

TECHNICAL SUPPORT DOCUMENT

**Reassessing CARB Diesel as a Best Available Control Measure (BACM)
and a Most Stringent Measure (MSM)
for the Maricopa County PM-10 Nonattainment Area**

June 20, 2005

Prepared by:

The United States Environmental Protection Agency, Region 9

Summary of Today's Rule

On July 25, 2002, EPA approved under the Clean Air Act (CAA) the serious area particulate matter (PM-10) plan for the Maricopa County portion of the metropolitan Phoenix (Arizona) nonattainment area (Maricopa County area). Among other things, EPA approved the best available control measure (BACM) and most stringent measure (MSM) demonstrations in the plan and granted the State's request for an attainment date extension for the area. EPA's approval was challenged in the U.S. Court of Appeals for the Ninth Circuit. In response to the Court's remand, EPA has reassessed the BACM demonstration for the significant source categories of on-road motor vehicles and nonroad engines and equipment exhaust, specifically regarding whether or not California Air Resources Board (CARB) diesel is a BACM. EPA has also reassessed the MSM demonstration. As a result of these reassessments, EPA is again proposing to approve the BACM and MSM demonstrations in the plan and to grant the State's request to extend the attainment deadline from 2001 to 2006.

Purpose of Technical Support Document (TSD)

The notice of proposed rulemaking (NPRM) includes a detailed discussion of the background of the Maricopa County area's PM-10 plan and the events which have led to the Ninth Circuit Court of Appeals remand to EPA to reassess whether CARB diesel is a BACM. This TSD provides the documents referenced by the NPRM (i.e., reports, rulemakings, memorandums).

Attachments: Additional Supporting Documents Referenced in Today's Rule

Vigil v. Leavitt, 366 F.3d 1025, amended at 381 F. 3d 826 (9th Cir. 2004).

“Approval and Promulgation of Implementation Plans; Arizona–Maricopa County PM-10 Nonattainment Areas; Serious Area Plan for Attainment of the Annual Standard; Proposed Rule,” 65 FR 19964 (April 13, 2000).

“Approval and Promulgation of Implementation Plans; Arizona–Maricopa County PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour PM-10 Standard and Contingency Measures; Proposed Rule,” 66 FR 50252 (October 2, 2001).

“Approval and Promulgation of Implementation Plans; Arizona–Maricopa County PM-10 Nonattainment Area; Serious Area Plan for Attainment of the PM-10 Standards; Final Rule,” 67 FR 48718 (July 25, 2002).

“State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 59 FR 41998 42008-42014 (August 16, 1994).

Nonroad diesel rulemaking, 69 FR 38958 (June 29, 2004)

MAG plan, Summary of Reasoned Justification for Nonimplementation of Particulate Control Measures Due to Infeasibility, pp. 29, 33.

Evaluation of Gasoline and Diesel Rule Options for Maricopa County for State of Arizona Department of Environmental Quality, January 30, 1998, MathPro Inc..

Cal EPA, ARB STAFF REPORT: INITIAL STATEMENT OF REASONS FOR PROPOSED RULEMAKING, Proposed Regulatory Amendments Extending the California Standards for Motor Vehicle Diesel Fuel to Diesel Fuel Used in Harborcraft and Intrastate Locomotives, October 1, 2004.

February 2, 2005 **MEMORANDUM**, February 2, 2005 Phone Conversation with Chris Kavalec, California Energy Commission (CEC), on California's Supply and Demand for CARB Diesel.

December 6, 2004 **MEMORANDUM**, November 24, 2004 Phone Conversation with Gordon Shremp, California Energy Commission (CEC), on the availability of CARB diesel.

10/25/04 **MEMORANDUM**, October 24, 2004 Telephone Conversation with Duane Yantorno, Air/Fuel Quality Manager, Arizona Department of Weights and Measures, Doris Lo, USEPA Region 9, Wienke Tax, USEPA Region 9 on Availability of CARB Diesel for the Maricopa County Nonattainment Area.

American Trucking Association, Inc., Amicus Curiae Brief, In Support of Defendents Whitman, Natri and the United States Environmental Protection Agency, Case No. 02-72424, Vigil v. Whitman.