

EFFECTIVE DATE: June 30, 1995.

ADDRESSES: Materials relevant to this notice have been placed in Docket A-94-68. The docket is located at the Air Docket Section (6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, in room M-1500 Waterside Mall. Documents may be inspected from 8 a.m. to 5:30 p.m. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Coryell, U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street SW. (6406J), Washington, DC 20460, (202) 233-9014.

SUPPLEMENTARY INFORMATION: A copy of this action is available on the OAQPS Technology Transfer Network Bulletin Board System (TTNBBS). The TTNBBS can be accessed with a dial-in phone line and a high-speed modem (PH#919-541-5742). The parity of your modem should be set to none, the data bits to 8, and the stop bits to 1. Either a 1200, 2400, or 9600 baud modem should be used. When first signing on, the user will be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following series of menus:

- (M) OMS
- (K) Rulemaking and Reporting
- (3) Fuels
- (9) Reformulated gasoline

A list of ZIP files will be shown, all of which are related to the reformulated gasoline rulemaking process. Today's action will be in the form of a ZIP file and can be identified by the following titles: XTNDSTAY.ZIP. To download this file, type the instructions below and transfer according to the appropriate software on your computer:

<D>ownload, <P>rotocol, <E>xamine,
<N>ew, <L>ist, or <H>elp Selection
or <CR> to exit: D filename.zip

You will be given a list of transfer protocols from which you must choose one that matches with the terminal software on your own computer. The software should then be opened and directed to receive the file using the same protocol. Programs and instructions for de-archiving compressed files can be found via <S>ystems Utilities from the top menu, under <A>rchivers/de-archivers. Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

I. Background

A. General Background on Reformulated Gasoline Program and Opt-In Process

The reformulated gasoline program is designed to reduce ozone levels in the largest metropolitan areas of the U.S. with the worst ground-level ozone problems by reducing vehicle emissions of the ozone precursors, specifically volatile organic compounds (VOC), through fuel reformulation. Reformulated gasoline also achieves a significant reduction in air toxics. In Phase II of the program, oxides of nitrogen (NO_x), another precursor of ozone, are reduced. The 1990 amendments of the Clean Air Act require reformulated gasoline in the nine cities with the highest levels of ozone. Congress also provided the opportunity for states to choose to opt into the RFG program for their other nonattainment areas. EPA issued final rules establishing requirements for RFG on December 15, 1993 (59 FR 7716, February 16, 1994).

The regulation issued in December of 1993 did not include procedures for opting out of the RFG program, because EPA had not proposed and was not ready to adopt such procedures at that time. However, the Agency did indicate that it intended to propose such procedures in a separate rule.

B. Jefferson County, New York

Jefferson County was included as a covered area in EPA's reformulated gasoline program based on Governor Mario Cuomo's request of October 28, 1991, that this county be included under the Act's opt-in provision for ozone nonattainment areas (57 FR 7926, March 5, 1992). See 40 CFR 80.70(j)(10)(vi). On November 29, 1994, EPA received a petition from the Commissioner of New York's Department of Environmental Conservation, Mr. Langdon Marsh, to remove Jefferson County, New York, from the list of areas covered by the requirements of the reformulated gasoline program. EPA understands that Commissioner Marsh is acting for Governor Cuomo on this matter. The Administrator responded to the State's request in a letter to Commissioner Marsh dated December 12, 1994, stating EPA's intention to grant New York's request as of January 1, 1995, and to conduct rulemaking to implement the opt-out. On December 29, 1994, EPA issued a final rule staying the application of the reformulated gasoline program requirements in Jefferson County from January 1, 1995 until July 1, 1995 (60 FR 2696, January 11, 1995).

This decision was based on the particular circumstances that apply in Jefferson County. On June 14, 1995, EPA published a notice of proposed rulemaking proposing to remove Jefferson County from the areas covered by the reformulated gasoline program (60 FR 31269, June 14, 1995). In the same notice, EPA also proposed to extend the stay of the reformulated gasoline program for this area until the agency completes rulemaking on the proposed opt-out.

C. The Buffalo and Albany Areas of New York

The Buffalo and Albany ozone nonattainment areas were included as covered areas in EPA's reformulated gasoline program based on Governor Mario Cuomo's request of October 28, 1991, that this county be included under the Act's opt-in provision for ozone nonattainment areas (57 FR 7926, March 5, 1992). See 40 CFR 80.70(j)(10)(i), (iii), (v), and (vii) through (xi). On December 23, 1994, Commissioner Marsh of New York's Department of Environmental Conservation wrote to request opt-out of the Albany and Buffalo ozone nonattainment areas which include the counties of Albany, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Erie and Niagara. The Assistant Administrator for Air and Radiation, Mary Nichols, responded to the state's request in a letter to Commissioner Marsh dated December 28, 1994, stating EPA's intention to grant New York's request as of January 1, 1995, and to conduct rulemaking to implement the opt-out. On December 29, 1995, EPA issued a final rule staying the application of the reformulated gasoline program requirements in these New York counties from January 1, 1995 until July 1, 1995 (60 FR 2696, January 11, 1995). This decision was based on the particular circumstances that apply in these counties. On June 14, 1995, EPA published a notice of proposed rulemaking proposing to remove these New York counties from the areas covered by the reformulated gasoline program (60 FR 31269, June 14, 1995). In the same notice, EPA also proposed to extend the stay of the reformulated gasoline program in these counties until the agency completes rulemaking on the proposed opt-out.

D. Pennsylvania Counties

Twenty-eight counties in Pennsylvania were included as covered areas in EPA's reformulated gasoline program based on Governor Robert P. Casey's request dated September 25, 1991 (56 FR 57986, November 15, 1991).