

about economic and vehicle miles travelled growth.

B. Demonstration of Maintenance-Projected Inventories

Total CO emissions were projected from 1990 base year out to 2007. These projected inventories were prepared in accordance with EPA guidance. The projections in Table A show that future CO emissions are not expected to exceed the level of emissions in the base year after the benefits of the Federal Motor Vehicle Control Program, reformulated gasoline and pre-1990 basic I/M program are taken into consideration. It should be noted that the NJDEP demonstrated that Camden County and the nine not-classified areas will maintain the CO standard without the need for an oxygenated fuels program.

As a result of this projection, New Jersey took into account the effects of growth due to economic activities and population on stationary and off-highway sources.

C. Monitoring Network

New Jersey has committed to continue to operate its existing air monitoring network and quality assurance program in accordance with 40 CFR part 58 to ensure the development of complete and accurate emission inventory and air monitoring data.

D. Verification of Continued Attainment

Continued attainment of the CO NAAQS in Camden County and the nine not-classified areas depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The State has also committed to submit periodic inventories of CO emissions every three years beginning in 1996 and continuing at least through 2007.

E. Contingency Plan

The level of CO emissions in Camden County and the nine not-classified areas will largely determine their ability to stay in compliance with the CO NAAQS in the future. Despite the State's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS based upon some unforeseeable condition. In order to meet this challenge, the CAA requires states to develop contingency measures to offset these conditions.

New Jersey will be using an enhanced I/M program as its contingency measure. New Jersey is implementing enhanced I/M to meet other requirements of the CAA and it has the additional benefit of reducing CO emissions. However, New

Jersey will not wait for a triggering mechanism before implementing this measure. Instead, the State will implement this program as quickly as is practicable. Operation of this program is expected to begin in 1996.

5. Meeting Applicable Requirements of Section 110 and Part D

In section III.2. of this notice EPA sets forth the basis for its conclusion that New Jersey has a fully approved SIP which meets the applicable requirements of section 110 and Part D of the CAA. EPA notes that section 110 also requires that states include in their SIPs, where applicable, oxygenated gasoline programs. EPA has concluded that Camden County is no longer required to have an oxygenated gasoline program in the applicable SIP because the entire Philadelphia-Wilmington-Trenton CMSA is in fact attaining the CO NAAQS. In addition, for redesignation purposes, an oxygenated gasoline program does not have to be a part of the applicable SIP for the nine not classified nonattainment areas.

Camden County

The Camden County low moderate nonattainment area had a CO design value greater than 9.5 parts per million at the time of the enactment of the Clean Air Act Amendments of 1990 and thus was originally required to have an oxygenated gasoline program by November 1, 1992 as a part of the SIP for this area. In this notice, however, EPA is finding that the entire Philadelphia-Camden nonattainment area is currently attaining the CO NAAQS (See section III.1). Under a new interpretation of section 211(m)(6) discussed in this section, once EPA determines that a CO nonattainment area is actually attaining the CO NAAQS and that the area demonstrates it does not need oxygenated gasoline to maintain the NAAQS, section 211(m) no longer requires the submittal of a SIP revision for the area embodying an oxygenated gasoline program so long as the area continues to maintain the standard. Thus, because EPA finds that the Philadelphia-Camden nonattainment area is actually attaining the NAAQS and that Camden County has demonstrated that it does not need oxygenated gasoline for maintenance, Camden County is no longer required to have an oxygenated gasoline program in the applicable SIP. As a consequence, Camden County may be redesignated notwithstanding the lack of a section 211(m) oxygenated gasoline program since such a program is not an applicable requirement for purposes of evaluating the redesignation request for

Camden County pursuant to section 107(d)(3)(E).

In this notice, EPA is refining its previous interpretation of when section 211(m) requires a state to include an oxygenated gasoline program in its SIP. Section 211(m)(1) requires states with nonattainment areas with a design value of at least 9.5 ppm to submit a SIP revision containing oxygenated gasoline requirements. Section 211(m)(6), however, states: "*Nothing in this subsection shall be interpreted as requiring an oxygenated gasoline program in an area which is in attainment* for CO, except that in a CO area which is redesignated as attainment for CO, the requirements of this subsection shall remain in effect to the extent such program is necessary to maintain such standard * * *" (emphasis added).

Previously, EPA has looked to an area's designation as nonattainment to determine whether oxygenated gasoline is required. However, section 211(m)(6) refers specifically to an area "which is in attainment," not to one which is designated attainment. EPA interprets this language to mean that as soon as EPA determines that an entire nonattainment area is actually in attainment, even prior to redesignation, section 211(m) no longer requires an oxygenated gasoline program for that area.

This interpretation is based on the plain language of the statute and is supported by the general CAA structure for applying provisions for SIP requirements to nonattainment areas. Section 211(m)(6) provides that nothing in section 211(m) is to be interpreted as requiring an oxygenated gasoline program in an area that is "in attainment;" it does not state that nothing in section 211(m) is to be interpreted as requiring an oxygenated gasoline program in an area "designated attainment." The two issues are distinct, however. Whether an area is "in attainment" depends solely on a determination of whether an area is attaining the NAAQS (a determination based on the air quality of the area), whereas an area's designation as attainment or nonattainment depends on other factors as well as its own air quality. [See section 107(d)(1) and (d)(3)(E).] Congress has drawn distinctions between the issue of whether an area has attained the standard and its designation as attainment. [See, e.g., section 107(d)(3)(E) (attainment of the standard is one of several criteria for being redesignated attainment); section 182(f) (NO_x RACT requirements may be waived for nonattainment areas if it is