ultimately implement maintenance measure(s) to lower the emissions to a level at or below the attainment year level. Since USEPA policy only suggests that level of emissions be included as a triggering mechanism or method of monitoring the area emissions, States are provided the flexibility not to include such a triggering mechanism.

The Detroit-Ann Arbor area's contingency plan contains one trigger, a monitored air quality violation of the ozone NAAQS, as defined in 40 CFR section 50.9. The trigger date will be the date that the State certifies to the USEPA that the air quality data are guality-assured, and no later than 30 days after an ambient air quality violation is monitored. Once the trigger is confirmed, the State will implement one or more appropriate contingency measures based on a technical analysis using a UAM analysis. The Governor will select the contingency measures within 6 months of the trigger. The control measures which may be used as contingency measures within the maintenance plan are I/M upgrades, NO_x RACT, Stage I expansion, Stage II, RVP reduction to 7.8 psi and intensified RACT for degreasing operations. As explained in the proposal, the USEPA believes that these measures are adequate to restore air quality in the event of a post-redesignation violation.

Comment

The commentor notes that the Detroit-Ann Arbor area is the fastest growing business area in Michigan, and that "if regulations are not implemented now, it will take years for companies to comply with new regulations added later." [sic] Local industry should have to implement common-sense, costeffective, pollution-control measures to protect the people in the area.

USEPA Response

The area is currently implementing numerous emission control measures and will continue to do so even after redesignation to attainment for ozone. While the area may be growing, the State has considered the impacts of growth not just in mobile sources, but also industrial sources of ozone precursors in its maintenance plan. The State has adequately shown that permanent and enforceable controls will continue to more than offset the impact of any such growth through the maintenance period as its projections indicate that emissions will decrease during the maintenance period. In the event, the area is redesignated and happens to record a violation of the ozone NAAQS, however, the section 175A maintenance plan specifies

control measures which would be implemented as contingency measures in accordance with the schedules specified in the July 21, 1994 and this final rule.

Comment

One commentor notes that the maintenance plan and contingency measures are not likely to protect maintenance of the NAAQS for ozone, because the timeline for implementing corrective measures is too protracted, providing too little protection, too late.

USEPA Response

For clarification, the contingency measures are intended to provide for maintenance by addressing a violation of the ozone NAAQS; maintenance measures serve to provide for maintenance of the NAAQS. The contingency measure implementation schedules were derived from the Act and applicable State and Federal regulations. As explained in the proposal and this final action, the schedule established for the implementation of contingency measures provides for the implementation of such measures as soon as within one year of a violation. Also, as explained in the proposal, the USEPA believes that this schedule satisfies the criterion of section 175A regarding the need for contingency measures to promptly correct violations of the standard occurring during the maintenance period.

Comment

One commentor alleges that the maintenance demonstration relies on fleet turnover with new cars required to have on-board canisters and perhaps enhanced fuel efficiency to create reductions of VOC emissions sufficient to compensate for the steady growth of VMT ¹⁴ and keep Southeast Michigan in attainment. With an average time for fleet turnover of 10 to 15 years, those measures will have little effect on maintenance of attainment in the near term.

USEPA Response

The State is not relying on on-board canisters in its emission projections through the maintenance period. The maintenance demonstration through emission projections must demonstrate that the emissions will not exceed the attainment year inventory. See General Preamble (April 16, 1992, 57 FR 13498) and September Calcagni memorandum. Michigan has demonstrated that, by

considering the effects of permanent and enforceable control programs (not including the on-board vapor recovery rule), as well as, growth in the area (including VMT growth), through the year 2005 emissions will remain below the attainment year inventory. See 59 FR 37190, tables on p. 37198. Neither the Act nor USEPA guidance specifies or suggests that the State achieve other emission reductions during the maintenance period. The USEPA reviewed the projection inventory methodologies and found them to be appropriate. Furthermore, transportation conformity provides another emission management mechanism. The transportation conformity rules (November 24, 1993, 58 FR 62188) and General Preamble (June 17, 1994, 59 FR 31238) apply to nonattainment and maintenance areas. The General preamble clarifies that conformity analyses must demonstrate that VOC and NO_X emissions will remain within the motor vehicle emission budget as approved in a section 175A maintenance plan.

Comment

One commentor states that an ozone precursor, NO_X, can scavenge ozone. For this reason, NO_X controls can actually increase ozone levels in metropolitan areas while beneficially affecting downwind areas. The lack of NO_X controls in the Metropolitan Detroit area would help in attaining the 120 ppb ozone standard but this approach would have no net benefit downwind (southwestern Ontario). The commentor concludes that both NO_X and VOC must be controlled. Another commentor notes that there is too little information about the interaction between VOC and NO_X to justify granting an exemption from NO_X controls.

USEPA Response

Section 182(f)(1)(A) of the Act allows the Administrator to exempt an area outside an ozone transport region from the section 182(f) NO_x requirements, if the USEPA determines that "additional reductions of [NO_X] would not contribute to attainment" of the ozone NAAQS in the relevant area. It is clear that if an area has demonstrated attainment of the ozone NAAQS with 3 consecutive complete years of air quality monitoring data, additional NO_X reductions would not contribute to attainment, since the area has already attained. Therefore, a State may submit a petition for a section 182(f) exemption based on air quality monitoring data showing attainment of the ozone NAAQS. The USEPA's approval of such

¹⁴ VMT is the number of miles traveled by vehicles of various types, preferably for each link of the highway system.