

The transportation conformity rules provide for an exemption from these so called "build/no build" requirements with respect to NO_x if the Administrator determines that additional reductions of NO_x would not contribute to attainment of the ozone NAAQS. However, all other NO_x provisions in the transportation conformity rule would apply, including the requirement for consistency with the NO_x motor vehicle emissions budget in a submitted control strategy state implementation plan, or an approved maintenance plan.

The areas addressed in today's action are not required to submit a control strategy implementation plan revision (i.e., an attainment demonstration or 15% RFP plan). Further, only a portion of these areas are required to satisfy the "build/ no-build test." A section 182(f) exemption would relieve this requirement for NO_x for these areas, but once any maintenance plan is approved by EPA, consistency with the NO_x budget would be required.

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 NO_x requirements if the area has been exempted under section 182(f) of the Act.

II. Criteria for Evaluation of Section 182(f) Exemption Requests

The criteria established for the evaluation of an exemption request from the Section 182(f) requirements are set forth in 2 memoranda from John S. Seitz, Director, Office of Air Quality Planning and Standards, dated May 27, 1994 and February 8, 1995, both entitled "Section 182(f) Nitrogen Oxides (NO_x) Exemptions—Revised Process and Criteria." Additional guidance is provided in a document entitled "Guideline for Determining the Applicability of Nitrogen Oxides Requirements Under Section 182(f)," dated December 1993, from EPA, Office of Air Quality Planning and Standards, Air Quality Management Division.

III. State Submittal

On September 7, 1995, the State of Maine submitted an exemption request from the requirements contained in Section 182(f) of the Clean Air Act (Act) for the Northern Maine area (specifically, Oxford, Franklin, Somerset, Piscataquis, Penobscot,

Washington, Aroostook, Hancock and Waldo Counties). This exemption request is based on a demonstration that nitrogen oxides (NO_x) emissions in this area are not impacting Maine's moderate nonattainment areas or other nonattainment areas in the Ozone Transport Region (OTR) during times when elevated ozone levels are monitored in those areas. As such, additional reductions in NO_x emissions from these 9 counties, that is, NO_x reductions beyond what the state regulations contemplate providing for, as explained further below, are not necessary for nonattainment areas in the State to attain, and, are also not necessary for attainment purposes anywhere in the OTR. Under these circumstances, as section 182(f)(2) provides, such additional reductions may be waived as excess reductions. While Maine generally is requesting an exemption from applicable NO_x requirements for this 9 county area, it has requested a limited exemption from NO_x control measure requirements that apply for existing stationary sources in these areas. Maine has requested that EPA combine its approval of the exemption request with its approval of NO_x controls for existing stationary sources in the Northern Maine area previously submitted to EPA on August 5, 1994. In approving this NO_x exemption request, EPA considered the impact of the limited exemption from NO_x requirements for existing sources. EPA is approving this action because, under section 182(f)(2), EPA has determined that additional NO_x reductions from these areas would be excess.

IV. Analysis of State Submittal and Supporting Material

EPA has reviewed the material submitted by the State of Maine in support of this request. As mentioned above, these areas are presently monitoring attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. For ozone, an area is considered to be monitoring 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 expected number exceedances per year (over a three year period) is greater than 1.0. An exceedance occurs when the daily maximum hourly ozone concentration equals or exceeds 0.125 parts per million (ppm). Only Hancock and Waldo Counties, which is a marginal nonattainment area, were classified under the Clean Air Act, as

amended in 1990. This area has only measured a single exceedance of the standard since 1992.

Thus, the annual average expected exceedances in the latest three year period is less than 1.0 and the entire area is meeting the air quality standard for ozone. In order for the Hancock and Waldo Counties area to be redesignated to attainment, EPA will need to take action on a redesignation request, including a maintenance plan.

A more detailed summary of the ozone monitoring data for both areas is provided in the EPA technical support document prepared for this action.

V. Air Trajectory Analyses

Maine prepared trajectory analyses for each day when the ozone standard was exceeded in either New Hampshire or Maine. Additionally, Maine prepared detailed statistical trajectory analyses for many days based on ozone monitors just southwest of this 9 county area. Hundreds of data points were analyzed, and this effort will be described in more detail below.

Modeling

EPA has performed extensive air quality modeling throughout the Northeast for the past several years utilizing the regional oxidant model (ROM). This modeling domain covers virtually all of northern Maine. Essentially, all ROM analyses have shown no actual or predicted exceedances in this 9 county area, which is northeast of the remainder of the OTR. (It should be noted that exceedances were predicted in the coastal portions of Waldo, Hancock, and Washington Counties in 1987 and 1988, and, during this timeframe, exceedances were actually measured in Hancock and Waldo Counties forming the basis for their designation as marginal ozone nonattainment areas. No exceedances were measured in Washington County. However, since 1992, only Hancock County has measured a single exceedance of the standard. Given these analyses, and the direction of the ozone "plume," it is reasonable to expect negligible contribution from these areas to the overall ozone nonattainment situation in the OTR.)

However, ROM modeling analyses are not intended to actually predict attainment or nonattainment. EPA guidance requires more extensive modeling using photochemical grid modeling in most areas. While this more sophisticated modeling is technically not required anywhere in Maine, in concert with Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, extensive analyses