would have been included in the 15 percent plan since those measures were not required to be included in the SIP prior to redesignation. Furthermore, some elements of the incomplete 15 percent ROP plan that Michigan did submit for the Detroit-Ann Arbor area are included in the maintenance plan and are available as contingency measures in the maintenance plan. These elements include basic I/M, Stage I expansion, 11 and Stage II vapor recovery. The USEPA believes that the menu of contingency measures is adequate and that additional contingency measures are not necessary.

As for the commentor's effort to ascribe subjective motivations to the USEPA in acting on this redesignation, the USEPA believes such contentions are simply irrelevant.

## Comment

One commentor states that there can be no redesignation until Michigan submits a complete and approvable 15 percent ROP plan. The commentor alleges that since Michigan's application was not complete on November 12, 1993, all moderate area provisions including the 15 percent plan must be in place to accomplish the redesignation. The commentor notes that Stage II vapor recovery and an upgraded I/M program should be in Michigan's SIP to assure continued maintenance of the NAAQS.

## USEPA Response

After the USEPA's review, on January 21, 1994, the redesignation request was found complete on the basis of the completeness criteria codified in 40 CFR part 51, appendix V. As explained above, the November 12, 1993 request was based on three complete years of clean data, and the consideration of subsequent air quality data does not alter the conclusion that that request was complete. Thus, the November 12, 1993 redesignation request is complete and, in accordance with the USEPA's policy on applicable requirements (described above), the 15 percent plan need not be submitted or approved prior to approval of the redesignation.

With respect to the commentor's assertions regarding the need for Stage II vapor recovery and an upgraded I/M program to assure maintenance, the USEPA notes that the State has provided an adequate demonstration that maintenance will occur even in the absence of those programs. The State's emissions projections underlying the

maintenance demonstration are discussed in the proposal at 59 FR 37197, and the commentor has provided no evidence that those projections are erroneous. Furthermore, the USEPA notes that Stage II vapor recovery and an upgraded I/M program were not implemented in the area in the period of attainment and therefore, did not contribute to attainment of the ozone NAAQS. Stage II vapor recovery and basic I/M, however, are control measures included as contingency measures within the maintenance plan. Thus, Stage II and basic I/M may be implemented in the event a violation of the ozone NAAQS occurs during the maintenance period. The basic I/M program included in the contingency plan would upgrade and expand the current I/M program being implemented in the Detroit area. As the Detroit-Ann Arbor area has demonstrated attainment and maintenance of the ozone NAAQS without implementation of Stage II and an upgraded I/M program those measures may be made part of the contingency plan without implementation until such time as a violation of the ozone NAAQS warrants their implementation. The State, however, must continue to implement all programs currently in place in the Detroit-Ann Arbor area including the existing I/M program.

## Comment

Several commentors suggested that meteorological conditions observed in Michigan and Canada were not conducive to ozone formation. These meteorological conditions, coupled with a general reduction of emissions in the Detroit-Ann Arbor area resulting from an economic downturn, resulted in the attainment claimed by the Detroit-Ann Arbor area. The commentors believe that the attainment claimed by Michigan is not based on real reductions of ozone precursor gases (NO<sub>x</sub> and VOC).

## USEPA Response

Section 107(d)(3)(E)(iii) requires that, for the USEPA to approve a redesignation, it must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions. The September Calcagni memorandum, at page 4, clarifies this requirement by stating that "[a]ttainment resulting from temporary reductions in emission rates (e.g., reduced production or shutdown due to temporary adverse economic conditions) or unusually favorable meteorology would not qualify as an air quality improvement due to permanent and enforceable emission reductions.' As discussed in the July 21, 1994

Federal Register notice, the State of Michigan has demonstrated that permanent and enforceable emission reductions are responsible for the recent improvement in air quality. This demonstration was accomplished through an estimate of the reductions (from the year that was used to determine the design value for designation and classification) of VOC and NO<sub>x</sub> achieved through Federal measures such as the Federal Motor Vehicle Control Program (FMVCP) and fuel volatility rules implemented from 1988-1993, as suggested by the September Calcagni memorandum. The total reductions achieved from 1988 to 1993 were 226 tons of VOC and 45 tons of NO<sub>X</sub> per day. These emission reductions were primarily the result of the FMVCP and RVP reductions from 11.0 pounds per square inch (psi) in 1988, to 9.5 in 1990 and finally, to 9.0 in 1993. The State only claimed credit for emission reductions achieved as a result of implementation of these federally enforceable control measures. These emission reductions claimed by Michigan are conservative since they do not account for emission reductions resulting from other control measures and programs implemented during this time period such as the current I/M program and VOC RACT. The State, therefore, adequately demonstrated that the improvement in air quality is due to permanent and enforceable emission reductions of 226 tons VOC and 45 tons of NO<sub>x</sub> per day as a result of implementing the federally enforceable FMVCP and RVP reductions.

With respect to the issue of unusually favorable meteorology, the commentors have not supplied and the USEPA is not aware of data demonstrating that the meteorological conditions in the Detroit-Ann Arbor area in 1990 and subsequent years were unusually favorable with respect to the impact on ozone formation. The USEPA examined the average meteorological parameters of maximum monthly temperatures, monthly precipitation, and days with temperatures greater than 90 degrees Fahrenheit for the periods of April through September, 1991 through 1993, with the 9-year (1982-1990) averages for these parameters. The 1991–1993 averages for these parameters agreed with those for the 9-year averages with only minor differences. Based on averaged parameters, it can be concluded that the 1991-1993 period was typically conducive to ozone formation. Further, the USEPA notes that the Detroit-Ann Arbor area has been in attainment for three consecutive three-year periods (1990-1992, 1991-

<sup>&</sup>lt;sup>11</sup>The expanded applicability of Stage I to county boundaries of each nonattainment area classified as moderate and above.