

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2007-1145; FRL-9126-8]

**Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability of draft report.

**SUMMARY:** On or about March 1, 2010, the Office of Air Quality Planning and Standards (OAQPS) of EPA is making available a draft report, *Policy Assessment for the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur: First External Review Draft*. The EPA is releasing this preliminary draft document to seek early consultation with the Clean Air Scientific Advisory Committee (CASAC) and to solicit public comment on the overall structure and framing of key issues and areas of focus that will be discussed in a future, complete draft policy assessment document.

**DATES:** Comments should be submitted on or before April 29, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2007-1145, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *E-mail*: Comments may be sent by electronic mail (e-mail) to *a-and-r-docket@epa.gov*, Attention Docket ID No. EPA-HQ-OAR-2007-1145.
- *Fax*: Fax your comments to 202-566-9744, Attention Docket ID No. EPA-HQ-OAR-2007-1145.
- *Mail*: Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2007-1145.
- *Hand Delivery or Courier*: Deliver your comments to: EPA Docket Center, 1301 Constitution Ave., NW., Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2007-1145. The EPA's policy is that all comments received will be included in the public docket without change and

may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The Docket telephone number is 202-566-1742; fax 202-566-9744.

**FOR FURTHER INFORMATION CONTACT:** Dr. Bryan Hubbell, Office of Air Quality Planning and Standards (Mailcode C504-02), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: *hubbell.bryan@epa.gov*; telephone: 919-541-0621; fax: 919-541-0804.

**General Information****A. What Should I Consider as I Prepare My Comments for EPA?**

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Make sure to submit your comments by the comment period deadline identified.

Under section 108(a) of the Clean Air Act (CAA), the Administrator identifies and lists certain pollutants which "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare." The EPA then issues air quality criteria for listed pollutants, which are commonly referred to as "criteria pollutants." The air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air, in varying

quantities.” Under section 109 of the CAA, EPA establishes national ambient air quality standards (NAAQS) for each listed pollutant, with the NAAQS based on the air quality criteria. Section 109(d) of the CAA requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria.

The EPA is currently conducting a joint review of the existing secondary (welfare-based) NAAQS for oxides of nitrogen (NO<sub>x</sub>) and oxides of sulfur (SO<sub>x</sub>). Because NO<sub>x</sub>, SO<sub>x</sub>, and their associated transformation products are linked from an atmospheric chemistry perspective as well as from an environmental effects perspective, and because of the National Research Council’s 2004 recommendations to consider multiple pollutants in forming the scientific basis for the NAAQS, EPA has decided to jointly assess the science, risks, and policies relevant to protecting the public welfare associated with NO<sub>x</sub> and SO<sub>x</sub>. This is the first time since NAAQS were established in 1971 that a joint review of these two pollutants has been conducted. Since both the CASAC and EPA have recognized these interactions historically, and the science related to these interactions has continued to evolve and grow to the present day, there is a strong basis for considering them together.

As part of this review of the current secondary (welfare-based) NAAQS for NO<sub>x</sub> and SO<sub>x</sub>, EPA’s OAQPS staff are preparing a first draft Policy Assessment. The objective of this assessment is to evaluate the policy implications of the key scientific information contained in the document *Integrated Science Assessment for Oxides of Nitrogen and Sulfur-Ecological Criteria* (<http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=201485>), prepared by EPA’s National Center for Environmental Assessment (NCEA) and the results from the analyses contained in the *Risk and Exposure Assessment for Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur* ([http://www.epa.gov/ttn/naaqs/standards/no2so2sec/cr\\_rea.html](http://www.epa.gov/ttn/naaqs/standards/no2so2sec/cr_rea.html)). The first draft Policy Assessment will be available online at: <http://www.epa.gov/ttn/naaqs/standards/no2so2sec/index.html>. This first draft Policy Assessment will be reviewed by the CASAC during a public meeting to be

held April 1 and 2, 2010. Information about this public meeting will be available at <http://yosemite.epa.gov/sab/sabpeople.nsf/WebCommittees/CASAC>.

Dated: March 9, 2010.

**Mary E. Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

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## ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-9126-5]

### California State Motor Vehicle Pollution Control Standards; Amendments to the California Zero Emission Vehicle (ZEV) Regulation; Waiver Request; Opportunity for Public Hearing

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of opportunity for public hearing and comment.

**SUMMARY:** The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to its regulations related to zero emission vehicles (ZEVs) in California. By letter dated September 17, 2009, CARB requested that EPA confirm that its amendments as they affect model years 2008–2011 are within-the-scope of previous waivers of preemption issued by EPA. CARB also requests that EPA confirm that amendments as they affect the 2012 and subsequent model years are also within-the-scope of previous waivers of preemption issued by EPA; or, in the alternative, that EPA grant a new waiver of preemption for these future model years. This notice announces that EPA has tentatively scheduled a public hearing concerning California’s request and that EPA is accepting written comment on the request.

**DATES:** EPA has tentatively scheduled a public hearing concerning CARB’s request on April 13, 2010 at 10 a.m. EPA will hold a hearing only if any party notifies EPA by April 1, 2010, expressing its interest in presenting oral testimony. By April 6, 2010, any person who plans to attend the hearing may call David Dickinson at (202) 343-9256 to learn if a hearing will be held or may check the following Web site for an update: <http://www.epa.gov/otaq/cafr.htm>.

Parties wishing to present oral testimony at the public hearing should also provide written notice to David Dickinson at the address noted below. If

EPA receives a request for a public hearing, that hearing will be held at 1310 L St, NW., Washington, DC 20005.

If EPA does not receive a request for a public hearing, then EPA will not hold a hearing, and instead consider CARB’s request based on written submissions to the docket. Any party may submit written comments by May 17, 2010.

**ADDRESSES:** EPA will make available for public inspection materials submitted by CARB, written comments received from interested parties, and any testimony given at the public hearing. Materials relevant to this proceeding are contained in the Air and Radiation Docket and Information Center, maintained in Docket No. EPA-HQ-OAR-2009-0780. The docket is located at The Air Docket, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460, and may be viewed between 8 a.m. and 5:30 p.m., Monday through Friday. The telephone is (202) 566-1742. A reasonable fee may be charged by EPA for copying docket material.

Additionally, an electronic version of the public docket is available through the Federal government’s electronic public docket and comment system. You may access EPA dockets at <http://www.regulations.gov>. After opening the <http://www.regulations.gov> Web site, enter EPA-HQ-OAR-2009-0780 in “Search Documents” to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** David Dickinson, Compliance and Innovative Strategies Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460. Telephone: (202) 343-9256, Fax: (202) 343-2804, e-mail address: [Dickinson.David@epa.gov](mailto:Dickinson.David@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### (A) Procedural History

Within CARB’s 1990–1991 California Low Emission Vehicle (LEV I) rulemaking, CARB required that ten percent of the passenger cars and LDT1s<sup>1</sup> marketed by all but small volume manufacturers were required to be ZEVs starting in the 2003 model year. EPA granted California an initial waiver of preemption for California’s original 1990 ZEV requirements in January 1993 as part of the LEV I waiver.<sup>2</sup> CARB amended its original ZEV requirements in 1996, and in January 2001, EPA

<sup>1</sup> Under CARB’s regulations, an LDT1 is a light-duty truck having a loaded weight of 0–3750 pounds.

<sup>2</sup> 58 FR 4166, January 13, 1993.