

insufficient to accurately assess the ambient air quality in these areas.

**USEPA Response:** The USEPA has established ambient air monitoring networks for each of these areas to provide the most accurate assessment of the ambient air concentrations of ozone as practicable. These monitors meet the requirements set in 40 CFR Part 58 for ambient air monitoring, and USEPA has not been provided with any evidence that would allow it to conclude either that the number of monitors nor their locations are inadequate.

**Attainment Data Comments:** Three years of "clean" data fail to demonstrate that NO<sub>x</sub> reductions would not contribute to attainment of the NAAQS for ozone. The USEPA's policy erroneously equates the absence of a violation for one three-year period with "attainment."

**USEPA Response:** The USEPA has separate criteria for determining if an area should be redesignated to an ozone attainment area under Section 107 of the Act. The Section 107 redesignation criteria are more comprehensive than the Act requires with respect to NO<sub>x</sub> exemptions under Section 182(f).

Under Section 182(f)(1)(A), an exemption from the NO<sub>x</sub> requirements may be granted for nonattainment areas outside an OTR if USEPA determines that "additional reductions of [NO<sub>x</sub>]" would not contribute to attainment" of the ozone NAAQS in those areas. In some cases, an ozone nonattainment area might attain the ozone standard, as demonstrated by 3 years of adequate monitoring data, without having implemented the Section 182(f) NO<sub>x</sub> provisions over that 3-year period.

In cases where a nonattainment area is demonstrating attainment with 3 consecutive years of air quality monitoring data without having implemented the Section 182(f) NO<sub>x</sub> provisions, USEPA believes that the Section 182(f) test is met since "additional reductions of [NO<sub>x</sub>]" would not contribute to attainment" of the NAAQS in that area. In cases where it is warranted, USEPA's approval of the exemption is granted on a contingent basis (i.e., the exemption would last for only as long as the area's monitoring data continue to demonstrate attainment).

**Review Criteria:** One commenter requested that USEPA should review all exemption requests with the same level of scrutiny.

**USEPA Response:** It is the Clean Air Act itself, not USEPA, that treats areas differently for purposes of qualifying for a NO<sub>x</sub> exemption. Section 182(f) establishes separate criteria for USEPA to use in determining whether an area

should be granted a NO<sub>x</sub> exemption or not depending on whether an area falls within or outside of an OTR. Within these bounds, USEPA has established national guidance for evaluating NO<sub>x</sub> petitions. The relevant NO<sub>x</sub> exemption guidance documents are listed earlier in this notice. Each USEPA Regional Office implements the established policy contained in the guidance when evaluating individual State's exemption requests. The USEPA—Region 5 used the same criteria and scrutiny in reviewing these exemption requests and finds that these exemption requests submitted by the State meet the procedures set forth in the guidance in order to meet the applicable requirements of the Act.

**Modeling Comments:** Some commenters stated that no modeling has been performed to show that NO<sub>x</sub> is not a contributor to the ozone "problem" in these nonattainment areas and in downwind areas. Other commenters stated that the modeling required by USEPA guidance is insufficient to establish that NO<sub>x</sub> reductions would not contribute to attainment of the ozone NAAQS.

**USEPA Response:** As described in USEPA's December 1993 NO<sub>x</sub> exemption guidance,<sup>6</sup> photochemical grid modeling is generally needed to document cases where NO<sub>x</sub> reductions are counterproductive to net air quality, do not contribute to attainment, do not show a net ozone benefit, or include excess reductions. The Urban Airshed Model (UAM) or, in the OTR, the Regional Oxidant Model (ROM), are acceptable methods for these purposes. However, the December guidance also provides that, under the "not contribute to attainment test," an area may qualify for a NO<sub>x</sub> exemption by attaining the ozone standard, as demonstrated by three years of ambient air monitoring data. The exemption requests submitted by the State for these areas are based upon ambient air monitoring data for ozone, which demonstrate that the area is in fact attaining the NAAQS and, consequently, additional reductions of NO<sub>x</sub> in that area would not "contribute to attainment". The comment regarding the sufficiency of USEPA's modeling guidance is not relevant to this action since these petitions are based on air monitoring data. For additional information, please refer to the "Downwind Area" comments and response below.

<sup>6</sup> "Guideline for Determining the Applicability of Nitrogen Oxide Requirements under Section 182(f)," from John S. Seitz, Director, Office of Air Quality Planning and Standards, dated December 19, 1993.

**SIP Status Request:** One commenter stated that since other SIP revisions have not been approved (i.e., the 15% rate-of-progress plans, maintenance plans, contingency plans, and redesignation request), it is premature to approve the exemption requests.

**USEPA Response:** This action only addresses the requests for exemptions from the NO<sub>x</sub> requirements contained in Section 182(f) of the Act and from certain NO<sub>x</sub> requirements of USEPA's I/M and conformity regulations as submitted by the State of Ohio. Final actions by USEPA on these requests are not dependent on final actions on other required SIP submittals, such as the ones mentioned. Non-related SIP revisions will be addressed separately. See also USEPA response to "Conclusive Evidence" comments.

**Transportation Modeling and Emissions Estimates:** One commenter cited a specific highway project, and others stated that generally there were significant flaws in the transportation modeling and with the SIP emission estimates for several of the areas included in the exemption petition.

**USEPA Response:** This action addresses only the requests for exemptions from the NO<sub>x</sub> requirements contained in Section 182(f) of the Act and certain NO<sub>x</sub> requirements of USEPA's conformity and I/M regulations as submitted by the State of Ohio based upon ambient air monitoring data. Transportation modeling and emission estimates are not required to be reviewed as part of this approval. Therefore, adverse comments submitted concerning transportation modeling and emissions estimates are not being further addressed.

**Attainment Demonstration Comments:** Some commenters stated that ambient air monitoring data is a poor indicator for the purpose of demonstrating that NO<sub>x</sub> reductions would not contribute to attainment.

**USEPA Response:** Under Section 182(f)(1)(A), an exemption from the NO<sub>x</sub> requirements may be granted for nonattainment areas outside an OTR if USEPA determines that "additional reductions of [NO<sub>x</sub>]" would not contribute to attainment" of the ozone NAAQS in those areas. In some cases, an ozone nonattainment area might attain the ozone standard, as demonstrated by 3 years of adequate monitoring data, without having implemented the Section 182(f) NO<sub>x</sub> provisions over that 3-year period. In cases where a nonattainment area is demonstrating attainment with 3 consecutive years of air quality monitoring data without having