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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[CT008-7210a; A-1-FRL-6225-1]

Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Connecticut; Enhanced Motor Vehicle Inspection and Maintenance Program; Approval of Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut Portion of the New York-N. New Jersey-Long Island Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is conditionally approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut on June 24, 1998 and a commitment submitted November 13, 1998 to start on-board diagnostic testing (OBD) by July 1, 2001. This revision conditionally approves the Connecticut statewide enhanced inspection and maintenance (I/M) program. The effect of this action is to conditionally approve the State's I/M SIP revision which for the most part is approvable, but which does not meet all EPA enhanced I/M program regulatory requirements. Connecticut has committed to correcting these deficiencies by July 1, 1999. EPA is also approving a request by the Connecticut Department of Environmental Protection (CTDEP) on May 29, 1998 to redesignate the Connecticut portion of the New York-N. New Jersey-Long Island carbon monoxide nonattainment area from nonattainment to attainment for carbon monoxide (CO). EPA is approving this request which establishes the Connecticut portion of this area as attainment for carbon monoxide and requires the State to implement its 10 year maintenance plan that will insure that the area remains in attainment. Under the Clean Air Act (CAA), section 107 as amended in 1990, designations can be revised if sufficient air quality data is available to warrant such revisions. EPA is approving the Connecticut request because it addresses the redesignation requirements set forth in the CAA. This action is being taken under section 107 of the Clean Air Act.

DATES: This direct final rule is effective on May 10, 1999 without further notice, unless EPA receives relevant adverse comment by April 9, 1999. If relevant adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress St., Suite 1100, Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th Floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE-131), Washington, D.C. 20460; and (the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Peter X. Hagerty, (617) 918-1049 or Jeff Butensky, (617) 918-1665.

SUPPLEMENTARY INFORMATION:**I. Background****A. Clean Air Act Requirements for I/M**

The Clean Air Act, as amended in 1990 (CAA or Act), requires certain States to revise and improve existing I/M programs or implement new ones. All ozone nonattainment areas classified as moderate or worse must implement a basic or enhanced I/M program depending upon its nonattainment classification, regardless of previous requirements. In addition, Congress directed the EPA in section 182(a)(2)(B) to publish updated guidance for State I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The States must then incorporate this guidance into the SIP for all areas required by the Act to have an I/M program. Metropolitan statistical areas with populations of 100,000 or more that are within the Northeast Ozone Transport Region are required to meet EPA guidance for enhanced I/M programs.

Final full approval of the portions of the state's I/M SIP revision subject to the conditions stated in this notice is still necessary under section 110 and under section 182, 184 or 187 of the CAA.

B. Rationale for CO Redesignation

On November 2, 1998 EPA published a direct final rule in the **Federal Register** approving the maintenance plan, carbon monoxide (CO) redesignation, and emissions inventory for the Connecticut portion of the New York—N. New Jersey—Long Island Area (62 FR 58637). This action was meant to redesignate the southwest Connecticut moderate carbon monoxide (CO) area to attainment. On December 2, 1998, EPA received a comment on that action, which should have prevented the direct final rule from taking effect. EPA is removing the amendments in that action in a parallel document published elsewhere in today's **Federal Register**. This action addresses the comment received and again redesignates Southwest Connecticut to attainment for CO.

In the November 2, 1998 document, EPA inaccurately stated that Connecticut has a fully approved CO SIP. A fully approved CO nonattainment SIP for this area must include a fully approved enhanced I/M program. On December 2, 1998, EPA received a comment pointing out that EPA has not fully approved Connecticut's enhanced I/M program and inquiring as to the basis for EPA's redesignation in light of the absence of a fully approved enhanced I/M program.¹

A memorandum from John Calcagni, September 4, 1992, Procedures for Processing Requests to Redesignate Areas to Attainment, states that areas requesting redesignation to attainment must fully adopt rules and programs that come due prior to the submittal of a complete redesignation request. However, EPA is allowing a de minimis exception to this policy in today's action. While all nonattainment area SIP requirements that come due prior to the submission of the redesignation request

¹ EPA also received a comment from the State of New Jersey supporting the Connecticut redesignation and making certain assertions about New Jersey's eligibility for redesignation and the use of oxygenated fuels. EPA is taking no position in this notice on New Jersey's eligibility for redesignation and the use of oxygenated fuels in either New Jersey or Connecticut. The Clean Air Act requires the sale of oxygenated fuels in areas that are located within a CMSA in which a carbon monoxide nonattainment area with a design value of 9.5 parts per million or greater, and that requirement is not changed merely by the redesignation of such areas to attainment. Although the Southwest Connecticut emission inventory and maintenance plan EPA presented in its prior document (See 63 FR 58641 (Nov. 2, 1998)) did not include any emissions reductions from the sale of oxygenated fuels, the applicability of the requirements concerning the sale of oxygenated fuels in the southwest Connecticut portion of the New York City consolidated metropolitan statistical area will not be affected by the redesignation of southwest Connecticut to attainment.

remain applicable requirements, the EPA believes it appropriate, in this instance, to allow a narrow exception to this policy with respect to the conditional approval of the I/M program.

In its approval of the redesignation to attainment for ozone of Grand Rapids, Michigan, EPA formulated a limited exception to the requirement that an area must have a fully approved SIP prior to redesignation. 61 FR 31831, 31833, 31843–31847 (June 21, 1996). In that action, EPA allowed redesignation where the area had not adopted nor received approval for certain VOC RACT rules, accepting instead a commitment to adopt and implement the RACT rules as contingency measures in the maintenance plan, rather than require full adoption and approval prior to redesignation. EPA allowed this exception based on a combination of several factors: (1) The rules were not needed to bring about attainment of the ozone standard in Grand Rapids; (2) the State demonstrated maintenance without the implementation of these measures; (3) the State placed other contingency measures in the maintenance plan that would bring about greater emission reductions than the VOC RACT rules would. 31833–31834. See also 61 FR 14526–14527 (April 2, 1996) (proposed rulemaking on Grand Rapids). Moreover, the State would have been able to have the RACT rules become a part of the contingency measures upon approval of the redesignation, and thus the only difference lay in having a commitment to adopt contingency measures rather than fully adopted contingency measures. 31843–31844. EPA concluded that “this difference has no significant environmental consequence and that it is permissible to approve the Grand Rapids redesignation on this basis.” 61 FR 14527.

The Southwestern Connecticut redesignation presents a similar case for an exception to the general policy that all SIP provisions must be fully approved. In the case of southwestern Connecticut, EPA believes that, as in Grand Rapids, a number of factors in combination justify an approach similar to that taken with respect to Grand Rapids.

First, as explained in the first direct final rule for this redesignation, the modeling supporting Connecticut's redesignation demonstrates that emission reductions from enhanced I/M are not needed to attain the CO standard. Second, reductions from enhanced I/M are not needed to maintain the CO standard during the

maintenance period. Third, the State has committed to implement enhanced I/M as a contingency measure in their CO maintenance plan, as well as the low emission vehicle program. Fourth, Connecticut remains obligated to implement a fully enhanced I/M program under the Act based on the state's status as an ozone nonattainment area. Indeed, Connecticut is already implementing the enhanced I/M program in order to achieve emissions reductions for the purposes of addressing ozone nonattainment. Note that the enhanced I/M program only commenced operation in January 1998. Therefore, any CO reductions achieved by the enhanced program were not a factor in attaining the CO standard in southwest Connecticut or elsewhere in this CO nonattainment area, because the enhanced I/M program did not operate during the 1996–1997 years, two of the years when the entire area monitored air quality attaining the CO standard. Nevertheless, Connecticut's operation of the program gives EPA substantial assurance that the environmental benefit of the enhanced I/M program will be achieved despite this minor departure from Agency redesignation policy. Fifth, the deficiencies in the Connecticut enhanced I/M program, while they must be corrected for full approval, are not flaws in the program that substantially diminish the level of emissions reductions the current program achieves as compared with a fully approvable program. Finally, EPA is today conditionally approving the enhanced I/M program into the SIP. Connecticut has committed to meeting the conditions of EPA's approval and correcting its program by July 1, 1999. Even if the State failed to meet these conditions, EPA is providing that the conditional approval will convert to a limited approval/limited disapproval of the enhanced I/M program, so the emissions reductions from Connecticut's current enhanced I/M program will remain enforceable under the SIP in the unlikely event the State fails to meet its commitment to cure the I/M program.

For all these reasons, EPA has concluded that relying on a conditional approval of Connecticut's enhanced I/M program for the purposes of redesignating the southwest portion of the State to attainment for CO is a de minimis departure from redesignation requirements. In the context of this particular CO redesignation, the difference between full and conditional approval has a trivial environmental impact, if any.

As in Grand Rapids, EPA believes that the difference between full approval and

the circumstances presented by Southwestern Connecticut has no significant environmental consequence and that it is permissible to approve the redesignation on this basis. Indeed, arguably Connecticut's circumstances are even more persuasive than those in Grand Rapids: the fact that the program has been substantially adopted and is currently being implemented, and that Connecticut will remain obligated after redesignation to implement an enhanced I/M program based on its ozone nonattainment status, and the fact that EPA is providing that its conditional approval will convert to a limited approval to preserve the enforceability of the I/M program, all provide even greater assurances that redesignation will not put at risk the achievement of any significant environmental benefits.

C. Background on Connecticut's I/M Program

On June 24, 1998, Connecticut submitted an enhanced I/M SIP revision to EPA, requesting action under the CAA of 1990. The official submittal was made by the appropriate State officials, Mr. Jose O. Salinas, Commissioner of Motor Vehicles, and Mr. Arthur J. Roche Jr., Commissioner Environmental Protection, and was addressed to John DeVillars, Regional Administrator, the appropriate EPA official in the Region.

The State of Connecticut has adopted legislation, at Sec. 14–164c and Sec. 22a of the Connecticut General Statutes, enabling the implementation of an enhanced I/M program.

On March 26, 1998 and April 7, 1998, the Connecticut I/M regulations were filed with the Secretary of State thereby making them effective. The regulations call for implementation of a test-only enhanced I/M program which started operation in January 1998, utilizing new emission analyzers and dynamometers connected to a central computer with final cut points being implemented in 2001.

The program calls for biennial ASM2525 testing in test-only contractor-operated facilities. The test equipment will be ASM connected to a contractor operated central computer. The program evaluation year is 2000.

D. Analysis of the EPA I/M Regulation and CAA Requirements

Based upon EPA's review of Connecticut's submittal, EPA believes the State has complied with most but not all aspects of the CAA and the I/M Rule. For those sections of the I/M rule identified below with which the State has not yet fully complied, EPA is conditionally approving the SIP since

the State has committed in the I/M SIP submittal to correct said deficiencies by a date certain (July 1, 1999) within 1 year of EPA approval.

The State must correct these deficiencies by the date committed to in the I/M SIP or the conditional approval will convert to a final limited approval/limited disapproval under CAA section 110(k)(4). In that event, EPA would issue a letter to notify the State that the conditions had not been met and that the approval had converted to a limited approval/limited disapproval, starting an 18 month clock prior to imposing sanctions under CAA Section 179.

Applicability—40 CFR 51.350

Sections 182(c)(3) and 184(b)(1)(A) of the Act and 40 CFR 51.350(a) require all states in the Ozone Transport Region (OTR) which contain Metropolitan Statistical Areas (MSAs) or parts thereof with a population of 100,000 or more to implement an enhanced I/M program. Connecticut is part of the OTR and contains the following MSAs or parts thereof with a population of 100,000 or more: Hartford-New Britain-Middletown, CMSA, New York-Northern New Jersey-Long Island, NY-NJ-CT MSAs.

Connecticut is also classified as a serious ozone nonattainment area for the greater Connecticut Area and a severe ozone nonattainment area for the New York-New Jersey-Long Island area and is required to implement an enhanced I/M program per section 182(c)(3) of the CAA and 40 CFR 51.350(a)(2). Although the New Haven/Meriden/Waterbury area and the Hartford-New Britain-Middletown area are no longer CO nonattainment areas, a basic CO I/M program is part of the CO Maintenance Plan and an enhanced I/M program is part of the CO Contingency Plan for these areas. This is also true for the Connecticut portion of the New York-N. New Jersey-Long Island area redesignation to attainment, which will become effective May 10, 1999 as described earlier in this notice.

Although under the requirements of the Clean Air Act, not all counties in Connecticut would be subject to I/M program requirements, the Connecticut I/M regulation requires that the enhanced I/M program be implemented statewide. As stated in the State submittal, the Connecticut I/M legislative authority in section 14-164c, and section 22a of the Connecticut General Statutes provides the authority to establish a statewide enhanced program. EPA finds that the geographic applicability requirements are satisfied. The federal I/M rule requires that the state program not terminate until it is no

longer necessary. EPA interprets the federal rule as stating that a SIP which does not sunset prior to the attainment deadline for each applicable area satisfies this requirement. The Connecticut submittal does not address the length of time the program will be in effect. The program must continue past the attainment dates for all applicable nonattainment areas in Connecticut. In the absence of a sunset date, EPA interprets the SIP submittal as requiring the I/M program to continue indefinitely, and approves the program on this basis. This unlimited term of the program will be federally enforceable as a requirement of the SIP.

Enhanced I/M Performance Standard—40 CFR 51.351

The enhanced I/M program must be designed and implemented to meet or exceed a minimum performance standard, which is expressed as emission levels in area-wide average grams per mile (gpm) for certain pollutants. The performance standard shall be established using local characteristics, such as vehicle age mix and local fuel controls, and the following model I/M program parameters: network type, start date, test frequency, model years, vehicle type coverage, exhaust emission test type, emission standards, emission control device, evaporative system function checks, stringency, waiver rate, compliance rate and evaluation date. The emission levels achieved by the state's program design shall be calculated using the most current version, at the time of submittal, of the EPA mobile source emission factor model. At the time of the Connecticut submittal, the most current version was MOBILE5b. Areas shall meet the performance standard for the pollutants which cause them to be subject to enhanced I/M requirements. In the case of ozone nonattainment areas, the performance standard must be met for both nitrogen oxides (NO_x) and hydrocarbons (HC). In the case of carbon monoxide areas, the performance standard must be met for CO. This Connecticut submittal must meet the enhanced I/M performance standard statewide for HC and NO_x and in the Connecticut portion of the New York-Northern New Jersey and Long Island CO nonattainment area for CO.

EPA published requirements for on-board diagnostic (OBD) testing in inspection and maintenance programs in the **Federal Register** at 61 FR 40940 on August 6, 1996 and extended the required date until January 1, 2001 in the **Federal Register** at 63 FR 24429 on May 4, 1998. States were required to

submit a SIP by August 6, 1998 committing to begin OBD testing in accordance with EPA regulations by January 1, 2001.

The Connecticut submittal includes the following program design parameters:

Network type—test-only
 Start date—1998
 Test frequency—biennial
 Model year/ vehicle type coverage—1981+, light and heavy duty up to 10,000 GVW, gasoline
 Exhaust emission test type—ASM2525
 Emission standards—See Regulations of Connecticut State Agencies Section 22a-174-279(c) and (d)
 Emission control device check—yes (catalytic converters)
 Evaporative system function checks—81+ (gas cap only)
 Stringency (pre-1981 failure rate)—20%
 Waiver rate—3%
 Compliance rate—96%
 Evaluation date(s)—2000

Connecticut has submitted modeling demonstrations using the EPA computer model MOBILE5b showing that the enhanced performance standard reductions will be met in 2000 for NO_x, HC, and CO.

In the modeling, Connecticut has claimed full credit for mechanic training. Repair shops are licensed by the Department of Motor Vehicles in Connecticut. Either by complaints or a high rate of retest failures shops are identified for nonroutine visits to identify problems. There will be extensive training and support network provided for mechanics provided by the educational community, DMV and the contractor. Only work done by licensed shops can be counted toward a waiver. Based on this, the state has taken full credit for mechanic training. Since EPA has no conflicting data to refute the State's claim at this time, the use of full credit for mechanic training will be approved at this time, subject to reconsideration in connection with final full approval of the entire program subsequent to the July 1, 1999 submittal to satisfy conditions in this document. EPA is studying the technician training credit available, and expects to have further guidance available prior to the July 1, 1999 date for submittal by Connecticut of a revision to meet the conditions specified in this document.

On November 13, 1998, Connecticut submitted a SIP revision which committed to start OBD testing meeting EPA requirements by January 1, 2001. This submittal meets the requirements set forth in the I/M regulations for OBD at this time.

EPA is conditionally approving the Connecticut program at this time

consistent with the requirements of the CAA. If the State cannot meet the high enhanced I/M performance standard, the State may demonstrate compliance with the low enhanced performance standard established in 40 CFR 51.351(g). That section provides that states may select the low enhanced performance standard if they have an approved SIP for reasonable further progress in 1996, commonly known as a 15 percent reduction SIP or 15 percent plan. EPA's approval of Connecticut's 15 percent plan is published elsewhere in today's **Federal Register** as a direct final rule. The approval of this I/M program is conditioned on the approval of Connecticut's 15 percent plan. In the event that effective date of the 15 percent plan is delayed, EPA will correspondingly delay the effective date of the I/M plan and the CO redesignation in this document.

Calculations done by the State for a revised 15% plan indicate that the State can achieve the needed 15% reduction without the high enhanced standard utilizing the ASM credits. The State has shown that the program meets the "low enhanced I/M performance standard" in 2000.

Network Type and Program Evaluation—40 CFR 51.353

The enhanced program shall include an ongoing evaluation to quantify the emission reduction benefits of the program, and to determine if the program is meeting the requirements of the Act and the federal I/M regulation. The SIP shall include details on the program evaluation and shall include a schedule for submittal of biennial evaluation reports and the legal authority enabling the evaluation program.

The program evaluation requirements of EPA's I/M rule were postponed in the **Federal Register** on January 9, 1998, (63 FR 1362) in order for EPA to evaluate alternate methods for states to meet this requirement. On January 9, 1998, EPA required states to submit program evaluation requirements by November 30, 1998. In its June 15, 1998 submittal, the state committed to meet the program evaluation requirements of 40 CFR 51.353. EPA interprets this commitment to mean that Connecticut will submit program evaluation requirements consistent with EPA's January 9, 1998 guidance by July 1, 1999. This part of the submittal does not meet the requirements of this section set forth in the federal I/M rule and this is a SIP deficiency. The State has committed to correct this SIP deficiency by a date certain (July 1, 1999) within one year of conditional approval of this submittal.

Adequate Tools and Resources—40 CFR 51.354

The federal regulation requires the state to demonstrate that adequate funding of the program is available. A portion of the test fee or separately assessed per vehicle fee shall be collected, placed in a dedicated fund and used to finance the program. Alternative funding approaches are acceptable if it is demonstrated that the funding can be maintained. Reliance on funding from the state or local General Fund is not acceptable unless doing otherwise would be a violation of the state's constitution. The SIP shall include a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The SIP shall also detail the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance and other necessary functions.

The State has provided for a dedicated fund for the program, and has submitted resource allocations and budgets. The submittal meets the requirements of this section set forth in the federal I/M rule and is approvable.

Test Frequency and Convenience—40 CFR 51.355

The enhanced I/M performance standard assumes an annual test frequency; however, other schedules may be approved if the performance standard is achieved. The SIP shall describe the test year selection scheme, how the test frequency is integrated into the enforcement process and shall include the legal authority, regulations or contract provisions to implement and enforce the test frequency. The program shall be designed to provide convenient service to the motorist by ensuring short wait times, short driving distances and regular testing hours.

The Connecticut program will require biennial testing for 1981 and newer vehicles and annual testing of 1968–1980 vehicles in a test-only network. The program meets the performance standard with this level of testing. The state has expanded the network to accommodate a longer enhanced test. The contractor is required to provide convenient locations and reasonable wait times. Legal authority for these requirements is found in Connecticut General Statutes (C.G.S.) section 14–164c(c) and regulations of Connecticut State Agencies (R.C.S.A.) section 14–164c–2a(a). This part of the submittal meets all applicable requirements of this

section as set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Vehicle Coverage—40 CFR 51.356

The performance standard for enhanced I/M programs assumes coverage of all 1968 and later model year light duty vehicles and light duty trucks up to 8,500 pounds GVWR, and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries and fleets primarily operated within the I/M program area boundaries and belonging to the covered model years and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside of the normal I/M program test facilities, if such alternatives are approved by the program administration, but shall be subject to the same test requirements using the same quality control standards as non-fleet vehicles and shall be inspected in the same type of test network as other vehicles in the state, according to the requirements of 40 CFR 51.353(a).

The federal I/M regulation requires that the SIP shall include the legal authority necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified including vehicles that are routinely operated in the area but may not be registered in the area, and a description of any special exemptions including the percentage and number of vehicles to be impacted by the exemption. Such exemptions shall be accounted for in the emissions reduction analysis.

EPA is not requiring states to implement section 40 CFR 51.356(a)(4) dealing with federal installations within I/M areas at this time. The Department of Justice has recommended to EPA that this regulation be revised since it appears to grant states authority to regulate federal installations in circumstances where the federal government has not waived sovereign immunity. It would not be appropriate to require compliance with this regulation if it is not constitutionally authorized. EPA will be revising this provision in the future and will review state I/M SIPs with respect to this issue when this new rule is final.

The State program proposes to test 1968 and newer light and heavy duty vehicles up to 10,000 lbs. The

Connecticut submittal contains a detailed description of the number and types of vehicles included in the program. See June 15, 1998, state submittal at p. 8 and Apps. 7 and 8. There are no special provisions for fleet testing at this time. All vehicles must be tested at contractor operated stations. Legal authority for these requirements is found in C.G.S. section 14-164c(c) and R.C.S.A. section 14-164c-2a(a).

This part of the submittal meets all applicable requirements of this section as set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Test Procedures and Standards—40 CFR 51.357

Written test procedures and pass/fail standards shall be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA documents entitled "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications," EPA-AA-EPSP-IM-93-1, dated April 1994 and "Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications," EPA-AA-RSPD-IM-96-2, dated July 1996. The federal I/M regulation also requires vehicles that have been altered from their original certified configuration (i.e. engine or fuel switching) to be subject to the requirements of § 51.357(d).

Connecticut is using an Acceleration Simulation Mode Test (ASM2525) and has adopted the EPA test procedures and standards. This part of the submittal meets the requirements of this section as set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Test Equipment—40 CFR 51.358

Computerized test systems are required for performing any measurement on subject vehicles. The federal I/M regulation requires that the state SIP submittal include written technical specifications for all test equipment used in the program. The specifications shall describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.

Connecticut is using ASM specifications for test equipment to be used in the program and a system which will utilize the latest computerized equipment. Connecticut has fully explained its specifications in its

submittal. This part of the submittal meets all applicable requirements of this section as set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Quality Control—40 CFR 51.359

Quality control measures shall insure that emission measurement equipment is calibrated and maintained properly, and that inspection, calibration records, and control charts are accurately created, recorded and maintained.

The Connecticut submittal includes a portion of the inspection agreement which describes and establishes detailed quality control measures for the emission measurement equipment, and record keeping requirements. This part of the submittal meets all applicable requirements of this section as set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360

The federal I/M regulation allows for the issuance of a waiver, which is a form of compliance with the program requirements that allows a motorist to comply without meeting the applicable test standards. For enhanced I/M programs, an expenditure of at least \$450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared to the CPI for 1989, is required by statute in order to qualify for a waiver. Waivers can only be issued after a vehicle has failed a retest performed after all qualifying repairs have been made. Any available warranty coverage must be used to obtain repairs before expenditures can be counted toward the cost limit. Tampering related repairs shall not be applied toward the cost limit. Repairs must be appropriate to the cause of the test failure. Repairs for 1980 and newer model year vehicles must be performed by a recognized repair technician. The federal regulation allows for compliance via a diagnostic inspection after failing a retest on emissions and requires quality control of waiver issuance. The SIP must set a maximum waiver rate and must describe corrective action that would be taken if the waiver rate exceeds that committed to in the SIP.

Connecticut has provided for a waiver program for 1981 and later vehicles (the portion of the fleet used to show achievement of the enhanced performance standard) which meets the requirements of the I/M rule with one exception.

The date for compliance with the \$450 adjusted waiver cost requirement

is beyond the January 1, 2000 deadline established by the I/M rule. This part of the submittal does not meet the requirements of this section set forth in the federal I/M rule and this is a SIP deficiency. The State has committed to correct this major deficiency by a date certain (July 1, 1999) within one year of conditional approval of this submittal. The State has committed to a waiver rate in practice equal to or lower than three percent. If the rate is higher, the State will implement corrective strategies including ceasing waivers for vehicles under six years of age, raising minimum expenditure limits, and limiting waivers to once every four years for any one vehicle. June 15, 1998 State submittal at page 14.

Motorist Compliance Enforcement—40 CFR 51.361

The federal regulation requires that compliance shall be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved. An enhanced I/M area may use either sticker-based enforcement programs or computer-matching programs if either of these programs were used in the existing program, which was operating prior to passage of the 1990 Clean Air Act Amendments, and it can be demonstrated that the alternative has been more effective than registration denial. The SIP shall provide information concerning the enforcement process, legal authority to implement and enforce the program, and a commitment to a compliance rate to be used for modeling purposes and to be maintained in practice.

The State is planning on utilizing a sticker system for visible evidence of compliance, but registration will be suspended or not renewed for noncompliance. Noncomplying vehicles will be identified within 14 days of the required inspection date and notified to comply. This will be done with a computer matching program run by the contractor. Registration suspension will take place for noncompliance within 90 days. The Connecticut SIP submittal uses a 96% compliance rate in the performance standard modeling demonstration and the State has committed to it in practice. Connecticut has also described what other measures will be used to achieve this compliance rate if it drops below 96%. Legal authority for these requirements is found in C.G.S. section 14-164c(a) and (j) and R.C.S.A. section 14-164-17a. This part of the submittal meets all applicable requirements of this section as set forth in the federal I/M rule and

is part of the basis for conditional approval of the Connecticut I/M SIP.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program.

Connecticut has described in the SIP an outline of a program which could meet the requirements of this section, however there is not enough detailed information to determine whether the requirements are met. This is a SIP deficiency which Connecticut must correct by a date certain within one year of final conditional approval. The State has committed in the I/M SIP to submit a plan to address these requirements in more detail by July 1, 1999.

Quality Assurance—40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP.

Connecticut has described a program which addressed these requirements in the SIP submittal. However, the written procedures manuals, have not yet been developed. The state has committed to submit these by July 1, 1999. This part of the submittal does not meet the requirements of this section as set forth in the federal I/M rule however, the State has committed in the I/M SIP to revise this section by a date certain (July 1, 1999) within one year of final conditional approval.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

Enforcement against licensed stations, contractors and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. The federal I/M regulation requires the establishment of

minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations must be included in the SIP. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits, unless constitutionally prohibited. An official opinion explaining any state constitutional impediments to immediate suspension authority must be included in the submittal. The SIP shall describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts and jurisdictions are involved, who will prosecute and adjudicate cases and the resources and sources of those resources which will support this function.

A detailed description of this part of the program including minimum penalties and statutory suspension authority was submitted. See June 15, 1998 state submittal at p. 22 and C.G.S. section 14-164c(e). But Connecticut did not provide a description of administrative and judicial procedures and responsibilities. Connecticut has in the I/M SIP submittal committed to submit this information by a date certain (July 1, 1999) within one year of conditional approval of the SIP.

Data Collection—40 CFR 51.365

Accurate data collection is essential to the management, evaluation and enforcement of an I/M program. The federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR 51.359.

The Connecticut SIP provides a commitment to meet all of the data collection requirements and has listed all the required data which will be collected. This part of the submittal meets all applicable requirements of this section set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Data Analysis and Reporting—40 CFR 51.366

Data analysis and reporting are required to allow for monitoring and evaluation of the program by the state and EPA. The federal I/M regulation requires annual reports to be submitted which provide information and statistics and summarize activities performed for each of the following

programs: testing, quality assurance, quality control and enforcement. These reports are to be submitted by July and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA which addresses changes in program design, regulations, legal authority, program procedures and any weaknesses in the program found during the two year period and how these problems will be or were corrected.

The Connecticut has committed to meet all of the data analysis and reporting requirements of this section. The contractor will be required to meet most of these requirements and submit them to the state, and the state will submit the reports to EPA as required. This part of the submittal meets all applicable requirements of this section as set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Inspector Training and Licensing or Certification—40 CFR 51.367

The federal I/M regulation requires all inspectors to be formally trained and licensed or certified to perform inspections.

The Connecticut I/M SIP requires training and certification of inspectors as required in the I/M rule. This portion of the submittal meets all applicable requirements of this section of the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Public Information and Consumer Protection—40 CFR 51.368

The federal I/M rule requires the SIP to include public information and consumer protection programs. The Connecticut inspection program has an existing public awareness and consumer protection plan, however, it does not meet all the requirements of this section. The State has committed in the I/M SIP to submit by a date certain (July 1, 1999) additional information to show compliance with all aspects of this section.

Improving Repair Effectiveness—40 CFR 51.369

Effective repairs are the key to achieving program goals. The federal regulation requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP must include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements required in the federal

regulation, and a description of the repair technician training resources available in the community. Connecticut has included all of these required elements in its SIP submittal. See June 15, 1998 State submittal at pp. 28–29.

This part of the submittal meets all applicable requirements of this section set forth in the federal I/M rule and is part of the basis for conditional approval of the Connecticut I/M SIP.

Compliance With Recall Notices—40 CFR 51.370

The federal regulation requires the states to establish methods to ensure that vehicles that are subject to enhanced I/M and are included in a emission related recall receive the required repairs prior to completing the emission test and/or renewing the vehicle registration.

Most of the requirements of this section are met by the Connecticut submittal, however, the requirement for a quality assurance plan for this section is not addressed. The state has committed in the I/M SIP to submit by a date certain (July 1, 1999) a quality assurance plan for this section meeting the requirements of this section.

On-road Testing—40 CFR 51.371

On-road testing is required in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the federal regulations. The program must include on-road testing of 0.5% of the subject fleet or 20,000 vehicles, whichever is less, in the nonattainment area or the I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of an on-road test shall be required to pass an out-of-cycle test.

The Connecticut SIP submittal outlines an on-road testing program which could meet the requirements of the federal I/M rule. More detail is needed to determine if all of the requirements of this section will be met. The State in the I/M SIP submittal has committed to submit by a date certain (July 1, 1999) an on-road testing program meeting the requirements of this section.

II. Final Action

EPA is conditionally approving the enhanced I/M program SIP revision submitted by the State of Connecticut on June 24, 1998 and November 13, 1998 as revisions to the SIP. The State must submit to EPA by July 1, 1999 a revision to the deficiencies described in detail above to satisfy the requirements

of the following sections of EPA's enhanced I/M regulation: Network Type and Program Evaluation—40 CFR 51.353, Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360, Motorist Compliance Enforcement Program Oversight—40 CFR 51.362, Quality Assurance—40 CFR 51.363, Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364, Public Information and Consumer Protection—40 CFR 51.368, Compliance with Recall Notices—40 CFR 51.370, and On-road Testing—40 CFR 51.371. If the State fails to do so, this approval will convert to a limited approval and limited disapproval on that date. EPA will notify the State by letter that this action has occurred. At that time, the I/M program will remain an enforceable part of the Connecticut SIP, but it will be disapproved for the purposes of meeting CAA section 182 (c)(3)(C). EPA subsequently will publish a document in the **Federal Register** notifying the public that the conditional approval automatically converted to a limited approval and limited disapproval. If the State meets its commitment, within the applicable time frame, the conditionally approved submission will remain a part of the SIP until EPA takes final action approving or disapproving the new submittal. If EPA disapproves the new submittal or portions of it, the conditionally approved portions will be disapproved at that time. If EPA approves the submittal, the inspection and maintenance program will be fully approved in its entirety and replace the conditionally approved program in the SIP.

If the conditional approval is converted to a limited approval and limited disapproval, such action will trigger EPA's authority to impose sanctions under section 110(m) and 179 of the CAA at the time EPA issues the final disapproval or on the date EPA notifies the State that it has failed to meet its commitment. In the latter case, EPA will notify the State by letter that the conditional approval has been converted to a limited approval and limited disapproval and that EPA's sanctions authority has been triggered. In addition, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c). In any case, the I/M program would remain in the SIP pursuant to this limited approval for the purposes of strengthening the SIP.

EPA is approving the southwest Connecticut CO redesignation because the State has addressed compliance with the requirements of section 107(d)(3)(E) for redesignation and EPA is approving the maintenance plan

because it addresses the requirements set forth in section 175A of the CAA. This only applies to the Connecticut Portion of the New York—N. New Jersey—Long Island Area. The New York and New Jersey portions of the CO nonattainment area will remain designated nonattainment until such time that redesignation requests are submitted and approved by EPA for those states. Furthermore, nothing in this action should be interpreted as a formal action on the part of EPA which would affect in any way any area within the New York—Northern New Jersey—Long Island carbon monoxide nonattainment area, except for the southwest Connecticut portion of that area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This action will be effective May 10, 1999 without further notice unless the Agency receives relevant adverse comments by April 9, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute another comment period on this action. Any parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 10, 1999 and no further action will be taken on the proposed rule.

EPA's conditional approval of the I/M program depends on the approval of the 15 percent plan being approved elsewhere in today's **Federal Register**. In the event that the 15 percent plan approval is withdrawn, EPA will correspondingly withdraw this I/M program conditional approval and the CO redesignation request.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not economically significant and does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance

costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because conditional approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S.*

EPA, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a limited approval/limited disapproval under section 110(k), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's limited disapproval of the submittal does not impose a new Federal requirement. Therefore, I certify that this disapproval action will not have a significant economic impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other

required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 10, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 15, 1999.
John P. DeVillars,
Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart H—Connecticut

2. Section 52.369 is added to read as follows:

§ 52.369 Identification of plan—Conditional approval

(a) Elements of the I/M revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on June 24, 1998 which address the following sections of the I/M regulation are conditionally approved: Network Type and Program Evaluation—40 CFR 51.353, Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360, Motorist Compliance Enforcement Program Oversight—40 CFR 51.362, Quality Assurance—40 CFR 51.363, Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364, Public Information and Consumer Protection—40 CFR 51.368, Compliance with Recall Notices—40 CFR 51.370, and On-road Testing—40 CFR 51.371. If Connecticut fails to submit SIP revisions to meet these conditions by July 1, 1999 at the latest, the conditional approval of these sections of the Enhanced I/M SIP will automatically convert to a disapproval as explained under § 110(k) of the Clean Air Act.

(b) EPA is also approving this I/M SIP revision under § 110(k) of the Clean Air Act for its strengthening effect on the

plan. The I/M SIP shall remain an enforceable SIP requirement even if Connecticut fails to meet the conditions set forth in § 369(a).

3. Section 52.370 is amended by adding paragraph (c)(78) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(78) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on June 24, 1998.

(i) Incorporation by reference.

(A) State of Connecticut Regulation of Department of Environmental Protection Section 22a-174-27, Emission Standards for Periodic Motor Vehicle Inspection and Maintenance as revised on March 26, 1998.

(B) State of Connecticut Regulation of Department of Motor Vehicles Concerning Periodic Motor Vehicle Emissions Inspection and Maintenance Section 14-164c as revised on April 7, 1998.

(ii) Additional Materials.

(A) Letter from the Connecticut Department of Environmental Protection dated June 24, 1998 submitting a revision to the Connecticut State Implementation Plan.

(B) Letter from Connecticut Department of Environmental Protection dated November 13, 1998, submitting a revision to the Connecticut State Implementation Plan.

3. Section 52.374 is amended by revising the table to read as follows:

§ 52.374 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant					
	SO ₂		PM ₁₀	NO ₂	CO	O ₃
	Primary	Secondary				
AQCR 41: Eastern Connecticut Intrastate (See 40 CFR 81.183)	(a)	(a)	(a)	(a)	(a)	(d)
AQCR 42: Hartford-New Haven-Springfield Interstate Area (See 40 CFR 81.26):						
All portions except City of New Haven	(a)	(a)	(a)	(a)	(a)	(d)
City of New Haven	(a)	(a)	(c)	(a)	(a)	(d)
AQCR 43: Connecticut Portion of the New Jersey-New York-Connecticut Interstate Area (See 40 CFR 81.13)	(a)	(a)	(a)	(a)	(a)	(e)
AQCR 44: Northwestern Connecticut Intrastate (See 40 CFR 81.184)	(a)	(a)	(a)	(a)	(a)	(d)

^a Air quality levels presently below primary standards or area is unclassifiable.
^b Air quality levels presently below secondary standards or area is unclassifiable.
^c December 31, 1996 (two 1-year extensions granted).
^d November 15, 1999.
^e November 15, 2007.

4. Section 52.376 is amended by revising paragraphs (a) and (d) and adding paragraphs (e) and (f) to read as follows:

§ 52.376 Control Strategy: Carbon Monoxide.

(a) Approval—On January 12, 1993, the Connecticut Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1990 base year emission inventory. The inventory was submitted by the State of Connecticut to satisfy Federal requirements under sections 172(c)(3) and 187(a)(1) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan for the Hartford/New Britain/Middletown carbon monoxide nonattainment area, the New Haven/Meriden/Waterbury carbon monoxide nonattainment area, and the Connecticut Portion of the New York-N. New Jersey-Long Island carbon monoxide nonattainment area.

* * * * *

(d) Approval—On January 17, 1997, the Connecticut Department of Environmental Protection submitted a request to redesignate the New Haven/Meriden/Waterbury carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2008 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent

maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the carbon monoxide NAAQS (which must be confirmed by the State), Connecticut will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measure includes reformulated gasoline and the enhanced motor vehicle inspection and maintenance program. The redesignation request establishes a motor vehicle emissions budget of 229 tons per day for carbon monoxide to be used in determining transportation conformity for the New Haven/Meriden/Waterbury area. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(e) Approval—In December, 1996, the Connecticut Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1993 periodic emission inventory. The inventory was submitted by the State of Connecticut to satisfy Federal requirements under section 187(a)(5) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(f) Approval—On May 29, 1998, the Connecticut Department of Environmental Protection submitted a request to redesignate the Connecticut portion of the New York-N. New Jersey-Long Island carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include

a periodic emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2010 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records an exceedance of the carbon monoxide NAAQS (which must be confirmed by the State), Connecticut will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measure includes investigating local traffic conditions, the enhanced motor vehicle inspection and maintenance program, and the low emissions vehicles program (LEV). The redesignation request establishes a motor vehicle emissions budget of 205 tons per day for carbon monoxide to be used in determining transportation conformity in the Connecticut Portion of the New York-N. New Jersey-Long Island Area. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart C—Section 107 Attainment Status Designations

2. The table in 81.307 entitled “Connecticut-Carbon Monoxide” is revised to read as follows:

§ 81.307 Connecticut.

* * * * *

CONNECTICUT-CARBON MONOXIDE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Hartford-New Britain-Middletown Area:				
Hartford County (part)	1/2/96	Attainment		
Bristol City, Burlington Town, Avon Town, Bloomfield Town, Canton Town, E. Granby Town, E. Hartford Town, E. Windsor Town, Enfield Town, Farmington Town, Glastonbury Town, Granby Town, Hartford city, Manchester Town, Marlborough Town, Newington Town, Rocky Hill Town, Simsbury Town, S. Windsor Town, Suffield Town, W. Hartford Town, Wethersfield Town, Windsor Town, Windsor Locks Town, Berlin Town, New Britain city, Plainville Town, and Southington Town				
Litchfield County (part)	1/2/96	Attainment		
Plymouth Town				
Middlesex County (part)	1/2/96	Attainment		
Cromwell Town, Durham Town, E. Hampton Town, Haddam Town, Middlefield Town, Middletown City, Portland Town, E. Haddam Town				
Tolland County (part)	1/2/96	Attainment		

CONNECTICUT-CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Andover Town, Bolton Town, Ellington Town, Hebron Town, Somers Town, Tolland Town, and Vernon Town				
New Haven—Meriden—Waterbury Area:				
Fairfield County (part)	12/4/98	Attainment		
Shelton City				
Litchfield County (part)	12/4/98	Attainment		
Bethlehem Town, Thomaston Town, Watertown, Woodbury Town				
New Haven County	12/4/98	Attainment		
New York-New Jersey-Long Island Area:				
Fairfield County (part)	5/10/99	Attainment		
All cities and townships except Shelton City				
Litchfield County (part)	5/10/99	Attainment		
Bridgewater Town, New Milford Town				
AQCR 041 Eastern Connecticut Intrastate		Unclassifiable/Attainment		
Middlesex County (part)				
All portions except cities and towns in Hartford Area				
New London County				
Tolland County (part)				
All portions except cities and towns in Hartford Area				
Windham County				
AQCR 044 Northwestern Connecticut Intrastate		Unclassifiable/Attainment		
Hartford County (part) Hartland Township				
Litchfield County (part)				
All portions except cities and towns in Hartford, New Haven, and New York Areas				

¹ This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 99-2976 Filed 3-9-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT-7209a; A-1-FRL-6225-2]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; 15 Percent Rate-of-Progress and Contingency Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Connecticut. These revisions establish 15 percent rate-of-progress (ROP) and contingency plans for ozone nonattainment areas in the State. The intended effect of this action is to approve these plans in accordance with the Clean Air Act.

EFFECTIVE DATE: This rule is effective on May 10, 1999.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the

Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Robert McConnell, (617) 918-1046.

SUPPLEMENTARY INFORMATION: Section 182(b)(1) of the Act requires ozone nonattainment areas classified as moderate or above to develop plans to reduce VOC emissions by 15 percent from 1990 baseline levels. There are two ozone nonattainment areas in Connecticut, one classified as a serious area, the other as a severe area. The areas are referred to as the Connecticut portion of the New York, New Jersey, Connecticut severe area (the "NY-NJ-CT area"), and the Greater Hartford serious ozone nonattainment area (the "Hartford area"). The State is, therefore, subject to the 15 percent ROP requirement.

I. Background

On October 24, 1997 (62 FR 55368), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed conditional approval of the State's 15 percent ROP and contingency plans.

The formal SIP revision was submitted by Connecticut on December 30, 1994. The conditions listed in the proposed approval of the Connecticut 15 percent ROP plans, and the status of each, are as follows:

Condition 1—By January 1, 1998, Connecticut must begin testing motor vehicles using the ASM 25/25 program which is described within the State's August 22, 1997 letter to EPA.

Status of Condition 1—Connecticut began its motor vehicle emission testing program on January 2, 1998, thereby meeting the requirements of condition 1.

Condition 2—By April 1, 1998, Connecticut must submit revised 15 percent and contingency plans as revisions to the State's SIP which show that the emission reductions from the ASM 25/25 automobile emission testing program, when coupled with emission reductions from other measures, will meet the emission reduction goals of these requirements.

Status of Condition 2—On May 8, 1998, Connecticut submitted revisions to its 15 percent ROP and contingency plans which adequately demonstrate that the required level of emission reductions will be achieved. The submittal included a revised emission target level calculation performed in accordance with EPA guidance