

**§ 80.70 Covered areas.**

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(l) The ozone nonattainment areas listed in this paragraph (l) are covered areas beginning on May 1, 1995 at the terminal. No requirements under subpart D shall apply to gasoline at a retail outlet or at the facilities of a wholesale purchaser/consumer until June 1, 1995. The geographic extent of each covered area listed in this paragraph (l) shall be the nonattainment boundaries as specified in 40 CFR part 81, subpart C:

(1) The following Wisconsin counties:

- (i) Kewaunee;
  - (ii) Manitowoc;
  - (iii) Sheboygan.
- (2) [Reserved]

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**40 CFR Part 80**

[FRL-5134-7]

**Temporary Administrative Stay of the Reformulated Gasoline Program: Nine Counties in New York, Twenty-Eight Counties in Pennsylvania, and Two Counties in Maine**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** In today's action, EPA is temporarily staying the reformulated gasoline program requirements in nine opt-in counties in New York, in twenty-eight opt-in counties in Pennsylvania and in two opt-in counties in Maine. Today's action stays the applicability of the RFG requirements for these areas effective from January 1, 1995, until July 1, 1995. Although EPA believes that the RFG program provides a highly cost-effective means of reducing ground-level ozone and toxic vehicle emissions, the Agency believes that States should be given the flexibility to choose which programs best meet each State's needs for emissions reductions. In a separate notice of proposed rulemaking to be published soon, EPA will propose to approve the requests for opt-out for these specified counties from the States of New York, Pennsylvania, and Maine. EPA will be unable to take final action on this proposed rulemaking by January 1, 1995, the date when RFG requirements must be met at the retail level. EPA believes a stay in the implementation of the reformulated gasoline requirements in these areas effective January 1, 1995 and continuing until July 1, 1995, will avoid significant disruption in the marketplace while

notice and comment rulemaking proceeds. This temporary stay is issued without prior notice and comment, based on good cause described herein.

**EFFECTIVE DATE:** This rule is effective on December 29, 1994.

**ADDRESSES:** Materials relevant to this action have been placed in Docket A-94-68. The docket is located at the Air Docket Section (6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, in room M-1500 Waterside Mall. Documents may be inspected from 8:00 a.m. to 4:00 p.m. A reasonable fee may be charged for copying docket material.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Coryell, U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW. (6406J), Washington, DC 20460, (202) 233-9014.

**SUPPLEMENTARY INFORMATION:** A copy of this action is available on the OAQPS Technology Transfer Network Bulletin Board System (TTNBBS). The TTNBBS can be accessed with a dial-in phone line and a high-speed modem (PH# 919-541-5742). The parity of your modem should be set to none, the data bits to 8, and the stop bits to 1. Either a 1200, 2400, or 9600 baud modem should be used. When first signing on, the user will be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following series of menus:

- (M) OMS
- (K) Rulemaking and Reporting
- (3) Fuels
- (9) Reformulated gasoline

A list of ZIP files will be shown, all of which are related to the reformulated gasoline rulemaking process. Today's action will be in the form of a ZIP file and can be identified by the following titles: STAY.ZIP. To download this file, type the instructions below and transfer according to the appropriate software on your computer:

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<D>ownload, <P>rotocol, <E>xamine,
<N>ew, <L>ist, or <H>elp Selection
or <CR> to exit: D filename.zip
```

You will be given a list of transfer protocols from which you must choose one that matches with the terminal software on your own computer. The software should then be opened and directed to receive the file using the same protocol. Programs and instructions for de-archiving compressed files can be found via <S>ystems Utilities from the top menu, under <A>rchivers/de-archivers. Please note that due to differences between the software used to develop the document and the software into which the

document may be downloaded, changes in format, page length, etc. may occur.

**I. Background**

**A. General Background on Reformulated Gasoline Program and Opt-In Process**

The reformulated gasoline program is designed to reduce ozone levels in the largest metropolitan areas of the U.S. with the worst ground-level ozone problems by reducing vehicle emissions of the ozone precursors, specifically volatile organic compounds (VOC), through fuel reformulation. Reformulated gasoline also achieves a significant reduction in air toxics. In Phase II of the program, nitrogen oxides (NO<sub>x</sub>), another precursor of ozone, are reduced. The 1990 amendments of the Clean Air Act require reformulated gasoline in the nine cities with the highest levels of ozone. Congress also provided the opportunity for states to choose to opt into the RFG program for their other nonattainment areas.

EPA issued final rules establishing requirements for RFG on December 15, 1993 (59 FR 7716, February 16, 1994). During development of the RFG rule, a number of states inquired as to whether they would be permitted to opt out of the RFG program at a future date or to opt out of certain of the requirements. This was based on their concern that the air quality benefits of RFG, given their specific needs, might not warrant the cost of the program, specifically focusing on the more stringent standards in Phase II of the program (starting in 2000). Such states wished to retain their ability to opt out of the program. Other states indicated they viewed RFG as an interim strategy to help bring their nonattainment areas into attainment sooner than would otherwise be the case.

The regulation issued on December of 1993 did not include procedures for opting out of the RFG program, because EPA had not proposed and was not ready to adopt such procedures at that time. However, the Agency did indicate that it intended to propose such procedures in a separate rule.

**B. Jefferson County, New York**

Jefferson County was included as a covered area in EPA's reformulated gasoline regulations based on Governor Mario Cuomo's request of October 28, 1991, that this county be included under the Act's opt-in provision for ozone nonattainment areas (57 FR 7926, March 5, 1992). See 40 CFR 80.70(j)(10)(vi). On November 29, 1994, EPA received a petition from the Commissioner of New York's