  Implementation to Date

  - Inserted information on bicycling and walking as alternatives to short single occupant trips into program's website, www.valleyairnow.com.

- Employer-based Ozone Action Days

  Strategy Description

  - Develop and implement an employer-based program of strategies for Ozone Action Days.

  Implementation to Date

  - Inserted information on suggestions actions for employers into program's website, www.valleyairnow.com.
  - Developed Ozone Alert system via email and fax tailored to employers

- Area Sources Ozone Action Days

  Strategy Description

  - Develop and implement a program which seeks to discourage gasoline powered lawn mowing and leaf blowing on Ozone Action Days

  Implementation to Date

  - Local governments have been provided with options on how to implement strategy
  - Anticipated decision by early 2005

- Dynamic Message Signs

  Strategy Description

  - Deploying dynamic message signs in the I-81 corridor and other key locations in the county

  Implementation to Date

  - All current DMS have been configured to goals of EAP
  - A component of the long-range transportation plan by the Metropolitan Planning Organization
  - Anticipated inclusion into long range plan by mid 2005

- Video Monitor Deployment

  Strategy Description

  - Installing video cameras to monitor traffic flow at two locations to reduce incident duration

  Implementation to Date

  - Over a dozen cameras at major congested intersections are already employed

- A component of the long-range transportation plan by the Metropolitan Planning Organization
- Anticipated inclusion into long range plan by mid 2005

- Lawn and Garden Equipment Usage Restrictions for State/Local Governments

  Strategy Description
  - Develop and implement a program to restrict the use of lawn and garden equipment on predicted code orange and red ozone days by local and state governments

  Implementation to Date
  - Local governments have been provided with options on how to implement strategy
  - Anticipated inclusion into long range plan by mid 2005

- Other State/Local Government Restrictions (Refueling, Pesticides)

  Strategy Description
  - Develop and implement a program restricting refueling of local and state government vehicles and use of pesticides in local and state government operations

  Implementation to Date
  - Local governments have been provided with options on how to implement strategy
  - Anticipated decision by early 2005

2. VMT Reduction Programs

This strategy combines a number of individual programs/activities designed to reduce vehicle miles of travel (VMT).

<u>Enhanced/expanded NSV Regional Commission Ridesharing Program</u>

Implementation to Date
- Program has been widely advertised through local media
- Additional park-ride locations are a component of the MPO's long range plan

<u>Bicycle and Pedestrian Accommodation</u>

Implementation to Date
- Green Circle plan has successful acquire $117,200.00 to implement the plan which is envisioned as a network of trails, sidewalks, and streets that would allow walkers and bicyclists to travel to cultural, educational, recreational, and commercial sites around the city in a linear park setting

<u>Green Space Preservation</u>

Implementation to Date
- Green Circle plan has successful acquire $117,200.00 to implement the plan which is envisioned as a network of trails, sidewalks, and streets that would allow walkers and bicyclists to travel to cultural, educational, recreational

<u>Promotion of Mixed Use</u>

Implementation to Date
- Frederick County recently approved a developed named Crosspointe. This development calls for a mixture of residential, office, retail and walking trails over 800 acres.

Promotion of Telecommuting

Implementation to Date

- On October 17th, the Net Tech Center of Winchester will hold its first ever Expo. The Net Tech Center is a public/private telework center. This event seeks to gain awareness of the businesses in the Net Tech Center and its services.

4. Engine Idling Restrictions

Strategy Description

- Establishing regulatory/voluntary restrictions of the idling time of heavy-duty diesel vehicles

Implementation to Date

- Enforcement options for Winchester and Frederick County forward for review, comment and action
- Anticipated decision by early 2005

5. School Bus/Heavy Duty Fleets Retrofits

Strategy Description

- Retrofitting heavy duty diesel engines with emissions control technologies, such as EGR systems, or after treatment devices

Implementation to Date

- Enforcement options for Winchester and Frederick County forward for review, comment and action
- Anticipated decision by early 2005

APPENDIX B

NORTHERN SHENANDOAH VALLEY EARLY ACTION PLAN

SUMMARY OF CONTROL MEASURES

DECEMBER 31, 2004

APPENDIX B

Summary of Control Measures for the Winchester/Frederick County Area

Control Measure Category	Control Measure Description	Emission Reductions					
		VOC		NOx		CO	
Local County/City Initiatives	Ozone Action Days/Public Awareness	0.302 tpd	46.2 tpy	0.015 tpd	2.3 tpy		
	VMT Reduction Programs	0.148 tpd	0.74 tpd	0.299 tpd	1.49 tpy		
	Open Burning Restrictions	0.122 tpd	0.612 tpy	0.28 tpd	1.4 tpy		
	Engine Idling Restrictions			0.102 tpd	26.52 tpy		
	Diesel Retrofits: School Buses	0.002 tpd	0.365 tpy	0.001 tpd	0.238 tpy	0.007 tpd	1.19 tpy
	Voluntary Industrial Reductions	NQ	NQ	NQ	NQ	NQ	NQ
State Measures	State Cutback Asphalt Restriction	0.001 tpd	0.292 tpy				
	CTG RACT	0.793 tpd	289.4 tpy	0 tpd	0 tpy		
Federal Measures (Area, Mobile, & Noroad	Federal Small Gasoline Engine Standards	0.812 tpd	296.4 tpy	0.027 tpd	9.86 tpy		
	Federal Nonroad Diesel Engine Standards	0.047 tpd	17.2 tpy	0.276 tpd	100.7 tpy		
	Federal Locomotive Emission Standards			0.02 tpd	7.1 tpy		
	Federal Large Gasoline Engine Standards	0.068 tpd	24.8 tpy	0.248 tpd	90.5 tpy		
	Federal Spark Ignition Marine Engine Standards	0.004 tpd	1.46 tpy				
	Federal Onroad Motor Vehicle Standards	3.114 tpd	1136.6 tpy	5.138 tpd	1875.4 tpy		
	AIM	0.134 tpd	48.8 tpy				
	Consumer/Commercial Products	0.056 tpd	20.4 tpy				
	Metal Cleaning Solvents	0.056 tpd	20.5 tpy				
	Motor Vehicle Refinishing Paint	0.003 tpd	1.05 tpy				
Contingency Measures	OTC AIM	0.166 tpd	60.5 tpy				
	OTC Consumer Products	0.071 tpd	26.0 tpy				
	OTC Metal Cleaning Solvents	0.335 tpd	122.1 tpy				
	OTC Motor Vehicle Refinishing	0.002 tpd	0.69 tpy				
	OTC Portable Gas Containers	<0.001 tpd	0.36 tpy				

NQ=Not Quantifiable

Measure 2: VMT Reduction Programs

Measure Number: 2
Measure Name: VMT Reduction Programs

NOx

Estimated Reductions (tpd)	0.299
Estimated Reductions (tpy)	1.49

VOC

Estimated Reductions (tpd)	0.148
Estimated Reductions (tpy)	0.740

Description:
This strategy combines individual programs/activities designed to reduce vehicle miles of travel (VMT). These include:

- *Enhanced/expanded Ridesharing*
- *Bicycle and Pedestrian Accommondations*
- *Green Space Preservation*
- *Promotion of Mixed Use Development*
- *Promotion of Telecommuting*

Assumptions

- Assume 3% participation and effectiveness.
- Average of 5 high exceedence days for 2002-2003.
- 2007 WFC EAC area inventory shows 4.934 tpd VOC emissions and 9.952 tpd NOx emissions.

Emission Reductions

Uncontrolled VOC Emissions = 4.93 tpd VOC
@ 3% compliance = 4.786 tpd VOC
Total Reductions = 0.148 tpd VOC

Annual Reductions (VOC) = 0.15 tpd * 5 days per ozone season
Annual Reductions (VOC) = 0.740 tpy VOC

Uncontrolled NOx Emissions = 9.952 tpd NOx
@ 3% compliance = 9.653 tpd NOx
Total Reductions = 0.299 tpd NOx

Annual Reductions (NOx) = 0.3 tpd * 5 days per ozone season
Annual Reductions (NOx) = 1.49 tpy NOx

Implementation Schedule and Status

Measure 4: Engine Idling Restrictions

Measure Number: 4

Measure Name: Engine Idling Restrictions

Description:
Adopting truck and school bus engine idling restrictions would reduce some of the emissions contributed by the heavy-duty vehicles and school buses.

NOx

Estimated Reductions (tpd)	0.102
Estimated Reductions (tpy)	26.520

VOC

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

Assumptions

· Assume 2% to 4% reduction in emissions from anti-idling restrictions.
· 2007 emissions inventory for the area shows VOC emissions to be 0.16 tpd from these types of sources.
· 2007 emissions inventory for the area shows NOx emissions to be 5.1 tpd from these types of sources.
· Assume 260 work days/year.

Emission Reductions

Daily Reductions (NOx) = 5.1 tpd * 2% reduction
Daily Reductions (NOx) = 0.102 tpd NOx

Annual Reductions (NOx) = 0.102 tpd * 260 days per year
Annual Reductions (NOx) = 26.5 tpy NOx

Daily Reductions (VOC) = 0.16 tpd * 2% reduction
Daily Reductions (NOx) = 0.003 tpd NOx

Annual Reductions (NOx) = 0.0032 tpd * 260 days per year
Annual Reductions (NOx) = 0.832 tpy NOx

Implementation Schedule and Status

Measure 5: Diesel Retrofits: School Buses

Measure Number: 5
Measure Name: Diesel Retrofits: School Buses

Description:
Winchester has agreed to retrofit 10 school buses with oxidation catalysts, and 6 of these buses will also have reflashing for NOx control. Frederick County will retrofit 126 school buses with oxidation catalysts. Some of these buses will also have reflashing for NOx control.

NOx

Estimated Reductions (tpd)	0.001
Estimated Reductions (tpy)	0.24

VOC

Estimated Reductions (tpd)	0.002
Estimated Reductions (tpy)	0.365

CO

Estimated Reductions (tpd)	0.007
Estimated Reductions (tpy)	1.19

Issues

· Though not calculated here, the catalysts will also result in a PM reduction.

· Immediate benefits will be greatest for oldest buses. However, these buses may be less cost-effective in the long run if they are nearing the end of their useful lives

Assumptions

· Approximately 126 school buses to be retrofitted in Frederic County. 10 school buses to be retrofitted in Winchester. At least 6 will have reflashing.
· For the catalytic oxidizers, assume VOC reduction of 50%; a CO reduction of 40%; and a PM reduction of 20%.
· For the reflashing technology, assume a NOx reduction of 25%.
· The average diesel school bus emission factors are 0.4866 g/mile VOC, 14.3896 g/mile NOx, 1.9771 g/mile CO.
· Average annual mileage is assumed to be 10,000 miles/year/bus.
· School days are assumed to be 180 days/year.
· Assume average fuel economy is 6.5 mpg

Emission Reductions

Annual Reductions (VOC) = (136 buses*10,000 miles/yr/bus)*0.4866 g/mile*1 ton/906000 gr*50% reduction
Annual Reductions (VOC) = 0.365 tpy VOC

Daily Reductions (VOC) = Annual Reductions/180 days/year
Daily Reductions (VOC) = 0.002 tpd VOC

Annual Reductions (NOx) = 6 buses*10000 miles/year*14.3896 g/mile*25% reduction*1ton/906000 gr
Annual Reductions (NOx) = 0.24 tpy NOx

Daily Reductions (NOx) = Annual Reduction/180 days/year
Daily Reductions (NOx) = 0.001 tpd NOx

Annual Reductions (CO) = (136 buses*10000 miles/yr)*1.9771 g/mile*1 ton/906000 gr*40% reduction
Annual Reductions (CO) = 1.19 tpy CO

Daily Reductions (CO) = Annual Reduction/180 days/year
Daily Reductions (CO) = 0.007 tpd CO

Implementation Schedule and Status

Winchester has a contract with Cummins Atlantic to retrofit 10 buses with catalytic oxidizers and retrofit 6 with reflashing. Delivery of the equipment should be in December of 2004. Frederick County is planning to put out for bid a contract for 126 buses, with a portion of them to be equipped with reflashing as well as catalytic oxidizers. The reflashing use is above and beyond what was in the original EAC.

Measure 6: Voluntary Industrial Reductions

Measure Number: 6

Measure Name: Voluntary Industrial Reductions

Description:

Implementing voluntary industrial reductions through some EPA voluntary programs, such as Pollution Prevention and Environmental Management Systems.

NOx

Estimated Reductions (tpd)	NA
Estimated Reductions (tpy)	NA

VOC

Estimated Reductions (tpd)	NA
Estimated Reductions (tpy)	NA

Assumptions/Emission Reductions

· Due to the nature of the program, it is not possible to quantify reductions of emissions for this strategy.

Implementation Schedule and Status

Measure 14: Ozone Action Days/Public Awareness

Measure Number: 14
Measure Name: Ozone Action Days/Public Awareness

NOx

Estimated Reductions (tpd)	0.015
Estimated Reductions (tpy)	2.3

VOC

Estimated Reductions (tpd)	0.302
Estimated Reductions (tpy)	46.2

Description:
This program is a combination of several measures that are directionally sound and designed to raise public awareness and understanding of air quality issues. These include:

- General Public Awareness Program
- School-based public awareness program
- Education and Promotion Campaign
- Employer-based Ozone Action Days
- Area Sources Ozone Action Days.
- Dynamic Message Signs
- Video Monitor Deployment
- Lawn/Garden Equip't Usage Restrictions for Gov'ts
- Other State/Local Gov't Restrictions

Assumptions/Emission Reductions

- These programs will serve to increase public awareness as well as provide reductions during the Ozone Season. Emissions reductions were based on a projected activity and an emissions reduction of 3% from the emission sources impacted.

VOC Calculations

EMISSIONS SCENARIO	VOC EMISSIONS
2007 w/o program	10.067 tpd
2007 w/ program	9.765 tpd

Total daily VOC reductions: 0.302
*Total annual VOC reductions: Total daily reductions * 153 ozone days/yr= 46.2 tpy VOC*

NOx Calculations

EMISSIONS SCENARIO	NOx EMISSIONS
2007 w/o program	0.5 tpd
2007 w/ program	0.485

Total daily NOx reductions: 0.015 tpd NOx
*Total annual NOx reductions: Total daily reductions * 153 days/year = 2.3 tpy NOx*

Implementation Schedule and Status
Full implementation by 2005 ozone season.

Measure 15: Open Burning Bans/Restrictions

Measure Number: 15
Measure Name: Open Burning Bans/Restrictions

Description:
Establishment of open burning restrictions for land clearing activities during predicted ozone exceedence days.

NOx

Estimated Reductions (tpd)	0.280
Estimated Reductions (tpy)	1.40

VOC

Estimated Reductions (tpd)	0.122
Estimated Reductions (tpy)	0.612

Issues

· Measure is enforced by local fire marshals

Assumptions

· Assume 80% effectiveness of ban.
· Average of 5 high exceedence days for 2002-2003.
· 2007 WFC EAC area inventory shows 0.153 tpd VOC emissions and 0.350 tpd NOx emissions.

Emission Reductions

Uncontrolled VOC Emissions = 0.15 tpd VOC
@ 80% compliance = 0.031 tpd VOC
Total Reductions = 0.122 tpd VOC

Annual Reductions (VOC) = 0.12 tpd * 5 days per ozone season
Annual Reductions (VOC) = 0.612 tpy VOC

Uncontrolled NOx Emissions = 0.350 tpd NOx
@ 80% compliance = 0.070 tpd NOx
Total Reductions = 0.280 tpd NOx

Annual Reductions (NOx) = 0.28 tpd * 5 days per ozone season
Annual Reductions (NOx) = 1.40 tpy NOx

Implementation Schedule and Status

Measure State #6: State Cutback Asphalt Regulation

Measure Number: State #6
Measure Name: State Cutback Asphalt Regulation

Description:
This measure involves the restriction of the use of cutback asphalt in the WFC area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.001
Estimated Reductions (tpy)	0.292

Assumptions

· The emission inventory for the WFC area show uncontrolled emissions from this source category in 2007 is 0.001 tons VOC/day.

· Assume a 100% control efficiency, and an 80% rule effectiveness.

Emission Reductions

Daily VOC Reductions = 0.001 tons/day * 100% control efficiency * 80% RE
Daily VOC Reductions = 0.001 tpd VOC
Annual VOC Reductions = 0.001 tons/day * 100% control efficiency * 80% RE * 365 days/year
Annual VOC Reductions = 0.292 tpy VOC

Implementation Schedule and Status

This program will be required by state regulation beginning in 2005.

Measure State #13: CTG RACT

Measure Number: State #13
Measure Name: CTG RACT

Description:
Applies CTG RACT for NOx and VOC to selected point and area sources in the WFC area.

NOx

Estimated Reductions (tpd)	0.000
Estimated Reductions (tpy)	0.0

VOC

Estimated Reductions (tpd)	0.793
Estimated Reductions (tpy)	289.4

Issues

· Requirements will be in state regulations by 2005.

Assumptions

· The emissions inventory for the area show uncontrolled emissions from these facilities to be 6.492 tons/day VOC and 1.075 tons/day NOx.

· The projected area source emissions inventory show uncontrolled emissions from these facilities to be 0.706 tons/day VOC.

· Reductions are based on source specific estimates for selected major sources.

Emission Reductions

VOC Calculations

EMISSIONS SCENARIO	VOC EMISSIONS FROM POINT SOURCES	
2007 w/o RACT	6.492 tpd	
2007 w/ RACT	6.068 tpd	
Total daily VOC reductions:	*0.424 tpd VOC from Point Sources*	
	VOC EMISSIONS FROM AREA SOURCES	
2007 w/o RACT	0.706 tpd	
2007 w/ RACT	0.337 tpd	
Total daily VOC reductions:	*0.369 tpd VOC from Area Sources*	
Total daily VOC reductions:	*0.793 tpd VOC from Point and Area Sources*	
Total annual VOC reductions:	*Total daily reductions * 365 days/year =*	*289.4 tpy VOC*

NOx Calculations

EMISSIONS SCENARIO	NOx EMISSIONS	
2007 w/o RACT	1.075	
2007 w/RACT	1.075	
Total daily NOx reductions:	*0.0 tpd NOx*	
Total annual NOx reductions:	*Total daily reductions * 365 days/year =*	*0.0 tpy VOC*

Implementation Schedule and Status

· This program will be required by state regulation beginning in 2005.

Measure Federal #8: Federal Small Gasoline Engine Standards

Measure Number: Federal #8
Measure Name: Federal Small Gasoline Engine Standards

Description:

This measure involves EPA's establishment of engine emission standards for small spark ignition gasoline powered nonroad engines. These engine standards have been implemented in two phases by EPA and covers both handheld and nonhandheld equipment.

NOx

Estimated Reductions (tpd)	0.027
Estimated Reductions (tpy)	9.86

VOC

Estimated Reductions (tpd)	0.812
Estimated Reductions (tpy)	296.4

Assumptions

· Emissions data below originate from the Mobile6 model for the WFC area.

Emission Reductions

VOC Calculations

EMISSIONS SCENARIO	VOC EMISSIONS
2002 Base Year	1.745 tpd
2007 w/o control	1.928 tpd
2007 w/ control	1.116 tpd
Total daily VOC reductions:	*0.812 tpd VOC*
Total annual VOC reductions:	*Total daily reductions * 365 days/year =* *296.4 tpy VOC*

NOx Calculations

EMISSIONS SCENARIO	NOx EMISSIONS
2002 Base Year	0.145 tpd
2007 w/o control	0.160 tpd
2007 w/ control	0.133 tpd
Total daily NOx reductions:	*0.027 tpd NOx*
Total annual NOx reductions:	*Total daily reductions * 365 days/year =* *9.86 tpy VOC*

Implementation Schedule and Status

Federal implementation schedule.

Measure Federal #8: Federal Nonroad Diesel Engine Standards

Measure Number: Federal #8
Measure Name: Federal Nonroad Diesel Engine Standards

Description:
This measure involves emission reductions from EPA emission standards for nonroad compression-ignition (diesel powered) utility engines. This measure affects diesel powered construction equipment, industrial equipment and other equipment rated at or above 37 kilowatts (about 50 horsepower).

NOx

Estimated Reductions (tpd)	0.276
Estimated Reductions (tpy)	100.7

VOC

Estimated Reductions (tpd)	0.047
Estimated Reductions (tpy)	17.2

Assumptions

· Emission calculations originate from the Mobile6 model of the WFC area.

Emission Reductions

VOC Calculations

EMISSIONS SCENARIO	VOC EMISSIONS
2002 Base Year	0.143 tpd
2007 w/o control	0.167 tpd
2007 w/ control	0.120 tpd
Total daily VOC reductions:	*0.047 tpd VOC*
Total annual VOC reductions:	*Total daily reductions * 365 days/year =* *17.2 tpy VOC*

NOx Calculations

EMISSIONS SCENARIO	NOx EMISSIONS
2002 Base Year	1.164 tpd
2007 w/o control	1.361 tpd
2007 w/ control	1.085 tpd
Total daily NOx reductions:	*0.276 tpd NOx*
Total annual NOx reductions:	*Total daily reductions * 365 days/year =* *100.74 tpy VOC*

Implementation Schedule and Status

Federal implementation schedule.

Measure Federal #9: Federal Locomotive Engine Standards

Measure Number: Federal #9

Measure Name: Federal Locomotive Engine Standards

Description:

This measure involves NOx emission standards for locomotive engines manufactured or remanufactured after 2001. This program includes all locomotives originally manufactured from 2002 to 2004, and it also includes the remanufacture of all engines built since 1973.

NOx

Estimated Reductions (tpd)	0.02
Estimated Reductions (tpy)	7.1

VOC

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

Assumptions

· The emission inventory for the WFC area shows uncontrolled emissions from these sources are 0.046 tons NOx/day uncontrolled in 2007.

· Assume a 42% control efficiency.

Emission Reductions

Daily NOx Reductions = 0.046 tons/day * 42% control efficiency

Daily NOx Reductions = 0.019 tpd NOx

Annual NOx Reductions = 0.046 tons/day * 42% control efficiency*365 days/year

Annual NOx Reductions = 7.1 tpy NOx

Implementation Schedule and Status

Federal implementation schedule.

Measure Federal #10: Federal Large Gasoline Engine Standards

Measure Number: Federal #10

Measure Name: Federal Large Gasoline Engine Standards

Description:

This measure involves emission standards for large industrial spark-ignition engines, recreational vehicles, and diesel marine engines.

NOx

Estimated Reductions (tpd)	0.248
Estimated Reductions (tpy)	90.5

VOC

Estimated Reductions (tpd)	0.068
Estimated Reductions (tpy)	24.8

Assumptions

· Emission calculations originate from the Mobile6 model for the WFC area.

Emission Reductions

VOC Calculations

EMISSIONS SCENARIO	VOC EMISSIONS	
2002 Base Year	0.141 tpd	
2007 w/o control	0.164 tpd	
2007 w/ control	0.096 tpd	
Total daily VOC reductions:	*0.068 tpd VOC*	
Total annual VOC reductions:	*Total daily reductions * 365 days/year =*	*24.8 tpy VOC*

NOx Calculations

EMISSIONS SCENARIO	NOx EMISSIONS	
2002 Base Year	0.503 tpd	
2007 w/o control	0.585 tpd	
2007 w/ control	0.337 tpd	
Total daily NOx reductions:	*0.248 tpd NOx*	
Total annual NOx reductions:	*Total daily reductions * 365 days/year =*	*90.5 tpy VOC*

Implementation Schedule and Status

Federal implementation schedule.

Measure Federal #11: Federal Spark Ignition Marine Engine Standards

Measure Number: Federal #11

Measure Name: Federal Spark Ignition Marine Engine Standards

Description:
This measure involves VOC emission standards for spark ignition marine engines including outboard engines, personal watercraft engines, and jet boat engines.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.004
Estimated Reductions (tpy)	1.46

Assumptions

· Emission calculations originate from the Mobile6 model for the WFC area.

Emission Reductions

VOC Calculations

EMISSIONS SCENARIO	VOC EMISSIONS
2002 Base Year	0.015 tpd
2007 w/o control	0.016 tpd
2007 w/ control	0.012 tpd
Total daily VOC reductions:	*0.004 tpd VOC*
Total annual VOC reductions:	*Total daily reductions * 365 days/year =* *1.46 tpy VOC*

Implementation Schedule and Status

Federal implementation schedule.

Measure Federal #12: Federal Onroad Motor Vehicle Emissions Standards

Measure Number: Federal #12

Measure Name: Federal Onroad Motor Vehicle Emissions Standards

Description:

The following national motor vehicle emission reduction measures have or will be implemented that will reduce mobile source emissions in the Roanoke area. These measures include:

* Federal Tier 1 Vehicle Standards
* National Low Emissions Vehicle Standards
* Federal Tier 2 Vehicle & Low Sulfur Fuel Standards
* Heavy Duty Diesel Engine Standards

NOx

Estimated Reductions (tpd)	5.14
Estimated Reductions (tpy)	1875.4

VOC

Estimated Reductions (tpd)	3.11
Estimated Reductions (tpy)	1136.6

Assumptions

· The following calculations are based on the EPA Mobile6 emissions model for this area of Virginia.

Emission Reductions

VOC Calculations

EMISSIONS SCENARIO	VOC EMISSIONS
1999 Base Year	8.047 tpd
2007 w/ Tier 1 & NLEV	5.373 tpd
2007 w/ Tier 1&2, NLEV	4.935 tpd
2007 w/ Tier 1&2, NLEV, & HDDV	4.934 tpd

Total daily VOC reductions: *3.114*

Total annual VOC reductions: *Total daily reductions * 365 days/year =* *1136.6 tpy VOC*

NOx Calculations

EMISSIONS SCENARIO	NOx EMISSIONS
1999 Base Year	15.090 tpd
2007 w/ Tier 1 & NLEV	11.888 tpd
2007 w/ Tier 1&2, NLEV	10.063 tpd
2007 w/ Tier 1&2, NLEV, & HDDV	9.952 tpd

Total daily NOx reductions: *5.138 tpd NOx*

Total annual NOx reductions: *Total daily reductions * 365 days/year =* *1875.4 tpy VOC*

Implementation Schedule and Status

Federal implementation schedule.

Federal Area Source Measure #1: Architectural/Maintenance Coatings

Measure Number: Federal Area Source Measure #1
Measure Name: AIM Rule

Description:
This measure involves the federal rule for Architectural and Industrial Maintenance (AIM) coatings, which restricts the VOC content of architectural, industrial maintenance, special industrial, and highway markings surface coatings sold and used in the area

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.134
Estimated Reductions (tpy)	48.8

Assumptions

· The area source emission inventory for the WFC area show uncontrolled emissions from these area sources are 0.669 tons VOC/day.

· Assume a 20% control efficiency (range is 3% to 40%)

Emission Reductions

Daily VOC Reductions = 0.669 tons/day * 20% control efficiency
Daily VOC Reductions = 0.134 tpd VOC
Annual VOC Reductions = 0.669 tons/day * 20% control efficiency*365 days/year
Annual VOC Reductions = 48.8 tpy VOC

Implementation Schedule and Status

· Federal measure - implemented.

Measure Federal Area Source Measure #2: Consumer/Commercial Products

Measure Number: Federal Area Source Measure #2
Measure Name: Consumer/Commercial Products

Description:
This measure involves the federal rule for commercial and consumer products, which restricts the VOC content of these products sold and used in the WFC area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.056
Estimated Reductions (tpy)	20.4

Assumptions

· The area source emission inventory for the WFC area show uncontrolled emissions from these area sources are 0.558 tons VOC/day.

· Assume a 10% control efficiency.

Emission Reductions

Daily VOC Reductions = 0.558 tons/day * 10% control efficiency
Daily VOC Reductions = 0.056 tpd VOC
Annual VOC Reductions = 0.558 tons/day * 10% control efficiency*365 days/year
Annual VOC Reductions = 20.4 tpy VOC

Implementation Schedule and Status

· Federal measure - implemented.

Measure Federal Area Source Measure #3: Metal Cleaning Solvent Controls

Measure Number: Federal Area Source Measure #3
Measure Name: Metal Cleaning Solvent Controls

Description:
This measure involves the federal rule for metal cleaning solvents, which restricts the VOC content of these solvents sold and used in the Roanoke area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.056
Estimated Reductions (tpy)	20.5

Assumptions

· The area source emission inventory for the WFC area show uncontrolled emissions from these area sources are 0.563 tons VOC/day.

· Assume a 10% control efficiency.

Emission Reductions

Daily VOC Reductions = 0.563 tons/day * 10% control efficiency
Daily VOC Reductions = 0.056 tpd VOC
Annual VOC Reductions = 0.563 tons/day * 10% control efficiency*365 days/year
Annual VOC Reductions = 20.5 tpy VOC

Implementation Schedule and Status

· Federal measure - implemented.

Measure Federal Area Source Measure #5: Motor Vehicle Repair and Refinishing

Measure Number: Federal Area Source Measure #5
Measure Name: Motor Vehicle Repair and Refinishing

Description:
This measure involves the federal rule for motor vehicle refinishing paint, which restricts the VOC content of these paints sold and used in the WFC area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.003
Estimated Reductions (tpy)	1.05

Assumptions

· The area source inventory for 2007 for the WFC area shows the uncontrolled emissions from these source categories to be 0.008 tpd VOC.

· Assume a 36% control efficiency.

Emission Reductions

Daily VOC Reductions = 0.008 tons/day * 36% control efficiency
Daily VOC Reductions = 0.003 tpd VOC
Annual VOC Reductions = 0.008 tons/day * 36% control efficiency*365 days/year
Annual VOC Reductions = 1.05 tpy VOC

Implementation Schedule and Status

· Federal measure - implemented.

Measure Contingency #1: OTC AIM Rule

Measure Number: Contingency #1
Measure Name: OTC AIM Rule

Description:
This measure involves the federal rule for Architectural and Industrial Maintenance (AIM) coatings, which further restricts the VOC content of architectural, industrial maintenance, special industrial, and highway markings surface coatings sold and used in the Winchester/Frederick area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.166
Estimated Reductions (tpy)	60.5

Assumptions

· The area source emission inventory for the WFC area show uncontrolled emissions from these area sources are 0.535 tons VOC/day.

· Assume a 31% control efficiency

Emission Reductions

Daily VOC Reductions = 0.535 tons/day * 20% control e
Daily VOC Reductions = 0.166 tpd VOC
Annual VOC Reductions = 0.535 tons/day * 31% control efficiency*365 days/year
Annual VOC Reductions = 60.5 tpy VOC

Implementation Schedule and Status

· Contingency measure.

Measure Contingency #2: Consumer/Commercial Products

Measure Number: Contingency #2
Measure Name: Consumer/Commercial Products

Description:
This measure involves the federal rule for commercial and consumer products, which further restricts the VOC content of these products sold and used in the WFC area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.071
Estimated Reductions (tpy)	26.0

Assumptions

· The area source emission inventory for the WFC area show uncontrolled emissions from these area sources are 0.502 tons VOC/day.

· Assume a 14.2% control efficiency.

Emission Reductions

Daily VOC Reductions = 0.502 tons/day * 10% control efficiency
Daily VOC Reductions = 0.071 tpd VOC
Annual VOC Reductions = 0.502 tons/day * 14.2% control efficiency*365 days/year
Annual VOC Reductions = 26.0 tpy VOC

Implementation Schedule and Status

· Contingency measure.

Measure Contingency #3: Metal Cleaning Solvent Controls

Measure Number: Contingency #3
Measure Name: Metal Cleaning Solvent Controls

Description:
This measure involves the federal rule for metal cleaning solvents, which further restricts the VOC content of these solvents sold and used in the Roanoke area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.335
Estimated Reductions (tpy)	122.1

Assumptions

· The area source emission inventory for the WFC area show uncontrolled emissions from these area sources are 0.507 tons VOC/day.

· Assume a 66% control efficiency.

Emission Reductions

Daily VOC Reductions = 0.507 tons/day * 66% control efficiency
Daily VOC Reductions = 0.335 tpd VOC
Annual VOC Reductions = 0.507 tons/day * 66% control efficiency*365 days/year
Annual VOC Reductions = 122.1 tpy VOC

Implementation Schedule and Status

Contingency measure.

Measure Contingency #4: Motor Vehicle Repair and Refinishing

Measure Number: Contingency #4
Measure Name: Motor Vehicle Repair and Refinishing

Description:
This measure involves the federal rule for motor vehicle refinishing paint, which further restricts the VOC content of these paints sold and used in the WFC area.

NOx

Estimated Reductions (tpd)	N/A
Estimated Reductions (tpy)	N/A

VOC

Estimated Reductions (tpd)	0.002
Estimated Reductions (tpy)	0.69

Assumptions

· The area source inventory for 2007 for the WFC area shows the uncontrolled emissions from these source categories to be 0.005 tpd VOC.

· Assume a 38% control efficiency.

Emission Reductions

Daily VOC Reductions = 0.005 tons/day * 38% control efficiency
Daily VOC Reductions = 0.002 tpd VOC
Annual VOC Reductions = 0.005 tons/day * 38% control efficiency*365 days/year
Annual VOC Reductions = 0.69 tpy VOC

Implementation Schedule and Status

Contingency measure.

APPENDIX C

Virginia, West Virginia and Maryland Early Action Compact Modeling Report

Final Report

Virginia Department of Environmental Quality

December 31, 2004

Executive Summary

The purposes of this report are to document the CAMx modeling results for the Early Action Compact (EAC) projects of Virginia, West Virginia and Maryland and to present the calculation of relative reduction factors and future year 8-hour ozone design values associated with monitors in the concerned EAC areas. This modeling project covers five EAC areas in Virginia, West Virginia and Maryland. The Virginia Department of Environmental Quality is the lead agency in conducting this modeling study. The August 8-18, 1999 ozone episode was selected and used for the EAC modeling project. The Comprehensive Air quality Model with extensions version 4.02 (CAMx) model was selected and used for the modeling project. The National Center for Atmospheric Research (NCAR)/ Penn State Mesoscale Model, MM5, was employed to provide spatial and temporal distribution of meteorological fields to the CAMx air quality model. The MM5 simulation was performed with 3 nested domains, with respective grid resolution of 108 km, 36 km, and 12 km. The Sparse Matrix Operator Kernel Emissions (SMOKE) emissions model was used to process emission inventories into the formatted emission files required by the CAMx air quality model.

The CAMx base case model performance has been evaluated using statistical and graphical metrics for both 36 km and 12 km resolution modeling domains. The CAMx photochemical model meets or exceeds established U.S. EPA performance criteria for attainment demonstrations. In some cases such as large urban areas, finer resolution of 4 km grid cells may be required to better account for local emission and ozone variations. However, after further evaluation and discussion, it was decided that 4 km grid resolution for this modeling exercise was not warranted because:

1. This and other regional modeling efforts have shown that there is much less local variation in predicted ozone levels in "rural" areas and that finer resolution is not needed.
2. Local ozone and emissions gradients (variations) in the EAC areas are relatively small.

The 2007 future emission inventories were developed for the modeling domains. The future year CAMx runs were performed with the same model configuration and meteorological fields developed for the base case runs. Relative reduction factors and future year 8-hour ozone design values at four monitors were calculated in accordance with the U.S. EPA's *Draft Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the 8-Hour Ozone NAAQS (1999)* and the U.S. EPA's *Protocol for Early Action Compacts (2003)*. The results indicate that the attainment test is passed at all five monitors representing five EAC areas in three states during this modeling episode.

1. Introduction

In December of 2002, the Commonwealth of Virginia, the State of West Virginia, the State of Maryland, along with the local jurisdictions involved, signed and submitted ozone Early Action Compacts (EACs) to the U.S. EPA. The compacts were in turn signed by the EPA to complete the approval process. The purposes of the EACs are to defer the effective date of nonattainment designations for the involved local areas if violations of the 8-hour ozone NAAQS occur in the future. The EACs cover the following geographic areas:

- The Roanoke, Virginia Metropolitan Statistical Area (Botetourt County, Roanoke County, Roanoke City, Salem City, and the Town of Vinton)
- The Northern Shenandoah Valley area (Frederick County and Winchester City)
- Washington County, Maryland
- Berkley and Jefferson Counties, West Virginia

The EAC processes require photochemical dispersion modeling demonstrations to show attainment of the 8-hour ozone standard by December 2007.

The lead agency in the EAC modeling process for the EAC areas listed above is the Virginia Department of Environmental Quality (DEQ). Providing assistance to the DEQ are Roanoke/Alleghany Regional Commission (RVARC), local governments, the Maryland Department of Environment, the West Virginia Division of Air Quality, U.S. EPA and the University of North Carolina. The modeling study follows *Air Quality Modeling Analysis for Virginia, West Virginia and Maryland Early Action Ozone Compacts: Modeling Protocol, Episode Selection, and Domain Definition* prepared by Virginia Department of Environmental Quality.

This report documents photochemical modeling study results for 1999 base case and 2007 future case for the EAC areas and demonstrates attainment of the 8-hour ozone standards by all the above mentioned EAC areas by December 2007.

2. Episode Days for Modeling

Due to EPA modeling requirements and emissions inventory availability, an episode occurring in 1999 was selected for this modeling. Only one episode during the summer of 1999 produced 8-hour exceedances in all the EAC areas involved in this analysis which occurred on August 12 & 13, 1999. Exceedances of the 8-hour standard are relatively rare occurrences in these areas, which historically average only three (3) exceedances per year. Furthermore, episode selected is considered representative of typical conditions relating to regional ozone episodes and related transport that are normally responsible for higher ozone levels in these areas.

DEQ recommended eleven episode days for simulations based on the observations of elevated 8-hour ozone concentrations. The episode days are from August

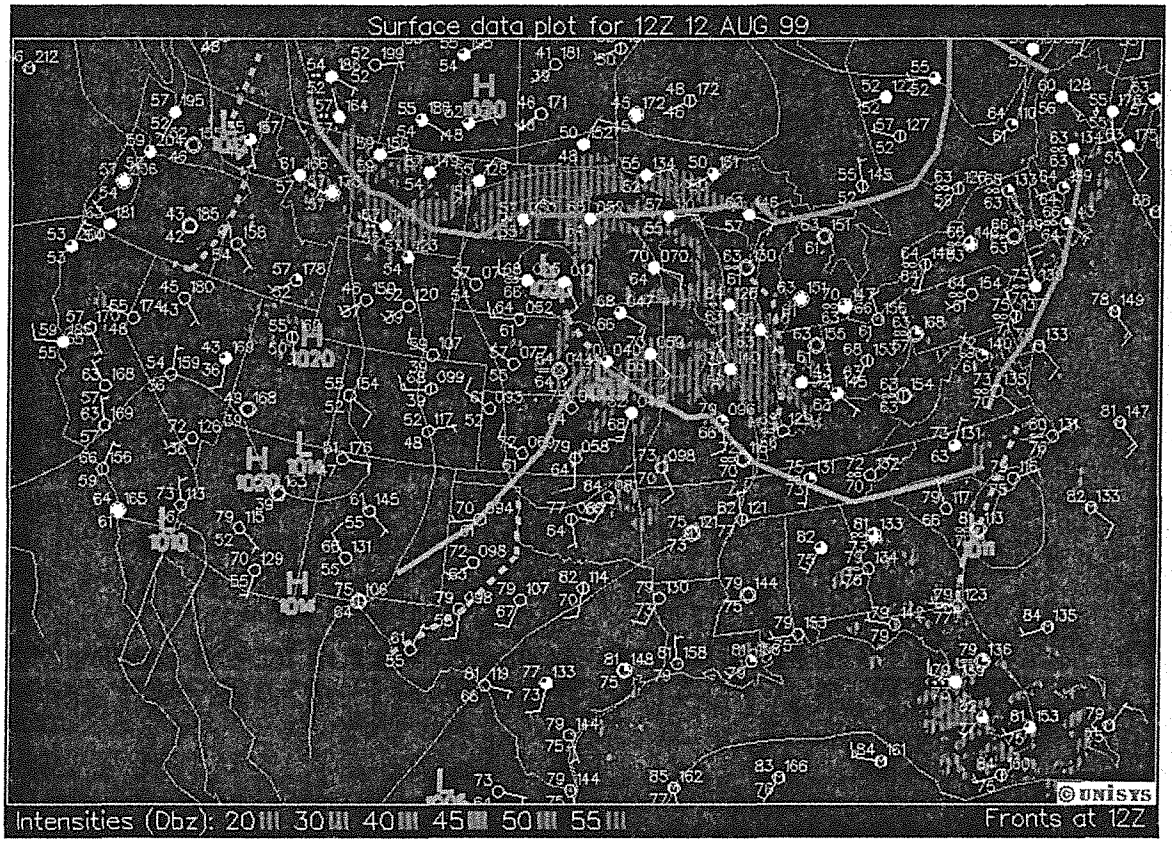
8 to August 18, 1999 wherein high ozone concentrations were measured in the six EAC areas. August 12 and August 13 are selected as primary episode days for 8-hour ozone attainment demonstration.

The ozone episode of August 12-13, 1999 was typical of a regional episode in the area. Eight-hour average ozone concentrations peaked at 85 ppb and 87 ppb at Frederick County and Vinton, Virginia, respectively on August 12th. The eight-hour average at Vinton reached 91 ppb on August 13th. Both concentrations were close to the 2001-2003 eight-hour average design values (85 ppb at both locations). Highest eight-hour averages occurred in Northern Virginia, peaking at 115 ppb on August 12th.

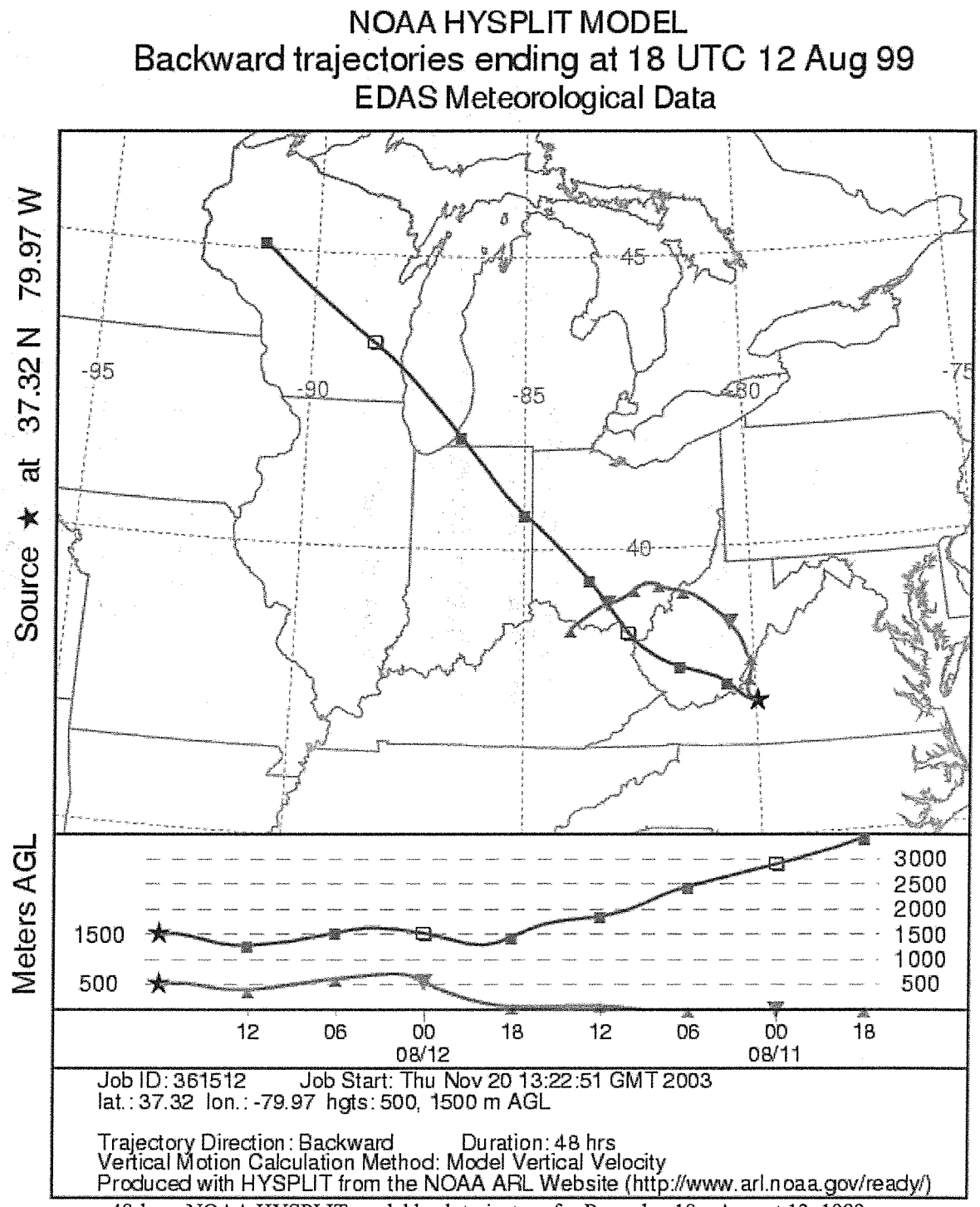
The surface weather map (Figure 2-1) on the morning of August 12th indicated a trough of low pressure extending from coastal New England, through the Delmarva region into central Virginia. South and east of the trough, surface winds were generally from the southeast and higher dew point temperatures, indicative of maritime air. West of the trough, surface winds were calm or light and variable with lower dew point temperatures, indicative of ozone-conducive continental air. Haze ("∞") was reported over a large area from Maine into Tennessee and Georgia. Surface winds remained light into the afternoon. Forty-eight hour 500 and 1500 meter back trajectories for Roanoke and Winchester (18z, 2:00 pm EDT; Figures 2-2 and 2-3) ending that afternoon indicated that air passed over the Ohio River Valley and West Virginia; a typical high ozone, regional air flow pattern. The evening (00z, August 13, 8:00 pm EDT, August 12) surface weather map (Figure 2-4) indicated the trough of low pressure separating maritime from continental air persisted from New England southwestward through Maryland and Richmond, extending into central North Carolina. Maximum temperatures east of the trough were around 90 degrees. West of the trough, high temperatures reached into the low to mid 90s.

August 13th:

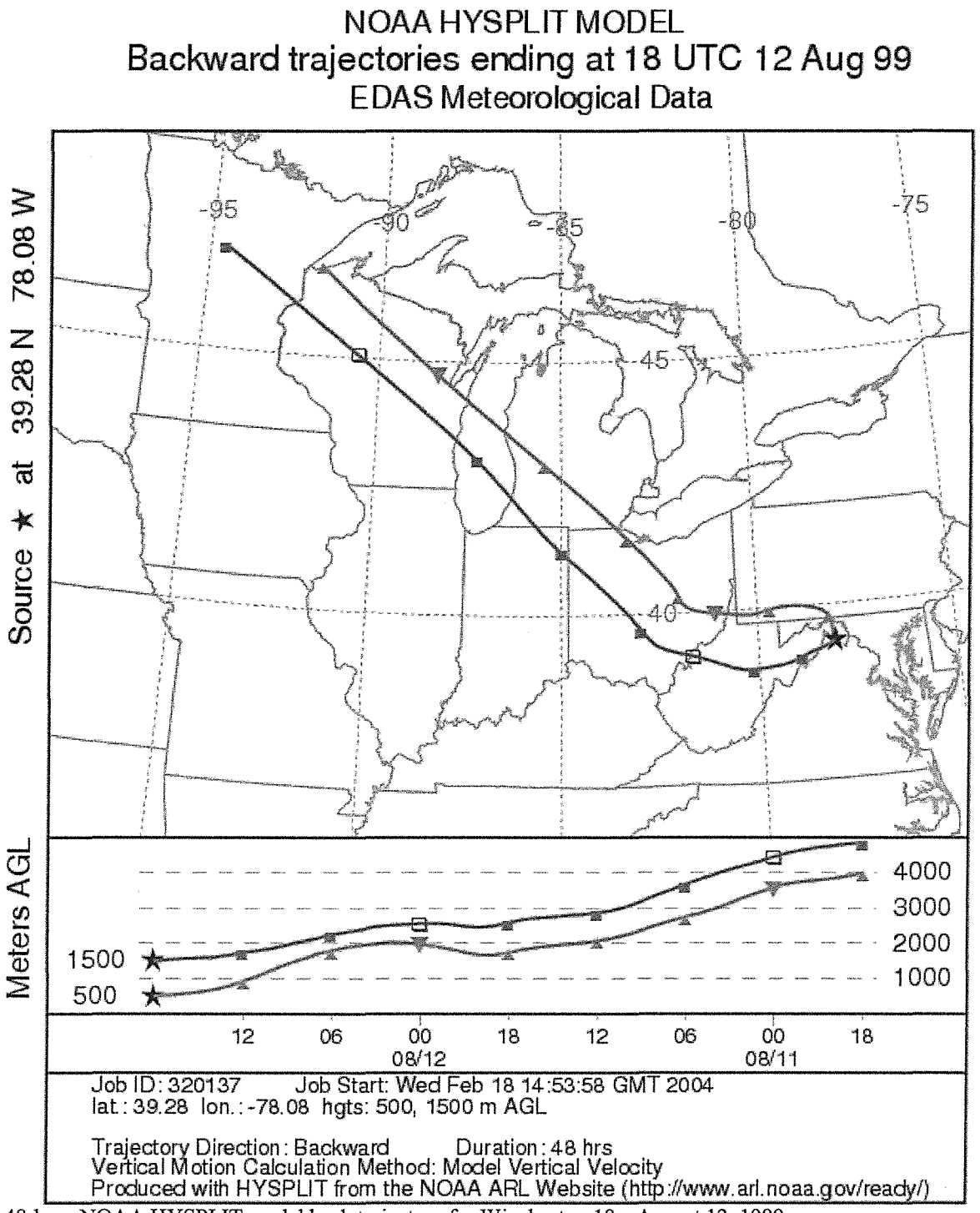
The surface weather map on the morning of August 13th (Figure 2-5) indicated the trough extended from Washington, DC through central Virginia into central North and South Carolina. Again, higher dew point temperatures and southerly winds east of the trough indicated maritime air. Lower dew points and calm winds west of the trough indicated the presence of a continental air mass. Forty-eight hour 500 and 1500 meter back trajectories for Roanoke (Figure 2-6) ending that afternoon originated from the Great Smokey Mountains region of northeastern Tennessee and north central Tennessee, respectively. Forty-eight hour 500 and 1500 meter back trajectories for Winchester ending that afternoon are shown in Figure 2-7. The 500 meter trajectory originated in West Virginia, stagnating and looping over west-central Virginia. The 1500 meter trajectory passed over the Ohio River Valley and West Virginia.. The surface trough separating the maritime air from the continental air persisted into the evening (Figure 2-8). High temperatures reached the mid-to-upper 90s in the region.



Surface data plot for 12z, August 12, 1999.
Figure 2-1.

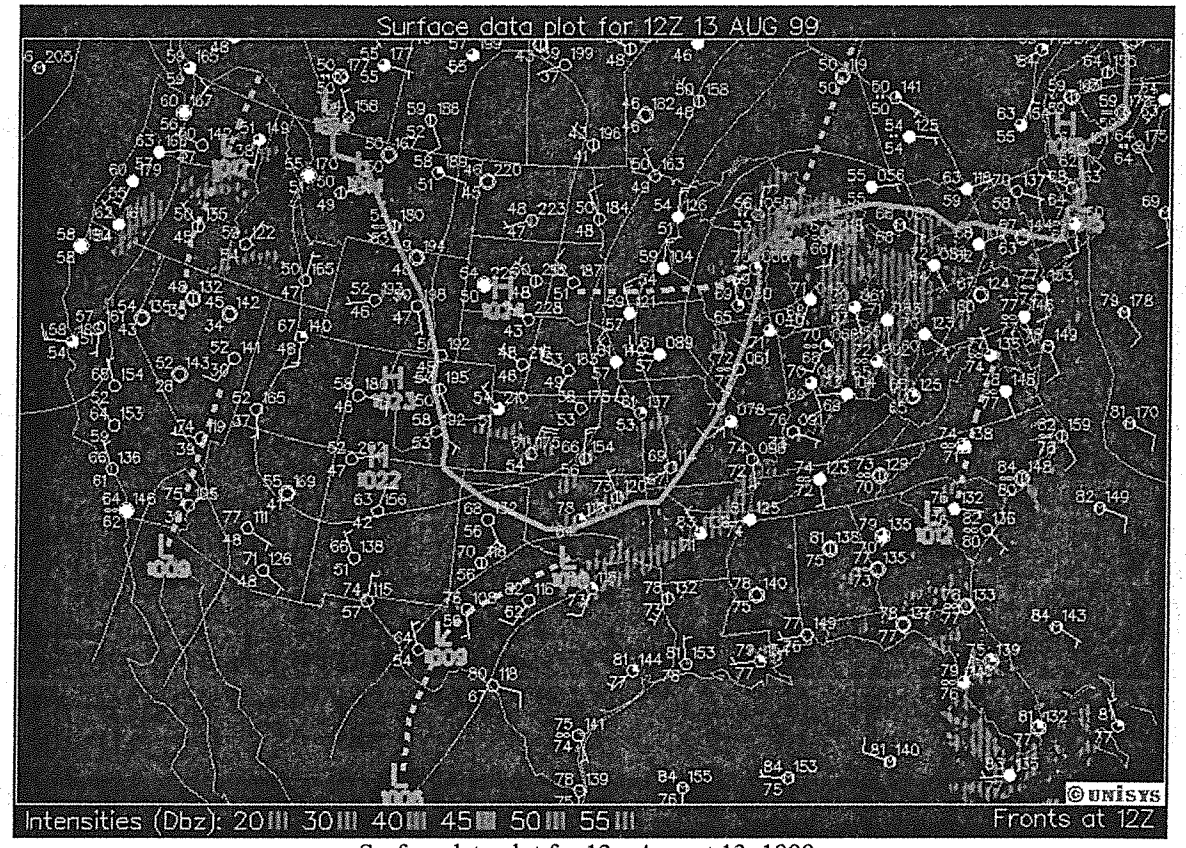


48-hour NOAA HYSPLIT model back trajectory for Roanoke, 18z, August 12, 1999.
Figure 2-2.

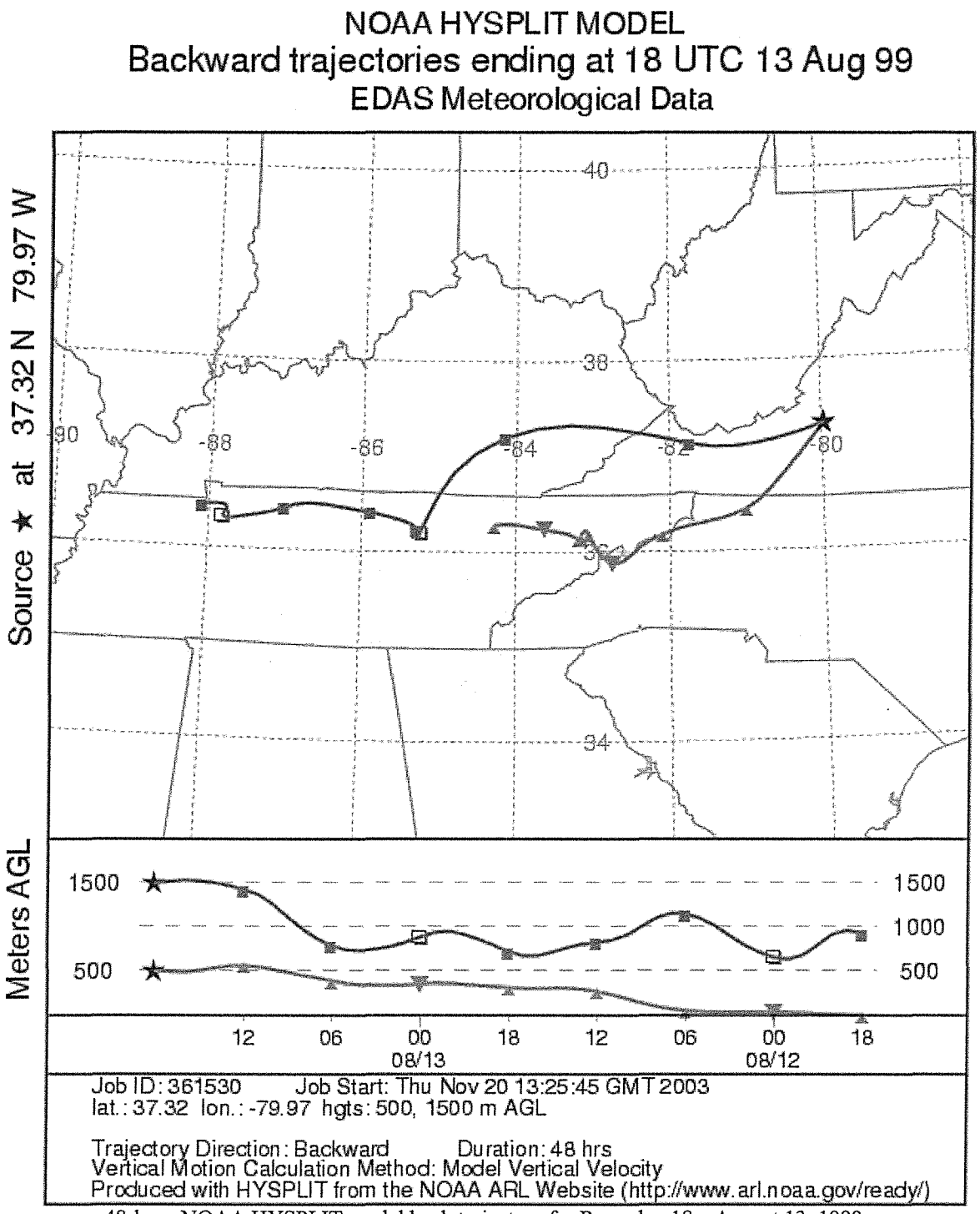


48-hour NOAA HYSPLIT model back trajectory for Winchester, 18z, August 12, 1999.
Figure 2-3.

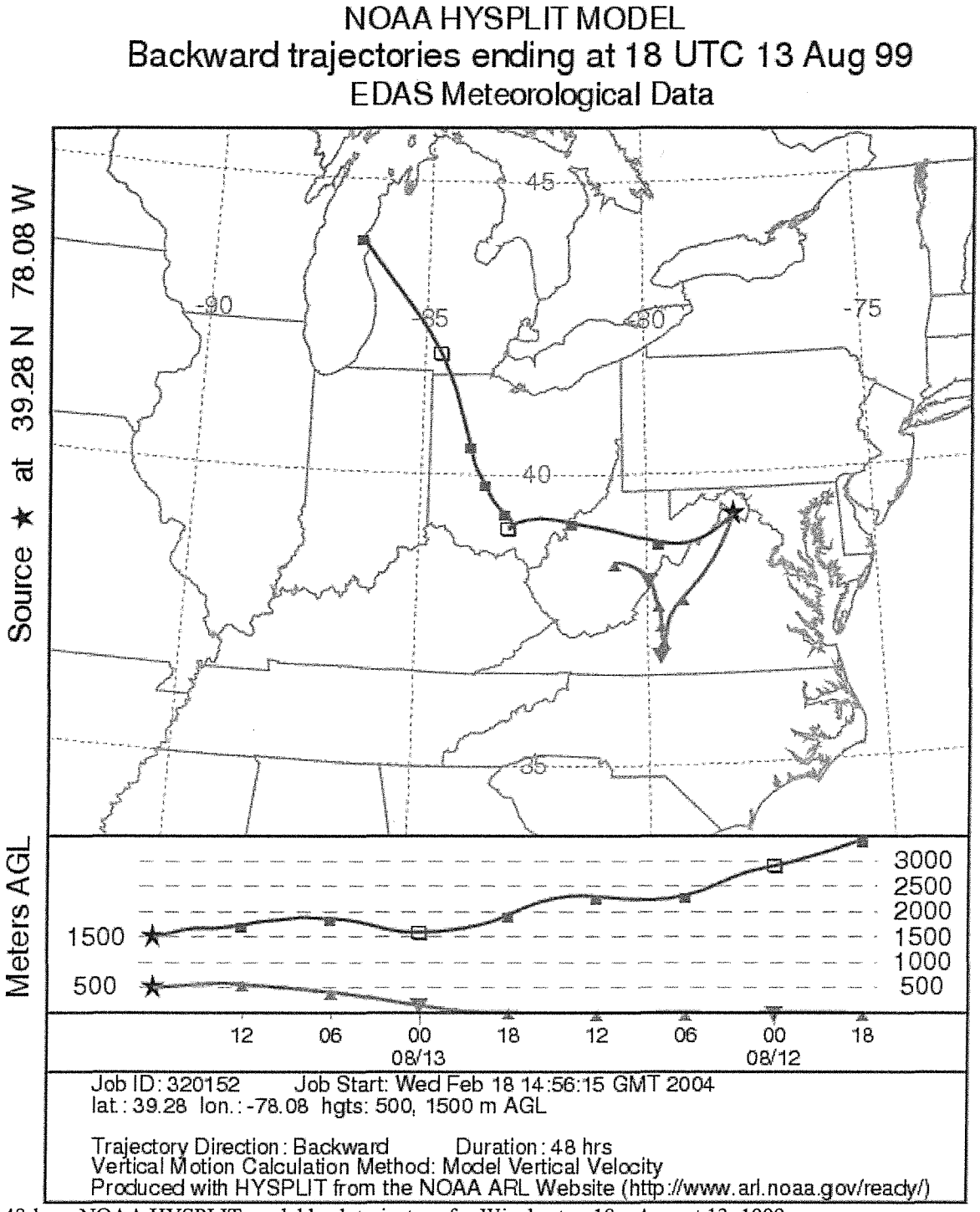
Surface data plot for 00z, August 13, 1999.
Figure 2-4.



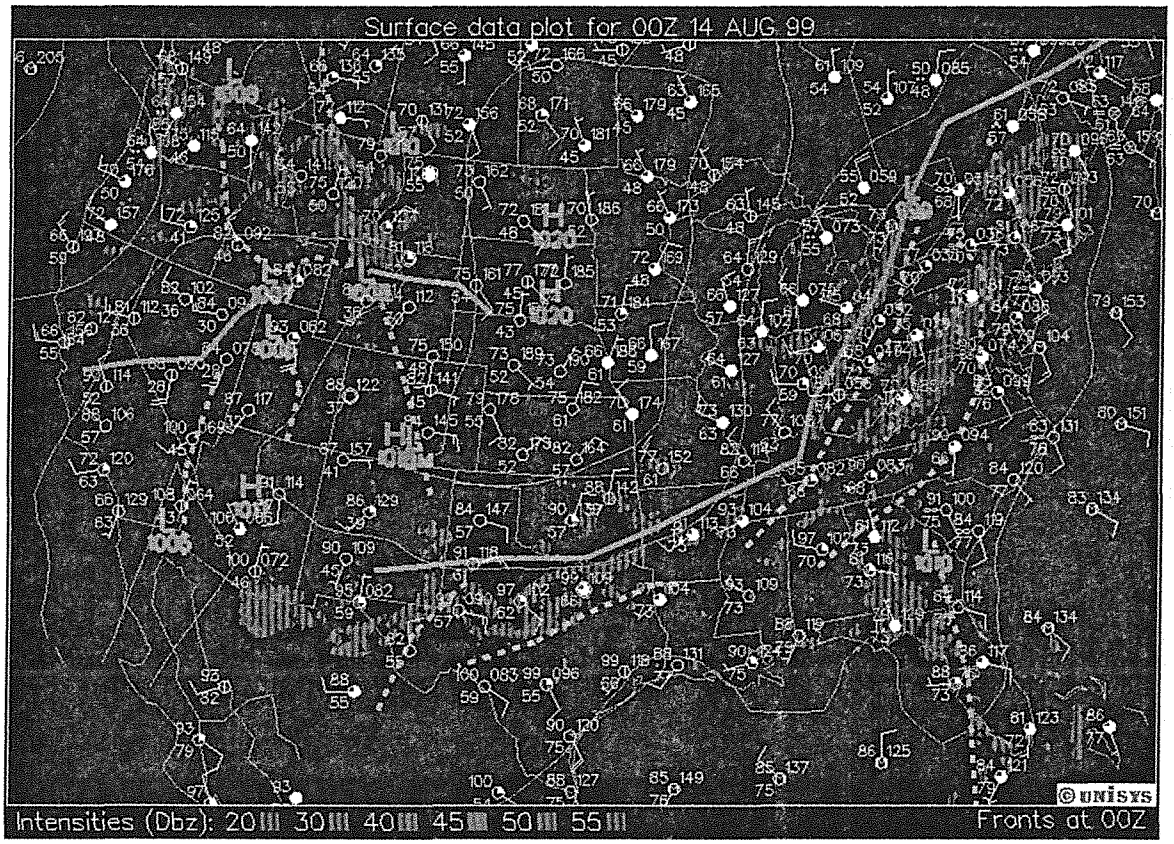
Surface data plot for 12z, August 13, 1999.
Figure 2-5.



48-hour NOAA HYSPLIT model back trajectory for Roanoke, 18z, August 13, 1999.
Figure 2-6.



48-hour NOAA HYSPLIT model back trajectory for Winchester, 18z, August 13, 1999.
Figure 2-7.



Surface data plot for 00z, August 14, 1999.
Figure 2-8.

3. Emission Inventory and Processing

3.1 Emission Inventories

Emission inventories were required for both of the 36 km and the 12 km resolution modeling domains. Base case point source emissions including appropriate stack parameters (stack height, stack diameter, exit temperature and exit velocity), annual county-level area source emissions data including off-road sources, and on-road mobile sources were obtained from the EPA 1999 NEI Version 2 database. The 1999 NEI Version 2 data are in Microsoft Access database format. DEQ developed a converter and converted 1999 NEI Version 2 data into SMOKE IDA format. Biogenic emissions were prepared using SMOKE version 1.5 that includes a version of the Biogenic Emissions Inventory System. DEQ's MM5 meteorological modeling results and existing land use database from previous modeling studies were used for biogenic emissions calculation. The photochemical model ready emissions files were developed for the modeling domains for both the 1999 base year and the 2007 future year. The State of North Carolina provided 2007 future year 2007 emissions inventories. Updated 2007 future-year emission inventories for the EAC areas in Virginia and Maryland were developed by

DEQ and MDE.

3.2 Emissions Processing

The Sparse Matrix Operator Kernel Emissions (SMOKE) modeling system was used to process the EAC emission inventories into the formatted emission files required by the CAMx air quality model. SMOKE supports area, mobile, and point source emission processing and biogenic emissions modeling. The emissions processing used in this EAC modeling study includes the steps of chemical speciation, temporal allocation and spatial allocation of emissions data. These steps are necessary so pollutant data can be converted to chemical model species needed for the CAMx model. These steps also involves converting the county based emissions information to the grid-cell based emissions information and the conversion of daily temporal emissions data to hourly data required by the CAMx model.

The SMOKE model was run for the episode from August 8 to August 18, 1999 using MM5 meteorological modeling results for the same time period. In addition to the temporal allocation of pollutant data, the hourly plume rise was calculated for the point source emissions for CAMx modeling. After the speciation, temporal allocation and spatial allocation processes were finished, emissions data of point, area, mobile and biogenic sources were merged into gridded hourly emissions. Figure 3-1 shows gridded maximum ground level NOx emissions in the 12 km resolution domain during the episode. Figure 3-2 shows gridded maximum NOx emissions at layer 5, which is roughly

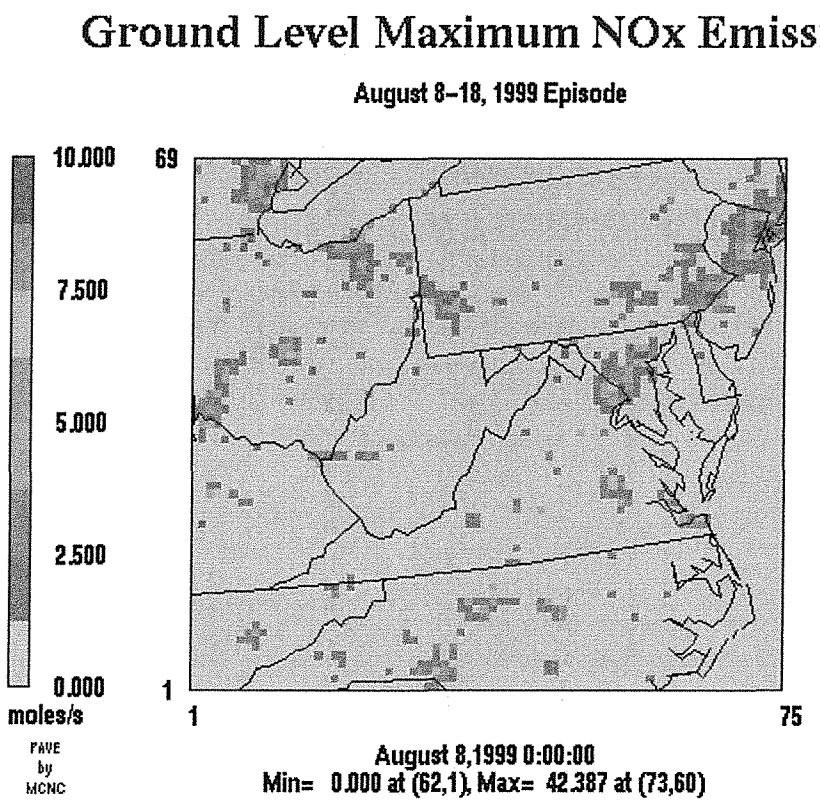


Figure 3-1. Gridded Maximum Ground Level NOx emissions as processed by SMOKE 300 meters above ground level.

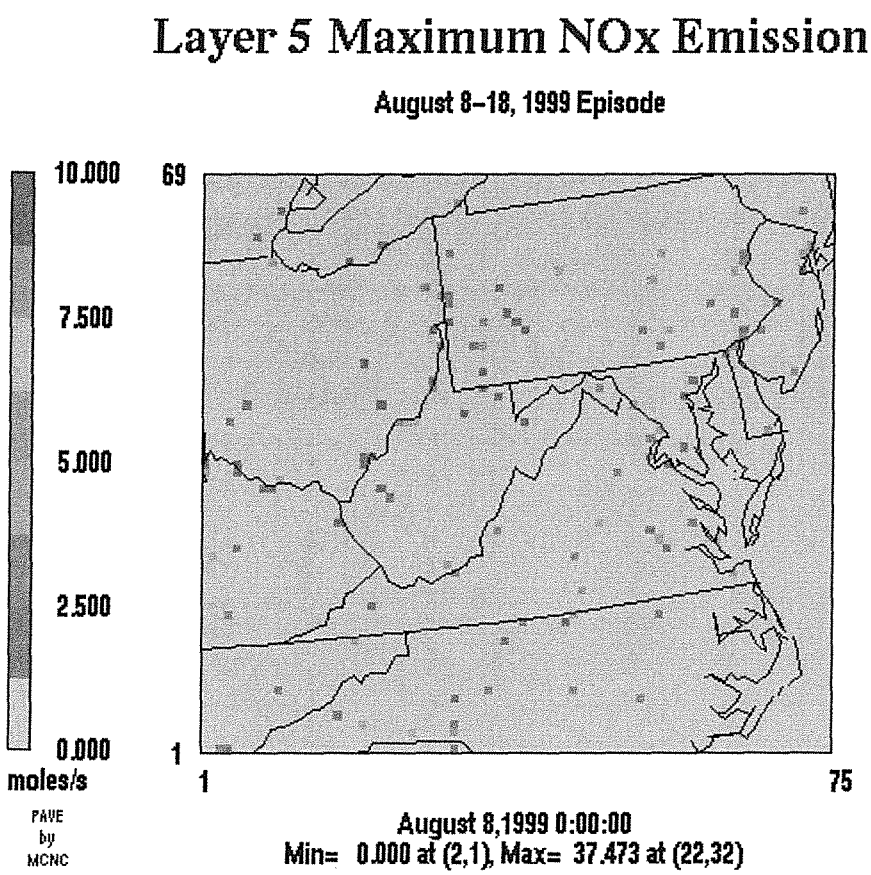


Figure 3-2. Gridded Maximum Layer 5 NOx Emissions

3.3 Biogenic Emissions Modeling

The biogenic emissions were modeled by using SMOKE, which includes a version of the Biogenic Emissions Inventory System 3 (BEIS3) that estimates VOC emissions from vegetation and nitric oxide emissions from soils. Apart from the land use data, the biogenic emissions depend on the meteorological conditions, in particular the air temperature, incoming solar radiation, wind speed and humidity. Those atmospheric variables were provided for each grid cell of the modeling domain by the MM5 simulation results. SMOKE BEIS3 was run for the entire episode from August 8 to August 18, 1999. Figure 3-3 shows gridded maximum biogenic VOC emissions in the 12 km resolution domain. Figure 3-4 shows gridded maximum biogenic NOx in the 12 km resolution domain.

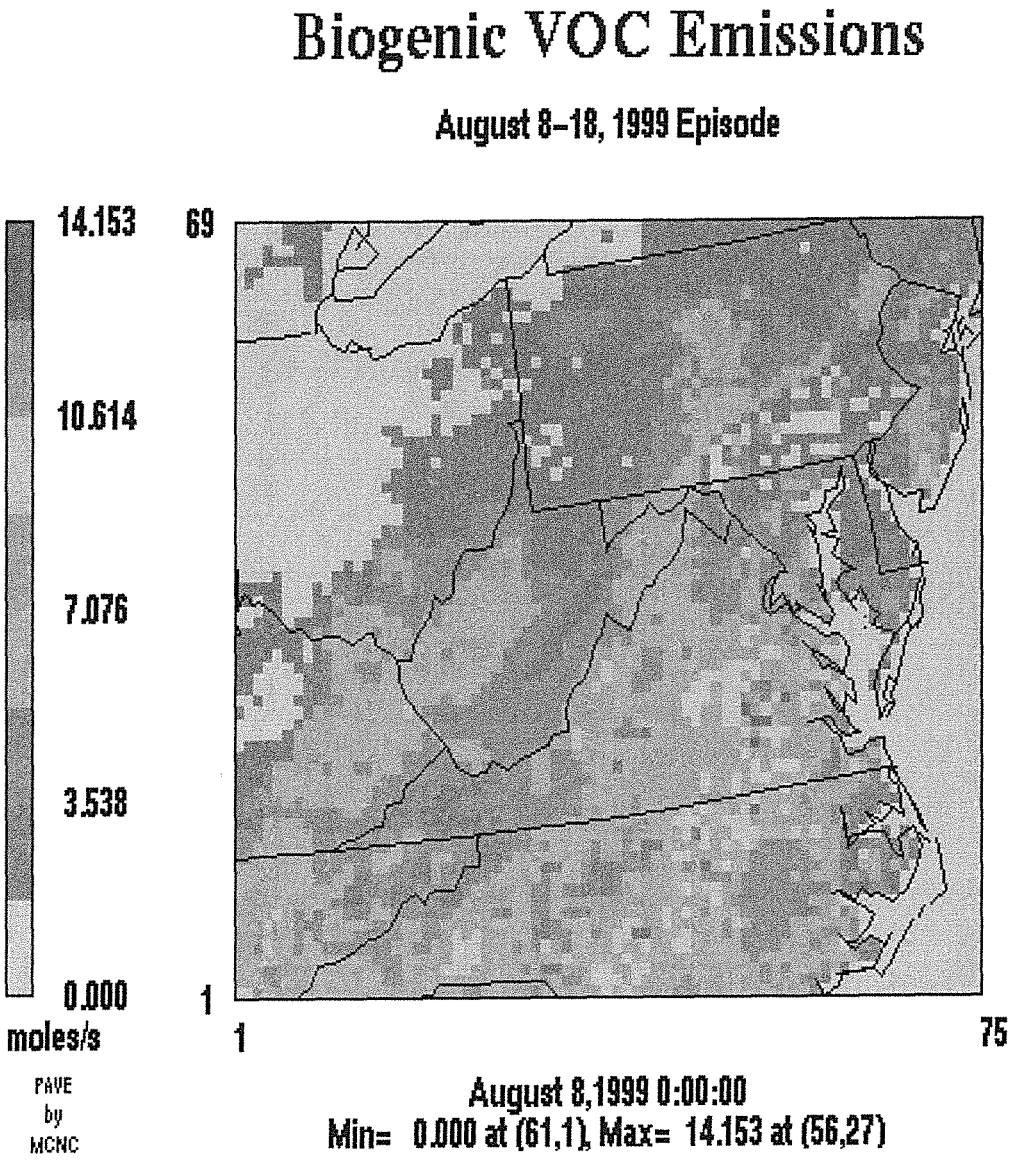


Figure 3-3. Gridded maximum biogenic VOC emissions as modeled by SMOKE

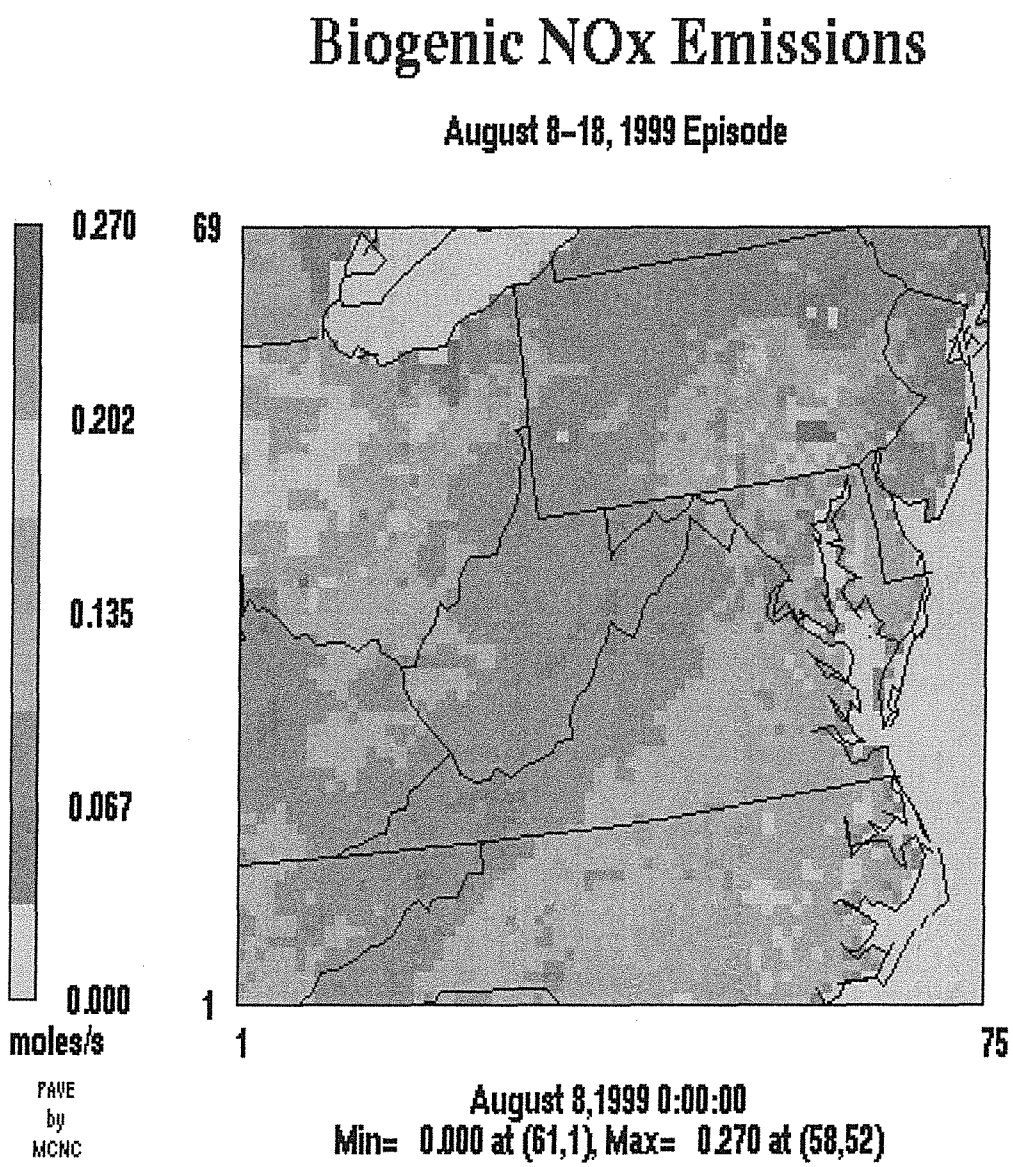


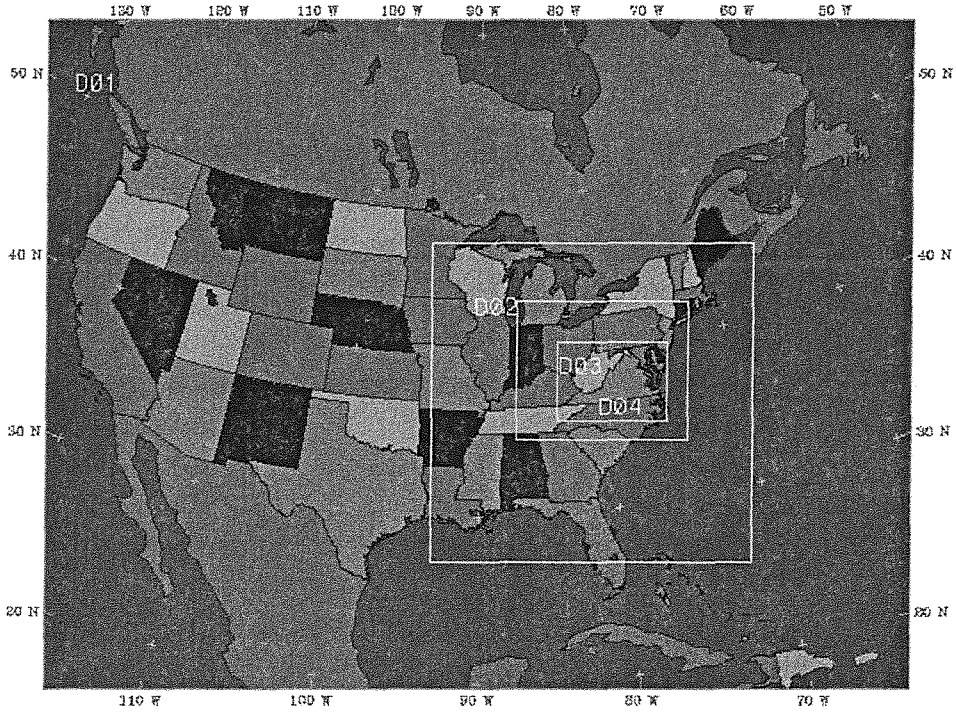
Figure 3-4. Gridded maximum biogenic NOx emissions as modeled by SMOKE

4 Meteorology Modeling

4.1 Numerical Configuration

The Penn State/NCAR Mesoscale Model, MM5, was employed to provide spatial and temporal distribution of meteorological fields to the CAMx air quality model. MM5 has been applied to a broad range of studies, including air quality simulations. The MM5 simulation was performed with 3 nested domains, with respective grid resolutions of 108 km, 36 km, and 12 km. Figure 4-1 shows the MM5 modeling domains for this EAC

Figure 4-1. DEQ MM5 MOdeling Domains



study. It can be seen that the 12 km resolution domain covers the entire state of Virginia and Mid-Atlantic states. The predominant types of meteorological data used in this study were surface and upper air meteorological measurements reported by the National Weather Service (NWS), and large-scale (i.e., regional/global) analysis databases developed by the National Center for Environmental Prediction (NCEP). Both types of data are archived by, and currently available from, the National Center for Atmospheric Research (NCAR). Measurement data include surface and aloft wind speed, wind direction, temperature, moisture, and pressure. Hourly surface data are usually available from many Class I airports, i.e., larger-volume civil and military airports operating 24-hour per day. The standard set of upper air data is provided by rawinsonde soundings launched every 12 hours from numerous sites across the continent. The typical spacing of rawinsonde site is approximately 300 km. The New York State Department of Environmental Conservation has kindly retrieved all necessary above-mentioned data from NCAR and sent the data to DEQ.

Table 4-1 shows the vertical grid structure of the MM5 model. The EAC MM5 simulations were conducted on DEQ's Linux Cluster system consisting of 6 computing nodes with 12 CPUs. The Distributed Memory Parallel Option was employed using the MPICH message-passing software to provide fast turnaround. The paralleling processing of MM5 has shortened run time by 10 times over previous MM5 executions on Sun Enterprise systems. A period of 240 hours was simulated for the EAC episode from August 8 to August 18, 1999. The first 12 hours were considered as the warm-up period, followed by 205 hours of prediction, which included the 48-hour ozone episode from August 12 to August 13, 1999.

4.2 MM5 Simulation Results and Statistical Evaluation

This section shows some MM5 predicted meteorological fields and statistical evaluation results. The METSTAT statistical evaluation package, developed by Environ, is used to compare the modeled temperature, humidity and wind fields with observed data.

METSTAT computes a set of statistical quantities, including bias, gross error, and root mean square error (RMSE, total, systematic, and unsystematic). Figure 4-3 shows the meteorological stations used by METSTAT statistical calculation.

4.2.1 Temperature

Figure 4-2 shows MM5 predicted 12 km domain temperature field on August 12, 1999 at 1900 hours GMT. In general, MM5 predicted temperature fields agree well with observed data at most meteorological

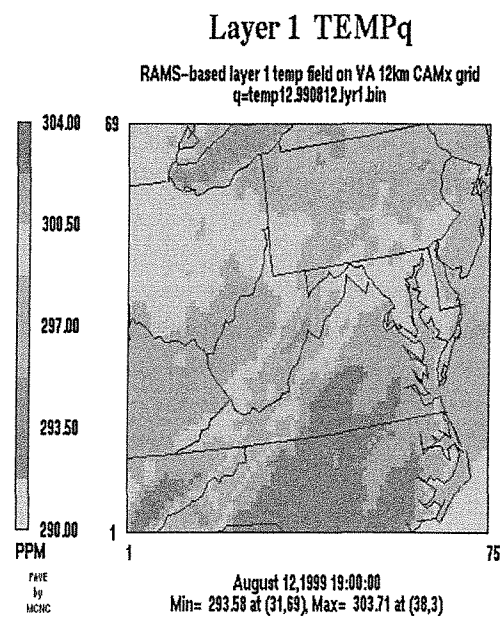


Figure 4-2. MM5 Temperature Field

Table 4-1 Vertical Grid Structures of MM5, CAMx and SMOKE

MM5 Layer K	Sigma	CAMx/SMOKE Layer	Interface Heights (m)
35	0.000	15	12821
34	0.050	15	
33	0.100	15	
32	0.150	15	
31	0.200	15	
30	0.250	15	
29	0.300	15	
28	0.350	15	
27	0.400	14	5812
26	0.440	14	
25	0.480	14	
24	0.520	14	
23	0.560	13	3874
22	0.600	13	
21	0.640	13	
20	0.670	12	2747
19	0.700	12	
18	0.730	11	2185
17	0.760	11	
16	0.785	10	1698
15	0.810	10	
14	0.835	9	1275
13	0.855	9	
12	0.875	8	950
11	0.895	8	
10	0.910	7	675
9	0.925	7	
8	0.940	6	444
7	0.950	6	
6	0.960	5	294
5	0.970	5	
4	0.980	4	146
3	0.086	3	102
2	0.992	2	58
1	0.996	1	29
0	1.000		

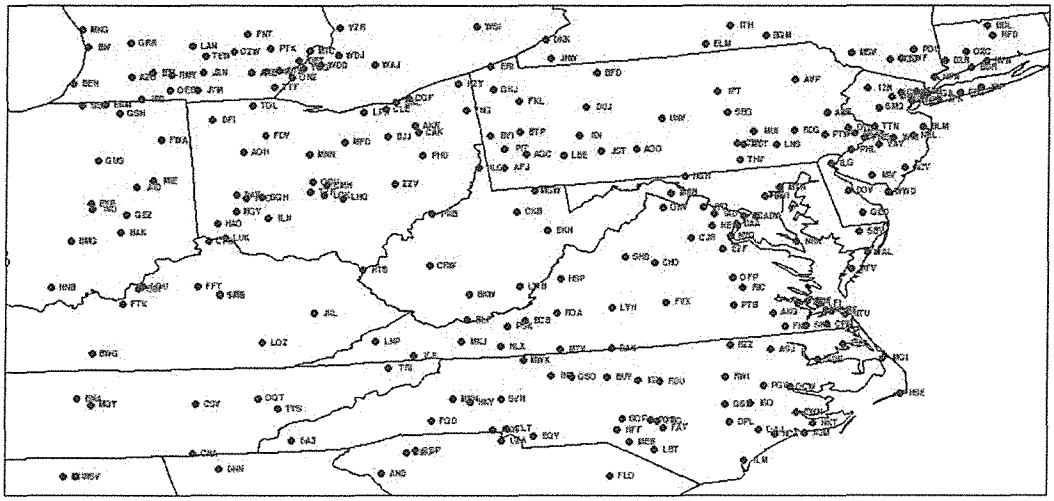


Figure 4-3. Meteorological observation stations

observation sites within the 12 km modeling domain during the episode .

Figure 4-4 shows METSTAT 12 km domain hourly temperature statistics for the August 8 to August 18, 1999 episode. The three RMSE legends in the second graph represent RMSE total, RMSE systematic and RMSE unsystematic.

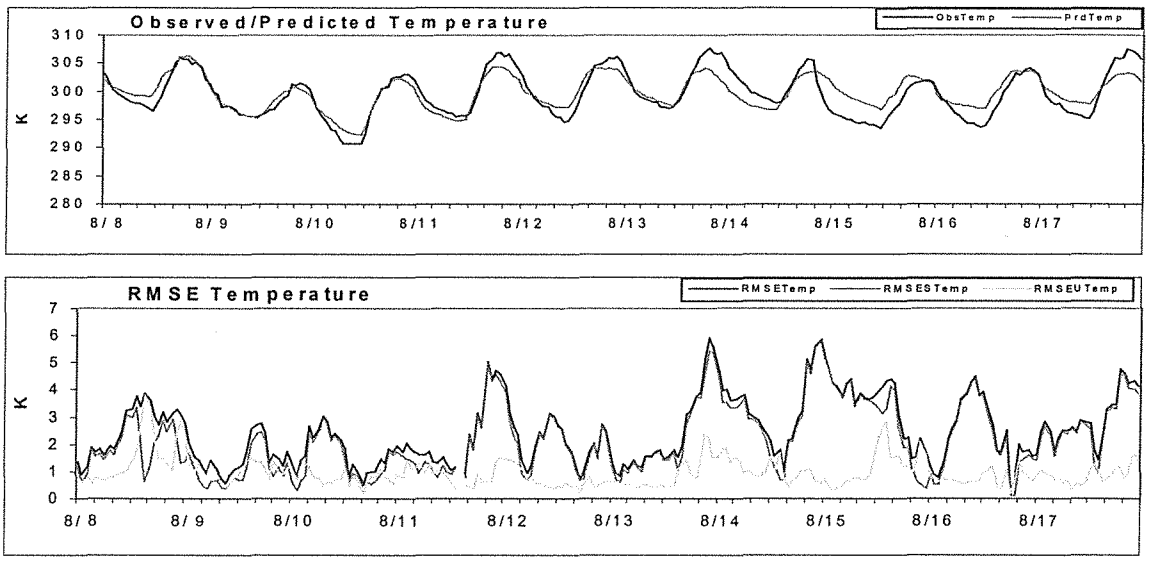


Figure 4-4. METSTAT hourly temperature statistics

4.2.2 Humidity

Figure 4-5 shows METSTAT 12 km domain hourly humidity statistics for the August 8 to August 18, 1999 episode. The predicted humidity fields agree reasonably well with observed humidity fields.

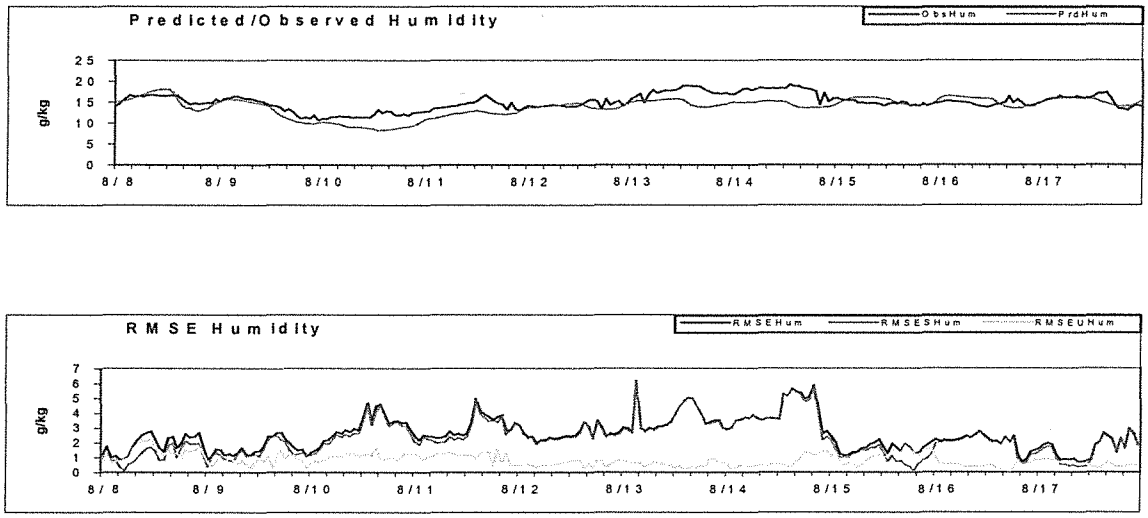


Figure 4-5 METSTAT 12 km domain hourly humidity statistics

4.2.3 Wind Fields

Figure 4-6 shows predicted surface wind on August 12, 1999 at 19:00 GMT. The wind field agrees reasonably well with observed wind field at that hour.

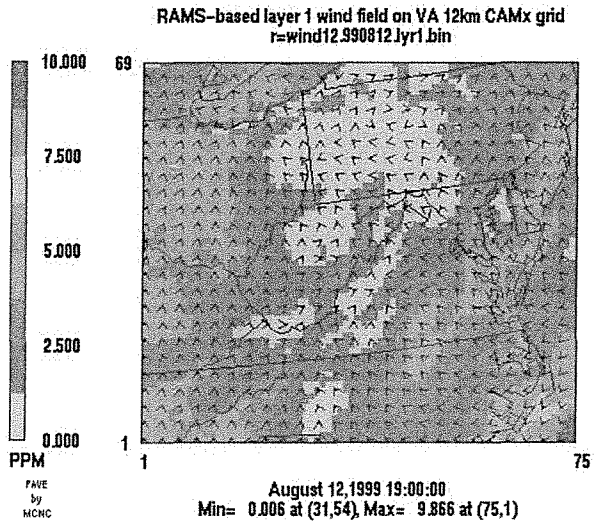


Figure 4-6 MM5 Predicted Surface Wind

Figure 4-7 shows METSTAT 12 km domain hourly wind statistics for the August 8 to August 18, 1999 episode.

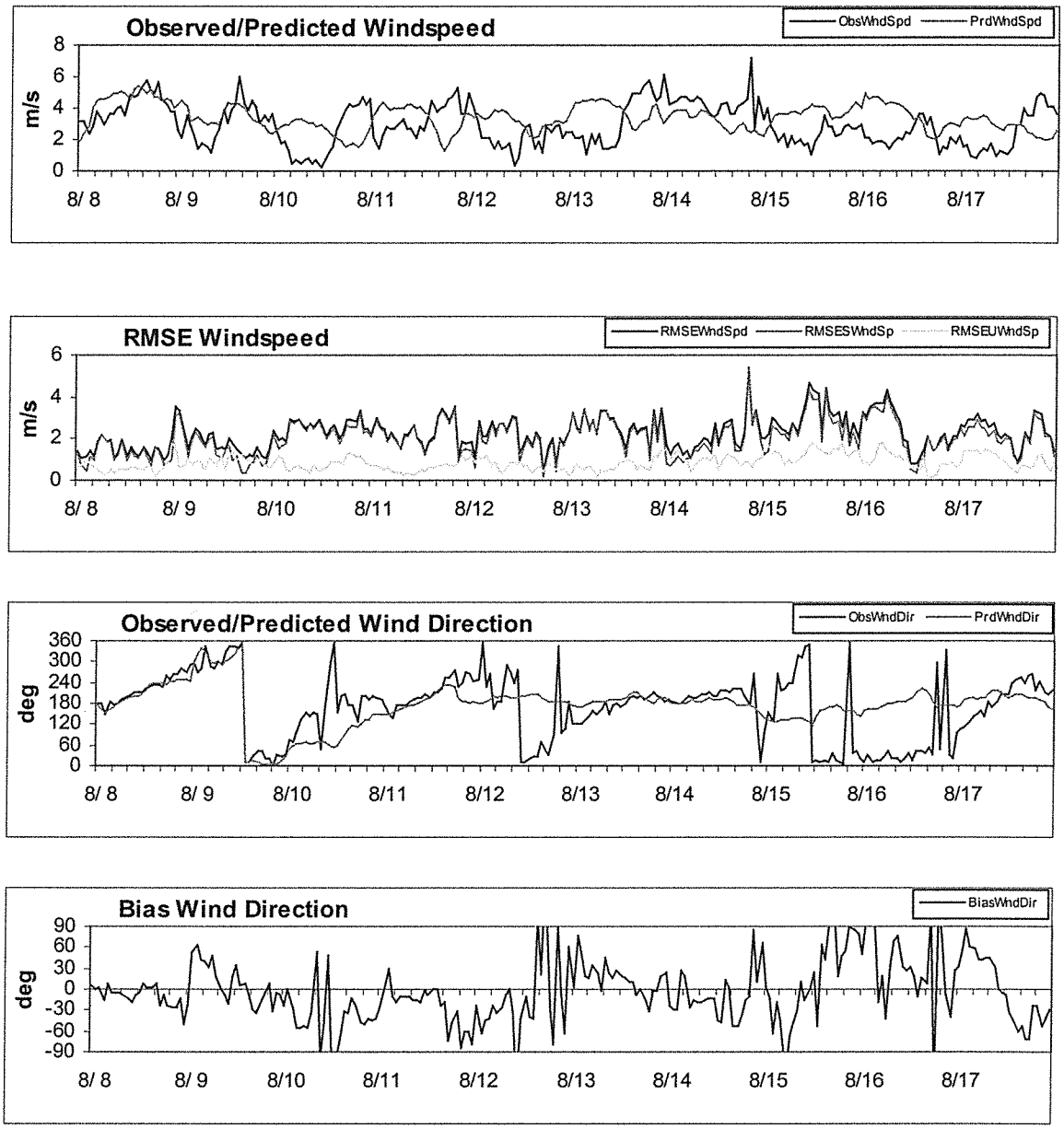


Figure 4-7. METSTAT 12 km domain wind statistics

During the episode, the simulated wind speed is in proper magnitude compare to the observed wind. Wind direction prediction performed fairly well from 8th to 15th even though abrupt wind direction changes were not captured during the 12th and 13th of the episode.

4.2.4 Planetary Boundary Layer Depth

Figure 4-9 through 4-11 shows Planetary Boundary Layer depth for August 12 and August 13, 1999 at 10AM and 2 PM hours. The PBL depth is also called mixing height. The mixing height values during the episode are in reasonable magnitude.

PBL Depth, August 12, 1999 10am EST

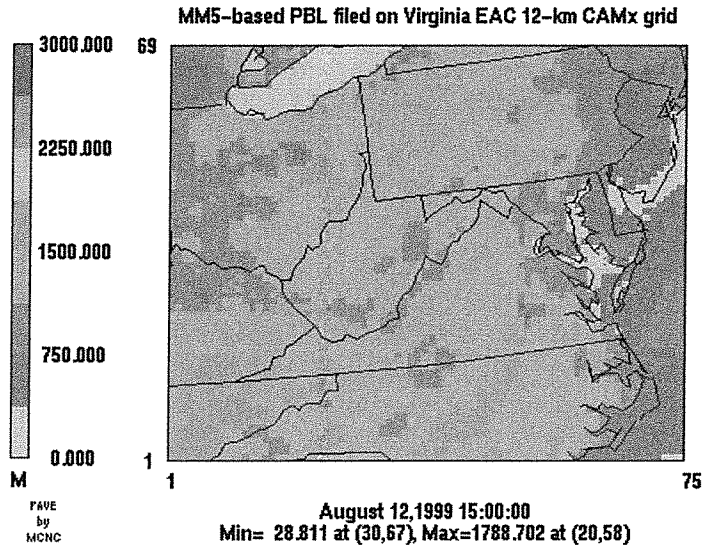


Figure 4-8 PBL Depth, August 12, 1999 10AM EST

PBL Depth, August 12, 1999 2pm EST

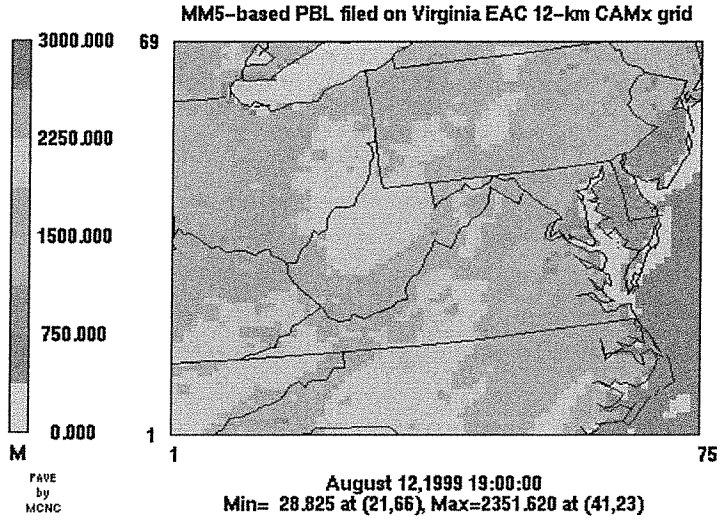


Figure 4-9 PBL Depth, August 12, 1999 2PM EST

PBL Depth, August 13, 1999 10am EST

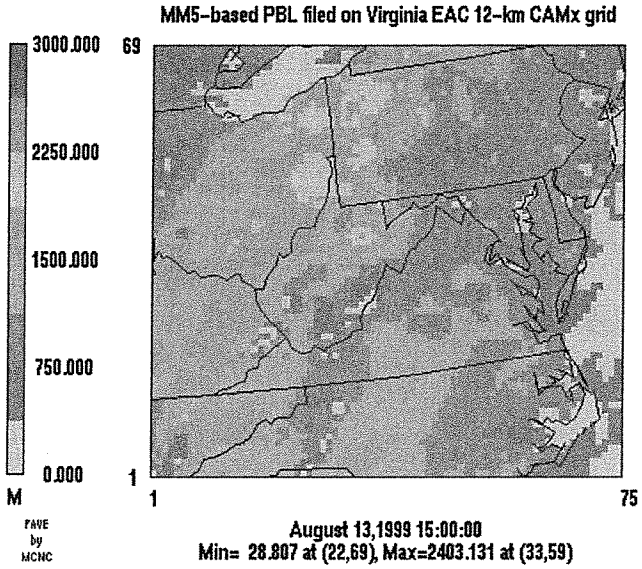


Figure 4-10. PBL Depth, August 13, 1999 10AM EST

PBL Depth, August 13, 1999 2pm EST

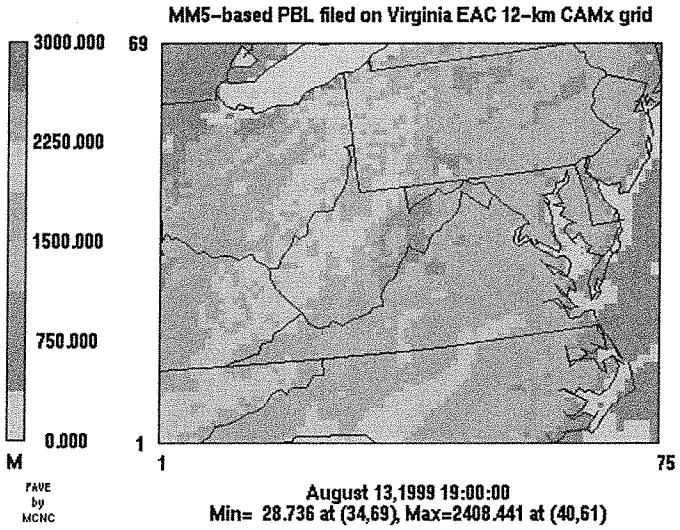


Figure 4-11. PBL Depth, August 13, 1999 2PM EST

5 Ozone Modeling

5.1 CAMx Model Configuration

The Eulerian photochemical model, CAMx modeling system was employed to simulate ozone concentration in the EAC modeling domains. The following is a list of model configuration parameters:

- 36/12 km grid August 8 – August 18, 1999 period
- CB-IV chemistry with CMC fast solver
- PPM advection solver
- Wet and dry deposition
- TUV photolysis rates
- TOMS ozone column with default LULC albedo and haze

Figure 5-1 shows the AEC CAMx 36 km and 12 km modeling domains.

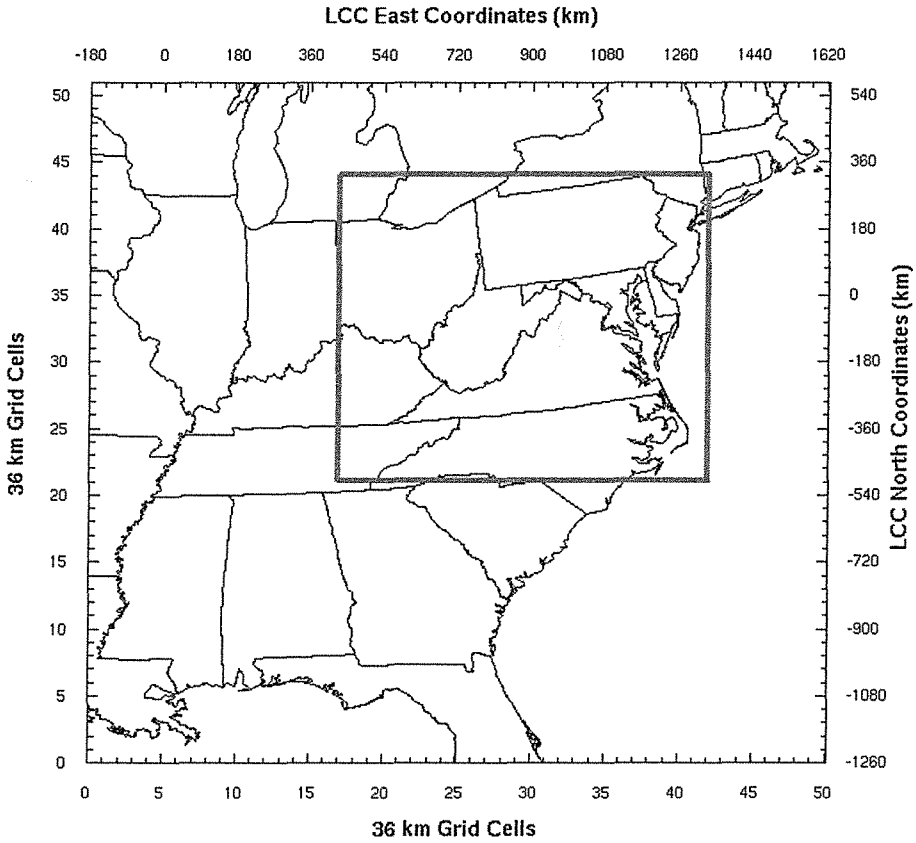


Figure 5-1. EAC CAMx 36 km and 12 km Modeling Domains

5.2 Model Performance Evaluation

Generally, predicted 8-hour ozone concentration agreed very well with observed values at most monitors in the 12 km domain. Figure 5-1 and Figure 5-2 show time series of observed and predicted 8-hour ozone concentrations from August 11 to August 14, 1999 at the Vinton (Roanoke County) and Frederick monitors. Daytime simulations showed good agreement with the observations. Night-time ozone concentrations were systematically over-predicted. However, night-time ozone concentration was not the main focus of this study. Figure 5-3 shows a scatter plot of predicted versus observed ozone concentration for all Virginia sites. Over 90% of predicted values fell within the ±50% bias lines. Most of the predicted values outside the ±50% region were due to night-time over-predictions.

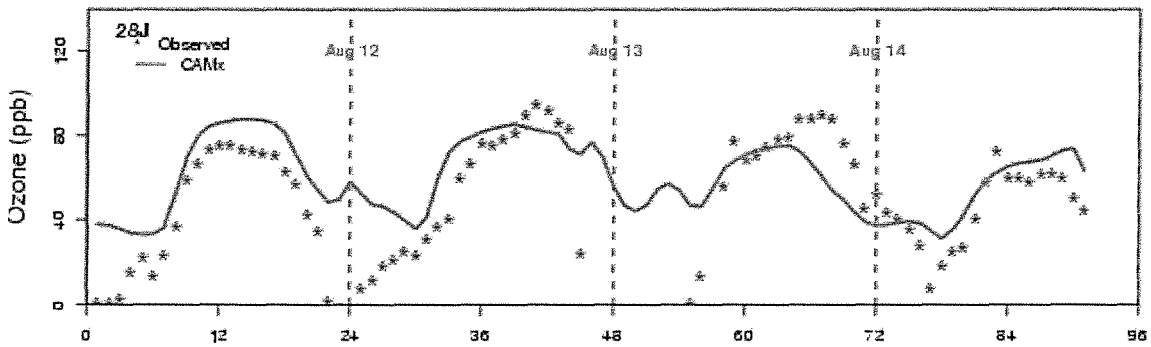


Figure 5-1. Time series of observed and simulated 8-hour ozone concentration at Frederick (Frederick/Winchester City)

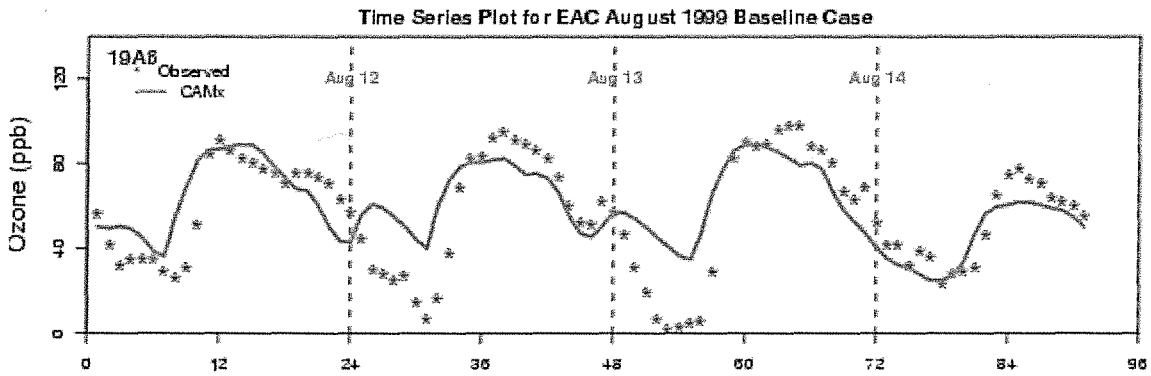


Figure 5-2. Time series of observed and simulated 8-hour ozone concentration at Vinton (Roanoke MSA)

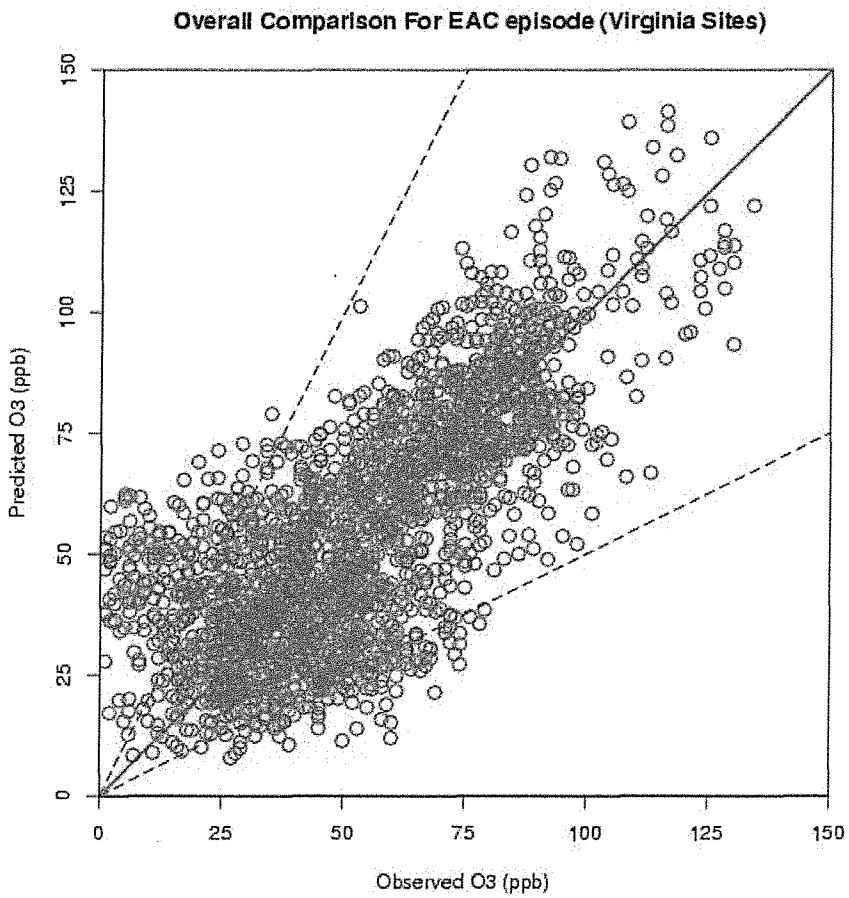


Figure 5-3. Scatter plot of observed and predicted ozone concentration for Virginia sites

Table 5-1 and Table 5-2 provides model performance metrics for August 12 and August 13, 1999 for major performance criteria. For Virginia sites, all performance goals were met for both episode days. For the entire 12 km domain, all performance goals were met for both episode days except the Normalized Bias for the 13th. It was decided based the performance metrics that the model is acceptable for future year modeling for the August 1999 episode.

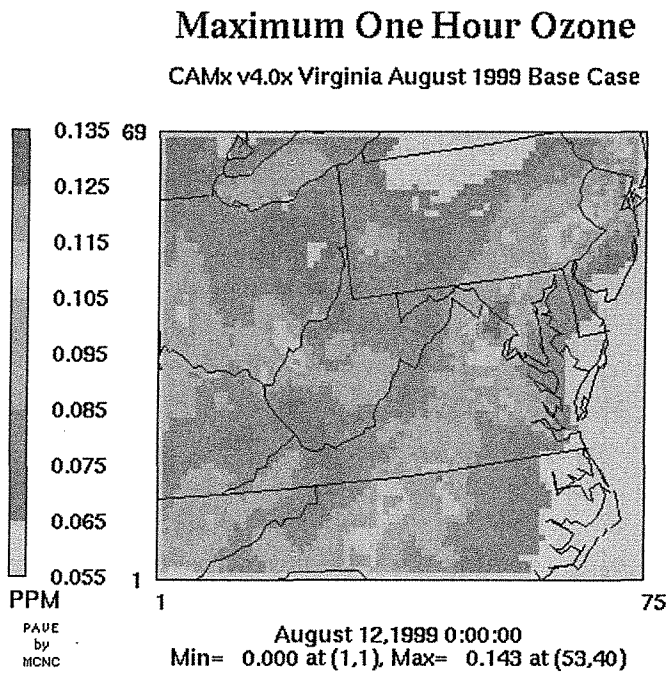
Figure 5-4 and Figure 5-5 shows 12 km domain predicted base year daily maximum1-hour and 8-hour ozone concentrations, respectively, for the 12th and 13th of the episode.

Table 5-1. O3 performance statistics for August 12, 1999

	(a) 12km (VA Sites)	(b) 12km (Whole Domain)	(c) EPA Criteria
Overall Absolute Peak			
Predicted peak	143.3 ppb	143.3 ppb	
Observed peak	134.0 ppb	143.0 ppb	
Unpaired bias	7.0 %	0.2 %	20.0 %
Peak Prediction (Normalized Bias)			
Paired in space	1.0 %	0.5 %	
Paired space/time	-5.0 %	-7.5 %	
Peak Prediction (Normalized Error)			
Paired in space	12.5 %	15.0 %	
Paired space/time	10.7 %	17.1 %	
Average Concentration Prediction			
Normalized bias	2.9 %	2.0 %	15.0 %
Normalized error	14.9 %	17.7 %	35.0 %
Mean bias	1.8 ppb	0.3 ppb	
Mean error	12.4 ppb	13.8 ppb	

Table 5-2. O3 performance statistics for August 13, 1999

	(a) 12km (VA Sites)	(b) 12km (Whole Domain)	(c) EPA Criteria
Overall Absolute Peak			
predicted peak	116.8 ppb	116.8 ppb	
observed peak	113.0 ppb	164.0 ppb	
unpaired bias	3.4 %	-28.8 %	20.0 %
Peak Prediction (Normalized Bias)			
paired in space	-5.2 %	0.5 %	
paired space/time	-11.9 %	-5.7 %	
Peak Prediction (Normalized Error)			
paired in space	17.4 %	15.0 %	
paired space/time	22.1 %	17.5 %	
Average Concentration Prediction			
normalized bias	-11.9 %	-2.6 %	15.0 %
normalized error	20.1 %	19.4 %	35.0 %
mean bias	-10.3 ppb	-3.1 ppb	
Mean error	15.9 ppb	14.5 ppb	



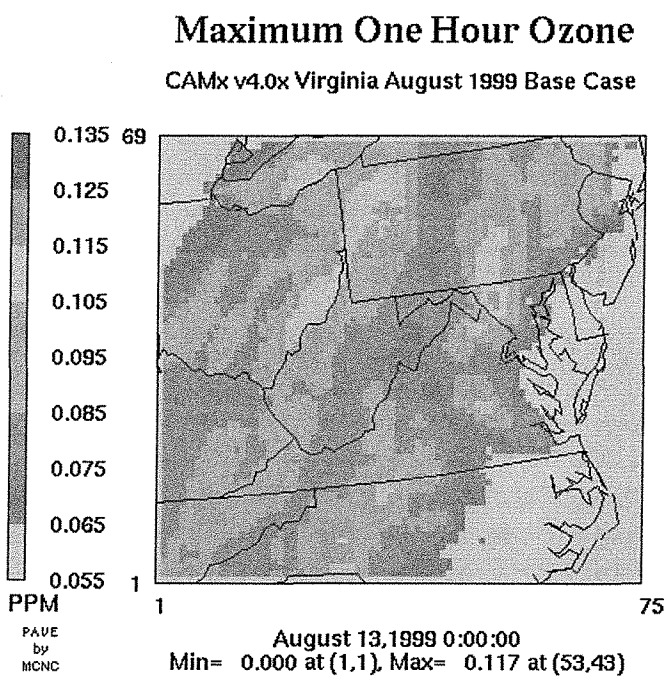
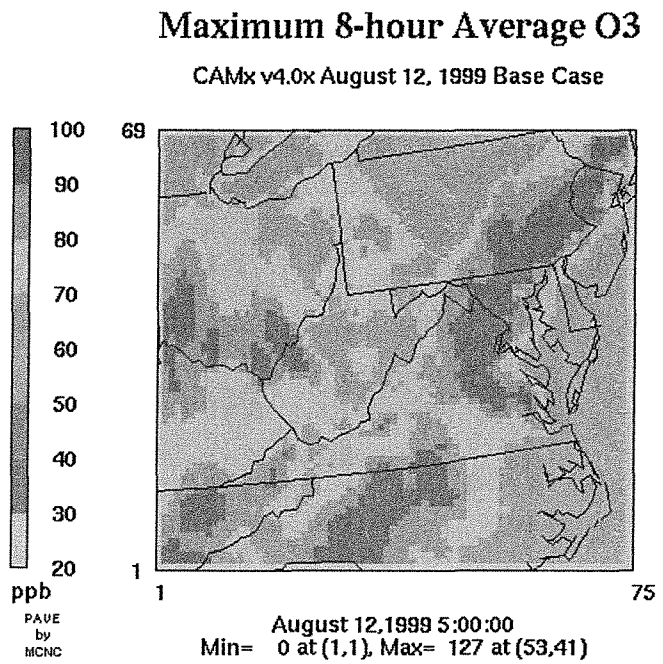


Figure 5-4. CAMx predicted 1-hour daily maximum ozone concentrations



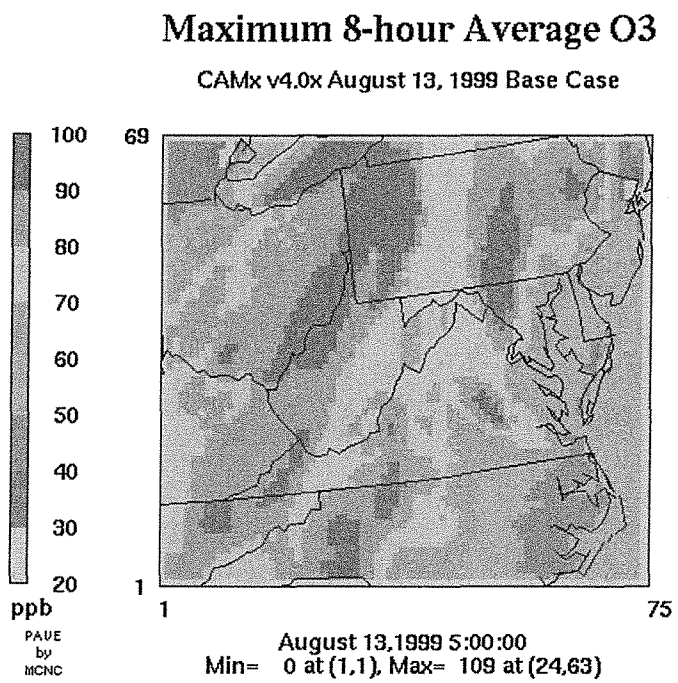
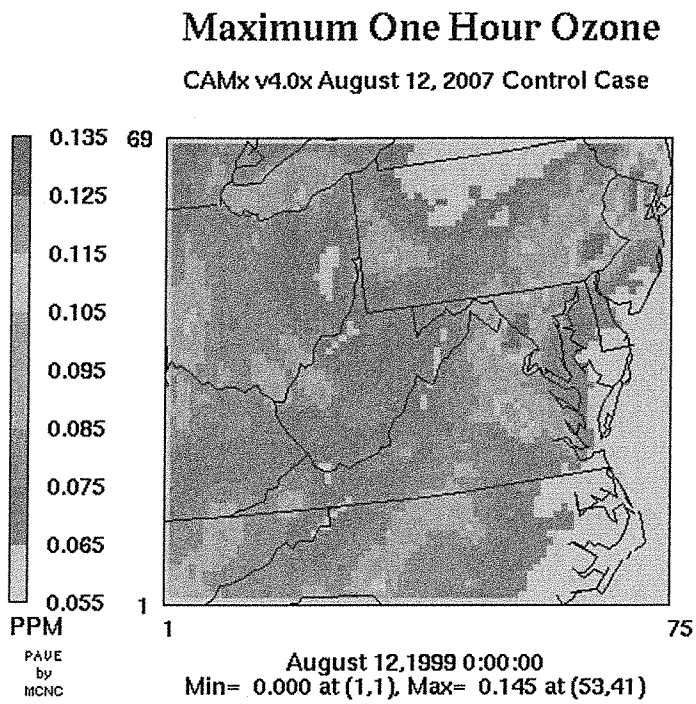


Figure 5-5. CAMx predicted 8-hour daily maximum ozone concentrations

Figure 5-6 and Figure 5-7 shows 12 km domain predicted future year daily maximum1-hour and 8-hour ozone concentrations, respectively, for the 12th and 13th of the episode. All EAC local control measures have been quantified and included in the future year emission inventories.



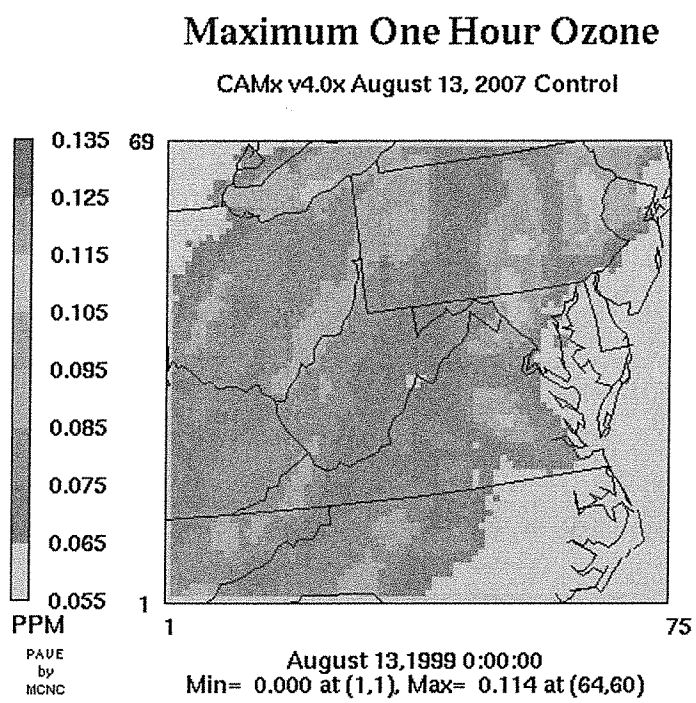
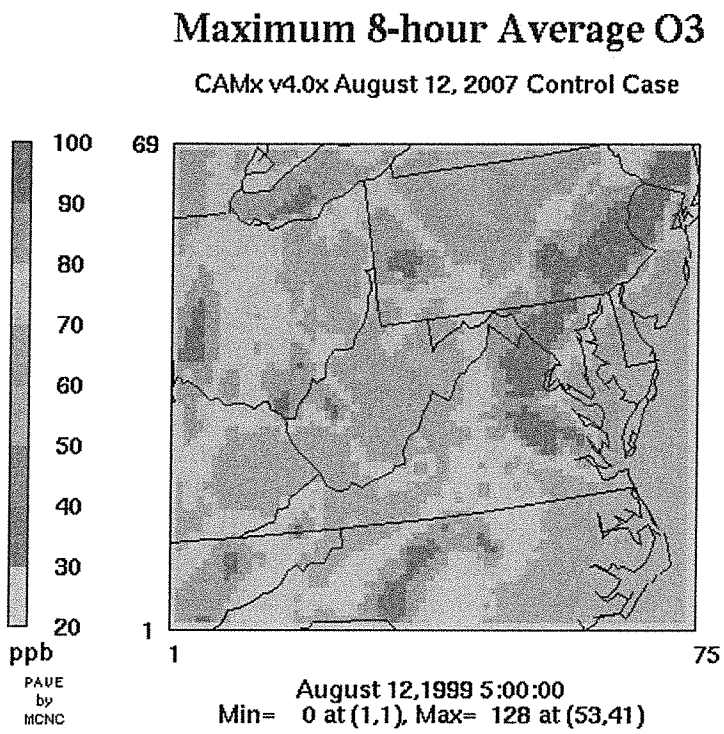


Figure 5-6. CAMx predicted future year 1-hour daily maximum ozone concentrations



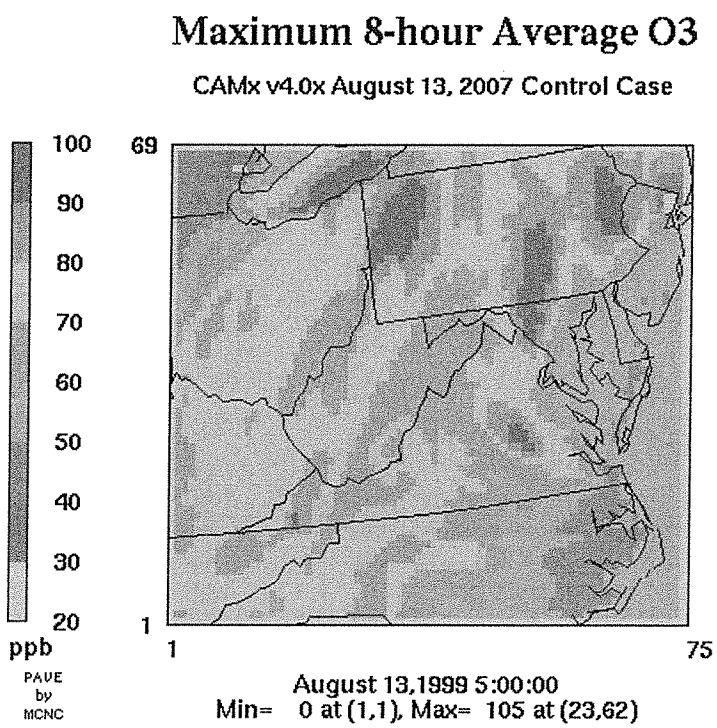


Figure 5-7. CAMx predicted future year 8-hour daily maximum ozone concentrations

6. Attainment Demonstration

Because EPA has not yet designated any region as non-attainment for 8-hour ozone, no formal requirement exists for an 8-hour attainment demonstration. However, EPA has developed draft procedures for using photochemical models to demonstrate attainment of the 8-hour ozone NAAQS. The critical elements in the demonstration of attainment under the 8-hour ozone NAAQS, established by the *Draft Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the 8-Hour Ozone NAAQS, U.S. EPA Office of Air Quality Planning and Standards, EPA-454/R-99-004, May 1999*, are the calculation of relative reduction factors (RRFs) and future design values (DVs). The RRFs and base-year Design Values are the basis for projecting future-year Design Values (DVF).

All episode days with modeled base year daily maximum 8-hour ozone concentration greater than or equal to 70 ppb will be use to calculate the RRF for the all monitors representing the five EAC areas in this study. Table 6-1 lists the monitors and their corresponding EAC areas.

Table 6-1. Monitors for calculating RRFs

Monitors and AIRS ID	EAC Areas
51-161-1004 Roanoke	Roanoke MSA, Virginia
51-069-0010 Frederick	Frederick/Winchester City, Virginia
51-069-0010 Frederick	Berkley County/Martinsburg City, West Virginia
51-069-0010 Frederick	Jefferson County, West Virginia
24-043-0009 Hagerstown	Washington County, Maryland

Figure 6-1 shows the spatial locations of the monitors listed in the above table.

6.1 Calculation Methodology for RRFs and DVs

The methodology calls for scaling base-year design values using RRFs from a photochemical model to future year design values. The calculation is carried out for each monitor. The attainment test is passed if all the future year scaled DVs are 84 ppb or less.

For each monitor (i) and modeling day (j) the maximum 8-hour ozone near the monitor is selected for the current ($O3C_{ij}$) and future-year ($O3F_{ij}$):

$$RRF_i = [\sum O3F_{ij}] / [\sum O3C_{ij}]$$

Attainment demonstration is done using monitor specific relative reduction factor (RRFi) that is the ration of the future-year to current-year 8-hour ozone estimates near the monitor:

$$DVF_i = RRF_i \times DVC_i$$

These current EPA procedures for using models to demonstrate attainment of the 8-hour ozone NAAQS will be in this study. In this chapter, the relative differences in the modeled 8-hour ozone estimates between 1999 base case simulation and 2007 control case simulation will be developed to scale their measured Design Value for comparison with the 84 ppb 8-hour ozone NAAQS. The attainment demonstration will be done using the above mentioned procedures for two EAC areas in Virginia, two EAC areas in West Virginia and one EAC area in Maryland.

Table 6-2. 8-Hour Ozone Design Values for Virginia and West Virginia EAC Areas

Virginia DEQ 1998-2000 4th Highest 8-hour Ozone Averages					
AIRS ID	County/City	1998	1999	2000	3 yr. Avg.
51-161-1004	Roanoke	99	89	81	**89**
51-069-0010	Frederick	98	85	79	**87**

Table 6-3. 8-Hour Ozone Design Values for Maryland EAC Areas

Virginia DEQ 1997-2000 4th Highest 8-hour Ozone Averages					
AIRS ID	County/City	1998	1999	2000	3 yr. Avg.
24-043-0009	Hagerstown	-	91	79	**85**

The following procedures are carried out in monitor design value scaling:

1. For each monitor, identify the corresponding cell and eight surrounding cells.
2. For each cell, find daily maximum 8-hour ozone values greater or equal to 70 ppb for the entire episode for both the base case and future case.
3. Average the daily maximum 8-hour ozone values across days with daily maximum 8-hour ozone greater or equal to 70 ppb for the base case and future case.
4. Calculate the average Relative Reduction Factors for these cells, and
5. Calculate the average future year Design Values for these cells.

Figure 6-1 shows the geophysical locations of the three monitors participating in RRF calculation and attainment test

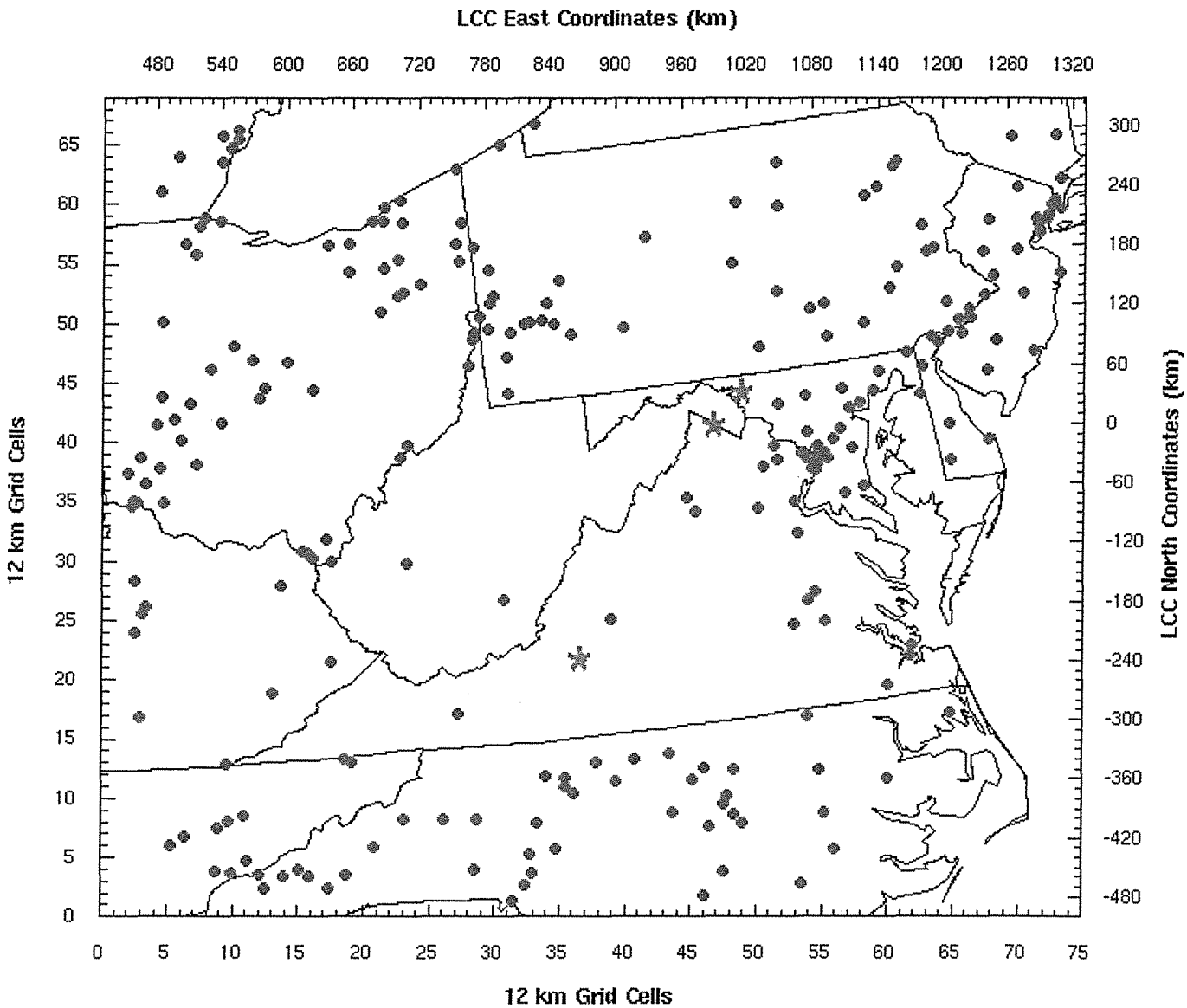


Figure 6-1. Spatial Locations of Monitors for RRFs Calculations and Attainment Demonstration of Virginia, West Virginia and Maryland EAC Areas.

6.1. 8-Hour Ozone Attainment Demonstration of Virginia and West Virginia EAC Areas

County/City	AIRS ID	1998-2000 Design Value, ppb	2001-2003 Design Value, ppb	Current Design Value
Roanoke Co.	511611004	89	85	89
Frederick Co.	510690010	87	85	87

Attainment Test Results for Monitors in the Virginia EAC Areas (Max 9 Grid Cells)

County/City	Modeled Average Base-Year (1999) Daily 8-hr Maximum O3 (ppb)	Modeled Average Future-Year (2007) Daily 8-hr Maximum O3 (ppb)	Relative Reduction Factor (RRF)	Current Design Value	2007 Future Design Value	Number of Analysis Days	Pass/Fail Status
Roanoke	86	77	0.90	89	80.1	5	PASS
Frederick	78	73	0.94	87	81.8	6	PASS

Nonattainment **Attainment**

6.2. 8-Hour Ozone Attainment Demonstration of Maryland EAC Area

Attainment Test Results for Monitors in the Maryland EAC Area

County/City	Modeled Average Base-Year (1999) Daily 8-hr Maximum O3 (ppb)	Modeled Average Future-Year (2007) Daily 8-hr Maximum O3 (ppb)	Relative Reduction Factor (RRF)	Current Design Value	2007 Future Design Value	Number of Analysis Days	Pass/Fail Status
Washington	84	80	0.95	85	80.8	6	PASS

6.3. Summary

Table 6-4 and Table 6-5 has demonstrated that all concerned EAC areas in this study will attain the 8-hour ozone standard by 2007.

CERTIFICATION OF PUBLIC PARTICIPATION ACTIVITIES

As required by 40 CFR 51.102(f) and Section 2.1(b) and (d) through (g) of Appendix V of 40 CFR Part 51, the following information regarding public participation activities is provided.

As required by 40 CFR 51.102(a), a hearing to accept public testimony concerning a proposed revision to the Commonwealth of Virginia State Implementation Plan was held in the conference room of the Winchester Regional Airport, 491 Airport Road, Winchester, Virginia at 10:00 a.m. on December 20, 2004.

In the Valley of Virginia Intrastate Air Quality Control Region, the public was given notice of the hearing in The Winchester Star on November 19, 2004 (copy attached). As required by Section 2.1(g) of Appendix V of 40 CFR Part 51, the hearing was held in accordance with the information found in the public notice, and according to the state's laws.

The Regional Administrator for the U.S. Environmental Protection Agency was notified of the hearing, as was each local air pollution control agency which will be significantly impacted by the revision and is located in the affected Air Quality Control Region. These notifications follow the requirements of 40 CFR Part 51.102(d).

Information on the record of the hearing, along with any testimony received and responses thereto, is found in Enclosure 3.

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PUBLIC HEARING NOTICE

The Department of Environmental Quality (DEQ) will hold a public hearing on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The hearing will be held in the conference room of the Winchester Regional Airport, 491 Airport Road, Winchester, Virginia at 10:00 a.m. on December 20, 2004, to accept testimony concerning the proposed revision. Using the procedures explained below, the DEQ will also accept written comments until December 20

The proposed revision consists of an Early Action Plan (EAP) for the Winchester area. The EAP implements a program established by EPA for areas potentially designated as nonattainment under the 8-hour ozone standard. This program enables such areas to avoid the nonattainment designation by reducing emissions to a level that will enable the area to attain the ozone standard sooner than otherwise required (by 2007 rather than 2010) in exchange for avoiding a nonattainment designation. These areas enter into Early Action Compacts, which are voluntary agreements by the localities, states, and the EPA to develop EAPs to reduce ozone and improve local air quality more quickly than could be achieved through traditional nonattainment area designation and planning. EAPs must include the same components that make up SIPs. This includes emissions inventories control strategies, schedules and commitments, and a demonstration of attainment based on photochemical modeling.

The proposed EAP was prepared by the Northern Shenandoah Valley Air Quality Improvement Task Force, which consists of officials from the affected localities, representatives of state transportation and air quality planning agencies, and other interested parties. The EAP contains the following emission reduction strategies: (i) local control measures, including heavy duty diesel and diesel equipment; air quality action day, public education, and stationary sources; lawn and garden equipment; (ii) state and federal control measures, including stationary and area source controls, motor vehicle controls, and non-road vehicle and equipment standards; (iii) technical support activities, including modeling and emissions inventory; and (iv) a maintenance plan, including contingency measures, to accommodate growth.

Persons desiring to testify at the hearing should preferably furnish the department with a written copy of their presentation and any supporting documents or exhibits. All written comments must be received by the department by 5:00 p.m., December 20, 2004 to be considered. Comments may be submitted by mail, facsimile transmission, email, or by personal appearance at the hearing, and must be submitted to Thomas R. Ballou, Director, Office of Data Analysis, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240 (phone: 804-698-4406; fax: 804-698-4510; email: trballou@deq.virginia.gov). Comments by facsimile transmission will be accepted only if followed by receipt of the original within one week. Comments by email will be accepted only if the name, address, and phone number of the commenter are included. All testimony, exhibits and documents received are matters of public record. The proposal and any supporting documentation may be examined by the public at the (1) DEQ Main Street Office, 8th Floor, 629 E. Main Street, Richmond, Virginia, (804) 698-4070, (2) the DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia, (540) 574-7800, and (3) the Handley Library, 100 West Piccadilly Street, Winchester, Virginia between 8:30 a.m. and 5:00 p.m. of each business day until the close of the public comment period.

RECORD OF HEARING AND SUMMARY OF TESTIMONY

As required by 40 CFR 51.102(e), the complete record of the hearing, along with a list of witnesses and the text of the written presentations or summary of the oral presentations, is located at the Office of Air Regulatory Development of the Department of Environmental Quality. The Department contact to access this information is the Director, Office of Air Regulatory Development.

The summary of the testimony received and responses thereto, as required by Section 2.1(h) of Appendix V of 40 CFR Part 51, will be provided by separate letter.

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SIP\NONATTN PLANS\2004\WINCSTR\WN-EAC-SIP-3-LATER.DOC