date that the State certifies to the USEPA that the air quality data are quality assured, which will be no later than 30 days after an ambient air quality violation is monitored. Pursuant to the I/M redesignation rule, the trigger date is the date no later than when the USEPA notifies the State of a violation. As long as the trigger date as defined by Michigan occurs prior to the date the USEPĂ notifies the State of a violation, Michigan's timeframe for implementing I/M as a contingency measure is consistent with the I/M redesignation rule. Because it often takes several months for the USEPA to obtain the data and confirm a violation, it is unlikely that the trigger date as defined by Michigan will be later than that defined in the I/M redesignation rule. However, if the USEPA does notify the State of a violation prior to the State certifying to the USEPA that the ambient air quality data assure a violation, then the trigger date will be the date of the USEPA notification to the State, consistent with the I/M redesignation rule. The basic I/ M program, if selected as a contingency measure, must be implemented within 24 months of the trigger date, or 12 months after the adoption of implementing regulations. This schedule is consistent with the I/M redesignation rule, which is the applicable regulation for purposes of establishing an adoption and implementation schedule. This schedule is specific and enforceable since it will be incorporated into the SIP as part of the section 175A maintenance plan. The section 175A(d) requirement for contingency provisions is that they must promptly correct a violation of the NAAQS. The USEPA believes that the schedule provided for implementation of a basic I/M program within the Detroit-Ann Arbor area's section 175A maintenance plan is sufficient to address this requirement in light of the logistics of adopting and implementing a basic I/M program.

The commentor also indicated that the Michigan submittal does not satisfy the USEPA's requirement of a "specified and enforceable schedule" because it does not include a timetable of steps necessary to get the required regulations adopted. As discussed above, because Michigan incorporated by reference the timetable of the I/M redesignation rule, adoption of I/M regulations is specified to occur within one year of the trigger date. The only other interim step necessary to get the required regulations adopted is the proposal of draft regulations. Although the Michigan submittal did not specify a date for the proposal, the State's commitment to a

date for promulgation of the final rule implies that the draft regulations will be proposed on a date no later than that necessary to provide for notice and comment and a hearing on the draft regulations. Because Michigan's submittal specified a timetable to get the final regulations adopted, the Michigan submittal has met the requirement to provide a specified and enforceable schedule.

A commentor also suggested that a determination that actual emissions from mobile sources actually exceed those predicted in the emission inventories should also be included as a triggering event. This is neither a requirement of the Act nor of USEPA policy, although it has been suggested as a possible triggering event in guidance, and States are encouraged to use it.

## Comment

One commentor challenges the adequacy of Michigan's demonstration that its I/M program did not contribute to Southeast Michigan's attainment, and urged reconsideration of the proposed elimination of the program after 1995.

#### USEPA Response

Michigan did not claim that the current I/M program did not contribute to the Detroit-Ann Arbor's attainment, nor did it claim credit for the emission reductions achieved as a result of the program within the attainment demonstration. Furthermore, neither the State nor the USEPA has proposed or suggested that the current I/M program be eliminated after 1995. In fact, the State must continue to implement its current I/M program as well as all other SIP control measures that were contained in the SIP prior to the submittal of a complete redesignation request. The September Shapiro<sup>3</sup> memorandum reviews and reinforces the USEPA's policy on SIP relaxations, particularly in the context of redesignation. The memorandum notes that the USEPA's general policy is that a State may not relax the adopted and implemented SIP for an area upon the area's redesignation to attainment unless an appropriate demonstration, based on computer modeling, is approved by the USEPA. Existing control strategies must continue to be implemented in order to maintain the standard. Although section 175A recognizes that SIP measures may be moved to the contingency plan upon redesignation, such a SIP revision may

be approved only if the State can adequately demonstrate that such action will not interfere with maintenance of the standard. A demonstration for an area redesignated to attainment for ozone would entail submittal of an attainment modeling demonstration with the USEPA's current Guideline on Air Quality Models, showing that the control measure is not needed to maintain the ozone NAAQS. Also, see memorandum from Gerald A. Emison, April 6, 1987, entitled Ozone Redesignation Policy.

### Comment

One commentor states that the USEPA's policy of approving a basic I/M SIP revision that does not include adopted regulations is unlawful.

## USEPA Response

The USEPA's specific response to these comments is published in the USEPA's final rulemaking on the revisions to the national I/M rule. See January 5, 1995, 60 FR 1735. In that rulemaking, the commentor also submitted similar remarks and the USEPA's responses to those comments appear in the docket for that rulemaking. It is appropriate for the USEPA to rely on the final I/M rule revisions in taking today's final action, and this rulemaking is not the appropriate forum in which to challenge the validity of the I/M rule revisions.

## II. Final Rulemaking Action

The USEPA approves the basic I/M program submitted to the USEPA for the Detroit-Ann Arbor area as meeting the revised national I/M rule (January 5, 1995, 60 FR 1735) for areas redesignated from nonattainment to attainment, consequently satisfying the requirements of section 182(a)(2)(B)(i) of the Act.

## C. Redesignation

# I. Public Comments and USEPA Responses

The following discussion summarizes and responds to the comments received regarding the redesignation of the Detroit-Ann Arbor area to attainment for ozone.

## Comment

One commentor notes that if an expeditious review and approval of MDNR's request had occurred prior to the 1994 ozone season, then any ozone violation thereafter would have prompted the implementation of a contingency measure from the maintenance plan to correct the air quality problem.

<sup>&</sup>lt;sup>3</sup> September 17, 1993 memorandum from Michael H. Shapiro, entitled SIP Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide NAAQS on or after November 15, 1992.