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Folder Title:
CAA [Clean Air Act] - General [5]

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CAA -
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Old Car Scrappage in CAA of 1990

Section 108 of the Clean Air Act Amendments of 1990 requires EPA, in consultation with DOT, state and local officials, and after public notice and comment, within nine months and periodically thereafter to update the 1978 Transportation Air Quality Planning Guidelines and publish guidance on the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards.

In addition, the Administrator of EPA is required to publish, not later than one year after enactment of the CAA, and from time to time thereafter, information prepared in consultation with DOT and after public notice and comment, regarding the formulation and emission reduction potential of transportation control measures related to criteria pollutants and their precursors, including, but not limited to, programs to encourage the voluntary removal from use and the market place of pre-1980 model year light duty vehicles and pre-1980 model light duty trucks.

amendments of 1990 but, subsequent to the Administrator to be substantially attainment of the relevant primary the date of such finding."

INDIAN TRIBES.

POLLUTION CONTROL AGENCY.—Section (42 U.S.C. 7602(b)) is amended by—
and of paragraph (3);
ons at the end of paragraphs (1), (2),
ods at the end of each such paragraph;

new paragraph after paragraph (4):
ian tribe."

BE.—Section 302 of the Clean Air Act
adding new subsection (r) to read as

"m 'Indian tribe' means any Indian
ganized group or community, includ-
e, which is Federally recognized as
s and services provided by the United
ir status as Indians."

e Clean Air Act (42 U.S.C. 7410) is
ing new subsection after subsection

ndian tribe submits an implementa-
pursuant to section 301(d), the plan
ce with the provisions for review set
lans, except as otherwise provided by
ant to section 301(d)(2). When such
rdance with the regulations promul-
plan shall become applicable to all
vided otherwise in the plan) located
of the reservation, notwithstanding
nd including rights-of-way running

tion 301 of the Clean Air Act (42
ling at the end thereof the following

Subject to the provisions of para-

at Indian tribes as States under this
the requirement that makes avail-
ch State not less than one-half of 1
ations under section 105; and
ch Indian tribe grant and contract
tions provided by this Act.

l promulgate regulations within 18
enactment of the Clean Air Act
ng those provisions of this Act for
Indian tribes as States. Such treat-

as a governing body carrying out
uties and powers;
exercised by the Indian tribe pertain
rotection of air resources within the

exterior boundaries of the reservation or other areas within the
tribe's jurisdiction; and

"(C) the Indian tribe is reasonably expected to be capable, in
the judgment of the Administrator, of carrying out the func-
tions to be exercised in a manner consistent with the terms and
purposes of this Act and all applicable regulations.

"(3) The Administrator may promulgate regulations which estab-
lish the elements of tribal implementation plans and procedures for
approval or disapproval of tribal implementation plans and portions
thereof.

"(4) In any case in which the Administrator determines that the
treatment of Indian tribes as identical to States is inappropriate or
administratively infeasible, the Administrator may provide, by regu-
lation, other means by which the Administrator will directly admin-
ister such provisions so as to achieve the appropriate purpose.

"(5) Until such time as the Administrator promulgates regulations
pursuant to this subsection, the Administrator may continue to
provide financial assistance to eligible Indian tribes under section
105."

SEC. 108. MISCELLANEOUS GUIDANCE.

(a) **TRANSPORTATION PLANNING GUIDANCE.**—Section 108(e) of the
Clean Air Act is amended by deleting the first sentence and insert-
ing in lieu thereof the following: "The Administrator shall, after
consultation with the Secretary of Transportation, and after provid-
ing public notice and opportunity for comment, and with State and
local officials, within nine months after enactment of the Clean Air
Act Amendments of 1989 and periodically thereafter as necessary to
maintain a continuous transportation-air quality planning process,
update the June 1978 Transportation-Air Quality Planning Guide-
lines and publish guidance on the development and implementation
of transportation and other measures necessary to demonstrate and
maintain attainment of national ambient air quality standards."

42 USC 7408.

(b) **TRANSPORTATION CONTROL MEASURES.**—Section 108(f)(1) of the
Clean Air Act is amended by deleting all after "(f)" through the end
of subparagraph (A) and inserting in lieu thereof the following:
"(1) The Administrator shall publish and make available to appro-
priate Federal, State, and local environmental and transportation
agencies not later than one year after enactment of the Clean Air
Act Amendments of 1990, and from time to time thereafter—

Public
information.

"(A) information prepared, as appropriate, in consultation
with the Secretary of Transportation, and after providing public
notice and opportunity for comment, regarding the formulation
and emission reduction potential of transportation control
measures related to criteria pollutants and their precursors,
including, but not limited to—

"(i) programs for improved public transit;

"(ii) restriction of certain roads or lanes to, or construc-
tion of such roads or lanes for use by, passenger buses or
high occupancy vehicles;

"(iii) employer-based transportation management plans,
including incentives;

"(iv) trip-reduction ordinances;

"(v) traffic flow improvement programs that achieve
emission reductions;

"(vi) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit service;

"(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;

"(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

"(ix) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

"(x) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

"(xi) programs to control extended idling of vehicles;

"(xii) programs to reduce motor vehicle emissions, consistent with title II, which are caused by extreme cold start conditions;

"(xiii) employer-sponsored programs to permit flexible work schedules;

"(xiv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity;

"(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior; and

"(xvi) program to encourage the voluntary removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model light duty trucks."

(c) RACT/BACT/LAER CLEARINGHOUSE.—Section 108 of the Clean Air Act (42 U.S.C. 7408) is amended by adding the following at the end thereof:

"(h) RACT/BACT/LAER CLEARINGHOUSE.—The Administrator shall make information regarding emission control technology available to the States and to the general public through a central database. Such information shall include all control technology information received pursuant to State plan provisions requiring permits for sources, including operating permits for existing sources."

(d) STATE REPORTS ON EMISSIONS-RELATED DATA.—Section 110 of the Clean Air Act (42 U.S.C. 7410) is amended by adding the following new subsection after subsection (o):

"(p) REPORTS.—Any State shall submit, according to such schedule as the Administrator may prescribe, such reports as the Administrator may require relating to emission reductions, vehicle miles traveled, congestion levels, and any other information the Administrator may deem necessary to assess the development effectiveness,

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JELLINEK, SCHWARTZ & CONNOLLY, INC.
ENVIRONMENTAL AND PUBLIC POLICY CONSULTANTS

Marcus Peacock
Senior Analyst

1015 15th Street, NW, Suite 500, Washington, DC 20005 • Telephone (202) 789-8181 •
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Document Originally
Attached to
Following Page

JELLINEK, SCHWARTZ & CONNOLLY, INC.

August 3, 1992

Dear Jeff:

Thought you might be interested in this.
Susan used to work in OIRA.

Sincerely,

Marcus



Enclosure



The Future of Clean Air Futures

By Susan Dudley

On April 21, 1992, the Commodity Futures Trading Commission unanimously voted to designate the Chicago Board of Trade (CBOT) as a contract market in "clean air futures." This permits the CBOT to trade futures contracts in the sulfur dioxide emission allowances that will be generated under the acid rain provisions of the Clean Air Act Amendments (CAAA) of 1990. Electric utilities and other participants in the SO₂ allowance market should find clean air futures to be a valuable tool for strategic planning and risk management.

Under Title IV of the CAAA, the Environmental Protection Agency (EPA) will implement mandated SO₂ reductions in two phases by allocating a limited number of "allowances" to plants that currently emit SO₂. Each allowance will permit an electric utility unit to emit one ton of SO₂. Allowances will be allocated to achieve approximately a 50 percent reduction in emissions from 1980 levels by the year 2000. The allowed level of emissions will be easier for some utilities to achieve than for others, so the amendments permit allowances to be bought and sold. Most utilities will find that a least-cost strategy involves some combination of (a) using the allowances initially allocated by EPA (i.e., emitting an equivalent number of tons of SO₂), (b) buying additional allowances from other sources, (c) selling excess allowances, or (d) "banking" them for use in future years. There are no restrictions on who can buy or hold allowances, so brokers, environmental groups, or even private citizens may choose to enter the market.

EPA will allocate about 6.4 million allowances in each year during Phase I of the program (1995 to 1999). During Phase II, which covers many more sources, EPA will allocate about 9.48 million allowances annually for the years 2000 to 2009, and 8.95 million per year thereafter. With median prices expected to be \$320 per allowance in Phase I and \$400 per allowance in Phase II, the total size of the market will be quite large — over \$2 billion per year between 1995 and 1999, and over \$3.5 billion per year thereafter.

Uncertainties

The creation of a market in emission allowances increases flexibility in complying with the acid rain provisions, but it does not eliminate risk and uncertainty. Unusual weather conditions may affect consumer demand for electricity, scrubbers may prove less reliable than expected, or the price of allowances may turn out to be higher (or lower) than predicted. Further contributing to this uncertainty is the fact that entities which emit SO₂ but are not covered by the amendments may choose voluntarily to comply with the acid rain provisions and receive allowances from EPA. Such sources, which could include small utilities and industrial boilers, will presumably choose to participate only if the credit they expect to receive (i.e., the allowances) exceeds their obligation. On net, therefore, their participation will increase the supply of allowances.

This has important implications for utilities because it means that the supply of allowances is not fixed. As the price of SO₂ allowances increases, more sources will choose to "opt in" to the market, thereby limiting the potential for upside price movement.

Regulatory uncertainties also complicate utilities' strategic planning decisions. The CAAA contain various provisions that would allow EPA to withdraw permits from the market or allocate more to certain sources, making it difficult to anticipate ultimate supply and demand. Questions about how public utility commissions will view transactions in allowances add further regulatory uncertainty.

The Futures Market

Futures markets have been used for over a century to reduce price risks associated with unanticipated changes in supply and demand. A futures contract commits two parties to exchange the underlying commodity (in this case, twenty-five SO₂ allowances) at a given price on a specified future date. Because all commitments are guaranteed by the futures exchange, the credit risk or even the identity of the counterparty to any trade are irrelevant to market participants. Unlike individually brokered commitments between two parties, futures commitments in liquid markets are easy to "unwind": one simply executes an offsetting transaction. In fact, the underlying commodity in a futures transaction is rarely delivered. In contrast to the "cash market," where the sum of all allowances is equal to those issued by EPA minus those consumed to date, the sum of all long and short futures contracts is always zero. As expiration day approaches, market participants unwind their positions.

These characteristics of futures markets are likely to make clean air futures a low-cost way to hedge against inevitable uncertainty in supply and demand forecasts. For example, best estimates of future supply and demand conditions may indicate that the least-cost compliance strategy is to reduce output and sell excess allowances. How-

ever, a cold winter could increase demand enough to force the utility to purchase extra allowances to cover the increase in emissions. Since the increased demand would put available allowances at a premium, the utility would have to purchase them at a high price. To hedge against this possibility, a utility could buy futures at a price determined today, making it easier to plan operations and output prices with more certainty.

Utilities will not be the only beneficiaries of futures markets. Brokers and other participants in the allowance trading market will find futures markets valuable for hedging. Moreover, anyone who believes prices do not properly reflect underlying supply and demand can take an unhedged position, which is far easier to do in a liquid futures market than in the cash market.

Even those who do not participate directly in the fu-

tures market are likely to benefit by its existence. First, because futures prices are widely reported and readily accessible, the market price for SO_2 allowances will be more easily observed than if one had to rely on reports of prices negotiated between private parties. Moreover, research has indicated that futures markets tend to make the underlying market more efficient and less volatile.

A variety of regulatory as well as business risks complicate compliance decisions under the acid rain regulations. Understanding how the futures market can reduce such uncertainty need not be another complication and is likely to be very helpful for utilities, brokers, and other market participants.

Susan Dudley is a senior economist at Economists Incorporated in Washington, D.C.

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***** Intel Facsimile Transmission *****

Date : July 16, 1992
Pages : 6
To : Jeff Holmstead
Fax Phone : 202-456-7929
From : Michael Engelhardt
Phone : 202-429-2054
Fax Phone : 202-296-7332
Subject : GORDON E. MOORE OP-ED

CAA Gentl

THE GORDON MOORE OP-ED THAT JOHN WARDEN MENTIONED TO YOU IS ATTACHED. WE MAY YET CHANGE A FEW WORDS, BUT NOTHING SUBSTANTITVE.

WE INTEND TO SUBMIT THIS OP-ED TO THE WALL STREET JOURNAL.

INTEL BELIEVES THAT THE BUSH ADMINISTRATION ACTED COURAGEOUSLY IN FACING DOWN THE ENVIRONMENTALISTS ON THE CLEAN AIR ACT REGULATIONS. WE HOPE THAT THIS OP-ED PLEASES YOU.

OP-ED

DRAFT

GORDON E. MOORE
CHAIRMAN, INTEL CORPORATION

The Bush Administration was recently criticized by environmental groups for urging modifications in air quality regulations proposed by the EPA. These rules are the first wave of regulations required by the 1990 Clean Air Act. Federal, state and local regulators are expected to issue a million pages of regulations to fully implement the Act, and our economy will spend \$60-80 billion per year to comply with the new rules. Surely we all hope that this enormous investment of resources will be managed effectively. The Bush Administration's recent actions suggest that these hopes may be fulfilled.

The environmentalists' criticisms, quoted widely in the popular press, completely missed the point of the Bush Administration's efforts. President Bush persuaded the EPA to streamline its proposed permit process, a process that was so lengthy, repetitive and awkward that it would have seriously imperiled this nation's economic health. This action was bound to rile some environmentalists, but it made it possible for companies such as Intel Corporation to proceed with plans to build new manufacturing facilities in the United States and create new jobs. Incidentally, it also means we can accelerate the pace at which we introduce new manufacturing processes that reduce air pollution.

The problem is that the EPA's regulatory paradigm is rooted in the 1970s, when the strategy was to get control of the worst

DRAFT

polluters in America's traditional "smokestack" industries. Unfortunately, the regulatory system that may be more or less appropriate to mature, technologically stable industries is a disaster for America's rapidly-evolving, high technology companies.

Intel Corporation is the world's largest manufacturer of integrated circuits, commonly known as "computer chips" or semiconductors. Intel and other American manufacturers of computers, semiconductors, and electronic equipment battle for share in international markets that are brutally competitive, rife with innovation, and constantly in upheaval. New products, considered "revolutionary" just a few years ago, are now obsolete. A look at the evolution of Intel's X86 generations of microprocessors will convey how rapid innovation and increasing complexity differentiates our industry. The 80286 microprocessor that Intel introduced in 1982 contained 130,000 transistors, a staggering number at the time. Yet only three years later we introduced the 80386 with 275,000 transistors. Then we nearly quadrupled the transistor total in 1989 with the introduction of the 80486 with its 1.2 million transistors. Now, three years later, the microprocessor we'll introduce in 1992 will have over 3 million transistors.

The unrelenting evolution of high-technology products creates unique challenges for American manufacturers, challenges which unfortunately are not well understood by some environmentalists and regulators. Each new generation of our

DRAFT

microprocessors, for example, requires us to develop new manufacturing processes and even build new plants from the ground up. To stay competitive, we must conceive, plan and build new manufacturing plants in less time than companies in other industries require to conduct feasibility studies. And if we fall behind with new products, it's nearly impossible to catch up. A regulatory process that prevents us from changing our manufacturing processes as quickly as our foreign competitors will simply doom our U.S. operations.

Our concerns with the EPA's original regulatory proposals centered on excessive lead times for permitting and having to re-permit entire plants just to undertake minor process changes. The EPA permit process for a new plant would have taken nearly to two years --30% longer than the 18-month life cycle projected for our future microprocessors. We know we can meet the emission requirements of the 1990 Clean Air Act, but the permitting process, as originally proposed, would have lengthened our time-to-market for new products so much that we simply could not have manufactured future microprocessors competitively in the United States. In fact, obtaining environmental permits would have been the single longest time requirement of bringing new products to market! Our only option would have been to build new manufacturing plants overseas.

Fortunately, the Bush Administration fine-tuned the proposed regulations to give companies operating *flexibility*. We can now move ahead with several expansions in our U.S. manufacturing

DRAFT

plants. In Santa Clara, California, we're investing \$400 million to add a full-scale manufacturing plant to a research and development facility. This plant will employ over 450. In Oregon, we're building a new R&D facility and converting existing R&D space into leading-edge manufacturing. This project will pump \$400 million dollars into the Oregon economy and add over 400 new jobs. Intel is also developing plans to build our next-generation plant, our largest and most advanced semiconductor facility. The plant is expected to cost up to \$1.5 billion and create well over a 1,000 new jobs. Intel always wanted to build this plant in the U.S, but the draft air quality regulations forced us to consider offshore locations. From a competitive standpoint, Intel simply could not have afforded the uncertainties and delays of the original permitting process. With permitting red tape reduced, we can proceed with our original intentions.

Considering that we could have gone offshore, it's ironic that this new facility will be the cleanest manufacturing plants that Intel has ever operated. At Intel, we design new plants to pollute less than older facilities. We do this for sound business reasons. Chemicals are expensive to purchase, handle and dispose. If our manufacturing facilities use less chemicals, we create less wastes, so we save on handling and treatment and reduce our potential liability costs.

I am proud of Intel's environmental record. We've reduced our hazardous wastes by 75% since 1985. This is especially

DRAFT

impressive given that our revenues grew over 300% during the same period. Last year, Intel became the first manufacturer to eliminate ozone-depleting chemicals from its computer systems manufacturing worldwide. We also intend to eliminate all CFC emissions in all our manufacturing processes by year's end. An Intel facility was also honored in 1991 by the California Water Pollution Control Association for developing an advanced industrial waste water treatment system.

We realize that criticizing any environmental regulation is unpopular, but clearly it is time to reexamine old regulatory paradigms. We're grateful that the Bush Administration is bold enough to adopt new regulatory approaches that will reconcile environmental regulation with economic growth. The new formula for environmental regulation is not complicated. Give industries tough and specific emissions targets, but allow them broad discretion about how to meet them. Hold industries' feet to the fire, but don't dictate how they operate. Don't micro-manage America's high technology industries from Washington.

Environmentalists are fond of proclaiming that economic growth and environmental protection are compatible goals. They're absolutely correct, but it's unfortunate that so few of them recognize that the Bush Administration is finding ways to achieve both goals.

(1,097 words)

JOHN D. DINGELL, MICHIGAN, CHAIRMAN

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U.S. House of Representatives
Subcommittee on Oversight and Investigations
of the
Committee on Energy and Commerce
Washington, DC 20515

May 31, 1991

COUNSEL'S OFFICE
RECEIVED

JUN 10 1991

The Honorable William K. Reilly
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Administrator Reilly:

Enclosed are the tables of rules, guidances, studies, and standards that the Environmental Protection Agency (EPA) provided to the Subcommittee with EPA's reply of March 7, 1991 to our letter of December 6, 1990 concerning implementation of the amended Clean Air Act. According to EPA's letter, they are "required or expected to be proposed and finalized by EPA" within 24 months after the 1990 amendments to the Clean Air Act. They show a total of over 65 rulemakings and 19 guidances, plus several studies, during this period.

Several regulations and guidances "identified in these tables do not include proposal dates." The letter said that EPA is "still developing complete schedules for these activities" and will provide them to us at a "later date." I look forward to that.

I also note that some of the dates on the tables have passed and apparently have not been met. This greatly concerns me. I recognize that the task is not easy, that many deadlines are short (although, as I have earlier noted, many deadlines are the same as those set by the Administration in its 1989 legislative proposal), and that the EPA has to go through an internal and interagency review process. I also recognize that to facilitate your efforts you are utilizing a pre-rulemaking public involvement process. In support of that process, you said: "By seeking early, informal participation by regulated industries, environmental groups, and state and local officials, EPA will be able to produce a proposed rule that already has been honed to reflect a wide variety of significant comments." The Subcommittee has generally applauded this process, particularly because, as you agree, the "participation prior to proposal of a rule will be in addition to, not as a substitute for, the public participation requirements of the Clean Air Act and the Administrative Procedures Act (APA)."

Jeff
Egi

CAA General

You add that:

...the Clean Air Act allows the Agency to make substantial changes in a proposed rule based on the comments and criticisms received during the public comment period. [See Clean Air Act, Section 307(d)(6), 42 U.S.C. Section 7607(d)(6).] Moreover, at the time the final rule is promulgated, EPA must also provide "a response to each of the significant comments, criticisms, and new data submitted" from the public during the comment period. [Id.] In the Clean Air Act Amendments of 1990, Congress further emphasized the importance of public participation by stating its intent that the Administrator, in promulgating most of the new regulations required by the Amendments, "ensure a reasonable period for public participation of at least 30 days," regardless of whether the regulations are subject to a tight deadline or not. [See amended section 307(h).]

The EPA is fully cognizant of these provisions and other statutory safeguards and will not, indeed cannot, deviate from them. On the other hand, the Agency cannot hope to promulgate the numerous regulations required by the 1990 amendments within the next three years if proposed rules must be completely rewritten (thereby restarting our internal review process and OMB review) to reflect criticisms that could easily have been incorporated into the proposed rule. By seeking early, informal participation by regulated industries, environmental groups, and state and local officials, EPA will be able to produce a proposed rule that already has been honed to reflect a wide variety of significant comments. Of course, if the Agency finds that the public comments reveal significant problems with the proposed rule, we will make the necessary changes in accordance with the procedures of the Clean Air Act and the APA.

As you know, everyone is not always represented in Washington D.C. The public rulemaking process also allows many who did not participate in the informal process to comment. That includes labor, consumers, farmers, small business, Members of Congress, and this Subcommittee.

At the same time, the Subcommittee is concerned about EPA delays in meeting, consistent with the above understandings, the statutory deadlines. The Subcommittee does not want to see a rash of deadline suits and new deadlines set by judges with no input by Congress. I am particularly concerned that a "reg. neg." process, which I understand EPA favors for some rules and which is a more formal process, not cause delay.

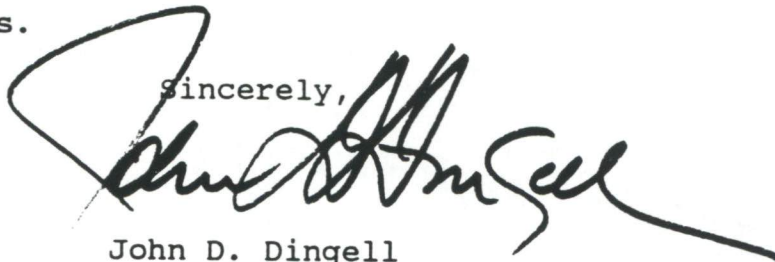
In order to better understand the situation, I request an update of the enclosed tables, including the more "complete" schedules and two further columns showing their status as of June 1, 1991 and the dates for submittal to OMB for interagency review. The Subcommittee will want another update quarterly thereafter beginning September 15.

Also, at a May 1 hearing by the Subcommittee on Health and the Environment, I asked Assistant Administrator William Rosenberg for the understandings between OMB and EPA regarding the interagency review of proposed and final rules that are still being polished at EPA when transmitted to OMB. I have not received those understandings.

I request your reply to the above matters and the enclosed questions not later than June 26, 1991.

With best wishes.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John D. Dingell". The signature is fluid and cursive, with a long horizontal stroke at the end.

John D. Dingell
Chairman
Subcommittee on
Oversight and Investigations

Enclosure

cc: The Honorable Thomas J. Bliley, Ranking Republican Member
Subcommittee on Oversight and Investigations

The Honorable James D. Watkins, Secretary
Department of Energy

The Honorable Richard G. Darman, Director
Office of Management and Budget

The Honorable Charles A. Bowsher, Comptroller General
General Accounting Office

The Honorable F. Henry Habicht, Deputy Administrator
Environmental Protection Agency

Mr. E. Donald Elliott, General Counsel
Environmental Protection Agency

Mr. Boyden Gray, Counsel to the President
The White House

The Honorable William K. Reilly
Page 4

Mr. Roger Porter, Assistant to the President
for Economic and Domestic Policy
The White House

Enclosure

Questions
of John D. Dingell
Chairman
Subcommittee on Oversight and Investigations
regarding
Section 211 of the Clean Air Act as amended

5/31/91

I request your response to the following:

1. One subject of particular concern are the rules and guidances under section 211 of the amended Act which must be promulgated or issued in 1991. The enclosed tables indicate that a notice of proposed rulemaking for 5 rules under this section are projected for publication this month. Yet, I note that none have yet been published and after today May is history. I do not believe that they all have cleared EPA internal review and began the interagency process at the Office of Management and Budget (OMB) which includes other agencies, such as the Energy Department. Please provide their status.

2. You will recall that last December I asked you about your plans to use a negotiated rulemaking process under Public Law 101-648. In your March 7 reply, you said:

As you know, the EPA has successfully used the regulatory negotiation process to develop air pollution control standards for woodstoves and equipment leaks at chemical plants. With respect to work required under the Clean Air Act Amendments of 1990, the Agency is currently evaluating the feasibility of using such a process for a few specific regulations. Criteria that will be used to select regulations for regulatory negotiation include: standards that will have a broad impact, potential participants have an incentive to negotiate, issues are complex, and all appropriate interest groups can be identified and fairly represented. Three specific rules that are currently being considered for regulatory negotiation concern reformulated gasoline, oxygenated fuels, and NOx controls.

Since then, I understand that you have initiated a negotiated rulemaking regarding reformulated and oxygenated gasoline. Please provide an up-to-date list of all of the persons and their

affiliation on that "Reg. Neg." committee. Please also identify the conveners and facilitators and explain how they were selected. Please provide the details of the contract or subcontract for their payment.

3. It is my understanding that the "Reg. Neg." committee has met a number of times. However, no consensus has been achieved and the rule, which is due this month, has not yet been proposed. I also understand that the committee is still meeting and will continue to do so through June. Please explain the status of the committee after rulemaking begins. If the committee reaches a consensus after a rule is proposed, how will the public have an opportunity to learn of it and comment without causing delay in the rulemaking? Will the public comment period be extended, as it should?

4. I further understand that some have urged that if the "Reg. Neg." committee reaches a consensus on a proposal, the participants, including EPA, would be bound by that agreement. That result is not required by Public Law 101-648. What is the view of the EPA and the Administration regarding that or similar proposals? What understandings do you have? Please explain. In responding, please explain the status of the enclosed "Organizational Protocols" with two attachments. One is headed "Draft Protocol Acceptable to the Administration for Clean Fuels Regulatory Negotiations -- May 14, 1991." What "written agreement" is contemplated? What is the ability and authority of the participants to make commitments on behalf of themselves and others who are not actually represented, including many national and local environmental groups, State and local governments, industry firms that often have competing interests, retail service station dealers, and, of course, the Congress and the public? Does the EPA have authority from the President to represent "the Federal government" (i.e., Executive Branch)? Please explain. In the case of woodstove negotiations, what process was adopted?

5. Your staff has explained that EPA, in proposing the rule, plans to set forth various options for comment. That would appear reasonable so long as the rule proposed is complete and reflective of the agency's and Administration's thinking or even preferred approach. The public should not have to guess what EPA plans. Also, the options or issues for comment should be clear and, of course, based on the statute. I request your comments.

I might add that in the case of permits, I thought the preamble was quite long compared to the length of the rule. Indeed, I understand that in one EPA office the drafts of the preamble are three feet high. I am concerned that EPA may be spending too much time on preambles and delaying the rulemaking. I realize that the

rule must be explained. However, I am concerned that EPA may be over-doing it.

6. Enclosed is a March 14, 1991 paper by the "Mediation Institute." It states:

AGENDA ITEM #1 SUMMER FUEL BASELINE RVP LEVEL

Several positions on this subject were expressed by the interests at the table.

API members indicated that their reading of the law was clear- 8.7 RVP is the baseline set by Congress.

EPA staff stated that they were seeking a proposal that would provide a 15% reduction. In their view, 8.7 could be legally interpreted as a minimum.

State and Local government representatives presented their view of the statute which indicated that reductions greater than a baseline of 8.7 were indicated. They stressed that since the program was intended to have an "air quality benefit" and 8.7% would leave most of our dirtiest cities at status quo, this could not have been the intent of Congress.

As a possible accommodation of these disparate positions, the following proposal was introduced for group consideration:

"...that we agree the law sets the baseline at 8.7. However, in these negotiations, we could agree that the maximum feasible reduction is 15% for Class C areas; perhaps greater in Class B and A areas."

The issue was tabled for further discussion at subsequent sessions.

It is my understanding from brief discussions between your staff and mine that EPA, particularly Assistant Administrator William Rosenberg, some States, and possibly others believe that this 15% reduction in reformulated gasoline in all ozone nonattainment areas is important, but because of other rules on "RVP" that percentage might not be achieved. It is also my understanding that they believe that if this is not achieved, EPA and the States will have to require controls (and possibly more stringent controls) for volatile organic compound (VOCs) by small stationary sources. That concerns them.

I am troubled about this alleged concern by EPA and the States for these stationary sources, particularly if they are now uncontrolled or inadequately controlled. The conferees adopted the House version of Title I of the legislation over the objections of EPA and the Administration. The House adopted the view that these smaller stationary sources must be controlled effectively and that we did not adopt the view that EPA and the States should look to Title II provisions and EPA's actual or perceived discretion therein to grant relief to these sources and to provide political relief for the EPA and State officials. We were convinced by the Office of Technology Assessment that without effective, stringent controls on these sources, attainment in many areas would be illusory. Since the Senate concurred in this title, I presume they agreed with these premises.

(a) Do you agree or disagree with each of these understandings? Please explain. Please also explain why the above alternatives are being considered by EPA.

(b) As I understand the 1990 amendments, section 211(k) requires EPA to promulgate rules under section 211 (and, of course, section 307(d)), establishing "requirements for reformulated gasoline fueled vehicles in specified nonattainment areas." The section specifies (sec. 211(k)(1)):

Such regulations shall require the greatest reduction in emissions of ozone forming volatile organic compounds (during the high ozone season) and emissions of toxic air pollutants (during the entire year) achievable through the reformulation of conventional gasoline, taking into consideration the cost of achieving such emission reductions, any nonair-quality and other air-quality related health and environmental impacts and energy requirements.

Section 211(k) provides very specific provisions (sec. 211(k)(1)-(10)) applicable to the establishment of such "requirements." The above authority is not, I believe, an independent, discretionary authority for EPA to use without regard to the rest of sections 211(k) and 211. For example, section 211(k)(2) and (3) both refer to the regulations in paragraph (1) and section 211(k)(3) provides that these regulations shall comply with the "more stringent" of either a particular formula or a performance standard. As to the standard, the law provides that the aggregate emissions of VOC's from "baseline vehicles when using the reformulated gasoline shall be 15 percent below" the aggregate emissions of VOCs from those vehicles "when using baseline gasoline." That gasoline baseline is specifically set forth in section 211(k)(9). That definition does not appear to give EPA

discretion or flexibility to tinker, for example, with the specifications for Reid vapor pressure (RVP) which is 8.7 pounds per square inch. As far as I can tell, the statute does not prescribe this specification as a "minimum" or a "maximum" for any area as suggested above. It is a fixed specification. I do not see how Congress could be more clear. Please explain the legal basis for the above EPA suggestion regarding this RVP baseline and the basis for any discretion EPA believes exist regarding this RVP baseline, assuming of course, that the above March 14 document accurately reflects EPA's thinking.

(c) Additionally, please explain the legal basis for EPA apparently suggesting (as an alternative) that it has some broad discretion to provide, in effect, a different level of reductions for different nonattainment areas because of how they happen to be located in Reid Vapor Pressure Class areas in light of the requirements of all of sections 211(k) and 211(h), the factors in the second sentence of section 211(k)(1), and the provisions of Title I of the 1990 amendments. How would this EPA proposal effect opt-in areas and the second stage levels for the year 2000?

I point out that the Energy and Commerce Committee's reported version of H.R. 3030 was quite different from the reformulated gasoline provisions adopted on the House Floor as part of a package of en bloc amendments that I offered on the House Floor (see Cong. Rec. of May 23, 1990 p. 2832) which included a new section 211(k) and which resulted from negotiations among many Members, including myself and Congressmen Lent, Madigan, Fields, Hall, Sharp and Waxman. It also differed from an earlier proposal by other Members, such as Congressmen Richardson and Madigan. The final version adopted by the conference was also different than either the House or Senate-passed versions. I have discussed in earlier correspondence on permits the issue of legislative history and comments of the joint conferees. That discussion is also relevant here.

7. Please also explain how the EPA believes it will monitor and **enforce** compliance with reformulated gasoline requirements **effectively** so as to avoid cheating that could occur because of likely **price** differences between conventional and reformulated gasolines in the same area. What certifications and reporting would be required of refiners and others and how would it work and be utilized effectively at EPA, remembering the experience in the case of leaded gasoline where EPA was trying to analyze reports by hand? Who will be responsible in any enforcement action, the refiners or the retailers?

8. I understand that EPA and others have recognized that "cost incentive exists" to cheat by selling less-expensive conventional gasoline in an area. I understand that some urge "performance averaging." Please explain that term and its effect on all persons involved in the refinement, distribution and retail sale of gasolines and on this problem of enforcement for all such persons and the EPA. Does this assume averaging of VOC, NOx, and toxic emissions? How would the averaging work? What are the alternatives? With performance averaging, some allege that no gasoline sample taken at any service station would necessarily have to comply with the reformulated gasoline requirements, since it can be contended that the sample is to be averaged with the gasoline previously sold at the station, or gasolines being sold at various locations. Do you agree? Is it a problem?

Is it possible that gasolines produced by blending low-cost high-emission petroleum blendstocks could be sold as a reformulated product without regard to emissions performance and provide some advantages of price which could produce substantial monetary results? Is that consistent with the law and if not, how is it preventable? Is it reasonable to expect enforcement will be effective if it occurs, not at the pump, but at the terminals, such as the one in Fairfax City, Virginia which, I believe, includes tanks that may have multiple owners and the distributors do not necessarily inform those owners where they plan deliveries of the gasoline pumped from those tanks? Do terminals serve more than one area? Please explain.

I am also concerned that these provisions could create price increases and gasoline shortages. How does EPA plan to monitor, with the help of the Energy Department, this possibility?

I was surprised to learn from your May 13, 1991 letter on leaded gasoline that "Refiners are not required to report to EPA where the gasoline is sold" and that EPA has to "purchase data" from the Lundberg Survey in order to see where leaded gasoline is sold. Why did EPA not require such reporting? Is that contemplated for this rule? If so, why? How would it work? Are there equivalent data sources that would show that the rule is working effectively in achieving emissions reductions and fairly.

At this moment, I am not for or opposed to gasoline averaging and I certainly do not want to see all enforcement leveled at gasoline station owners. I seek information only.

9. Enclosed is an article from the Detroit News which states that "Rules may push independent gas stations out of business." I request your comments, including your view of the effect of these added rules on these stations.

10. Please also explain the status of matters under section 211(m), including the waiver provisions.

11. The terms "domestic capacity" and "domestic waivers" are used in the amended section 211. I understand that some contend that the term includes product available in parts in the U.S. Is that true? What is the justification for that view because it appears to be an unusual interpretation of the term "domestic"? Please explain what is encompassed by the term "available at a part" from the standpoint of Customs law. What is the role and application of the U.S.-Canada Free Trade Agreement? What is the potential impact on U.S. refinery capacity? To what extent do we now anticipate in 1995 and 2000 that oxygenates and oxygenated gasoline will be from sources outside the U.S. and what will be the security, balance of payment and job implications?

12. Please also identify the anti-dumping issues. Am I correct that the law does not require reformulated gasoline in anti-dumping areas so long as the conventional gasoline emissions in those areas do not result in average per gallon emissions in excess of emissions attributable to such gasoline in commerce in the area in 1991? Please explain.

OAQPS PROJECTS ANTICIPATED TO IMPLEMENT CLEAN AIR ACT

TITLE/ CITATION	TYPE OF ACTION	PROJECT	PROPOSAL/ PROMULGATION	AFFECTED ENTITIES
V TITLE I	Guidance	Preamble to Specify the Requirements for SIPs	None/ August '91	States; Indirectly Impacts Industries Emitting Criteria Pollutants
V 107	Rule	Attainment Status Designation (03, CO, Lead, SO ₂ , PM-10)	None/ July '91	Indirectly Impacts Industries Emitting Criteria Pollutants
V 110(m)	Rule	Sanctions Criteria	July '91/ March '92	Indirectly Impacts Industries Emitting Criteria Pollutants
V 182(b)	Study	Equivalent Stage II Measures in Transportation Areas	/ May '91	Gasoline Service Stations
V 110(k)	Rule	SIP Completeness Criteria	/ August '91	States
V 182(g)	Rule	Economic Incentives Program	November '91/ November '92	States; Indirectly Impacts Industries Emitting Criteria Pollutants
V 187	Guidance	Significant Impact of CO	/ May '91	Stationary Sources of CO
V	Guidance	RACM/BACM to Control Fugitive Dust Sources	October '91/ May '92	State and Local Governments; Indirectly Affects Sources of Fugitive Dust
V 190	Guidance	RACM/BACM for Residential Wood Combustion	August '91/ May '92	State and Local Governments; Indirectly Affects Wood Stove Manufacturers
V 190	Guidance	RACM/BACM for Prescribed Burning	October '91/ May '92	State and Local Governments; Indirectly Affects Forestry Management Practices and Farmers
V Various	Rule	NSR Update Package	June '91/ May '92	State and Local Governments; Industries Seeking to Construct New Sources

OAQPS PROJECTS ANTICIPATED TO IMPLEMENT CLEAN AIR ACT

TITLE/ CITATION	TYPE OF ACTION	PROJECT	PROPOSAL/ PROMULGATION	AFFECTED ENTITIES
I/ 183(a)&(c)	Guidance	Control Techniques Guidelines	/ November '93	State and Local Governments; Multiple Industries
I/ 183(a)	Rule	Marine Vessel Operations	November '91/ November '92	Marine Vessels
I/ 190	Guidance	RACT for PM-10 from Stationary Sources	May '91/ January '98	Stationary Sources of PM-10
I/ 184	Guidance	Criteria to Measure O3 Transport	/ May '91	State and Local Governments
I/ 182(c)	Rule	Enhanced Monitoring of O3, NOx, and VOC	/ May '92	State and Local Governments
I/ 185(B)	Study	NOx and VOC as O3 Precursors (NAS)	/ February '92	
III/ 112(c)	Rule	Development of HAP Source Category List	/ November '91	Source Category Industries
III/ 112(b)&(c)	Rule	Lesser Quantity Cutoffs (LQC)	/ November '91	Small Sources of Air Toxics
III/ 112(d)	Guidance	Petition Process/Criteria Work Group	/ May '91	
III/ 112(d)	Guidance	Provisions for MACT Exemptions (Voluntary Reduction)	/ June '91	Sources of Air Toxics
III/ 112(d)	Rule	Chromium Electroplating NESHAP	February '92/ February '93	Hard Chromium, Decorative Plating, and Anodizing Plants
III/ 112(g)	Guidance	Implementation of Section 112(g) "Modifications"	/ May '92	

OAQPS PROJECTS ANTICIPATED TO IMPLEMENT CLEAN AIR ACT

TITLE/ CITATION	TYPE OF ACTION	PROJECT	PROPOSAL/ PROMULGATION	AFFECTED ENTITIES
III/ 112(d)	Guidance	Asbestos NESHAP (Comprehensive Revision)	April '92/ May '93	Milling, Manufacturing and Fabricating; Demolition and Renovation; Waste Disposal; Construction
III/ 112(d)&(e)	Rule	Hazardous Organic NESHAP (HON)	November '91/ November '92	Chemical Manufacturers
III/ 112(d)	Rule	NESHAP for Dry Cleaning Industry	November '91/ November '92	Dry Cleaning Industries; Coin operated; Commercial; Industrial
III/ 112(d)&(e)	Rule	NESHAP: Commercial Sterilization- Ethylene Oxide	March '92/ March '93	Medical Equipment Suppliers; Pharmaceutical Manufact.; Other Health Related Industry; Spice Manufact.; Contract Sterilizers; Labs; Libraries; Museums; Archives
III/ 112(d)	Rule	NESHAP for By-Product Coke Oven Battery	October '91/ October '92	Coke Ovens
III/ 129(a)	Rule	Large Municipal Waste Combustor (MWC) Standards	May '91/ November '91	Large Municipal Waste Combustors
III/ 129(a)	Rule	Small MWC Standards	January '92/ November '92	Small Municipal Waste Combustors
III/ 129(a)	Rule	Medical Waste Incineration Standards	August '92/ September '93	Medical Waste Incinerators
V/ 507	Rule	Operating Permits - Part I (State requirements)	April '91/ November '91	State and Local Governments; Indirectly Affects Major Sources Regulated Under the Clean Air Act

OAQPS PROJECTS ANTICIPATED TO IMPLEMENT CLEAN AIR ACT

TITLE/ CITATION	TYPE OF ACTION	PROJECT	PROPOSAL/ PROMULGATION	AFFECTED ENTITIES
V/ Title V	Rule	Operating Permits - Part II (Federal Implementation)	November '91/ May '92	Major Sources Regulated Under the Clean Air Act
VII/ 113(d)	Rule	Administrative Penalty Program (Rules of practice)	April '91/ June '91	Unspecified
VII/ 113(d)	Rule	Field Citation Program	February '92/ November '92	Unspecified
VII/ Title VII	Rule	Monitoring and Compliance (Also part of Title V)	November '91/ May '92	Major Sources Regulated Under the Clean Air Act
VII/ 304	Rule	CAA Citizen Suit Fund	November '91/ August '92	Unspecified
VII/ 113(i)	Rule	CAA Award Provisions	February '92/ November '92	Unspecified
VII/ 306(a)	Rule	Contractor Listing Under CAA	January '92/ November '92	Unspecified
VIII/ 804	Guidance	Review and Update of VOC, NOx and CO Emissions Factors	/ May '91	Indirect Impact on Sources Regulated Under O3 Nonattainment Provisions

Contractors used by office: ABB Environmental Services, Incorporated, AEROCOMP, Incorporated, Alliance Technologies, Cambridge Systematics, Clement Associates, Incorporated, E.H. Pechan & Associates, Incorporated, ICF, JACA, JRB Associates, Mathtech, Midwest Research Institute, Pacific Environmental Services, PEI (International Technologies), Radian Corporation, Research and Evaluation Associates, RTI, Science Applications International Corporation, VIGYAN, Incorporated.

**OMS PROJECTS ANTICIPATED TO IMPLEMENT THE CLEAN AIR ACT
AMENDMENTS OF 1990**

CAA TITLE	STATUTORY REFERENCE	PROJECT TITLE	PROJECT TYPE	TIMING	AFFECTED INDUSTRIES
I	182	Inspection/Maintenance Guidelines	Guidance	11/91 required, targeted for 6/91	State Agencies
I	187	Vehicle Miles Traveled (VMT) Forecast	Guidance	5/91	State Agencies
I	130	Emission Factors (Mobile 4)	Review and Revise as needed	5/91	State Agencies
I	182	Stage II Gasoline Vapor Recovery	Guidance	8/91	Gas pump infra. Auto industry, state agencies
I	108(c)	Transportation Control Measures Update June '78 Guidelines	Guidance	8/91	State Agencies
I	108(f)	Transportation Control Measures Information Documents	Guidance	11/91	State Agencies
I	108(c)	Transportation Control Measures EPA/DOT Guidance	Guidance	11/91	State Agencies

FOOTNOTE: Contractors used by office: Westat, Inc., Computer Science Corp. (CSC), ICF, Inc., Cambridge Systematics, Research Triangle Institute, EG & G, Bendix, Sierra Research, Automotive Testing Laboratory, RFP, Syntex, Southwest Research, Systems Research & Dev. Co., JACA, Colorado State University, FIEV of America, NIPER.

**OMS PROJECTS ANTICIPATED TO IMPLEMENT THE CLEAN AIR ACT
AMENDMENTS OF 1990**

CAA TITLE	STATUTORY REFERENCE	PROJECT TITLE	PROJECT TYPE	TIMING	AFFECTED INDUSTRIES
III					
II	202(a)	Heavy Duty NOx Standard	Rulemaking	NPRM 5/91; FRM 11/91	Heavy Duty Mfrs.
II	202(a)	Heavy Duty Engine Rebuilding Practices	Study	6/92	Heavy Duty Mfrs.
II	202(a)	Onboard Refueling Emissions	Rulemaking	FRM 11/91	Auto Mfrs.
II	202(g),(h)	Tier I Standards	Rulemaking	NPRM 2/91; FRM 5/91	Auto Mfrs.
II	202(i)	Phase II Tailpipe Study	Study	Study 6/1/97 Decision no later than 11/31/99	Auto Mfrs.
II	202(j)	Cold CO Standard	Rulemaking	FRM 10/91	Auto Mfrs.
II	202(k)	Evaporative Emissions	Rulemaking	FRM 11/91	Auto Mfrs.
II	202(l)	Air Toxics Study and Standards	Study and Rulemaking	Study 1/92 Rulemaking FRM 5/95	Auto Mfrs. Fuels Industry
II	202(m)	Emission Control Diagnostics	Rulemaking	NPRM 5/91; FRM 5/92	Auto Mfrs.
II	206(a)	Certification Short Test Procedures	Rulemaking	NPRM 5/91; FRM 11/91	Auto Mfrs.

**OMS PROJECTS ANTICIPATED TO IMPLEMENT THE CLEAN AIR ACT
AMENDMENTS OF 1990**

CAA TITLE	STATUTORY REFERENCE	PROJECT TITLE	PROJECT TYPE	TIMING	AFFECTED INDUSTRIES
II	206(c)	FTP Modifications	Review and Revise as needed	Report 5/92	Auto Mfrs.
II	202(j)	Phase II Cold CO Study	Study	6/97	Auto Mfrs.
II	211(h)	Reid Vapor Pressure Requirements	Rulemaking	FRM 5/91	Fuels Industry
II	211(i)	Diesel Fuel Sulfur Content	Rulemaking	FRM 11/91	Diesel fuel industry, diesel mfrs.
II	211(j)	Lead Substitute Test Procedures and Fees	Rulemaking	NPRM 5/91; FRM 11/91	Fuels Industry
II	211(k)	Reformulated Gasoline	Rulemaking	NPRM 5/91; FRM 11/91	Fuels Industry
II	211	Winter Oxygenates Guidance	Guidance	8/91	Fuels Industry
II	211	Winter Oxygenates Labeling & Credits	Rulemaking	NPRM 4/91; FRM 8/91	Fuels Industry
II	213(a)	Nonroad Engines and Vehicles	Study	10/91	Mfrs. of these engines&vehicles
II	213(a)	Locomotive Emission Standards	Rulemaking	NPRM 6/94; FRM 11/95	Railroad Industry

**OMS PROJECTS ANTICIPATED TO IMPLEMENT THE CLEAN AIR ACT
AMENDMENTS OF 1990**

CAA TITLE	STATUTORY REFERENCE	PROJECT TITLE	PROJECT TYPE	TIMING	AFFECTED INDUSTRIES
II	217	Motor Vehicle Compliance Program Fees	Rulemaking	NPRM 5/91; FRM TBD	Auto Mfrs.
II	211(b),(c)	Registration of Fuel and Fuel Additives	Rulemaking	NPRM 12/91; FRM 6/93	Fuels Industry
II	218	Ban engines requiring leaded gasoline	Rulemaking	TBD	Engines Mfrs.
II	219(a)	Urban Bus Standards - 1994 + PM	Rulemaking	NPRM 5/91; FRM 11/91	Bus Mfrs.
II	219(d)	Bus Rebuild/Retrofit Requirements	Rulemaking	NPRM 5/91; FRM 11/91	Bus Owners
II	219(e)	Urban Bus In-use Test Procedures	Rulemaking	NPRM 7/91; FRM 5/92	Bus Mfrs.
II	246	Clean Fuel Vehicle Fleet Credit Program and TCM's	Rulemaking	NPRM 5/91; FRM 11/91	State Agencies Auto Mfrs., Fleet Owners
II	242(a) 249(c)	Clean Fuel Vehicle Emission Standards	Rulemaking	NPRM 11/91; FRM 11/92	Auto Mfrs.
II	245(b)	Heavy Duty Clean Fuel Feasibility Study	Study	12/93	Heavy Duty Mfrs
II	247(b)	Conversion to Clean Fuel Vehicles	Rulemaking	NPRM 1/92; FRM 11/92	Conversion Industry

**OMS PROJECTS ANTICIPATED TO IMPLEMENT THE CLEAN AIR ACT
AMENDMENTS OF 1990**

CAA TITLE	STATUTORY REFERENCE	PROJECT TITLE	PROJECT TYPE	TIMING	AFFECTED INDUSTRIES
II	249(d)	California Pilot Test Program & Credits Program	Rulemaking	NPRM 5/91; FRM 11/91	CARB, Auto Industry
II	249(e)	California Pilot Program Status Report to Congress	Report	6/30/94	
II	249(e)	California Pilot Program Final Report to Congress	Report	6/30/96	
II	249(f)	California Pilot Program Voluntary Opt-In for States & No Sales Mandate	Rulemaking	NPRM 1/92; FRM 11/92	State Agencies Auto Mfrs.
II	231	Ethanol Substitute for Diesel (Rapedseed Oil)	Report	Within 3 years of issuance of contract (11/94)	
XIII	807	Hydrogen Fuel Cell Vehicle Study	Study	1/93	

**QAAIP PROJECTS ANTICIPATED TO IMPLEMENT THE CLEAN AIR ACT
AMENDMENTS OF 1990**

CAA TITLE	STATUTORY REFERENCE	PROJECT TITLE	PROJECT TYPE	TIMING	AFFECTED INDUSTRIES
VI	602	Listing of Class I & II Substates	Listing	Final - January 5, 1991	All
VI	603	Monitoring and Reporting	Reporting	Proposed: 5/15/91; Final: 9/15/91	Producers and Importers
VI	604	Phase-out Class I	Rulemaking	Proposed: 5/15/91; Final: 9/15/91	Producers and Importers
VI	604	1991 Limits on Production and Consumption	Rulemaking	Final: January 1991	Producers and Importers
VI	605	Emissions reduction/recycling	Rulemaking	Proposed: 7/1/91; Final: 1/1/92	Air-Con- ditioning and Refrig-eration Sectors
VI	609	Mobile Air Conditioning Recycling	Rulemaking	Proposed: 6/1/91; Final: 11/15/91	MAC Service Stations
VI	610	Non-Essential Products	Rulemaking	Proposed: 7/1/91; Final: 11/15/91	User Sectors
VI	611	Labeling	Rulemaking	Proposed: 12/1/91; Final: 5/15/92	User Sectors
VI	612	Safe Alternatives	Rulemaking	Proposed: 5/1/92; Final: 11/15/92	User Sectors
VI	613	Federal Procurement	Rulemaking	Proposed: 12/1/92; Final: 5/15/92	All Federal Agencies

VI	683	Methane	5 Studies	Final: 11/92	Methane Producers
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FOOTNOTE: Contractors support One contractor, KCF Incorporated provides the primary support for these activities; 43 subcontractors, are available to EPA under this contract. Contractors will be responsible to draft regulations, and to conduct technological assessments and modeling activities for the projects listed above. An average of 20 contractors work full time on this project, the major thrust of the support being modeling and technical assistance.

**OAIAP PROJECTS ANTICIPATED TO IMPLEMENT THE
CLEAN AIR ACT AMENDMENTS OF 1990**

ACID RAIN DIVISION

CAA TITLE	STATUTORY REFERENCE	PROJECT TITLE	PROJECT TYPE	TIMING	AFFECTED INDUSTRIES
IV	407	Nitrogen Oxides Emission Reduction Program - Limits for tangentially-fired and dry bottom wall-fired boilers Contractors: (a)(b)	Regulations	Proposed: 09/91 Final: 05/92	Electric Utilities/ MOx Controls Manufactur ers
IV	407	Nitrogen Oxides Emission Reduction Program - Limits for cyclones, wet bottom wall-fired, and spreader stoker boilers	Regulations	Proposed: 04/96 Final: 01/97	Electric Utilities/ MOx Controls Manufactur ers
IV	412	Emissions Monitoring, Reporting and Record Keeping Requirements Contractors: (c)(d)(f)(g)	Regulations	Proposed: 09/91 Final: 05/92	Utilities/ Manufac- turers of monitoring equipment
IV	406	Permit and Compliance Plans and Compliance Planning Regulations for 404(b), (c), (d), (f) and 407(d) and (e) Contractors: (a)(e)	Regulations	Proposed: 09/91 Final: 05/92	Electric Utilities



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

CAA - [signature]

MAR 5 1991

MEMORANDUM

SUBJECT: Meeting to Discuss Regulatory Issues Related to the
Clean Air Act Section 112(g)

FROM: Tim Smith
Pollutant Assessment Branch, ESD (MD-13)

TO: See Below

As you know, the Pollutant Assessment Branch (PAB) is taking the lead in developing the guidance required by Section 112(g) of the Clean Air Act. In developing the guidance, we have identified four main subgroups of issues to address:

1. regulatory definitions/permit procedures issues,
2. how to make a case-by-case MACT determination,
3. how to set de minimis levels, and
4. how to rank pollutants for purposes of establishing netting procedures.

I am attaching a list of issues related to item 1. In developing the Section 112(g) guidance, numerous interpretations of the statutory language must be made. The language uses terms that have a regulatory history in other programs ("physical change," "change in method of operation," "actual emissions," etc.). In making the interpretations PAB needs to make in developing the required guidance, it is critical that we coordinate our efforts with these other programs.

I have scheduled a meeting for 10:00 a.m. to 3:00 p.m. (EST) on March 14 to discuss the attached issue paper. (Note that separate meetings will be held to discuss items 2 through 4.) The meeting will take place in Research Triangle Park, North Carolina in the Environmental Criteria and Assessment Office Conference Room (third floor, room 321). (Sorry -- there were no conference rooms available in the North Carolina Mutual Life Insurance Building.) The attached map shows how to get there. Because we have scheduled an all day meeting, your attendance in person is highly encouraged.

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If you need to participate by conference call, you may do so by phoning FTS 629-1592. (NOTE: If you do call in, please wait a few minutes after 10:00 a.m.. In order to establish the connection, we must be the first to phone in.)

I look forward to productive discussions. If you have any questions or reactions to the attachment, please call me at FTS 629-4718.

2 Attachments

Attachment

REGULATORY ISSUES RELATED TO SECTION 112 (G) MODIFICATIONS PROVISIONS

1. Issue: Where in the CFR will the 112 (g) regulatory language reside?

Discussion:

SDB has suggested that the regulatory language for 112 (g), including definition of terms and regulatory procedures to follow, should be included in the General Procedures section of the new Part 63. This would be consistent with the way it is done in Part 60 and 61, where the definition of "modification," etc, is included up front.

2. Issue: If included in the General Provisions, should the General Provisions rulemaking package include modifications issues, or should this be included in the regulatory package for the 112 (g) guidance?

Discussion:

The schedule for the general provisions calls for proposal in the Federal Register in August. The 112 (g) project schedule calls for proposal in late September. Conceivably, the 112 (g) regulatory language could be in either or both packages.

If it was included in the 112 (g) package, the reader would have the advantage of reviewing all of the modifications issues and regulatory language in one place. In addition, there would be more time (Sept vs. August) to craft the language. If included in the general provisions package, it could be referenced in the 112 (g) package.

[Discussions on the issue within ESD might resolve this issue before the meeting]

3. What is the definition of "major source?"

Discussion:

Major source is defined in Section 112 (a) as "any stationary source or group of stationary sources within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, (more than emission cutoffs)"

I have heard the suggestion that this might imply a dual definition; in other words, a piece of equipment at a plant which

3-4-91

emitted 10 tons per year of a HAP would be a major source unto itself, in addition to the plant being a major source.

The more common interpretation that I have heard is that a major source is an entire plant, and that this plant could have one or more pieces of emitting equipment.

It would also be useful in the guidance to clarify whether the 2-digit SIC restriction applies. It is my understanding that there is no such restriction on the SIC category for purposes of Title III.

4. Issue: What is a "physical change" and "change in the method of operation?"

Discussion:

Maybe a better question is what isn't?

In the PSD program and in Part 60 (NSPS General Provisions), the following activities are excluded from consideration: (1) Routine maintenance, repair and replacement, (2) increases in production rate, (3) increase in production rate [in the case of PSD, this applies unless there was a federally enforceable restriction before the increase; in the case of NSPS, the increase in production rate is OK if it can be accomplished without a capital expenditure], (4) change in ownership, (5) increases in the hours of operation, (6) use of alternative fuels which could already be accommodated, and (7) use of alternative raw materials the existing facility was designed to accommodate. Part 60 excludes relocation of an existing facility from the definition, and "conversion to coal required for energy considerations." PSD regulations exclude certain mandatory fuel switches.

Exclusions of this type might help the program to be more workable. It would appear impractical for State agencies to be tracking each piece of equipment at every plant over time for a big list of toxic pollutants. We could avoid this if we included as a general provision that "physical change or change in the method of operation" specifically excludes the above 7 listed items. I would be interested in feedback on these 7 items and (a) the use of the NSPS "capital expenditure" definition for production rate (b) whether relocations should be considered a new source and not be excluded, and (c) whether the fuel conversion exclusions are needed.

5. What is an "increase in actual emissions?"

Discussion:

To define an "increase" you need to define a "before" (baseline)

case and an "after" case. There appears to be a variety of regulatory language to refer to in addressing this.

The NSPS/NESHAP program has historically taken a lb/hour approach to this issue. This approach emphasizes emission factors, or alternatively, material balances or source tests, to determine whether the "after" case is inherently more emitting than the "before" case. This approach may be seen by some as a "potential to potential" comparison, but it would appear to be the most practical to implement.

The PSD program, and the draft Title V regulations define "actual emissions" as the actual rate of emissions during a 2-year period prior to a particular date, unless the company defines another period within 5 years as representative. For any unit not yet operating, actual emissions equals the potential to emit.

Although I haven't seen anything yet, methods for baseline emissions determination and future emissions documentation will also be part of the early reductions package.

(Note that there are a lot of cases where actual emission increases would not be considered a modification if, as described above, they would not be considered "physical change or change in the method of operation." If the exclusions above are included, then there would probably be few cases where a modification would not involve a new piece of emitting equipment. [For example, would a change in coating which involved a new chemical be considered a change in "raw material?"])

6. Where within a plant can offsets be obtained? Should there be any restrictions on this?

Discussion:

Section 112 (g) states that a physical change... to a major source ... shall not be considered a modification, if such increase... will be offset by an equal or greater decrease... from such source.

If a major source is an entire contiguous facility, it would appear that "such source" would also refer to the entire contiguous facility, and hence offsets could be obtained anywhere in the plant for purposes of netting out of review.

SDB has expressed concerns with whether offsets from the entire plant would be consistent with the 1970's Sierra Club court decision which prohibits a "bubble concept" to be used in determining whether a modification would be subject to NSPS. In this case, the Court decided that it was improper to include emission reductions elsewhere at a plant site in determining whether a modification is an "affected facility" subject to NSPS.

3-4-91

7. Can offsets be obtained from other plants other than the major source in question?

Discussion:

It appears clear from the language (offsets obtained from "such source") that offsets must be obtained from within a plantsite. As a result, section 112 (g) would not appear to involve an emissions trading program (emissions banking, etc).

Does anyone read this differently?

8. What restrictions should be placed in emission decreases? What decreases should be considered "creditable?"

Discussion:

This is the heart of the whole netting issue and will be tough to resolve.

As described on pp. A.34-A.56 of the Draft New Source Review Workshop Manual, there is a complex, but well-defined, approach to defining the amount of "creditable" decreases for criteria pollutants in the PSD program. This approach requires a tracking of actual emissions (which could be increases or decreases) across an entire plantsite to determine whether the "net emissions change" exceeds "significant" levels.

Use of such a system for toxic pollutants would introduce additional complications into an already highly complex process. Instead of tracking a single pollutant for which quantification methods are often well-established, one would be tracking potentially dozens of HAPs. This appears to be somewhat unworkable.

Would it be possible to define the "contemporaneous" period be considered to be simultaneous with the proposed increase? In other words, if the decrease has already occurred prior to the application, could we say that it doesn't count? What does the language in 112 (g) mean when it states that emissions will be offset by a decrease? (Not has been offset). Another possible restriction to discuss would be to include only decreases that occurred after the effective date.

9. If a modification triggers a MACT decision, how much of the plant must install MACT?

Discussion:

[This is also an issue for the case-by-case MACT discussion].

It would appear that Congress did not intend for a modification to trigger a plantwide MACT decision. (e.g., a new tank at a refinery triggers a MACT decision for 100's of pieces of equipment). Probably this means that the emissions involved in the modification must be controlled with MACT. However, the distinction on where to draw the line may be blurred for some source types, and the guidance will need to make this clear. One approach might be to use the affected facility definitions in part 60 as broad guidance on how to make this distinction.

10. Should the 112 (g) program require review and public notice during the preconstruction phase? How would this work? What regulatory language is needed to make this happen?

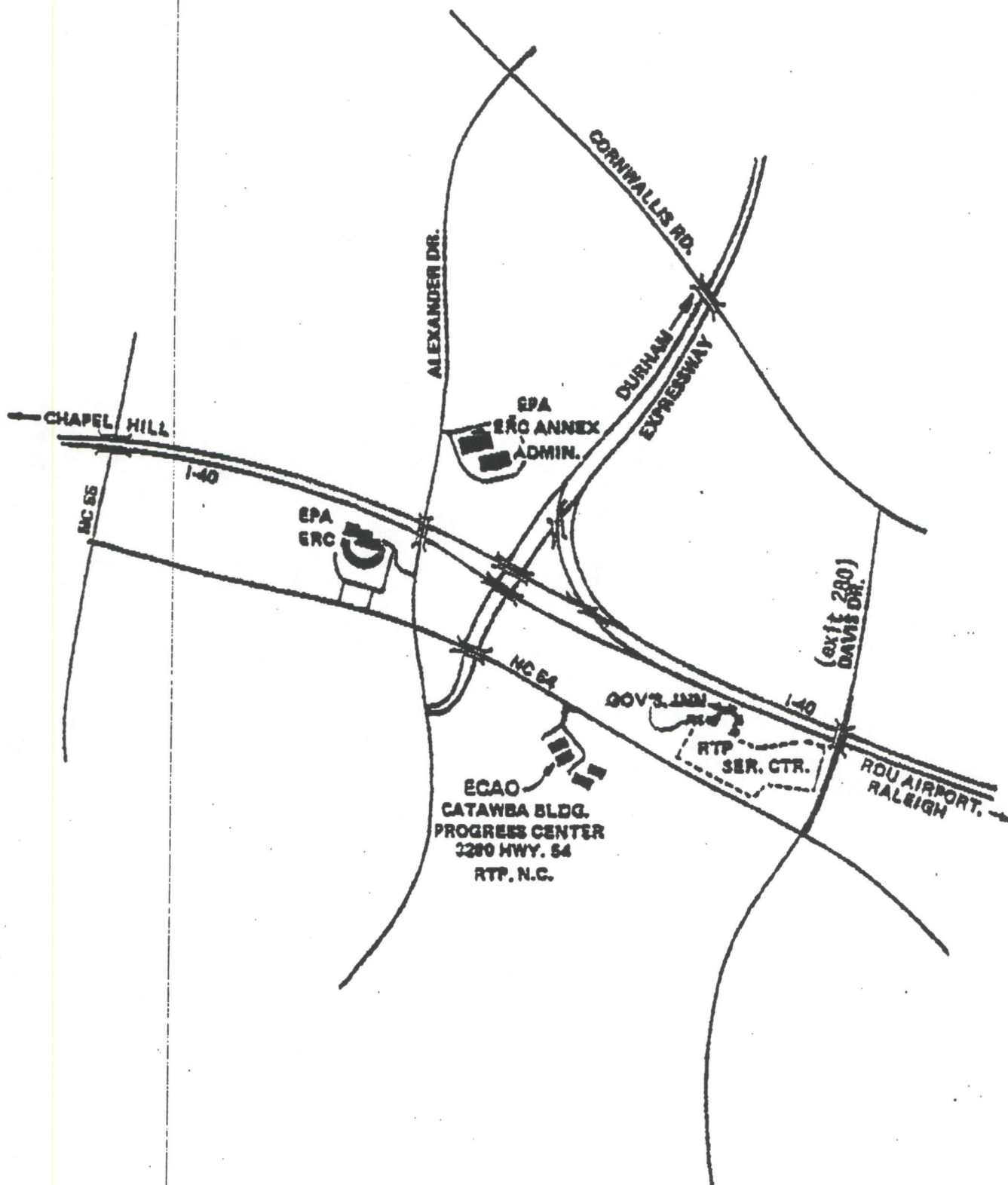
Discussion:

Section 112 (g) states that the major source cannot be constructed, reconstructed, or modified unless the State or EPA determines that MACT will be met. This strongly suggests a preconstruction review program. However, the Act gives little guidance on the administrative procedures that should be required. The language contains a vague statement that "The Administrator (or the State) shall establish reasonable procedures for assuring that the requirements applying to modifications under this section are reflected in the permit." (I think this means the Title V permit...)

Part 61, Section 61.07 and 61.08 contain administrative procedures for the review of new and modified affected facilities under the existing NESHAP program. These procedures call for an application to EPA prior to construction, with a 60-day deadline for EPA to pass judgement after receipt of complete information. Note that this review does not require any public comment.

Other preconstruction review programs involve public comment and review. I am a little fuzzy on how PSD works, but as I remember EPA has 30 days to determine completeness and 1 year to review the application after completeness, with a requirement for public review (not necessarily a hearing).

Title V establishes tight mandates on administrative procedures for operating permits. This may not be absolutely applicable to a preconstruction review, but perhaps these could be adapted for use in a Section 112 (g) review.



DRAFT

COMPARISON OF OZONE AND
CO NON-ATTAINMENT PROVISIONS AND
MOBILE SOURCE PROVISIONS
CONTAINED IN:

- Waxman Bill (H.R. 2323),
- Administration Bill,
- H.R. 3030, and
- the Senate Bill (S. 1630).

December 18, 1989

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AIR QUALITY CATEGORIES AND DEADLINES

	Ozone (ppm, 1 hr. avg.)	Carbon Monoxide (ppm, 8 hr. avg.)
<u>Waxman</u> ^{1/2/8/9/}		
Moderate (4 yr. deadline)	.12 ≤ .144	9.5 ≤ 11.7
Serious (8 yr. deadline)	>.144 ≤ .18	>11.7 ≤ 14.4
Severe (12 yr. deadline)	>.18 ≤ .24	>14.4
Extreme (16 yr. deadline) ^{3/}	>.24	
<u>Administration</u> ^{4/5/7/}		
Marginal (12/31/95 deadline)	.13 ^{6/}	---
Moderate (12/31/95 deadline)	.14 - .15	9.5 - 16.4
Serious (12/31/2000 deadline)	.16 - .18	≥16.5
Severe (12/31/2010 deadline)	≥.19	---
<u>Senate</u> ^{10/11/12/}		
Moderate (5 yr. deadline)	≤.144	≤14.0
Serious (10 yr. deadline)	>.144 ≤ .18	>14.0
Severe (15 yr. deadline)	>.18 ≤ .26	
Extreme (20 yr. deadline)	>.26	
<u>H.R. 3030</u> ^{4/5/7/}		
Marginal (12/31/95 deadline)	.13 ^{6/}	---
Moderate (12/31/95 deadline)	.14 - .15	9.5 - 16.4
Serious (12/31/2000 deadline)	.16 - .18	≥16.5
Severe (12/31/2010 deadline)	≥.19	---

AIR QUALITY CATEGORIES AND DEADLINES
FOOTNOTES

- 1/ EPA may adjust classification if the design value is within 10% of another category. Moderate areas may not be reclassified to attainment.
- 2/ EPA may make a provisional determination of attainment for any area not in attainment by the applicable attainment date if the area has met the emission reduction target or if the preceding year had no more than one exceedance.
- 3/ EPA may grant up to a 4-year extension if the area is meeting the emission reduction target and the SIP is adequate to attain the standard by the extended attainment date.
- 4/ Design values with 2 significant figures reflect rounding, e.g., 0.135 is rounded to 0.14.
- 5/ EPA may grant up to two 1-year extensions if SIP has been fully implemented and no more than 1 exceedance has occurred. EPA may adjust classification if the design value is within 5% of the other category.
- 6/ Also, any current nonattainment area with a design value less than .13 ppm and any areas found to be non-self generating nonattainment areas.
- 7/ Except for a severe area, any area that fails to attain is reclassified to either the next higher classification or a classification based on its design value, whichever is higher.
- 8/ Moderate, serious, and severe areas that fail to attain the standard by the attainment date are reclassified to the next higher classification.
- 9/ If interim emission reductions are not met in either a serious or severe area, the state may elect to reclassify a serious area to severe and severe to extreme.
- 10/ Non-self generating areas are exempt from these deadlines, but must meet other generally applicable requirements.
- 11/ EPA has the discretion to reclassify serious and severe areas to the next higher classification if the area fails to meet interim emission reduction requirements.
- 12/ Moderate, serious, and severe areas that fail to attain are reclassified to the next higher classification.

SIP SUBMITTAL SCHEDULE

	<u>Maxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
State Submittals ^{1/}	Compliance strategy, within 9 months Annual emission inventory for NO _x and VOC	Emission inventory of emissions from all sources.	Emission inventory of emissions from all sources.	Emission inventory of actual emissions of VOC and NO _x from all sources due 1 ^{8/} year from enactment. For all areas except moderate, annual reports on measures adopted or implemented the previous year.
SIP submittal ^{1/}	SIP revision, within 4 years of enactment.	A series of submittals between 6 months and 2000, depending on pollutant and level of classification	A series of submittals between 6 months and 2000, depending on pollutant and level of classification	A series of submittals between 6 months and 3 years from classification, depending on pollutants and classification.
EPA approval ^{2/}	6 months for compliance strategy; 12 months for SIP; 9 months for plan revisions due to EPA audit or reclassification.	12 months ^{5/}	12 months ^{5/}	12 months
1/	Months are from date of enactment.			
2/	Months are from date of SIP submittal.			
3/	"Moderate" areas automatically approved but approval can be reversed.			
4/	All ozone nonattainment areas have submittals at 6 months from classification and two years from enactment. Moderate have another in 3 years from enactment. Serious have still others in 42 months and in 1995. Severe have still another in 2000. CO serious areas have submittals in 2 years and in 1995.			
5/	EPA must determine whether SIP submittal is complete within 60 days. If incomplete, submission is treated as having never been made.			
6/	First inventory is due 27 months after enactment and annually thereafter.			
7/	Required within 2 years of enactment; revised inventory to be submitted every 3 years until attainment.			
8/	Update every three years.			
9/	The fourth report, and each third report thereafter, must demonstrate whether vehicle miles travelled and congestion levels are consistent with the attainment demonstration.			
10/	All ozone nonattainment areas have submittals at 6, 12, and 18 months after classification. Moderate areas have others at 12 months. Serious areas have other submittals at 1 and 3 years. Severe and extreme areas have still others at 1 and 2 years. CO areas have submittals in 12, 18, and 24 months.			

MANDATORY SIP PROVISIONS
For "Moderate" (Maxman and Senate), and "Marginal" (Administration and H.R. 3030) Nonattainment Areas

	Maxman	Administration	H.R. 3030	Senate
NSR Provisions	Offset 1.2:1	Corrections to existing SIP to extent necessary to meet EPA guidance.	Corrections to existing SIP to extent necessary to meet EPA guidance.	Offset 1.5:1
I&M	Not addressed.	Revision of program if already in place to meet EPA guidance.	Revision of program if already in place to meet EPA guidance.	State has choice of implementing either enhanced I&M program or Stage II (20,000 gal/mo capacity or more)
Low Emissions Vehicles	No requirement	No requirement	No requirement	No requirement
Percent Reduction Requirements	EPA sets percent emission reduction targets for NO _x and VOC no later than 3 years from enactment.	-----	-----	No requirement
Attainment Demonstration	Required	Not required	Not required	No requirement
Other Provisions	RACT all CTG sources and all 100 tpy non-CTG sources. All >25 tpy sources, fees not less than \$50/ton VOC or NO_x to pay monitoring, inventory and permitting costs. Emission statements from VOC and NO_x sources over 25 tpy, within 2 years of enactment and annually thereafter. Annual inventory beginning 27 months after enactment. EPA to audit SIP every 2 years.	RACT to be implemented by correcting previously required provisions. Federally enforceable operating permits program with fees to cover all costs of regulating major stationary sources. Inventory of actual emissions within 2 years. Update in 1996 and every 3 years thereafter. Emission statements from VOC and NO_x sources over 25 tpy, within 2 years of enactment and annually thereafter.	RACT to be implemented by correcting previously required provisions. Federally enforceable operating permits program with fees to cover all costs of regulating major stationary sources. Inventory of actual emissions within 2 years. Update in 1996 and every 3 years thereafter. Emission statements from VOC and NO_x sources over 25 tpy, within 2 years of enactment and annually thereafter.	Annual fee of not less than \$75/ton on major stationary VOCs or NO_x sources. Emission fee to EPA of not less than \$15/ton VOC, NO_x, CO, or PM-10 to recover costs of program. Applicable to any source liable for state/local emission fees. Auto registration fee of not less than \$2.00. Fully implement current SIP provisions. RACT to be implemented by correcting all previously required provisions. Inventory of actual emissions from all VOC and NO_x sources as of calendar year of enactment. Update every 3 years. Annual emission statements from VOC and NO_x sources. Federally enforceable permit for construction and operation of major stationary sources with fees to cover costs of permit program.

MANDATORY SIP PROVISIONS
For "Moderate" (Waxman and Senate),
and "Marginal" (Administration and H.R. 3030) Nonattainment Areas
FOOTNOTES

- 1/ If the state already has an I&M program in place, the enhanced I&M program must be implemented. Enhanced I&M must achieve at least a reduction of 4,700 tons VOC per million vehicles. Areas less than .13 ppm (in year preceding enactment) are not required to implement either I&M or Stage II programs unless these measures are necessary for attainment. EPA can waive the Stage II requirements if on-board control systems are in widespread use.
- 2/ State may waive this requirement for sources under 25 tpy of VOC or NO_x providing the class or category is included in the state's emission inventory according to specific guidelines.
- 3/ EPA must review, update, and republish in the Federal Register, guidance to states on motor vehicle I&M programs, including provisions to ensure that vehicles retested after failure provide proof of corrective action and that vehicle registration be denied in the case of tampering or misfueling.
- 4/ The state may waive the update of the mission inventory for any class of category of stationary sources emitting less than 25 tons per year of VOC or NO_x if the state submits, instead, an inventory for these sources based on EPA's emission factors, or other acceptable method.

MANDATORY SIP PROVISIONS
For "Serious" (Waxman and Senate), and "Moderate" (Administration and H.R. 3030) Nonattainment Areas

	<u>Waxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
NSR Provisions	25 tpy cutoff (VOC & NO _x) 1.3:1 offsets Increases of 10 tpy or less from modifications do not trigger NSR	Corrections to existing SIP to extent necessary to meet EPA guidance.	Corrections to existing SIP to extent necessary to meet EPA guidance.	1.5:1 offsets Major sources defined as 25 tpy or more VOC's.
124	Enhanced ^{172/}	Revision of program already in place to meet EPA guidance.	Revision of program already in place to meet EPA guidance.	Enhanced
Low Emissions Vehicles	All buses acquired after 1/1/92 by state or local government.	Not addressed.	Not addressed.	Not addressed.
Percent Reduction Requirements	EPA to set NO _x and VOC emission reduction targets; for VOC, not less than 30% ^{173/} 4 yr. 20% emission reduction milestone	15% VOC emission reduction from baseline by 12/31/95 ^{174/} Reductions from Federal Mobile Vehicle Control programs, RVP regulations, I&M, or SIP corrections do not count in baseline or 15% reduction.	15% VOC emission reduction from baseline by 12/31/95 ^{175/} Reductions from Federal Mobile Vehicle Control programs, RVP regulations, I&M, or SIP corrections do not count in baseline or 15% reduction.	12% VOC emission reduction, averaged over each consecutive 3 yr period, until attainment is achieved ^{176/} All reductions are creditable except for reductions from new RVP requirements.
Attainment Demonstration	Required	Not required	Not required	Required
Stage II	Required ^{177/}	Required ^{178/}	Required ^{179/}	Required ^{180/}
Other Provisions	RACT all CTG sources and all 100 tpy non-CTG sources. All >25 tpy sources, fees not less than \$50/ton, VOC or NO_x for monitoring, inventory and permitting costs. Emission statements from VOC and NO_x sources over 25 tpy, within 2 years of enactment and annually thereafter. Annual inventory beginning 27 months after enactment.	RACT, VOC sources over 100 tpy or with CTG's Federally enforceable operating permits program with fees to cover all costs of regulating major stationary sources. Inventory of actual emissions within 2 years. Update in 1996 and every 3 years thereafter. Emission statements from VOC and NO_x sources over 25 tpy annually.	RACT, VOC sources over 100 tpy or with CTG's Federally enforceable operating permits program with fees to cover all costs of regulating major stationary sources. Inventory of actual emissions within 2 years. Update in 1996 and every 3 years thereafter. Emission statements from VOC and NO_x sources over 25 tpy annually.	RACT on all non-CTG sources 25 tons or more VOC_{9/} and 100 tons or more NO_x Annual fee of not less than \$75/ton on major stationary VOC or NO_x sources. Emission fee to EPA of not less than \$15/ton VOC, NO_x, CO, or PM-10 to recover costs of program. Applicable to any source liable for state/local emission fees. Inventory of actual emissions (in year of enactment) of VOC's and NO_x from all sources within the MSA or CMSA plus a 25 mile radius; update every 3 years.

MANDATORY SIP PROVISIONS
For "Serious" (Waxman and Senate), and "Moderate" (Administration and H.R. 3030) Nonattainment Areas
(continued)

Other Provisions (continued)	<u>Waxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
	EPA to audit SIP every 2 years.	Includes all preceding requirements for marginal areas.	Includes all preceding requirements for marginal areas.	Annual report on measures adopted and implemented.
	Includes all preceding requirements for moderate areas.			A transportation control program is to be implemented if VMT and congestion are greater than projected to achieve 10/yr emission reductions.
				\$5,000/ton fee (adjusted for inflation) for failure to attain on VOC emissions from major VOC sources over 50% of actual in year area was to attain.
				Auto registration fee of not less than \$2.00.
				Includes all preceding requirements for moderate areas.

FOOTNOTES

- 1/ EPA's enhanced I&M if required would allow choice of measures, with a target overall performance level. See page 20 for more details on EPA and Congressional definitions of enhanced I&M.
- 2/ Can opt out of enhanced I&M in ozone non-attainment areas, if substitute with basic I&M and supplementary mobile source measures (e.g., TCMs, low emission vehicles).
- 3/ Baseline is estimated from total actual VOC emissions in the year of enactment. No credit for reductions due to federal vehicle control program, SIP corrections required by prior EPA guidance, RVP regulations, or basic I&M.
- 4/ For "new" facilities, Stage II is to be implemented within 6 months after state adopts rule; within 1 year for facilities with 100,000 gallons or greater capacity (avg. mo. sales); or within 2 years for all others.
- 5/ EPA may reduce the emission reduction target to the extent that the state reduces VOC emissions by more than 10%; EPA may also increase the emission reduction target to the extent the state achieves less than a 10% reduction in VOC emissions.
- 6/ Applies only to facilities that sell greater than 10,000 gallons per month (50,000 gallons per month for small business marketers). If on-board emission control systems are required, EPA may revise or waive Stage II requirements.
- 7/ Emission reductions in excess of 12% may be credited toward the next reduction period. Reductions in emissions of NO_x (except those attributable to Federal motor vehicle standards) may be substituted for required VOC reductions at no less than a one-for-one ratio, providing the reductions provide equivalent ozone reduction to the 12% VOC reduction.
- 8/ Applies only to facilities that sell greater than 20,000 gallons per month. EPA may revise or waive the Stage II requirements if on-board emission control systems are determined to be in widespread use.
- 9/ RACT revisions must achieve VOC reductions of 80% or more from uncontrolled levels unless such level is not technically or economically feasible. Reductions must equal the maximum feasible.
- 10/ Every third annual report (starting with the fourth) is to include a demonstration of VMT and congestion to determine the need for a transportation control program.

**MANDATORY SIP PROVISIONS
For "Serious" Nonattainment Areas**

NSR Provisions	Maxman	Administration	H.R. 3030	Senate
25 tpy cutoff (VOC & NO _x) 1.3:1 offsets Increases of 10 tpy or less from modifications do not trigger NSR		Corrections to existing SIP to extent necessary to meet EPA guidance.	Corrections to existing SIP to extent necessary to meet EPA guidance.	1.5:1 offsets Major sources defined as 25 tpy or more VOC's
124	Enhanced 1/27	Enhanced	Enhanced	Enhanced
Low Emissions Vehicles	All buses acquired after 1/1/92 by state or local government.	Phase-in of clean-fuel vehicles in areas at 0.18 ppm. State must make clean fuel economic for vehicle owners.	Manufacturers must certify capacity to produce, distribute, and offer for sale clean fuel vehicles. State must make clean fuel economic for vehicle owners. 14/15/16	Not addressed.
Percent Reduction Requirements	EPA to set NO _x and VOC emission reduction targets; for VOC, not less than 30% 4 yr. 20% emission reduction milestone	15% VOC emission reduction from baseline by 12/31/95, and thereafter minimum average annual VOC reduction of 3% per year averaged over each 3 year period. 4/7/8/13	15% VOC emission reduction from baseline by 12/31/95, and thereafter minimum average annual VOC reduction of 3% per year averaged over each 3 year period. 4/7/8/13	12% VOC emission reduction, averaged over each consecutive 3 yr period, until attainment is achieved. All reductions are creditable except for reductions from new RVP requirements.
Attainment Demonstration	Required	Required	Required	Required
Stage II	Required	Required 7/	Required 7/	Required 10/
Other Provisions	RACT all CTG sources and all 100 tpy non-CTG sources. All >25 tpy sources, fees not less than \$50/ton, VOC or NO_x for monitoring, inventory and permitting costs. Emission statements from VOC and NO_x sources over 25 tpy, within 2 years of enactment and annually thereafter. Annual inventory beginning 27 months after enactment.	RACT, VOC sources over 100 tpy or with CTG's Transportation control program Inventory of actual emissions within 2 years. Update in 1996 and every 3 years thereafter. Emission statements from VOC and NO_x sources over 25 tpy annually. Federally enforceable operating permits program with fees to cover all costs of regulating stationary sources.	RACT, VOC sources over 100 tpy or with CTG's Transportation control program Inventory of actual emissions within 2 years. Update in 1996 and every 3 years thereafter. Emission statements from VOC and NO_x sources over 25 tpy annually. Federally enforceable operating permits program with fees to cover all costs of regulating stationary sources.	RACT on all non-CTG sources 25 tons or more VOC, and 100 tons or more NO_x Annual fee of not less than \$75/ton on major stationary VOC and NO_x sources. Emission fee to EPA of not less than \$15/ton VOC, NO_x, CO, or PM-10 to recover costs of program. Applicable to any source liable for state/local emission fees. Inventory of actual emissions (in year of enactment) of VOC's and NO_x from all sources within the MSA or CMSA plus a 25 mile radius; update every 3 years.

MANDATORY SIP PROVISIONS
For "Serious" Nonattainment Areas

Other Provisions (continued)	<u>Waxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
EPA to audit SIP every 2 years.	Use of clean fuels as a reasonably available control measure, where appropriate.	Includes all preceding requirements for Moderate areas.	Includes all preceding requirements for Moderate areas.	Annual report on measures adopted and implemented.
All ≥ 50 tpy sources of VOC or NO_x must obtain state operating permits within 2 $\frac{1}{2}$ yrs after enactment.				A transportation control program is to be implemented if VMT and congestion are greater than projected to achieve $\frac{3}{12}$ yr emission reductions.
Includes all preceding requirements for Moderate areas.				\$5,000/ton fee (adjusted for inflation) for failure to attain on VOC emissions from major VOC sources over 50% of actual in year area was to attain.
				Auto registration fee of not less than \$2.00.
				Includes all preceding requirements for Moderate areas.

MANDATORY SIP PROVISIONS
For "Serious" Nonattainment Areas
FOOTNOTES

- 1/ EPA's enhanced I&M if required would allow choice of measures, with a target overall performance level. See page 18 for more details on EPA and Congressional definitions of enhanced I&M.
- 2/ Can opt out of enhanced I&M in ozone non-attainment areas, if substitute with basic I&M and supplementary mobile source measures (e.g., TCMs, low emission vehicles).
- 3/ Nationwide 500,000 vehicles in '95; 750,000 - '96; 1,000,000 annually - '97 to 2004. States may opt out of all or part of clean-fuel requirements by achieving emission reductions equivalent to applicable clean-fuel performance standards.
- 4/ Beginning 1/1/96 until attainment date; averaged over each 3-year period.
- 5/ For "new" facilities, Stage II is to be implemented within 6 months after state adopts rule; within 1 year for facilities with 100,000 gallons or greater capacity (avg. mo. sales); or within 2 years for all others.
- 6/ If EPA determines VMT or congestion exceeds SIP estimations, State must implement VMT reduction plan or offset increases with alternative measures.
- 7/ In lieu of the 3% per year VOC reduction requirement, states may control NO_x and VOCs to the extent that resulting reductions in ozone concentrations are equivalent. Less than 3% acceptable if all feasible measures are taken.
- 8/ Baseline is estimated from total actual VOC emissions in the year of enactment. No credit for reductions due to federal vehicle control program, SIP corrections required by prior EPA guidance, RVP regulations, or measures concerning basic I&M.
- 9/ Emission reductions in excess of 12% may be credited toward the next reduction period. Reductions in emissions of NO_x (except those attributable to federal motor vehicle standards) may be substituted for required VOC reductions at no less than a one-for-one ratio, providing the reductions provide equivalent ozone reduction to the required 12% VOC reduction.
- 10/ Applies only to facilities that sell greater than 20,000 gallons per month. EPA may revise or waive the Stage II requirements if on-board emission control systems are determined to be in widespread use.
- 11/ RACT revisions must achieve VOC reductions of 80% or more from uncontrolled levels unless such level is not technically or economically feasible. Reductions must equal the maximum feasible.
- 12/ Every third annual report (starting with the fourth) is to include a demonstration of VMT and congestion to determine the need for a transportation control program.
- 13/ Reductions from the Federal Mobile Vehicle control programs, RVP regulations, SIP correction required by prior EPA guidance, or I&M measures do not count in the baseline or 15% reduction.
- 14/ Applicable to areas with an ozone design value at or above 0.18 ppm, having a 1980 population of 250,000 or more unless EPA has already approved a state program replacing the clean fuel program. Governor may request any other areas for inclusion in program.
- 15/ Manufacturers must certify capacity to produce, distribute, and offer to sell clean fuel vehicles (subject to availability of fuel) as follows: 500,000 vehicles in MY 1995; 750,000 in MY 1996; 1,000,000 per year in MY 1997 through 2004.
- 16/ States may opt out of all or part of clean fuel requirements by achieving emission reductions equivalent to applicable clean fuel standards.
- 17/ If EPA determines VMT or congestion exceeds SIP estimations, state must implement VMT reduction plan or offset increases with alternative measures. Reduction plan must include measures to reduce congestion to greatest extent feasible, including reduction in rate of increase in passenger vehicle trips and miles per trip.

MANDATORY SIP PROVISIONS
For "Severe"/"Extreme" (Waxman and Senate) and "Severe" (Administration and H.R. 3030) Nonattainment Areas

NSR Provisions	Waxman 10 tpy cutoff (NO _x or VOC) 1.5:1 offsets. No netting	Administration Corrections to existing SIP to extent necessary to meet EPA guidance.	H.R. 3030 Corrections to existing SIP to extent necessary to meet EPA guidance.	Senate 2:1 Offsets Major source: Severe - 25 tpy VOC Extreme - 10 tpy VOC

Low Emission Vehicles	Enhanced	Enhanced	Enhanced	Enhanced
SEVERE 30% of new ^{2/} vehicles, '98; SEVERE/EXTREME 15 vehicle fleets, new, '93 EXTREME % new low emission vehicles: 10%- '94; 30%- '96; 70%- '98; 100%-2000	Phase-in of clean-fuel vehicles ^{3/} State must make clean fuel economic for vehicle owners.	Manufacturers must certify capacity to produce, distribute, and offer to sell clean-fuel vehicles ^{13/12/15/} State must make clean fuel economic for vehicle owners.	Not required.	
Percent Reduction Requirements	EPA to set VOC and NO _x emission reduction targets, not less than 50% VOC for severe, 70% for extreme 4 yr, 8 or 12 yr additional emission reduction milestones	15% VOC emission reduction from baseline by 12/31/95; thereafter, minimum average annual reduction of 3% per year averaged over each 3 year period. Oxygenated fuel requirement ^{17/} CO nonattainment areas	15% VOC emission reduction from baseline by 12/31/95; thereafter, minimum average annual reduction of 3% per year averaged over each 3 year period. Oxygenated fuel requirement ^{17/} CO nonattainment areas	12% VOC emission reduction, averaged over each consecutive 3 year period until attainment is achieved. All reductions are creditable except for reductions from new RVP requirements.
Attainment Demonstration	Required	Required	Required	Required
Stage II	Required	Required	Required	Required ^{17/}
Emission Fees	All >25 tpy sources, fees not less than \$50/ton to pay monitoring, inventory and permitting costs.	Emissions fees for ^{4/} failure to attain. Federally enforceable operating permit fees to cover all costs of regulating stationary sources.	Emissions fees for ^{4/} failure to attain. Federally enforceable operating permit fees to cover all costs of regulating stationary sources.	Annual fee of not less than \$75/ton on major stationary VOC or NO _x sources. Emission fee to EPA of not less than \$15/ton VOC, NO _x , CO, or PM-10 to recover costs of program. Applicable to any source liable for state/local emission fees. \$5,000/ton fee (adjusted for inflation) for failure to attain on VOC emissions from major VOC sources over 50% of actuals in year area was to attain.

MANDATORY SIP PROVISIONS
For "Severe"/"Extreme" (Waxman and Senate) and "Severe" (Administration and H.R. 3030) Nonattainment Areas
(continued)

Other Provisions	Waxman	Administration	H.R. 3030	Senate
	<u>EXTREME</u> Clean fuel or advanced control technology on 25 tpy NO _x boilers, effective 2 years after enactment	Transportation control program RACT, all VOC sources over 100 tpy	Transportation control program RACT, all VOC sources over 100 tpy	RACT all non-CTG sources 25 tons/year or more VOC and 100 tons or more NO _x
	Operating permit for 25+ tpy sources of NO _x or VOC (severe), and 10 tpy (extreme).	Inventory every 3 years Annual emission statements from NO _x and VOC sources over 25 tpy	Inventory every 3 years Annual emission statements from NO _x and VOC sources over 25 tpy	Boundaries of extreme areas are to include the MSA or CMSA plus a radius of 25 miles
	Each new gasoline storage tank must be capable of storing methanol (severe/extreme).	Includes all preceding requirements for serious areas.	Includes all preceding requirements for serious areas.	Adoption of enforceable strategies and transportation measures to offset growth in VMT or number of vehicle trips
	No federal transportation funds to be used unless transportation planning includes all reasonably available techniques.			Employer transportation program to reduce work-related vehicle trips
	No bubbling out of RACT.			Inventory of actual emissions (in year of enactment) of VOC's and NO _x from all sources within MSA or CMSA plus a 25 mile radius; update every 3 years.
	Plus same provisions as for serious areas unless more stringent for severe or extreme.			Annual report on measures adopted and implemented.
	Includes all preceding requirements for serious areas.			Auto registration fee of not less than \$2.00.
				Includes all preceding requirements for serious areas.

MANDATORY SIP PROVISIONS
For "Severe"/"Extreme" (Waxman and Senate) and "Severe" (Administration and H.R. 3030) Nonattainment Areas
FOOTNOTES

- 1/ EPA's enhanced I&M if required would allow choice of measures, with a target overall performance level. See page 18 for more details on EPA and Congressional definitions of enhanced I&M.
- 2/ Ozone nonattainment areas only.
- 3/ Vehicles sales requirements begin in 1995 (500,000 nationwide) and rise to 1 million annually after 1996. State may opt out of program if additional equivalent measures are used.
- 4/ For major sources, \$5,000 per ton VOC in excess of 80% of actuals or allowed in attainment year.
- 5/ Beginning 1/1/96 until attainment date; averaged over each 3-year period. Submit attainment demonstration incorporating emission reductions by 12/31/2000.
- 6/ In lieu of the 3% per year VOC reduction requirement, states may control NO_x and VOCs to the extent that resulting reductions in ozone concentrations are equivalent. Less than 30% acceptable if all feasible measures are taken.
- 7/ By 10/1/93, fuels in serious and severe CO nonattainment areas must contain a to-be-specified level of oxygen during high CO concentration portions of the year. States may opt out of this requirement if it can be demonstrated the measure is not necessary for attainment.
- 8/ Emission reductions in excess of 12% may be credited towards the next reduction period. Reductions in emissions of NO_x (except those attributable to Federal motor vehicle standards) may be substituted for required VOC reductions at no less than a one-for-one ratio, providing the reductions provide equivalent ozone reduction to the required 12% VOC reduction.
- 9/ Applies only to facilities that sell greater than 20,000 gallons per month. EPA may revise or waive the Stage II requirements if on-board emission control systems are determined to be in widespread use.
- 10/ RACT revisions must achieve VOC reductions of 80% or more from uncontrolled levels unless such level is not technically or economically feasible. Reductions must equal the maximum feasible.
- 11/ At minimum, employers of 100 or more must increase vehicle occupancy to and from work at least 25% above area average. EPA may specify occupancy rates. Employers must submit compliance plans demonstrating compliance no later than 4 years from submittal of plan. A less than 25% vehicle occupancy rate increase is acceptable if cost to employer in implementing the plan is equal to or greater than cost of parking provided for each employee, or if compliance is not feasible at this cost.
- 12/ Reductions from the Federal Mobile Vehicle control programs, RVP regulations, SIP corrections required by prior guidance, or basic I&M measures do not count in the baseline or 15% reduction.
- 13/ Applicable to areas with an ozone design value at or above 0.18 ppm, having a 1980 population of 250,000 or more unless EPA has already approved a state program replacing the clean fuel program. Governor may request any other areas for inclusion in program.
- 14/ Manufacturers must certify capacity to produce, distribute, and offer to sell clean fuel vehicles (subject to availability of fuel) as follows: 500,000 vehicles in NY 1995; 750,000 in NY 1996; 1,000,000 per year in NY 1997 through 2004.
- 15/ States may opt out of all or part of clean fuel requirements by achieving emission reductions equivalent to applicable clean fuel standards.
- 16/ If EPA determines VMT or congestion exceeds SIP estimations, state must implement VMT reduction plan or offset increases with alternative measures. Reduction plan must include measures to reduce congestion to greatest extent feasible, including reduction in rate of increase in passenger vehicle trips and miles per trip.

SIP MANAGEMENT REQUIREMENTS

	<u>Maxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
Air Quality Maintenance Planning Horizon	SIP must address next 20 years	At least ten years	At least ten years	Maintenance plans must address 20 years and be updated after 10 years.
Audits of Progress	Revised plans audited every 2 years	-----	----	Plan may undergo annual audit as a sanction if area fails to achieve required emission reductions. EPA shall, at any time SIP is found to be substantially inadequate, require states to revise plan.

SANCTIONS AND THEIR TRIGGERS

<u>Triggers</u>	<u>Maxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
SIP not submitted on schedule	(a),(b),(i)	(b) ^{2/} , (d),(e),(f) ^{1/}	(b) ^{2/} , (d),(e),(f) ^{1/}	(b),(d),(f) ^{3/}
SIP disapproved	(a),(b),(i)	(b),(d),(e),(f) ^{1/}	(b),(d),(e),(f) ^{1/}	(b),(d),(f) ^{3/}
SIP not implemented	(a),(b),(i)	(d),(e),(f) ^{1/}	(d),(e),(f) ^{1/}	(b),(d),(f) ^{3/}
Interim reductions not met	(j)			(b),(d),(l),(m),(n)
Failure to attain by deadline	(c)	(g),(h)	(g),(h)	(k),(o)
Failure of EPA to Act	(a)	----	----	----

- 1/ At least one of the sanctions is to be applied upon EPA finding that reasonable efforts are not being made. Subsequent determination of reasonable efforts within 12 months. Additional sanctions may be added if reasonable efforts still not being made. Sanctions may be lifted at that time if efforts are positive, except that EPA must apply one or more of the sanctions if SIP submittal is more than 18 months overdue.
- 2/ This sanction may be applied no more than once in consecutive 5-years periods.
- 3/ The withholding of air quality grants, in whole or part, is optional.

Applicable Sanctions

- (a) 3:1 MSR offset ratio
- (b) No DOT highway funds except safety, mass transit and air quality
- (c) Move up moderate to serious, serious to severe, severe to extreme; if already extreme, 3:1 offsets imposed and economic incentives plus other measures necessary to reduce total NO_x and VOC's by 5% per year until attainment.
- (d) Construction ban
- (e) Ban on drinking water hook-ups
- (f) Conditions placed on air quality grants
- (g) In severe ozone nonattainment areas, \$5,000/ton fee (adjusted for inflation) on VOCs emitted in excess of 80% of the specified baseline allowed amount.
- (h) Reclassified to next higher class or one reflected by current levels, whichever is higher.
- (i) EPA may require sources of NO_x or VOC to pay assessment equal to the average marginal cost of controlling the pollutants.
- (j) For serious and severe areas, state may elect to either reclassify area upward (serious to severe, severe to extreme) or implement additional measures determined by EPA (serious) or implement an economic incentive program (severe). For extreme areas, the state must submit an economic incentive program.
- (k) In serious, severe, and extreme areas, \$5,000/ton fee (adjusted for inflation) on VOC's emitted in excess of 50% of actuals in year area was to attain.
- (l) Annual audit, until reductions are achieved, of the SIP to determine why the required reductions are not being met.
- (m) Assume that RACT is implemented on 25 ton VOC and 100 ton NO_x sources (as required for serious areas) and that annual emission fees are increased to \$500 per ton.
- (n) EPA also may lower the major source threshold and/or require the area to meet severe requirements (or extreme, if already severe).
- (o) Reclassified to next higher classification.

FIPS AND THEIR TRIGGERS

<u>Provisions</u>	<u>Waxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
	Not addressed	FIPs are discretionary. EPA may promulgate FIP after finding that State has failed to submit SIP, SIP does not meet criteria, or SIP is disproved. EPA must decide to promulgate FIP after finding that State failed to make reasonable efforts, taking into consideration practicality of FIP and severity of nonattainment problem.	FIPs are discretionary. EPA may promulgate FIP after finding that State has failed to submit SIP, SIP does not meet criteria, or SIP is disproved. EPA must decide to promulgate FIP after finding that State failed to make reasonable efforts, taking into consideration practicality of FIP and severity of nonattainment problem.	EPA must promulgate FIP within 3 years after EPA imposes sanction for failure to submit all or part of a SIP. EPA also has discretion to promulgate FIP at any time (after notice and comment) if State fails to submit plan, plan is not in accordance with requirements, or plan is not implemented.
<u>FIP Requirements</u>		FIP must result in at least significant progress towards meeting requirements of the Act.	FIP must result in at least significant progress towards meeting requirements of the Act.	Must meet all requirements of the Act except that inclusion of an attainment demonstration may be delayed up to 3 years after initial proposal. EPA may approve a state plan in lieu of FIP if all requirements are met by the state plan.

NEW CTGs

	<u>Waxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
<u>Categories</u>	Any 12 determined to be most significant contributors to ozone formation	Any additional 7 VOC categories.	Any additional 11 VOC categories. EPA may publish any additional CTG's as deemed necessary.	At least 12 categories determined to make the most significant contribution to formation of ozone pollution. Also, marine vessels (loading/unloading of petroleum products).
<u>Deadlines</u>	Name in 6 months and divide into groups of 3. Complete each group every 18 months until all done. Review and update CTGs within 3 years of enactment and every 4 years thereafter.	Within 3 years from enactment.	Within 3 years from enactment. EPA must review and update CTG's, including those issued previously.	Categories divided into groups of 4. First group published within 18 months after publication and at least one other group every 18 months thereafter until completed. Review and update within 36 months and every 4 years thereafter. Marine vessel CTG within 2 years after enactment.

Default Provisions

Sources >10 tpy must within 2 years (after scheduled publications) reduce VOC emissions to 10% of uncontrolled levels.

FEDERAL LIMITS ON OTHER VOC SOURCES

<u>Sources</u>	<u>Maxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
	Specific categories*	Consumer or commercial products. Marine vessels.	Consumer or commercial products. Marine vessels.	Consumer or commercial products.
<u>Deadline</u>	List of categories within 2 years, divided into 5 groups by priority. Standards promulgated for first group within 3 years and each additional group every 2 years for next 8 years.	Consumer/commercial product study due to Congress within 2 years. Regulations may be promulgated at EPA's discretion. Marine vessel standards promulgated within 4 yrs.	Consumer/commercial product study due to Congress within 2 years. EPA must promulgate regulations as deemed necessary. Marine vessel standards promulgated within 4 yrs.	Final report to Congress due 2 years after enactment; promulgate regulations within 2 years of submitting report.
<u>Nature of Regulation</u>	"Lowest feasible emission rate," costs considered.	For consumer/commercial products - emission reductions equivalent to reasonably available controls. Marine vessel standards to consider cost, safety and environmental impacts.	For consumer/commercial products - emission reductions equivalent to reasonably available controls. Marine vessel standards to consider cost, safety and environmental impacts.	Emission reductions equivalent to reasonably available controls; must achieve, (within 3 years after promulgation) nationwide VOC reductions of 3% below level in the year of enactment.
* Commercial and consumer solvents, architectural coatings, pesticides, traffic coatings, military coatings.				
1/	May include combination of registration, monitoring requirements, fees or economic incentives.			
2/	May include any combination of registration, labeling, self-monitoring, reporting, prohibitions, limitations or fees concerning manufacture, processing, distribution, use, consumption, or disposal. Health-use products may be exempted if EPA determines no suitable substitutes exist.			
3/	Report must list classes or categories of commercial and consumer products and evaluate various alternative regulatory approaches such as fees, marketable permits, and auctions.			
4/	May include any system of regulation including (but not limited to) registration, labeling, self-monitoring, reporting, prohibitions, limitations, fees, other economic incentives (such as marketable permits and auctions of emission rights) concerning the manufacture, processing distribution, use, consumption, or disposal of the product. Health-use products may be exempted if EPA determines no suitable substitutes exist.			
5/	Report must list classes or categories of commercial and consumer products and evaluate various alternative regulatory approaches such as fees, charges, marketable permits, and auctions.			
6/	May include any system of regulation including (but not limited to) registration, labeling, self-monitoring, reporting, prohibitions, limitations, reasonable fees, charges, other economic incentives (such as marketable permits and auctions of emission rights) concerning the manufacture, processing distribution, use, consumption, or disposal of the product. Health-use products may be exempted if EPA determines no suitable substitutes exist. Any fees or charges must be related to recovery of costs related to these regulations.			

OZONE TRANSPORT REGIONS

Designated Regions
Waxman
 11 northeastern States
 and D.C.

Administration
 11 northeastern States
 and D.C.

H.R. 3030
 11 northeastern States
 and D.C.

Senate
 12 northeastern States
 and D.C.

Roles/Responsibilities

	EPA	EPA ^{1/}	EPA ^{1/}	EPA ^{1/}
• Appoint the Commission		1 from each state; 1 from each EPA regional office; 1 from EPA Head-quarters.	1 from each state; 1 from each EPA regional office; 1 from EPA Head-quarters.	1 from each state; 1 from each EPA regional office; 1 from EPA Head-quarters.
• Commission members		Meet "serious" area requirements except attainment dates and emissions reduction targets	Controls to be recommended by transport commissions; EPA may require SIPs to include recommended controls.	Attainment areas must implement I&M in MSA's of 100,000 or more; RACT, Stage II ^{5/7/7}
• SIP requirements		States must submit SIP revision within 4 years after enactment.	EPA, upon petition by Commission.	States must submit SIP or SIP revision within 2 years after enactment.
• Require States to revise SIP's			EPA, upon petition by State, or recommendation of commission	EPA, upon written comment from Commission, and Federal Register notice; determining within 9 months ^{5/8}
• Exempt States or areas from Region	EPA (based on State petition)		EPA upon petition by State or recommendation of commission	EPA, or by petition of state or political subdivision
• Add States or areas	EPA by petition or own initiative		EPA, or upon petition by State	EPA
• Create new regions	EPA			

Exemption Criteria

Any area may be exempted if stationary or mobile sources do not contribute significantly to ozone levels in serious, severe, or extreme areas.	If emissions do not contribute significantly to nonattainment of the region.	If emissions do not contribute significantly to nonattainment of the region.	Any area may be exempted if stationary or mobile sources do not contribute significantly to ozone levels in serious, severe, or extreme areas
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OZONE TRANSPORT REGIONS

FOOTNOTES

- 1/ Transport commissions are to be appointed for each region.
- 2/ Applicable to areas other than serious, severe, or extreme.
- 3/ Decisions by majority vote; EPA Regional office members do not vote.
- 4/ Decisions by majority vote; State members only may vote.
- 5/ EPA may exempt areas from one or more of the requirements if the state can demonstrate that stationary or mobile sources do not contribute to nonattainment in any other area in the region. No state that is entirely attainment is to be subject to the requirements for transport regions, unless EPA determines it is necessary for attainment in adjoining areas, or at the discretion of the Governor of the state in attainment.
- 6/ If necessary for attainment, the commission may require additional controls upon petition by the state. Any additional control measures must be submitted to EPA as SIP revisions (with opportunity for public comment) for approval or disapproval of whole or part, after consultation with Commission.
- 7/ RACT required for all VOC sources covered by a CTG, NO_x sources covered by a CTG issued after enactment, and all VOC sources not covered by a CTG with potential to emit 100 tons or more.
- 8/ Commission has authority to remove any state or portion thereof, from the transport region.

MOTORCYCLE EMISSIONS LIMITS

	<u>Maxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
HC (gpm)				
below 700 cc ('92-)	2.0 gpm	---	---	---
700 cc & up ('92-)	3.6 gpm	---	---	---
Evap. (gram/test)				
below 700 cc ('92-)	2.0 gpm	---	---	---
700 cc & up ('92-)	4.0 gpm	---	---	---
CO (gpm) ('92-)	17.6 gpm	---	---	---

PASSENGER VEHICLE EMISSIONS LIMITS

LDV Weight ^{1/}	Maxman	Administration ^{6/}	H.R. 3030 ^{6/}	Senate
	<3750 lbs ^{2/}	≤ 3,750	≤ 3,750	≤ 3,750
Limit, HC & NMHC	<u>HC</u> <u>Cert. & In-Use:</u> .25 gpm '93-'99 .125 gpm, 2000-	<u>HC</u> <u>Cert:</u> 0.25 gpm, phased ^{3/} <u>In-use:</u> 0.32 gpm '93, '94 0.25 gpm '95-'97 ⁹	<u>NMHC</u> <u>Cert:</u> 0.25 gpm, (5 yr.-/ 50,000 mi.) 0.31 gpm (10 yr.-/ 100,000 mi.), phased ^{13/} <u>In-use:</u> 0.32 gpm, '94-'97, 14/ 0.25 gpm (5 yr.-/ 50,000 mi.) 0.31 gpm (7 yr.-/ 75,000 mi.), phased ^{15/} <u>Pending:</u> 0.125 gpm ^{16/}	<u>HC</u> <u>Cert. & In-Use:</u> .31 gpm, '93-2002 .125 gpm, 2003+ <u>NMHC</u> <u>Cert. & In-Use:</u> 0.25 gpm, '93-2002
Limit, CO	<u>Cert. & In-Use:</u> 3.4 gpm, '92- 1.7 gpm, 2000-	Cold start ^{4/}	Cold start ^{4/} <u>Cert:</u> 3.4 gpm (5 yr.-/ 50,000 mi.) 4.2 gpm (10 yr.-/ 100,000 mi.), phased ^{15/} <u>In-use:</u> 5.2 gpm, '94-'97, 14/ 3.4 gpm (5 yr.-/ 50,000 mi.) 4.2 gpm (7 yr.-/ 75,000 mi.), phased ^{15/} <u>Pending:</u> 1.7 gpm ^{16/}	Cold start ^{10/} <u>Cert. & In-Use:</u> 1.7 gpm, 2003+
Limit, NO _x	<u>Cert & In-Use:</u> 0.4 gpm '93-'99 0.2 gpm, 2000-	<u>Cert. & In-Use:</u> ^{5/} 0.7 gpm, phased ^{5/}	<u>Pending:</u> 0.2 gpm ^{16/}	<u>Cert. & In-Use:</u> 0.4 gpm, '93-2002 0.2 gpm, 2003+ <u>Diesel</u> 1.0 gpm, '91-2002 0.7 gpm, 2003+

PASSENGER VEHICLE EMISSIONS LIMITS
(continued)

Limit, Part.	H.R. 3030 ^{6/}		Senate
	Maxman	Administration ^{6/}	
	Cert. & In-Use: 0.08 gpm, '92-	Cert. & In-Use: 0.08 gpm, phased 17/	Cert. & In-Use: 0.08 gpm, '93+ (diesel)
Limit, CO ₂	-----	-----	Cert. & In-Use: 266 gpm (~30 mpg), MY '96-99 220 gpm (~36 mpg), MY 2000+
Useful Life	50,000 mi. 95+ - 100,000 mi. or 10 years	50,000 mi., Onboard controls within 4 years of enactment; 95% efficiency.	5 yrs/50,000 mi., MY '94 or before 10 yrs/100,000 mi., MY '95+
Refueling	Onboard controls within 3 years of enactment, 95% efficiency; Stage II in all but moderate areas	Stage II required in all nonattainment areas except marginal.	Onboard, MY '93+, 95% efficiency
On-Board Diagnostics	Within 18 months, EPA to promulgate requirements for on-board diagnostics ^{7/}	EPA may promulgate regu- lations requiring diag- nostics	Within 18 months, EPA to promulgate regulations for diagnostics beginning MY '94.
Vehicle Evaporative Controls	18 months after enact- ment, EPA to require best available technology	EPA may promulgate regu- lations on evaporative control ^{8/}	18 months after enact- ment, EPA to promulgate regulations for evapor- ative controls beginning MY '94 ^{12/}

PASSENGER VEHICLE EMISSIONS LIMITS

FOOTNOTES

- 1/ Gross vehicle weight
- 2/ LDV defined as passenger car or passenger car derivative capable of seating 12 passengers or less.
- 3/ Non-methane hydrocarbon standard of 0.25 gpm phased-in beginning in 1993: '93 - 40%; '94 - 80%; '95 - 100%
- 4/ CO cold start standard of 10 gpm @ 20°F phased-in between 1993-95: '93 - 40%; '94 - 80%; '95 - 100%
- 5/ Beginning in 1993, NO_x standard of 0.7 gpm phased-in: '93 - 40%; '94 - 80%; '95 - 100%.
- 6/ Low emission clean fuel vehicles will be required starting in model year 1995 and rising to 1 million LDV's and LDT's in 1997-2004.
- 7/ Diagnostics must provide greatest degree of detection of emissions in excess of standards as is feasible considering cost. Reevaluate every 4 years.
- 8/ Evaporative controls must achieve greatest degree of emission reduction achievable (reasonably expected to be available) considering cost, energy, and safety.
- 9/ Phased-in: 40% in '95, 80% in '96, 100% in '97.
- 10/ CO cold start standard at 20°F for light-duty vehicles and trucks phased in: MY '93-'99 for LDV, 10 gpm; for LDT, 13 gpm; MY 2000+ for LDV, 3.4 gpm; for LDT, 4.4 gpm.
- 11/ Applicable to LDV and LDT's. Additionally, EPA may promulgate regulations to require diagnostics on heavy-duty vehicles and engines and also may by regulation require inspection of on-board diagnostics in states with I&M programs in place.
- 12/ Evaporative controls must achieve greatest degree of emission reduction achievable by means expected to be available in any applicable model year.
- 13/ Standard phased-in: MY '94 - 40%; '95 - 80%; '96 - 100%.
- 14/ Intermediate in-use standard phased-in: MY '94, '95 - 100%; '96 - 60%; '97 - 20%.
- 15/ Final in-use standards phased-in: MY '96 - 40%; '97 - 80%; '98 - 100%.
- 16/ EPA must study whether the given pending emission levels for HC, CO, and NO_x and useful life (10 yr./100,000 mi.) for model years beginning after January 1, 2003 should be required on the basis of available technology, need for further emission reductions, and/or cost effectiveness. Report due June 1, 1997. EPA may also consider alternative standards. Pending standards to be promulgated depending on outcome of report.
- 17/ NO_x & PM standards for passenger vehicles phased-in: MY '94 - 40%; '95 - 100%. For LDT's: '95 - 40%; '96 - 100%.

LIGHT-DUTY TRUCK EMISSIONS LIMITS

	<u>Maxman</u>	<u>Administration</u> ^{1/}	<u>H.R. 3030</u> ^{1/}	<u>Senate</u>
Weight	0 - 10,000*	-----	3,750 - 5,750 lbs.	3,750 - 5,750 lbs. 5,750+ lbs.
HC & NMHC	<u>HC</u>	<u>HC</u>	<u>NMHC</u>	<u>HC</u>
	<u>Cert. & In-Use:</u> 0.5 gpm (3,750-10,000)* '93	<u>Cert:</u> 0.41 gpm (<3,750 lbs)* phased ^{2/} 0.50 gpm (>3,750 lbs)* phased ^{2/} <u>In-Use:</u> '94-'95, <50K mi: same, >50K mi: 0.8 gpm '96, 50%; '97+, 100%; full life: 0.41 (<3,750 lbs) 0.50 (>3,750 lbs)	<u>Cert:</u> 0.32 gpm (5 yr./ 50,000 mi.), 0.40 gpm (10 yr./ 100,000 mi.), phased ^{4/} <u>In-Use:</u> 0.41 gpm, '94-'97, 5/ 0.32 gpm, (5 yr./ 50,000 mi.), 0.40 gpm (7 yr./75,000 mi.), 6/ phased ^{6/}	<u>Cert. & In-Use:</u> 0.38 gpm, '95+ (3,750 - 5,750 lbs.) 0.46 gpm, '95+ (5,750 lbs.+) <u>NMHC</u> <u>Cert. & In-Use:</u> 0.32 gpm, '95+ (3,750 - 5,750 lbs.) 0.39 gpm, '95+ (5,750 lbs.+)
CO	<u>Cert & In-Use:</u> 4.0 gpm (3,750-5,750)* '93 5.6 gpm (5,750-10,000)* '93	<u>Cert:</u> 4.2 gpm (<3,750 lbs)* phased ^{2/} 5.5 gpm (>3,750 lbs)* phased ^{2/} <u>In-Use:</u> '94-'95, <50Kmi: 5.20 gpm (<3,750 lbs) 6.70 gpm (>3,750 lbs) >50K mi: 10.0 gpm '96, 50%; 97+, 100%; full life: 4.2 gpm (<3,750 lbs) 5.5 gpm (>3,750 lbs)	<u>Cert:</u> 4.4 gpm (5 yr./ 50,000 mi.); 5.5 gpm (10 yr./ 100,000 mi.), phased ^{4/} <u>In-Use:</u> 6.7 gpm, '94-'97, phased ^{5/} 4.4 gpm, (5 yr./ 50,000 mi.), 5.5 gpm (7 yr./ 75,000 mi.), phased ^{6/}	<u>Cert. & In-Use:</u> 4.4 gpm, '95+ (3,750-5,750 lbs.) 5.0 gpm, '95+ (5,750 lbs.+)
NO _x	<u>Cert. & In-Use:</u> 0.5 gpm (3,650-5,750)* '93 1.0 gpm (5,750-10,000)* '93			<u>Cert. & In-Use:</u> 0.7 gpm, '95+ (3,750 - 5,750 lbs.) 1.1 gpm, '95+ (5,750 lbs.+)
Particulates	-----		<u>Cert. & In-use:</u> 0.08 gpm	0.12 gpm, '95+ (5,750 lbs.+)

* Gross vehicle weight.

LIGHT-DUTY TRUCK EMISSIONS LIMITS

FOOTNOTES

- 1/ Low emission clean fuel vehicles are also required starting in model year 1995 and rising to one million LDV's and LDT's annually 1997-2004.
- 2/ 50% compliance in 1994 and 100% in model year 1995.
- 3/ Cold start requirements phased in 1993-1995.
- 4/ Phased-in: MY '94 - 40%; '95 - 80%; '96 - 100%
- 5/ Intermediate in-use standard phased-in: MY '94, '95 - 100%; '96 - 60%; '97 - 20%.
- 6/ Final in-use standards phased-in: MY '96 - 40%; '97 - 80%; '98 - 100%.
- 7/ NO_x and PM standard phased-in: MY '95 - 40%; '96 - 100%

HEAVY-DUTY VEHICLE EMISSIONS LIMITS

	<u>Maxman</u>	<u>Administration</u> ^{1/}	<u>H.R. 3030</u>	<u>Senate</u>
HC	(>10,000 lbs)	----	----	----
CO	----	----	----	----
NO _x	4.0 gbh '94-'96 1.7 gbh '97+	----	----	4.0 gbh, '96+
PM	0.25 gbh '91-'93 0.10 gbh '94+	.25 gbh (diesel urban buses '91-'93) .1 gbh (urban buses) ^{2/}	.25 gbh (diesel urban buses '91-'93) .1 gbh (urban buses) ^{2/}	0.25 gbh, '91-'93 0.10 gbh, '94+ 0.10 gbh, '91+ (buses)

1/ Standards are to reflect the "greatest degree of emission reduction achievable" for HC, CO, NO_x, and particulates beginning MY'83. EPA may promulgate regulations revising standards to achieve additional emission reductions.

2/ No later than 12 months after enactment of the section, EPA is to promulgate regulations requiring areas having a 1980 population greater than 1,000,000 to phase-in (from 1991-94) new buses that run exclusively on clean fuel: MY '91 - 10%; '92 - 25%; '93 - 60%; '94 - 100%. Emissions of particulates are not to exceed 0.1 gbh for the clean fuel buses.

DEFINITION OF "ENHANCED" I&M

	<u>Waxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
<u>Vehicles Covered</u>	All light-duty vehicles regularly operated	Light-duty vehicles and trucks, at a minimum	Light-duty vehicles and trucks, at a minimum	All registered light-duty vehicles
<u>Area</u>	Nonattainment MSA with '85 population over 100,000 (serious, severe, or extreme areas) and ozone transport region counties	Urbanized areas with 1980 population >200,000 in serious or severe nonattainment areas.	Urbanized areas with 1980 population >200,000 in serious or severe nonattainment areas.	MSA with '80 population of 100,000 or more in moderate, serious, severe and extreme areas (moderate areas that do not already have basic I/M may choose Stage II instead) and ozone transport regions.
<u>Frequency</u>	Annual	----	----	----
<u>Scope</u>	• Direct inspection and repair of components • Centralized or computerized testing • No pollutants specified	• EPA to issue guidance, including performance standards for light-duty vehicles and trucks. • State program to include computerized emission analyzers. • Enforcement through denial of vehicle registration.	• EPA to issue guidance, including performance standards for light-duty vehicles and trucks. • State program to include computerized emission analyzers. • Enforcement through denial of vehicle registration.	• Direct inspection and repair of components • Computerized emission analyzers • Denial of vehicle registration except for programs already in place that can demonstrate a more effective enforcement mechanism. • Any future on-board emission diagnostic systems requirements.
<u>Waiver</u>	At least \$200 for warranty items; lower limit allowed for non-warranty items	• No waiver for parts or vehicle covered by emission control warranty. • Required expenditure for non-warranty waivers of at least \$75 for pre-MY'81; initially \$200 for MY'81 and \$75 at the next inspection.	• No waiver for parts or vehicle covered by emission control warranty. • Required expenditure for non-warranty waivers of at least \$500.	• Repair requirements may be waived when costs exceed \$200.

FUEL LIMITATIONS

Waxman Administration^{2/} H.R. 3030^{2/} Senate

Lead in gasoline

No lead 1/1/90

Ban in 1/1/91; 2 year extension if needed for farm vehicles. Production of engines using leaded fuel prohibited after MY'92.

Gasoline volatility

• Class C, 9 psi RVP, '90; Proportional other areas

9 RVP (high ozone season).^{5/} Regulations promulgated 6 months after enactment, to apply no later than '92. Gasohol waiver is EPA's option.

9 RVP in Class C areas, May 16-Sept. 15 or longer if EPA determines. Regulations to be promulgated. Effective second high ozone period after enactment. Proportional reduction in areas other than Class C.

Diesel Sulfur

(small refinery by 7/1/93)

Effective 10/1/93, 3/0.05% wt. limit (and minimum cetane index of 40)

1 psi gasohol waiver

Effective 10/1/93, 0.05% (by weight) or minimum cetane index of 40.

"Clean Fuels"

By 10/1/93, State plans must require oxygenates as necessary, in combination with other measures, to attain CO standard.

Effective 10/1/93, state plan must require oxygenates (min. 2% mod. areas; 2.7% serious) in high CO portion of year, as necessary to attain CO standard.

Effective 10/1/91, in CO nonattainment areas from Oct. 1-Mar. 31, fuel must have oxygen content of 3.1% or greater.

EPA to define "clean fuel" criteria and require manufacture and sale of clean fuel vehicles starting in 1995. States to insure clean fuel economical to user.

EPA must promulgate annual emission reductions based on 85% methanol. Manufacturers required to certify capacity to produce, distribute, and offer to ~~16/~~ clean fuel vehicles.

EPA to promulgate emission standards within 18 months of enactment for low polluting vehicles. Standards to reflect best available technology. Effective second model year after promulgation.

EPA to promulgate regulations requiring use of low polluting fuels in urban buses, phased-in '91-'94

FUEL LIMITATIONS

FOOTNOTES

- 1/ Small refinery defined as one with capacity of <175,000 bbd.
- 2/ EPA is to promulgate regulations 12 months after enactment setting forth alternative market-based control measures for any mobile source provisions.
- 3/ Heavy-duty diesel vehicles must use 0.10% wt sulfur diesel, in '91-'93 MY to be certified.
- 4/ State may opt out of requirements if it can be demonstrated that oxygenates are not needed to attain CO standard (applies to moderate and serious areas).
- 5/ More stringent RVP as necessary to generally achieve comparable evaporative emissions nationwide.
- 6/ EPA to promulgate regulations no later than 1 year after enactment. Manufacturers and importers of diesel fuel that is not for use in motor vehicles must dye the fuel. For certification of heavy-duty vehicles, sulfur content is 0.05%, MY'93-'94; 0.05% and cetane index of 40, MY'94+.
- 7/ EPA to promulgate guidelines within 9 months after enactment on marketable oxygen credits that may be exchanged between sellers in the same nonattainment area. Average oxygen content of fuels sold in CO nonattainment areas must be 3.1% or greater. EPA may waive oxygenate fuel requirement if it may interfere with attainment.
- 8/ Low polluting fuels means methanol, ethanol, propane, natural gas or any other comparably low polluting fuel.
- 9/ Other alternative fuels such as ethanol, natural gas, LPG, 100% methanol, reformulated gas, other fuels, electricity, or power source may be used to achieve reductions.
- 10/ Subject to availability of fuel: 500,000 clean-fuel vehicles - '95; 750,000 - '96; 1,000,000 per year - '97-2004. Applicable to ozone nonattainment areas (1988 ozone design value 0.18 ppm+) with 1980 population of 250,000 or more, unless EPA has approved a program to replace clean fuel program.
- 11/ Applicable to buses operated mostly in MSA's with 1980 population of 1,000,000 or more. Phased-in: 10% of new urban buses (purchased or placed into service) in MY'91; 25% in '92; 60% in '93; and 100% in '94+.

LIGHT-DUTY TRUCK EMISSIONS LIMITS

Maxman

Administration^{1/}

H.R. 3030^{1/}

Senate

Weight

0 - 10,000*

3,750 - 5,750 lbs.

3,750 - 5,750 lbs.
5,750+ lbs.

HC & NMHC

HC
Cert. & In-Use:
0.5 gpm (3,750-10,000)*
'93

HC
Cert.:
0.41 gpm (<3,750 lbs)*
phased^{4/}
0.50 gpm (>3,750 lbs)*
phased^{4/}

NMHC
Cert.:
0.32 gpm (5 yr./
50,000 mi.),
0.40 gpm (10 yr./
100,000 mi.),
phased^{4/}

HC
Cert. & In-Use:
0.38 gpm, '95+
(3,750 - 5,750 lbs.)
0.46 gpm, '95+
(5,750 lbs.+)

In-Use:
'94-'95, <50K mi: same,
'96, 50%; '97+, 100%;
full life:
0.41 (<3,750 lbs)
0.50 (>3,750 lbs)

In-Use:
0.41 gpm, '94-'97, 5/
6/

NMHC
Cert. & In-Use:
0.32 gpm, '95+
(3,750 - 5,750 lbs.)
0.39 gpm, '95+
(5,750 lbs.+)

0.32 gpm, (5 yr./
50,000 mi.),
0.40 gpm (7 yr./75,000
mi.), 6/
phased^{6/}

CO

Cert & In-Use:
4.0 gpm (3,750-5,750)*
'93
5.6 gpm (5,750-10,000)*
'93

Cert.:
4.2 gpm (<3,750 lbs)*
phased^{2/3/}
5.5 gpm (>3,750 lbs)*
phased^{2/3/}

Cert.:
4.4 gpm (5 yr./
50,000 mi.);
5.5 gpm (10 yr./
100,000 mi.),
phased^{4/}

Cert. & In-Use:
4.4 gpm, '95+
(3,750-5,750 lbs.)
5.0 gpm, '95+
(5,750 lbs.+)

In-Use:
'94-'95, <50Kmi:
5.20 gpm (<3,750 lbs)
6.70 gpm (>3,750 lbs)
>50K mi: 10.0 gpm
'96, 50%; '97+, 100%;
full life:
4.2 gpm (<3,750 lbs)
5.5 gpm (>3,750 lbs)

In-Use:
6.7 gpm, '94-'97, phased^{5/}
4.4 gpm, (5 yr./
50,000 mi.),
5.5 gpm (7 yr./
75,000 mi.),
phased^{6/}

NO_x

Cert. & In-Use:
0.5 gpm (3,650-5,750)*
'93
1.0 gpm (5,750-10,000)*
'93

Cert. & In-use:
1.0 gpm

Cert. & In-Use:
0.7 gpm, '95+
(3,750 - 5,750 lbs.)
1.1 gpm, '95+
(5,750 lbs.+)

Particulates

Cert. & In-use:
0.08 gpm

0.12 gpm, '95+
(5,750 lbs.+)

* Gross vehicle weight.

MOTOR VEHICLE ENFORCEMENT PROVISIONS

	<u>Maxman</u>	<u>Administration</u>	<u>H.R. 3030</u>	<u>Senate</u>
<u>FTP Test Revisions</u>	Add idle test	Add test to simulate I&M test. Add cold start test.	Add test to simulate I&M test. Add cold start test.	Idle test. Review and revise to insure test reflects actual driving conditions. Testing of evaporative and tailpipe emissions. Add cold start test.
<u>Averaging to meet standards</u>	Prohibited	EPA authorized to permit by regulation.	Prohibited	Prohibited
<u>LDV "Useful Life"</u>	10 years or 100,000 miles, MY 95+	----	----	5 years or 50,000 miles, MY'94 or before 10 years or 100,000 miles, MY'95+
<u>Assembly line test criterion</u>	90% compliance	----	----	90% compliance (MY '91)
<u>Recall criteria</u>	"Properly" maintained changed to "normally"	----	----	EPA may require manufacturer to pay costs of procuring and testing. EPA required to consider State I/M data in making recall determinations.
<u>Tampering prohibition</u>	Expanded to everyone	Expanded to everyone	Expanded to everyone	Expanded to everyone
<u>Defeat device sales</u>	Prohibited	Prohibited	Prohibited	Prohibited
<u>Tampering civil penalty to individuals</u>	\$2500/vehicle	\$2500/part	\$2500/part	\$2500/vehicle or \$2500/part for defeat device sales or manufacture.