

local control strategies. Phase II would also provide the States and USEPA the opportunity to determine appropriate regional strategies to resolve transport issues including any impacts the Grand Rapids and Muskegon areas may have on ozone concentrations in their downwind areas. The USEPA has the authority under sections 110(a)(2)(A) and 110(a)(2)(D) of the Act to ensure that the required and necessary reductions are achieved in the Grand Rapids and Muskegon areas should subsequent modeling become available, such as the modeling that will be available through completion of the Phase II analysis, or any other subsequent modeling data.

The possible impact of ozone and ozone precursor emissions originating from Grand Rapids and Muskegon on elevated ozone concentrations recently recorded in Michigan City, Indiana, is not relevant to this rulemaking. As discussed above, ozone transport will be addressed at the conclusion of the Phase II modeling efforts currently under way in the Lake Michigan area. For clarification, the 1995 ozone monitoring data cited by the commentor has not been quality assured and is subject to change. The USEPA is aware that preliminary data from the Michigan City, Indiana monitor shows exceedances of the ozone standard on June 15 and June 18, 1995. However, the USEPA is unaware of an ozone exceedance in Michigan City on June 16, 1995. USEPA does not expect this rulemaking to have an impact on the likelihood of Michigan City's being designated to nonattainment.

Citizens Commission and American Lung Comment

The commentor asserts that suspending adoption, submittal and approval of contingency measures under section 172(c)(9) presages a maintenance plan lacking similar contingency measures in the context of a redesignation.

USEPA Response

The rulemaking specifically suspends the contingency measure requirements of section 172(c)(9) which are intended to ensure reasonable further progress and attainment by an applicable attainment date (57 FR 13564; and September 4, 1992 Calcagni memorandum). The rulemaking, however, does not suspend or dismiss the contingency measures required by section 107(d)(3)(E)(iv) and 175A(d) whose purpose is to assure that future violations of the standard will be promptly corrected after an area has been redesignated to attainment.

Michigan has submitted a redesignation request to the USEPA which is currently undergoing USEPA's review and rulemaking process. It should be noted that the request does contain a maintenance plan with contingency measures including an enhanced motor vehicle inspection and maintenance program, Stage II gasoline vapor recovery, and Reid Vapor Pressure reductions to 7.8 psi. That maintenance plan will have to satisfy the requirements of sections 107(d)(3)(E)(iv) and 175A(d) in order for it and the redesignation request to be approved.

Citizens Commission and American Lung Comment

The commentor notes that the irony of the rulemaking is emphasized by the ozone levels observed throughout the Lake Michigan basin in June 1995. The commentor cites ozone values at monitors in Muskegon, Holland and Ludington, Michigan.

USEPA Response

This action is premised on the determination that both the Grand Rapids and Muskegon areas have attained the ozone standard during the period 1992–1994. As explained in the June 2, 1995 rulemaking, these determinations are contingent on the continued monitoring and continued attainment and maintenance of the ozone NAAQS in the affected areas. No violations in the affected areas have occurred as of this time. If a violation of the ozone NAAQS is monitored in the Grand Rapids and Muskegon areas (consistent with the requirements contained in 40 CFR Part 58 and recorded in AIRS), USEPA will provide notice to the public in the **Federal Register**. Such a violation would mean that the area would thereafter have to address the requirements of section 182(b)(1) and section 172(c)(9) since the basis for the determination that they do not apply would no longer exist.

NYSDEC Comment

The NYSDEC objects to the rulemaking because it exempts the area from certain requirements of Title I of the Act and fails to establish any limit on emission growth of ozone precursors. The commentor states that downwind areas such as New York State need reductions in incoming ozone precursor concentrations during ozone episodes. The commentor is opposed to actions that would provide relief to such areas until it is demonstrated/determined that emissions from this area have "no significant impact" on ozone levels in New York and other downwind Northeast states.

USEPA Response

The determination that certain Title I requirements, namely section 182(b)(1) reasonable further progress and attainment demonstration requirements, and section 172(c)(9) contingency measure requirements, do not apply is based on ambient air quality data demonstrating that the area has attained the standard. This rulemaking is merely a determination that the aforementioned Title I requirements are not applicable so long as the affected areas continue to attain the ozone standard. While the rulemaking does not establish any limit on emission growth of ozone precursors, the USEPA does not believe that this determination will cause emissions of ozone precursors to grow since it is not relaxing control measures currently being implemented in the areas. Furthermore, USEPA does not believe it necessary to establish a limit on the growth of ozone precursors in this rulemaking since USEPA's determination that the areas need not make certain submissions is contingent on the areas' continued attainment of the ozone NAAQS. As noted earlier, if a violation occurs the area would have to address the requirements of sections 182(b)(1) and 172(c)(9).

With respect to the commentor's opposition to such actions until it is demonstrated that emissions from this area have "no significant impact" on ozone levels in New York and other downwind Northeast states, the USEPA would note that such a process is underway within the Lake Michigan area. The Lake Michigan States of Michigan, Wisconsin, Illinois and Indiana are conducting UAM which is being coordinated by LADCO. The modeling will be used for purposes of demonstrating attainment throughout the Lake Michigan region. Moreover, the Lake Michigan States are participating in the Phase I/Phase II analysis as provided for within the March 2, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, entitled Ozone Attainment Demonstrations. Phase II of the analysis would assess the need for regional control strategies and refine the local control strategies. Phase II would also provide the States and USEPA the opportunity to determine appropriate regional strategies to resolve transport issues including any impacts the Grand Rapids and Muskegon areas may have on ozone concentrations in their downwind areas. As discussed above, the control of transported emissions is not the purpose of the Act requirements at issue in this rulemaking but is the subject of other Act provisions. The