



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JAN 8 2009

James Goldstene, Executive Officer
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, CA 95812

RE: Adequacy Status of San Joaquin Valley 8-Hour Ozone Reasonable Further Progress and Attainment Plan Motor Vehicle Emissions Budgets

Dear  Goldstene:

We have found adequate for transportation conformity purposes certain motor vehicle emissions budgets (MVEBs) in the *San Joaquin Valley 2007 Ozone Plan (April 2007)*, as amended by the California Air Resources Board (CARB) on June 14, 2007, and supplemented by CARB on February 1, 2008 ("San Joaquin Valley 2007 Ozone Plan"). As a result of our adequacy finding, Metropolitan Planning Organizations (MPOs) in the San Joaquin Valley and the U.S. Department of Transportation must use the adequate budgets in future conformity analyses once the finding becomes effective.

CARB submitted the *San Joaquin Valley 2007 Ozone Plan (April 2007)*, as amended by CARB on June 14, 2007, to EPA on November 17, 2007 as a revision to the California State Implementation Plan (SIP) and submitted supplemental material related to the plan's reasonable further progress (RFP) demonstrations on February 1, 2008. The plan includes new control measures and demonstrations of RFP and attainment for the 8-hour ozone standard. The plan identifies subregional MVEBs for each county in the nonattainment area for reactive organic gases (ROG) and nitrogen oxides (NO_x) for each RFP milestone year through 2020 and for the attainment year 2023. We announced receipt of the plan on the Internet on April 18, 2008, and requested public comment by May 19, 2008. We received comments on the budgets and plan during that comment period.

This letter transmits our decision that the motor vehicle emissions budgets for 2011, 2014 and 2017 contained in the *San Joaquin Valley 2007 Ozone Plan* are adequate for transportation conformity decisions. These budgets are consistent with the State's RFP demonstrations for milestone years 2011, 2014, and 2017, and these budgets are based on control measures, with one minor exception, that have already been adopted and implemented. The budgets also meet the other adequacy criteria, therefore, these budgets meet the transportation conformity adequacy criteria found in 40 CFR 93.118(e)(4). The adequate budgets, for each county in the nonattainment area, are as follows:

Motor Vehicle Emission Budgets (summer planning, tons per day)						
Year	2011		2014		2017	
County	ROG ¹	NO _x	ROG ¹	NO _x	ROG ¹	NO _x
Fresno	15.5	47.9	12.9	37.2	11.1	29.1
Kern (SJV)	15.7	79.4	13.5	64.1	11.6	49.5
Kings	3.4	15.9	2.8	12.3	2.3	9.4
Madera	3.7	12.2	3.1	9.7	2.6	7.7
Merced	6.2	28.8	5.1	22.3	4.2	17.1
San Joaquin	12.1	34.7	10.1	27.8	8.6	21.3
Stanislaus	9.0	22.3	7.5	17.2	6.5	13.4
Tulare	9.2	20.9	7.7	16.6	6.7	13.1

¹ ROG is comparable to the term specified in the CAA and EPA SIP rules, for volatile organic compounds (VOC).

This letter also transmits our finding that the motor vehicle emissions budgets for 2008, 2020 and 2023 are inadequate for transportation conformity purposes. The San Joaquin Valley 2007 Ozone Plan does not show reasonable further progress for the year 2008. As a result, one of the transportation conformity rule's adequacy criteria is not met (40 CFR 93.118(e)(4)(iv)), and thus, the 2008 budget is inadequate. The 2020 and 2023 budgets include estimated emission reductions associated with a number of commitments for future rule adoption that lack specificity. As such, the SJV MPOs would not be able to accurately quantify future emission reductions associated with the commitments. Without additional specificity, it is also unclear how the 2020 and 2023 budgets are precisely quantified or related to the overall emissions inventory and other measures. Therefore, the 2020 and 2023 budgets do not meet the adequacy criteria found in 40 CFR 93.118(e)(4)(iii), (iv), and (v).

Motor Vehicle Emission Budgets (summer planning, tons per day)						
Year	2008		2020		2023	
County	ROG ¹	NO _x	ROG ¹	NO _x	ROG ¹	NO _x
Fresno	18.6	58.5	8.0	16.9	7.8	15.7
Kern (SJV)	18.1	93.9	8.5	28.4	8.1	24.8
Kings	3.9	18.3	1.7	5.3	1.6	4.7
Madera	4.4	14.6	1.9	4.8	1.9	4.5
Merced	7.4	35.5	2.9	9.9	2.8	9.0
San Joaquin	13.9	40.0	6.3	12.7	6.3	11.9
Stanislaus	10.5	26.7	4.9	8.0	4.6	7.1
Tulare	10.5	23.4	5.2	8.4	4.8	7.4

¹ ROG is comparable to the term specified in the CAA and in EPA SIP rules, volatile organic compounds (VOC).

We have detailed our adequacy findings in the enclosures. A copy of this letter and its enclosures will soon be posted on the Internet at

<http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>. We will also announce the adequacy findings in the Federal Register. The findings will become effective 15 days after the Federal Register announcement pursuant to 40 CFR 93.118(f).

If you have any questions regarding these adequacy findings or would like copies of the comments received, please contact Kerry Drake at (415) 947-4157 or Karina O'Connor at (775) 833-1276.

Sincerely,



Deborah Jordan
Director, Air Division

Enclosures

cc: Errol Villegas, SJVUAPCD
Barbara Goodwin, Fresno COG
Ronald Brummett, Kern COG
Terri King, Kings COG
Patricia Taylor, Madera CTC
Jesse Brown, Merced COG
Andrew Chesley, SJCOG
Vince Harris, Stanislaus, COG
George Finney, Tulare COG
Steve Luxenberg, FHWA
Ted Matley, FTA

Enclosure 1: Transportation Conformity Adequacy Review

Control Strategy State Implementation Plan (SIP) Under Review: San Joaquin Valley (SJV) 2007 Ozone Plan: 8-hour ozone Reasonable Further Progress and Attainment Plan		Date of SIP Revision Receipt by EPA: November 2007	
Reviewers: Karina O'Connor		Date: 12/17/08	
Adequacy Review Criteria (40 CFR part 93)		Is Criterion Satisfied?	Reference in SIP Document/Comments
Sec. 3.118(e)(4)(i)	The plan was endorsed by the Governor (or designee) and was subject to a public hearing.	Y	The November 16, 2007 transmittal letter submitting the SJV 2007 Ozone Plan was sent by CARB's Executive Officer, James Goldstene, the Governor's designee. The transmittal letter indicates that the CARB formally adopted the plan on June 14, 2007 through a Board Resolution (07-20). CARB released the plan on May 15, 2007 and requested public comments by June 13, 2007 or at the public hearing held on June 14, 2007. The letter also indicates that CARB adopted the 2007 State Strategy for the SIP on September 27, 2007. The plan relies upon reduction commitments from the 2007 State Strategy, which was submitted to EPA as a SIP revision also on November 16, 2007. CARB released the 2007 State Strategy on April 26, 2007 and May 7, 2007 and requested public comments by the public hearing held on September 27, 2007.
Sec. 93.118(e)(4)(ii)	The plan was developed through consultation with federal, state and local agencies; full implementation plan documentation was provided and EPA's stated concerns, if any, were addressed.	Y	Consultation with federal, state and local agencies was undertaken; this consultation took place with the San Joaquin Valley interagency consultation working group (the Model Coordinating Committee). Members of the consultation group include: EPA, FHWA, FTA, CARB, Caltrans, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), and each county's Metropolitan Planning Organization (MPO). EPA received a copy of the draft SJV 2007 Ozone Plan and draft State Strategy, and EPA's comments were addressed.
Sec. 93.118(e)(4)(iii)	The motor vehicle emission budget(s) is clearly identified and precisely quantified.	Y / N	The motor vehicle emissions budgets are clearly identified and precisely quantified on page 9-10 of the plan and in Appendix C of the plan as adopted by SJVUAPCD on April 30, 2007. CARB amended the budgets through its June 2007 approval, and the amendments are clearly documented in Appendix D of the Staff Report submitted by CARB as part of the San Joaquin Valley 2007 Ozone Plan in November 2007. The budgets for 2020 and 2023 are not precisely quantified because the new emission reductions from measures in the State Strategy do not result from adequately specified control measures. In contrast, the budgets for the years 2008, 2011, 2014 and 2017 reflect control measures, with

			in section 8.2.3 of the SJV 2007 Ozone Plan), that are already adopted and implemented. Further, the budgets do not include new emission reductions attributed to general commitments; therefore, these budgets are precisely quantified.
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions budget(s), when considered together with all other emission sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given plan).	Y / N	EPA has preliminarily concluded that the budgets for the years 2011, 2014 and 2017, when considered together with all other emission sources, are consistent with the requirement to demonstrate reasonable further progress for eight-hour ozone. This finding is based on review of the plan's ozone RFP demonstration, as supplemented on February 1, 2008, that reasonably demonstrates the required 3% annual rate of progress (averaged over each three year period) called for in EPA's eight-hour ozone implementation rule. Other relevant materials include the District's control measure strategy in chapter 6 of the SJV 2007 Ozone Plan and the SJVUAPCD's Resolution 07-04-11a) adopting the plan. EPA cannot determine that the 2008, 2020 and 2023 motor vehicle emissions budgets are consistent with the requirement to demonstrate reasonable further progress and/or attainment. The plan does not demonstrate that the 3% reasonable further progress requirement is met in 2008. The 2020 and 2023 motor vehicle emissions budgets incorporate new emission reductions that do not result from specified control measures that have been drafted or adopted in regulatory form (or have been adequately supported as a voluntary measure).
Sec. 93.118(e)(4)(v)	The plan shows a clear relationship among the emissions budget(s), control measures and the total emissions inventory.	Y / N	The emission inventory for all stationary, area, on-road mobile, and nonroad mobile sources, and their relation to control measures and the reductions from existing measures are described in Attachment A of CARB's Resolution 07-28 dated September 27, 2007 adopting the 2007 State Strategy. The reductions from individual existing measures used in the budgets are also described in more detail in Tables B-1 and B-2 in Appendix B and Table C.9 in Appendix C to the SJV 2007 Ozone Plan. As stated elsewhere, the 2020 and 2023 budgets incorporate new emission reductions from the State's strategy that do not result from specified control measures that have been drafted or adopted in regulatory form (or have been adequately supported as a voluntary measure).
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans explain and document any changes to any previous submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see §93.101 for definition), and reasons for the changes (including the	Y	The most recent ozone SIP for the SJV nonattainment area was the area's 2004 1-Hour Ozone SIP. EPA found the budgets from the 2004 SJV 1-Hour Ozone Plan to adequate in 2005 (70 FR 7734, February 15, 2005). The motor vehicle emission inventories in the 2004 1-hour ozone SIP are based on the EMFAC2002 motor vehicle emissions model, and the SJV 2007 Ozone Plan includes motor vehicle emission inventories that were prepared using the most recent version of the model, EMFAC2007. EMFAC2007 was approved by EPA in January 2008 (73 FR 3464, January 18, 2008), and EPA's January 2008 notice of availability for EMFAC2007 details the basis for the changes to the emission factors. The budgets

	basis for any changes to emission factors or estimates of vehicle miles traveled).		deemed adequate herein, for the 8-hour ozone standard, do not constitute a revision to the previously submitted budgets since the 2004 plan was written for a different form of the ozone standard.
Sec. 93.118(e)(5)	EPA has reviewed the State's compilation of public comments and response to comments that are required to be submitted with any implementation plan.	Y	The 2007 Ozone Plan contains public comments and SJVUAPCD responses in appendices G and L to the plan. Specifically, appendix G includes comments and responses from SJVUAPCD's series of Town Hall meetings held from July 26-28, 2006. Appendix L includes comments and responses from SJVUAPCD's public workshops and public comment periods on the draft 2007 Ozone Plan. Additional verbal comments were received during the adoption public hearings held by the SJVUAPCD and CARB and are also included as attachments to the November 2007 SIP submittal. We have reviewed the compilation of comments and responses and find the responses to be acceptable. No issues that might have affected our adequacy finding remain unanswered.

ENCLOSURE 2

Response to Comments

Response to Comments submitted in May 9, 2008 Letter from Earthjustice

Comment 1: The commenter requests that EPA find the 2008 budgets inadequate because the plan does not show Reasonable Further Progress in 2008.

Response 1: EPA agrees that the San Joaquin Valley 8-hour ozone plan does not show reasonable further progress for the year 2008; therefore, we are finding the 2008 ROG and NO_x motor vehicle emissions budgets inadequate because one of the transportation conformity rule's adequacy criteria is not met (40 CFR 93.118(e)(4)(iv)) for those 2008 budgets.

Comment 2: The commenter asserts that the plan's failure to show Reasonable Further Progress in 2008 limits the ability of the plan to provide extra emission reductions needed for later RFP years. The commenter also notes that this flaw prevents the plan from demonstrating that the area can achieve expeditious attainment and cannot include adequate contingency measures.

Response 2: As discussed previously, EPA agrees that the plan does not show Reasonable Further Progress for the year 2008 and is finding those budgets inadequate since the budgets do not meet the transportation conformity adequacy criteria found in 40 CFR 93.118(e)(4)(iv). However, the plan's inability to comply with the Clean Air Act's reasonable further progress requirements for 2008 does not preclude the SIP from complying with reasonable further progress requirements in later years. As discussed in the 8-hour ozone implementation rule, the rate of progress reductions for each year are calculated separately. From the proposed 8-hour ozone implementation rule, (68 FR 32802, at 32811, June 2, 2003): "To the extent that subpart 2 addresses a specific planning obligation, the provisions in subpart 2 control. For example, under section 182(b), moderate areas are subject to 15 percent ROP requirements rather than the more general RFP requirements of section 172(c)(2)." This continues EPA's long-term interpretation that meeting the specific ROP requirement in subpart 2 satisfies the general RFP requirement in 172(c)(2). See EPA's general preamble for implementation of title I of the Clean Air Act Amendments of 1990 at 57 FR 13498, at 13510 and 13518 (April 18, 1992).

The Subpart 2 ROP requirements are calculated based on reductions for each year and are separate from the attainment demonstration requirement. Also, we note that the submitted RFP demonstrations for milestone years 2011, 2014, and 2017 would be sufficient as RFP plans even if the attainment demonstration ultimately demonstrates attainment in any year beyond 2017. In other words, since we preliminarily find that the plan shows 3% per year reduction in ozone precursor emissions for milestone years 2011, 2014, and 2017, and that the budgets are consistent with the RFP demonstrations for those years, the submitted RFP demonstrations and related motor vehicle emissions budgets would not necessarily need to be revised for milestone years 2011, 2014, and 2017 if the year representing expeditious attainment were to be 2018 or later, and we have no information suggesting that 2017 or any earlier year represents expeditious

attainment of the 8-hour ozone NAAQS in the San Joaquin Valley. We address the issue of contingency measures in our response to comment #7 herein.

Comment 3: The commenter asserts that the control measures in the plan fail to meet the minimum Clean Air Act requirements and that the plan unlawfully relies upon emissions reductions from such measures to demonstrate RFP. The commenter requests further that EPA find the motor vehicle emissions budgets inadequate because the budgets include emission reductions from these control measures.

Response 3: EPA has considered all issues in the SIP that are relevant to its budget adequacy decision, and has determined the 2020 and 2023 motor vehicle emission budgets include estimated emission reductions associated with a number of general commitments for future rule adoption that lack specificity. Therefore the 2020 and 2023 motor vehicle emission budgets are inadequate pursuant to 40 CFR 93.118(e)(4)(iii), (iv) and (v). In contrast, the motor vehicle emission budgets for earlier years (i.e., 2011, 2014 and 2017) are consistent with the State's reasonable further progress demonstrations for 8-hour ozone, and these budgets, with one minor exception, are based on adopted control measures that have already been implemented. The one exception is the SJVUAPCD's commitment to adopt an employer-based trip reduction program in 2009 with implementation and emissions reductions to occur in the following year. See section 8.2.3 in the 2007 Ozone Plan. The emissions reductions included in the budgets from the trip reduction program are shown in table 8-1 of the plan. The 2007 Ozone Plan, as adopted by the SJVUAPCD Governing Board, includes the trip reduction program as described in section 8.2.3 of the plan, and adoption of the plan by the Board constitutes the necessary written commitment allowing the related emissions reductions to be included in the budget consistent with the transportation conformity requirements in 40 CFR 93.122(a)(3)(iii).

With respect to RFP, we agree that the RFP demonstrations for years 2011, 2014, and 2017, as submitted by CARB on February 1, 2008, rely on reductions from unadopted measures (though only one of which (the employer-based trip reduction rule, as noted above) affects the budgets). We note, however, that the reductions so relied upon are established in specific commitments by SJVUAPCD to achieve, in the aggregate, the emissions reductions in the applicable milestone years as specified in table 6-1 of the plan. See page 6 (lines 6 through 14) of Governing Board Resolution 07-04-11a for the District's commitments to adopt and implement the rules and measures in the 2007 Ozone Plan by the dates specified in chapter 6 of the plan to achieve the emissions reductions shown in chapter 6, and to submit these rules and measures to EPA via CARB as a revision to the SIP. At this preliminary stage of plan review, we believe SJVUAPCD's commitments to be enforceable and the RFP demonstrations (in 2011, 2014, and 2017) that rely upon them to be approvable. The budgets for years 2011, 2014, and 2017 also meet all of the other adequacy criteria, including being precisely quantified and clearly related to the overall SIP. Therefore, these budgets meet the transportation conformity adequacy criteria found in 40 CFR 93.118(e)(4). In addition, EPA notes that in any case the budgets demonstrate progress towards attainment, because they reflect reductions in emissions from the mobile source sector compared to current levels.

Comment 4: The commenter requests that EPA find the budgets inadequate on the basis that the emissions budgets are built on the foundation of an unapprovable SIP. The commenter indicates that the attainment demonstration in the plan contains errors and that the reasonable further progress is not demonstrated.

Response 4: EPA finds budgets adequate or inadequate based on whether the adequacy criteria in 40 CFR 93.118(e)(4) and (5) are met. These comments are more directly related to the approvability of the SIP than to EPA's determination whether the budgets are adequate. EPA will consider all comments relevant to SIP approvability at the time of its comprehensive review of the SIP.

EPA believes that it is required to review separately each budget that is initially submitted to meet a reasonable further progress or attainment SIP requirement. Specifically, section 93.118(e) requires EPA to determine the adequacy of each initial SIP budget that is established for a particular year and Clean Air Act requirement. The statute requires separate demonstrations for SIP purposes for each milestone year. See CAA sections 182(b)(1)(A) and 182(c)(2)(B). Therefore, since a separate RFP demonstration is required for each milestone year and the attainment demonstration is another separate SIP requirement, the transportation conformity rule requires EPA to review each RFP SIP budget separately according to our adequacy criteria. See 40 CFR 93.118(e)(4)(iv). In this case, we are finding adequate the budgets for milestone years 2011, 2014, and 2017 because they meet the adequacy criteria and because, based on our initial review, the SIP demonstrates RFP for those years. Also, we note that the budgets for 2011, 2014, and 2017 do not necessarily need to be revised once the concerns that we have raised in connection with the RFP (milestone years 2020 and 2023) and attainment demonstrations are resolved. We are finding inadequate the budgets for milestone years 2020 and 2023 because we have preliminarily determined that RFP for those years relies on general commitments for future rule adoption that lack specificity. In addition, EPA has determined that the 2008 Reasonable Further Progress budgets are inadequate because these motor vehicle emissions budgets do not meet the adequacy criteria in 40 CFR 93.118(e)(4)(iv).

Comment 5: The commenter asserts that the plan fails to meet the requirement to provide for application of reasonable available control technology (RACT).

Response 5: This comment is outside the scope of EPA's adequacy review. The requirement to implement RACT is separate from the requirement to demonstrate RFP. The RACT requirement calls for a state to demonstrate that applicable stationary sources are subject to emission limitations constituting RACT. In contrast, the RFP requirement calls for a state to demonstrate, for each milestone year, that creditable reductions in emissions from all sources (including stationary, mobile, and area) meet or exceed a specified percentage reduction in emissions relative to the base year. We are finding adequate for transportation conformity purposes the motor vehicle emissions budgets for RFP milestone years 2011, 2014, or 2017 because we preliminarily find that the submitted plan demonstrates RFP for those years and because we find that the adequacy criteria at 40 CFR 93.118(e)(4) and (5) are met, including the criterion that budgets for those years are consistent with the RFP demonstration (40 CFR 93.118(e)(4)(iv)). The RFP demonstration for years 2011, 2014, and 2017 relies on stationary source controls currently approved by SJVUAPCD and does not rely on the tighter controls that might be

implemented if EPA were to disapprove the RACT demonstration. Thus, even if we ultimately disapprove the RACT demonstration, the motor vehicle emissions budgets, which by definition do not reflect stationary source emissions, would remain unchanged and would remain adequate.

Comment 6: The commenter asserts that the plan fails to meet the requirement for new source review permitting in extreme ozone nonattainment areas.

Response 6: This comment is outside the scope of EPA's adequacy review. The requirement to amend new source review (NSR) rules for new or modified stationary sources to reflect an area's 8-hour ozone classification is separate from the requirement to demonstrate RFP. We are finding adequate for transportation conformity purposes the motor vehicle emissions budgets for RFP milestone years 2011, 2014, or 2017 because we preliminarily find that the submitted plan demonstrates RFP for those years and because we find that adequacy criteria at 40 CFR 93.118(e)(4) are met, including the criterion that the budgets for those years are consistent with the RFP demonstration (40 CFR 93.118(e)(4)(iv)). The RFP demonstrations for years 2011, 2014, and 2017 rely on stationary source controls currently approved by SJVUAPCD and do not rely on the tighter controls on new or modified stationary sources that will be implemented once SJVUAPCD amends its new source review rules to appropriately reflect the area's nonattainment classification. Thus, even when SJVUAPCD amends its new source review rules, the motor vehicle emissions budgets, which by definition do not reflect stationary source emissions, would remain unchanged and would remain adequate.

Comment 7: The commenter asserts that the plan fails to meet the requirement for contingency measures.

Response 7: This comment is outside the scope of EPA's adequacy review. The requirement to include contingency measures to address any RFP milestones that are not met or to address a failure to attain by the applicable attainment date is separate from the requirement to demonstrate RFP. Emissions reductions from contingency measures by their nature are not relied upon to demonstrate RFP (but, rather to address failures to actually meet RFP milestone targets) and thus are not included in the related motor vehicle emissions budgets for the RFP years. Thus, even if we were to disapprove the contingency measures included in the submitted ozone plan, the motor vehicle budgets would remain unchanged and would remain adequate.

Comment 8: The commenter further asserts that since the plan does not contain adequate control measures (e.g. RACT and NSR), that it cannot assure expeditious attainment, and that the budgets cannot assure timely attainment.

Response 8: As explained above, this EPA action (i.e. adequacy finding) does not determine whether the implementation plan contains adequate RACT and NSR control measures. However, even if it were the case that the plan does not reflect measures meeting the RACT requirement and appropriate NSR controls, we assume that the commenter suggests that if such requirements were met and reflected in the plan, attainment would be achieved earlier than 2023. We reiterate that we are finding motor vehicle emissions budgets for both the 2020 RFP milestone year and the 2023 attainment year to be inadequate. The most distant year for which we are finding budgets to be adequate is 2017. Thus, even if, as the commenter asserts, the plan does not meet

nor reflect the RACT or NSR requirements, our adequacy determination for the budgets for RFP milestone years 2011, 2014, and 2017 would not be affected unless meeting such requirements would provide for attainment by 2017 or before. The reason for this is that the submitted RFP demonstrations for milestone years 2011, 2014, and 2017 could remain sufficient even if the attainment demonstration ultimately provides for attainment for any year beyond 2017. In other words, since we preliminarily find that the plan shows 3% per year reduction in ozone precursor emissions for milestone years 2011, 2014, and 2017, and that the budgets are consistent with the RFP demonstrations for those years, the submitted RFP demonstrations and related motor vehicle emissions budgets need not be revised for milestone years 2011, 2014, and 2017 even if the year representing expeditious attainment were to be 2018 or later. With an earlier attainment year (i.e., earlier than 2023 but later than 2017), the RFP demonstration and related budgets for 2011, 2014, and 2017 could be revised, if, for example, additional on-road control measures were implemented, but it is not a certainty that the SIP will be revised in a way that will necessitate a revision to any of these RFP demonstrations or motor vehicle emissions budgets.

EPA evaluated the potential for additional stationary source controls, such as those that would be implemented in the event that we disapprove the RACT demonstration and that will be implemented once the required NSR rule changes are adopted, to achieve attainment in San Joaquin Valley by 2017 or earlier. We compared the ozone precursor emissions in 2017 from stationary/area sources with the predicted carrying capacity. The carrying capacity is 160 tons per day of NO_x and 342 tons per day of ROG. The 2017 emissions inventory shown in the revised RFP table is 370 tons per day of NO_x and 402 tons per day of ROG. Thus, the amount of reduction from the 2017 inventory sufficient to reach attainment is 210 tons per day of NO_x and 60 tons per day of ROG. In 2017, the entire stationary/area source inventory is 109 tons per day of NO_x. Completely eliminating all stationary/area source emissions in 2017 would achieve only 52% of the reductions needed for attainment. Thus, while it is theoretically possible that tighter controls on stationary sources could advance the attainment date, such controls would not advance the attainment date in San Joaquin Valley to 2017. Therefore, the budgets for RFP milestone years 2011, 2014, and 2017 would remain adequate even if we should ultimately find that 2023 does not reflect expeditious attainment because RACT and NSR are not being implemented in San Joaquin Valley as required to meet the corresponding requirements under the Clean Air Act and our 8-hour ozone implementation rule.

Comment 9: The commenter notes that without the required control measures, California's use of the black box fails to meet the requirements of the Clean Air Act.

Response 9: This comment is outside the scope of EPA's adequacy review. EPA will consider these comments and the issues they raise when we take rulemaking action on the 8-hour ozone attainment demonstration for 2023. The question of whether the "black box" portion of the plan is approvable affects only the adequacy of the attainment year budgets, since the plan does not rely on "black box" measure reductions for RFP. As discussed elsewhere in EPA's adequacy finding, we are determining that the 8-hour ozone attainment year budgets in the plan are inadequate. Please refer to other parts of today's finding for further information.