

be exempt from the requirements contained in section 182(f) of the Act. These exemption requests are based upon three years of ambient air monitoring data (1991–1993) which demonstrate that the NAAQS for ozone has been attained in each of these areas 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 AIRS) submitted by the OEPA in support of these exemption requests.

For ozone, an area is considered attainment of the NAAQS if there are no violations, as determined in accordance with 40 CFR Part 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).

The following ozone exceedances were recorded for the period from 1991 to 1993:

Toledo: Lucas County, 306 N. Yondota (1991)—0.127 ppm and (1993)—0.126 ppm; average expected exceedances: 0.7. Friendship Park (1993)—0.136 ppm; average expected exceedances: 0.3.

Dayton: Montgomery County, 2100 Timberlane (1993)—0.125 ppm; average expected exceedances: 0.3.

Thus, the annual average expected exceedances in a three year period were less than 1.0 and both areas are meeting the air quality standard for ozone.

A more detailed summary of the ozone monitoring data for both areas is provided in the USEPA technical support document dated April 20, 1994.

#### V. NO<sub>x</sub> RACT Rules

The State of Ohio submitted adopted NO<sub>x</sub> RACT rules to USEPA on July 1, 1994, for the Toledo, Dayton, and Cleveland ozone nonattainment areas. These rules are currently under review and will be evaluated in a separate rulemaking. These rules, when approved by USEPA, may be suspended by the State for the Toledo and Dayton areas upon the final approval effective date of the Section 182(f) exemption requests addressed in this Notice.

#### VI. Inspection and Maintenance (I/M) Programs

The I/M Final Rule (57 FR 52950) requires States to submit to USEPA a fully adopted I/M program by November

15, 1993. At this time, however, the preliminary interpretive guidance on basic I/M, is discussed in the USEPA policy memorandum dated September 17, 1993, from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, entitled "State Implementation Plan Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992," (Shapiro Memorandum). The Shapiro Memorandum provides that, for areas where maintenance plans do not rely on implementation of a basic I/M program immediately following redesignation, upon revision to the I/M rule, if a State adopts and submits as a revision to its SIP the following:

- The legislative authority for a basic I/M program;
- A provision in the SIP providing that basic I/M be placed in the contingency measure portion of the maintenance plan upon redesignation; and
- An enforceable schedule and commitment by the Governor or his/her designee for adoption and implementation of a basic I/M program upon a specified, appropriate triggering event;

The State would have met the minimum requirements for I/M as they relate to USEPA's consideration of the State's redesignation request submitted for a nonattainment area. The USEPA is presently proceeding to establish this interpretation through regulatory action (see 59 FR 33237).

The State of Ohio is required to adopt a basic I/M program for the Toledo ozone nonattainment area (encompassing Lucas and Wood Counties). However, the State has submitted a redesignation request (SIP revision) to attainment of the NAAQS for ozone for the Toledo area. This SIP revision includes legislative authority for the adoption of a basic I/M program; a basic I/M program as a contingency measure in the maintenance plan upon redesignation; and an enforceable schedule for the implementation of the basic I/M program upon a specified triggering event. Under the approach set forth in the Shapiro Memorandum, the State has met the requirements for an area requesting redesignation that is required to adopt a basic I/M program.

For the Dayton ozone nonattainment area (encompassing Clark, Greene, Miami, and Montgomery Counties), the Dayton local area has opted for an enhanced I/M program. This requires the Dayton area to comply with all applicable enhanced I/M program

requirements. The I/M Final Rule (57 FR 52950) provides that if the USEPA Administrator determines that NO<sub>x</sub> emission reductions are not beneficial in a given ozone nonattainment area, then NO<sub>x</sub> emission reductions are not required of the enhanced I/M program, but the program shall be designed to offset NO<sub>x</sub> increases resulting from the repair of hydrocarbon (HC) and carbon monoxide (CO) failures.<sup>1</sup>

Upon the effective date of this action, the Dayton area shall not be required to demonstrate compliance with the enhanced I/M performance standard for NO<sub>x</sub>. However, the Dayton area shall be required to demonstrate, using USEPA's Mobile Source Emissions Model, Mobile 5a (or its successor), that NO<sub>x</sub> emissions will be no higher than in the absence of any I/M program.

#### VII. Withdrawal of the Exemptions

Continuation of the Section 182(f) exemptions granted herein is contingent upon continued monitoring and continued attainment and maintenance of the ozone NAAQS in the affected areas. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s) (consistent with the requirements contained in 40 CFR part 58 and recorded in AIRS), USEPA will provide notice to the public in the Federal Register. A determination that the NO<sub>x</sub> exemption no longer applies would mean that the NO<sub>x</sub> NSR and the NO<sub>x</sub>-related general and transportation conformity provisions would immediately be applicable (see 58 FR 63214 and 58 FR 62188). The NO<sub>x</sub> RACT requirements would also be applicable, with a reasonable time provided as necessary to allow major stationary sources subject to the RACT requirements to purchase, install and operate the required controls. The USEPA believes that the State may provide sources a reasonable time period after the USEPA determination to actually meet the RACT emission limits. The USEPA expects such time period to be as expeditious as practicable, but in no case longer than 24 months. If a nonattainment area is redesignated to attainment of the ozone NAAQS, NO<sub>x</sub> RACT shall be implemented as stated in the USEPA-approved maintenance plan.

#### VIII. Notice of Proposed Rulemaking and Responses to Comments

The USEPA published a notice proposing to approve the exemption

<sup>1</sup> Additional clarification concerning the I/M requirements and areas with no NO<sub>x</sub> exemptions is provided in a memorandum from Mary T. Smith, Acting Director, Office of Mobile Sources, dated October 14, 1994, entitled "I/M Requirements in NO<sub>x</sub> RACT Exempt Areas."