

SUMMARY: The USEPA is proposing to approve requests for exemptions from the nitrogen oxides (NO_x) requirements as provided for in Section 182(f) of the Clean Air Act (Act) for the following ozone nonattainment areas in Ohio: Canton (Stark County); Cincinnati (Hamilton, Butler, Warren, and Clermont Counties); Cleveland (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties); Columbus (Delaware, Franklin, and Licking Counties); Youngstown (Mahoning and Trumbull Counties); Steubenville (Jefferson and Columbiana Counties); Preble County; and Clinton County. These exemption requests, submitted by the Ohio Environmental Protection Agency (OEPA), are based upon three years of ambient air monitoring data which demonstrate that the National Ambient Air Quality Standard (NAAQS) for ozone has been attained in each of these areas without additional reductions of NO_x.

DATES: Comments on these exemption requests and USEPA's proposed action must be received by February 16, 1995.

ADDRESSES: Written comments should be addressed to: William MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the exemption requests and supporting air quality data are available for inspection during normal business hours at the following location (it is recommended that you contact Richard Schleyer at (312) 353-5089 before visiting the Region 5 office): United States Environmental Protection Agency, Region 5, Air Enforcement Branch, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Richard Schleyer, Regulation Development Section, Air Enforcement Branch (AE-17J), Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 353-5089.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(f) Requirements

The air quality planning requirements for the reduction of NO_x emissions are set out in section 182(f) of the Act. Section 182(f) of the Act requires States with areas designed nonattainment of the NAAQS for ozone, and classified as marginal and above, to impose the same

control requirements for major stationary sources of NO_x as apply to major stationary sources of volatile organic compounds (VOC). The requirements include, for marginal and above areas, nonattainment area new source review (NSR) for major new sources and major modifications. For nonattainment areas classified as moderate and above, the State is required to adopt reasonable available control technology (RACT) rules for major stationary sources of NO_x, as well as nonattainment areas NSR.

Section 182(f) further provides that, for areas outside an ozone transport region, these NO_x reduction requirements shall not apply if the Administrator determines that additional reductions of NO_x would not contribute to attainment of the NAAQS for ozone.

Transportation Conformity

The transportation conformity rule, entitled "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," was published in the November 24, 1993 **Federal Register** (58 FR 62188). The rule was promulgated under section 176(c)(4) of the Act.

The transportation conformity rule requires regional emissions analysis of motor vehicle NO_x emissions for ozone nonattainment and maintenance areas in order to determine the conformity of transportation plans and programs to implementation plan requirements. This analysis must demonstrate that the NO_x emissions which would result from the transportation system if the proposed transportation plan and program were implemented are within the total allowable level of NO_x emissions from highway and transit motor vehicles as identified in a submitted or approved attainment demonstration or maintenance plan.

Until an attainment demonstration, and the fifteen-percent rate-of-progress plan (if applicable), or a maintenance plan, is approved by USEPA, the regional emissions analysis of the transportation system must also satisfy the "build/no-build" test. That is, the analysis must demonstrate that emissions from the transportation system, if the proposed transportation plan and program were implemented, would be less than the emissions from the transportation system if only the previous applicable transportation plan and program were implemented. Furthermore, the regional emissions analysis must show that emissions from

the transportation system, if the transportation plan or program were implemented, would be lower than 1990 levels.

The transportation conformity rules provide for an exemption from these requirements with respect to NO_x if the Administrator determines, under section 182(f) of the Act, that additional reductions of NO_x would not contribute to attainment of the ozone NAAQS.

General Conformity

The general conformity rule, entitled "Determining Conformity of General Federal Actions to State or Federal Implementation Plans," was published in the **Federal Register** on November 30, 1993 (58 FR 63214). The rule was promulgated under section 176(c)(4) of the Act. The general conformity rule provides for an exemption from considering NO_x if the area has been exempted under section 182(f) of the Act.

Scope of Exemptions

If the USEPA Administrator determines, under section 182(f) of the Act, that additional reductions of NO_x would not contribute to attainment of the ozone NAAQS, the area at issue shall automatically (i.e., a State would not need to submit an exemption request for each requirement) be exempt from the following requirements (as applicable): the NO_x-related general and transportation conformity provisions, NO_x RACT, and nonattainment area NSR for new sources and modifications that are major for NO_x. Additionally, NO_x emission reductions would not be required of an enhanced I/M program (see Section VI. for additional information).

II. Criteria for Evaluation of Exemption Requests

The criteria used in the evaluation of the exemption requests can be found in the following: a notice published in the June 17, 1994 **Federal Register** (59 FR 31238), entitled "Conformity General Preamble for Exemption from Nitrogen Oxides Provisions," a USEPA memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards (OAQPS), dated May 27, 1994, entitled "Section 182(f) Nitrogen Oxides (NO_x) Exemptions—Revised Process and Criteria," and a USEPA guidance document entitled "Guideline for Determining the Applicability of Nitrogen Oxides Requirements Under section 182(f)," dated December 1993, OAQPS, Air Quality Management Division.