

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

#### *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.

#### *Scope of Exemptions*

If the USEPA Administrator determines, under Section 182(f) of the Act, that additional reductions of NO<sub>x</sub> 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<sub>x</sub>-related general and transportation conformity provisions, NO<sub>x</sub> RACT, and nonattainment area NSR for new sources and modifications that are major for NO<sub>x</sub>. Additionally, NO<sub>x</sub> emission reductions would not be required of an enhanced inspection and maintenance (I/M) program.

### **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<sub>x</sub>) Exemptions—Revised Process and Criteria,"; a USEPA memorandum from G. T. Helms, Group Leader, Ozone/Carbon Monoxide Programs Branch, OAQPS, dated January 12, 1995, entitled "Scope of Nitrogen Oxides (NO<sub>x</sub>) Exemptions,"; a USEPA memorandum from John S. Seitz, Director, OAQPS, dated February 8, 1995, entitled "Section 182(f) Nitrogen Oxides (NO<sub>x</sub>) 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.

### **III. State Submittals**

#### *Marginal and Nonclassifiable Ozone Nonattainment Areas*

In a letter dated March 18, 1994, the OEPA submitted a request that the following marginal and nonclassifiable ozone nonattainment areas be exempt from the NO<sub>x</sub>-related transportation and general conformity requirements contained in Section 176(c) of the Act: Canton (Stark County), Columbus (Delaware, Franklin and Licking Counties), Youngstown (Mahoning and Trumbull Counties), Steubenville (Columbiana and Jefferson Counties), Preble County, and Clinton County. Additionally, USEPA is granting exemptions from the nonattainment area NSR requirements for new sources and modifications that are major for NO<sub>x</sub>, for the following marginal ozone nonattainment areas: Canton (Stark County), Columbus (Delaware, Franklin and Licking Counties), and Youngstown (Mahoning and Trumbull Counties). The NSR requirements do not apply to the Steubenville area, Preble County, or Clinton County.

This exemption request is based upon three years (1991–1993) of ambient air monitoring data which demonstrate that the NAAQS for ozone has been attained in each of these areas without additional reductions of NO<sub>x</sub> emissions.

#### *Cincinnati-Hamilton Interstate Moderate Ozone Nonattainment Area*

In a letter dated November 15, 1994, the OEPA submitted a request for an exemption from the NO<sub>x</sub> requirements contained in Section 182(f) of the Act for the Ohio portion of the Cincinnati-Hamilton interstate moderate ozone nonattainment area (which includes the Counties of Butler, Clermont, Hamilton and Warren). This exemption request is based upon the most recent three years (1992–1994) of ambient air monitoring data which demonstrate that the NAAQS for ozone has been attained in the Ohio portion of the interstate area without additional reductions of NO<sub>x</sub> emissions.

An exemption request from the requirements contained in Section 182(f) of the Act has also been submitted to USEPA—Region 4 by the Kentucky Department for Environmental Protection (KDEP) for the Kentucky portion of the interstate area (which includes the counties of Boone, Kenton, and Campbell). This exemption request is also based upon ambient air monitoring for ozone which demonstrate that the NAAQS for ozone has been attained in this area without additional reductions of NO<sub>x</sub>. This exemption request will be evaluated in

a separate rulemaking (to be performed by USEPA—Region 4).

#### *Cleveland Moderate Ozone Nonattainment Area*

In a letter dated November 1, 1994, the OEPA submitted a request for an exemption from the requirements contained in Section 182(f) of the Act for the Cleveland moderate ozone nonattainment area (which includes the Counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit). This exemption request is based upon the most recent three years (1992–1994) of ambient air monitoring data which demonstrate that the NAAQS for ozone has been attained in this area without additional reductions of NO<sub>x</sub>.

### **IV. Analysis of State Submittals**

The USEPA has reviewed the ambient air monitoring data for ozone (consistent with the requirements contained in 40 CFR Part 58 and recorded in USEPA's—Aerometric Information Retrieval System—AIRS) submitted by the OEPA in support of these exemption requests.

For ozone, an area is considered in attainment of the NAAQS if there are no violations, as determined in accordance with 40 CFR 50.9, based on quality assured monitoring data from three complete consecutive calendar years. A violation of the ozone NAAQS occurs when the annual average number of expected exceedances is greater than 1.0 at any site in the area at issue. An exceedance occurs when the daily maximum hourly ozone concentration exceeds 0.124 parts per million (ppm).

#### *Marginal and Nonclassifiable Ozone Nonattainment Areas*

The following ozone exceedances were recorded for the period from 1991 to 1993 (the average number of expected exceedances for this three year period are also presented):

Canton: Stark County, 6318 Heminger Ave. (1991)—0.130 ppm; average expected exceedances: 0.3.

Columbus: Franklin County, 5750 Maple Canyon (1991)—0.131 ppm; average expected exceedances: 0.3.

Steubenville: no exceedances recorded;

Youngstown: Mahoning County, 9 West Front Street (1991)—0.143 ppm; average expected exceedances: 0.3. Trumbull County, Community Hall (1993)—0.127 ppm; average expected exceedances: 0.3.

Preble County: National Trials (1991)—0.129 ppm; average expected exceedances: 0.3.

Clinton County: 62 Laurel Drive (1993)—0.125 ppm; average expected