

correct the projection inventory and, if increases are projected, propose and ultimately implement maintenance measure(s) to lower the emissions to a level at or below the attainment year level. Under section 175A of the Clean Air Act, Ohio must submit a demonstration that the ozone standard will be maintained for another ten years, eight years after the area is redesignated to attainment. This is expected to result in the Toledo area maintaining the ozone standard for the next 20 years.

(4) *Comment:* Two commentors requested that USEPA prepare an Environmental Impact Statement (EIS) as the redesignation constitutes a major federal action with the potential for significant impacts on the human environment. A number of transportation and land use control measures which would have resulted under requirements applied to nonattainment areas will not be required. The EIS should consider downwind transport of ozone precursors, and the effect of such transport on the Northeastern United States.

(4) *Response:* USEPA is not required to prepare an EIS in connection with this redesignation. Section 7(c)(1) of the Energy Supply and Environmental Coordination Act (Pub. L. 93-319) states that "[n]o action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856)." This redesignation does not affect the applicability of the National Environmental Policy Act (NEPA) to particular transportation projects in the Toledo area. In addition, the transportation and general conformity rules will still apply after the area is redesignated to attainment. (Conformity determinations for transportation plans, transportation improvement projects, and Federal actions must demonstrate that the emissions budget established by the maintenance plan is not exceeded.)

The redesignation does not allow States to automatically remove control programs which have contributed to an area's attainment of a U.S. National Ambient Air Quality Standard (NAAQS) for any pollutant. Sources of ozone precursors in the Toledo area must continue to implement all control equipment and/or measures in accordance with applicable rules, regulations and permits. Other control programs required by the Act will be implemented in the area, regardless of the ozone designation, such as title IV NO<sub>x</sub> controls, section 112 toxic controls and on-board vapor recovery

requirements. Upon redesignation to attainment, Toledo will be subject to the Prevention of Significant Deterioration provisions (PSD) of the Clean Air Act that apply to stationary sources of air pollution.

The State has assessed emission increases due to growth in all potential sources of emissions and has shown that reductions in emissions over the maintenance period will more than offset any increases in emissions of VOC and NO<sub>x</sub>. As stated in the **Federal Register** notice (60 FR 21456), USEPA will address transport of ozone precursors to downwind areas under section 110 of the Clean Air Act based on a domain-wide modeling analysis. Should this or other studies provide a sufficient scientific basis for taking action in the future, the USEPA will take appropriate action notwithstanding the redesignation of the Toledo area to attainment for ozone.

(5) *Comment:* The USEPA should delay rulemaking on this and all other ozone redesignation requests pending a re-evaluation of the current ozone standard to determine if public health is adequately protected. Recent studies indicate that health impacts occur at lower levels of ozone than the current ozone standard.

(5) *Response:* The USEPA is currently in the process of reevaluating the ozone NAAQS and expects to make a final decision in mid-1997. Until any change is made, however, the USEPA is bound to implement the provisions of the Act as they relate to the current standard, including those relating to designations and redesignation. Moreover, as previously noted under section 107(d)(3)(D) USEPA has 18 months in which to act on a redesignation request and has no authority to delay rulemaking until the entire evaluation of the ozone NAAQS is complete.

(6) *Comment:* Ozone levels exceeded 0.124 parts per million (ppm) at the Yondota Avenue monitor in 1991, 1993, and 1994. From these occurrences, and the absence of mandated forceful control measures post 1994, it is very difficult to have the expectation that the Yondota station will remain in attainment.

(6) *Response:* Exceedances of the ozone standard did occur at the Yondota monitor in 1991, 1993 and 1994, but did not cause a violation of the ozone standard. The control measures approved into the State's Implementation Plan will remain in place to ensure that the ozone standard is maintained. Ohio's maintenance demonstration shows that future emission levels will remain below levels associated with attainment. Continued

maintenance of the ozone NAAQS will be determined by continued ambient monitoring. If a violation does occur at the Yondota monitor after the redesignation is approved, Stage II and I/M will be implemented. In addition, the area will be subject to the PSD program, FMVECP, and other measures.

(7) *Comment:* Environment Canada commented that air quality needs to be managed in a regional context and evaluated over a long term period that takes meteorological variations into consideration. Environment Canada is disappointed that current USEPA policy does not reflect this opinion. Environment Canada believes that the ground level ozone standards in effect in the United States allow such high levels of ozone and ozone precursors to flow into Canada as to make it practically impossible for Canada to reach its ground level ozone objective of 82 parts per billion. Another commentor asserted that USEPA failed to consider adverse impacts of transport of ozone and ozone precursors to the Province of Ontario, Detroit, the Northeastern United States and the Lake Michigan Basin. USEPA has failed to obtain a legally enforceable commitment from the State of Ohio to cooperate in developing a strategy to reduce the documented problem of ozone transport throughout Eastern North America. Another commentor stated that the air quality problem is not being solved, it is being moved off to other downwind states. This breaks the spirit of the Clean Air Act.

(7) *Response:* The USEPA would like to note that the governments of the United States and Canada are in the process of developing a joint study of the transboundary ozone phenomena under the U.S.-Canada Air Quality Agreement. It is envisioned that this regional ozone study will provide the scientific information necessary to understand what contributes to ozone levels in the region, as well as what control measures would contribute to reductions in ozone levels. Should this or other studies provide a sufficient scientific basis for taking action in the future, the USEPA will take an appropriate course of action. The USEPA may take appropriate action notwithstanding the redesignation of the Toledo area. Therefore, the USEPA does not believe that the contentions regarding transboundary impact provide a basis for delaying action at this time on this redesignation or disapproving the redesignation. This is particularly true since approval of the redesignation is not expected to result in an increase in ozone precursor emissions and is not expected to adversely affect air quality