exempted this regulatory action from Executive Order 12866 review.

C. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

D. Unfunded Mandates

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') (signed into law on March 22, 1995) requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

This final rule only approves the incorporation of existing state rules into the SIP and imposes no additional requirements. This rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than $100 million in any one year. USEPA, therefore, has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Furthermore, because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to develop a plan with regard to small governments.

E. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. section 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. sections 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements a State has already imposed. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

F. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 20, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: February 29, 1996.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(104) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(104) On December 20, 1995, and February 14, 1996, Indiana submitted a Clean-Fuel Fleet Program for Lake and Porter Counties as a revision to the State Implementation Plan.

(i) Incorporation by reference. 326 Indiana Administrative Code 19–3 Clean Fuel Fleet Vehicles, Sections 1 through 7. Adopted by the Indiana Air Pollution Control Board October 4, 1995. Signed by the Secretary of State December 19, 1995. Effective January 18, 1996. Published at Indiana Register, Volume 19, Number 5, February 1, 1996.

[FR Doc. 96–6597 Filed 3–20–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MA–19–1–6648a; A–1–FRL–5436–3]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Emission Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving Massachusetts' revised 310 CMR 7.12, ''Inspection Certificate, Record Keeping and Reporting'' and incorporating it into Massachusetts' SIP. EPA received revisions to the Massachusetts SIP revising 310 CMR 7.12 on three separate occasions however, EPA is addressing all three submissions in this action. These revisions to 310 CMR 7.12 streamline and clarify the permitting process and address the Clean Air Act's emission statement program requirement. This action is being taken in accordance with the Clean Air Act.

DATES: This action is effective May 20, 1996, unless, notice is received by April 22, 1996, that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment

at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, Boston, MA.

FOR FURTHER INFORMATION CONTACT: David Conroy, (617) 565–3254.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning and State Implementation Plan (SIP) requirements for ozone nonattainment and transport area are set out in subparts I and II of part D of Title I of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (CAA or ''the Act''). EPA has published a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the CAA, including those State submittals for ozone transport areas within the States {see 57 FR 13498 (April 16, 1992) [''SIP: General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990''], 57 FR 18070 (April 28, 1992) [''Appendices to the General Preamble''], and 57 FR 55620 (November 25, 1992) [''SIP: NO_X Supplement to the General Preamble'']}.

EPA has also issued a draft guidance document describing the requirements for the emission statement programs discussed in this Notice, entitled ''Guidance on the Implementation of an Emission Statement Program'' (July, 1992). The Agency is also conducting a rulemaking process to modify part 40 of the CFR to reflect the requirements of the emission statement program.

Section 182 of the Act sets out a graduated control program for ozone nonattainment areas. Section 182(a) sets out requirements applicable in marginal nonattainment areas, which are also made applicable in subsections (b), (c), (d), and (e) to all other ozone nonattainment areas. Among the requirements in section 182(a) is a program in paragraph (3)(B) of that subsection for stationary sources to prepare and submit to the State each year emission statements showing actual emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_X). This paragraph provides that the States are to submit a revision to their State Implementation Plans (SIPs) by November 15, 1992 establishing their emission statement program.

Section 184(b)(2) of the Act extends the requirements for major stationary sources in moderate ozone nonattainment areas to sources in the ozone transport region which emit, or have the potential to emit, 50 tpy or more of VOC. Section 182(f) extends the requirements for major stationary sources of VOC in ozone transport regions to major sources of NO_X. For areas designated as attainment or nonattainment areas which are not classified, Section 182(f) refers to Section 302 where the major source definition for NO_X is the potential to emit 100 tons per year. Therefore, the emission statement requirement encompasses all stationary sources in all classified nonattainment areas, as well as sources in attainment areas and unclassified nonattainment areas within ozone transport regions, which emit or have the potential to emit 100 tpy or more of NO_X or 50 tpy or more of VOC.

Massachusetts is located in the ozone transport region and is a classified ozone nonattainment area. Therefore, Massachusetts is subject to the more stringent source threshold requirement of 182(a)(3)(B). Massachusetts' source thresholds of the emission statement regulation must cover *all* sources which emit VOC or NO_X.

For classified ozone nonattainment areas, the States may waive, with EPA approval, the requirement for an emission statement for classes or categories of sources with less than 25 tons per year of actual plant-wide NO_X or VOC emissions in nonattainment areas if the class or category is included in the base year and periodic inventories and emissions are calculated using emission factors established by EPA (such as those found in EPA publication AP–42) or other methods acceptable to EPA. Massachusetts has provided a 1990 baseyear inventory which includes emissions from sources that emit below 25 tpy of VOC or NO_X emissions and will be updating this inventory every three years until the area is redesignated to attainment. In addition, the methods and emission factors used by Massachusetts to calculate emissions for the 1990 baseyear inventories have been reviewed by EPA. As a result, EPA finds the 25 tpy threshold acceptable.

Additionally, if either VOC or NO_X is emitted at or above the statutory reporting level, the other pollutant must be included in the emission statement, even if it is emitted at levels below the specified cutoffs.

The CAA requires that States' rules specify that facilities must submit the first emission statement to the State within three years after November 15, 1990, and annually thereafter. EPA requests that the States submit the emission data to EPA through the Aerometric Information Retrieval System (AIRS). The minimum emission statement data should include: certification of data accuracy; source identification information; operating schedule; emissions information (including annual and typical ozone season day emissions); control equipment information; and process data. EPA developed emission statements data elements to be consistent with other source and State reporting requirements. This consistency is essential to assist States with quality assurance for emission estimates and to facilitate consolidation of all EPA reporting requirements.

II. Analysis of State Submission

A. Procedural Background

The Act requires States to observe certain procedural requirements in developing its SIP, of which the emission statement program will become a part. Section 110(l)(2) of the Act provides that each revision to an implementation plan submitted by a State under the CAA must be adopted by such State after reasonable notice and public hearing. EPA must at the outset determine whether a submittal is complete and therefore warrants further EPA review and action (see Section 110(k)(1) and 57 FR 13565). EPA's completeness criteria for SIP submittals are set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991).

On July 15, 1994, EPA received the SIP submittal of amendments to 310 CMR 7.12 addressing emission statement requirements. The amendments were adopted by Massachusetts on June 29, 1994 and became effective on July 1, 1994. Hearings were held on May 6, 10, 11, and 13, 1994. EPA deemed the submittal complete on July 15, 1994 and the sanctions clocks were stopped. However, the February 21, 1993 finding also triggered the Federal Implementation Plan (FIP) clock. EPA has remained obligated to promulgate a FIP clock until this final rulemaking action is taken. Therefore, the FIP clock is stopped on the effective date of this final rulemaking action approving Massachusetts' emission statement program.

B. Components of the Emission Statement Program

There are several key general and specific components of an acceptable emission statement program. Specifically, the State must submit a revision to its SIP and the emission statement program must meet the

minimum requirements for reporting by the sources and the State. In general, the program must include, at a minimum, provisions for applicability, definitions, compliance, and specific source requirements detailed below.

1. SIP Revision Submission

EPA requires States to submit their SIP revision within 2 years of enactment of the Clean Air Act Amendments of 1990 (CAAA) (November 15, 1990).

Massachusetts was notified in a letter dated January 15, 1993, that if the emission statement submittal was not received by February 21, 1993, a finding of failure to submit will automatically be made. Since Massachusetts did not submit the SIP revision until July 15, 1994, findings were made. EPA reviewed the submittal and deemed it complete on July 15, 1994. Therefore, the sanctions clock was stopped. However, the February 21, 1993 finding also triggered the Federal Implementation Plan (FIP) clock. EPA has remained obligated to promulgate a FIP until this final rulemaking action is taken. Therefore, the FIP clock is stopped on the effective date of this final rulemaking action approving the emission statement program.

2. Reporting Requirements for State

In addition to the program elements applying to sources, the SIP should include a provision that States provide to EPA the identifying information for the sources covered by the emission statement program, the value for rule effectiveness utilized by the State in its SIP calculations, the source data elements entered into AIRS, and quarterly emission statement status reports. The minimum source identification information should include the AIRS code, the AFS point number (ID), the AFS segment number (ID), and the Source Category Code (SCC) and descriptions for each segment.

In addition, States should supply to EPA the current rule effectiveness (RE) factors at the SCC pollutant level, if applicable, and the RE method codes. The emission statement data submittal to AIRS should include all data obtained from the source and the State. These source-supplied data elements include source identification information (name, physical location, mailing address of the facility, latitude and longitude, and 4-digit Standard Industrial Classification (SIC) code(s)), operating schedule information (percentage annual throughput, days per week on the normal operating schedule, hours per day during the normal operating schedule, and hours per year on the normal operating schedule), process rate data (annual process rate (annual throughput) and peak ozone season daily process rate), control equipment information (current primary and secondary control equipment identification codes and current combined control equipment efficiency (%)), and emissions information (estimated actual VOC and NO_X emissions at the segment level (in tons per year for an annual emission rate and pounds per day for a typical ozone season day), estimated emissions method code, calendar year for the emissions, and emission factor (if used)). EPA recommends that the States electronically submit emission statement data into the AIRS database no later than July 1 of each year, commencing in 1993. The quarterly reports should show the total number of facilities that met the State's emission statements program requirements and the number of facilities that failed to meet the requirements. Quarterly reports should be submitted commencing no later than July 1, 1993.

The July 15, 1994 submittal did not fully meet the data element requirement for an approvable emission statement program. EPA notified Massachusetts with a list of data elements that Massachusetts needed to add to the source registration forms for EPA to approve its emission statement program. Massachusetts assured EPA in a letter, dated December 30, 1994, that the data elements were being incorporated into the source registration forms. Massachusetts' source registration forms do require all the EPA required data elements. The uploading of emission statement information to AIRS, by July 1 of each year, is a grant condition that EPA has negotiated with Massachusetts.

3. Sources Covered

Section 182(a)(3)(B) requires that States with areas designated as nonattainment for ozone require emission statement data from sources of VOC or NO_X in the nonattainment areas. This requirement applies to all classified ozone nonattainment areas, regardless of the classification (Marginal, Moderate, etc.). Section 184(b)(2) of the Act extends the requirements for major stationary sources in moderate ozone nonattainment areas to sources in the ozone transport region. Section 182(f) extends the requirements for major stationary sources of VOC in ozone transport regions to major sources of NO_X. Therefore, the emission statement requirement encompasses all stationary sources in all classified nonattainment areas, as well as sources in attainment areas and unclassified nonattainment areas within ozone transport regions, which emit or have the potential to emit 100 tpy or more of NO_X or 50 tpy or more of VOC.

The States may waive, with EPA approval, the requirement for emission statements for classes or categories of sources with less than 25 tons per year of actual plant-wide NO_X or VOC emissions in nonattainment areas if the class or category is included in the base year and periodic inventories. Massachusetts emission statement regulations have exempted sources with VOC and NO_X emissions below 25 tpy from emission statement requirements. Massachusetts has provided 1990 baseyear inventories which include emissions from sources that emit 25 tpy of VOC or NO_X and will be updating these inventories every three years until the area is redesignated to attainment. In addition, the methods and emission factors used by Massachusetts to calculate emissions for the 1990 baseyear inventory have been reviewed by EPA. As a result, EPA finds the 25 tpy threshold acceptable.

The entire state of Massachusetts is designated as nonattainment for ozone and is located within the boundaries of the ozone transport region. 310 CMR 7.12(1)(b) states that information required by 310 CMR 7.12(1)(a) shall be submitted annually for any facility having actual emissions greater than or equal to:

(1) Volatile organic compounds, 25 tpy

(2) Nitrogen oxides, 25 tpy

(3) Any other pollutant regulated under the Act, 100 tpy and once every three years for all other facilities.

4. Reporting Requirements for Sources

Sources covered by the State emission statement program will submit, at a minimum, the data elements described under section II.B.2 of this notice.

The emission statement submitted by the source will contain a certification that the information is accurate to the best knowledge of the individual certifying the statement. EPA recommends that the State program require the submission of the data from the sources no later than April 15 of each year.

Massachusetts sends a cover letter accompanying the emission statement forms to the facilities. The cover letter, included in the SIP submittal, requires that the forms be completed using data pertaining to the facility's operations during calendar year 1993 and returned to DEP no later than June 1, 1994. EPA is approving this submittal date since the Emission Statement Workgroup is

proposing to require States to submit emission statement data to AIRS by November 15 rather than July 1. Massachusetts will have sufficient time to submit data to AIRS by November 15 if sources submit emission statements by June 1.

5. Reporting Forms

Although EPA has developed a proposed format for the emission statement reporting process in its guidance document, the Act allows States to develop their own format for emission statement reporting.

Massachusetts provides the sources with Source Registration/Emission Statement forms. On December 30, 1994, Massachusetts sent a letter notifying EPA that the current Source Registration/Emission Statement forms are being modified in format to provide to industry a summary of the data in the DEP SSEIS (and EPA AIRS) system as a basis for update and certification of emissions. In addition, the letter included data elements that had been added or are in the process of being added to the forms.

III. Final Action

EPA is approving Massachusetts' revised 310 CMR 7.12, ''Inspection Certificate, Record Keeping and Reporting'' and incorporating it into Massachusetts' SIP. EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 20, 1996, unless adverse or critical comments are received by April 22, 1996.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on May 20, 1996.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section 182(a)(3)(B) of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 20, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Oxides of nitrogen, Reporting and recordkeeping requirements, Volatile organic compounds.

Notes: Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 18, 1995.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(106) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(106) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on June 28, 1990, September 30, 1992, and July 15, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection, dated June 28, 1990, submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection, dated September 30, 1992, submitting a revision to the Massachusetts State Implementation Plan.

(C) Letter from the Massachusetts Department of Environmental Protection, dated July 15, 1994, submitting a revision to the Massachusetts State Implementation Plan.

(D) Regulation 310 CMR 7.12 entitled ''Inspection Certification Record Keeping and Reporting'' which became effective on July 1, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of submittal.

(B) Letter from the Massachusetts Department of Environmental Protection, dated December 30, 1994, assuring EPA that the data elements noted in EPA's December 13, 1994 letter were being incorporated into the source registration forms used by Massachusetts emission statement program.

(ii) Additional materials.

(A) Nonregulatory portions of submittal.

* * * * *

3. In § 52.1167 Table 52.1167 is amended by adding new state citations for entry 310 CMR 7.12 to read as follows:

§ 52.1167 EPA—approved Massachusetts State regulations

* * * * *

TABLE 52.1167—EPA—APPROVED MASSACHUSETTS REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
*	*	*	*	*	*	*
310 CMR 7.12 ..	Inspection Certificate Record Keeping and Reporting.	6/28/90; 9/30/92; 7/15/94	March 21, 1996	61 FR 1559	106	The 6/28/90 and 9/30/92 submittals deal with the permitting process. The 7/15/94 submittal develops 7.12 to comply with emission statement requirements.
*	*	*	*	*	*	*

[FR Doc. 96–6781 Filed 3–20–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[OH78–2–7116; FRL–5440–4]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: The USEPA is approving the Ohio Environmental Protection Agency's (OEPA) request for redesignation of Clinton County, Ohio from transitional ozone nonattainment to attainment. The USEPA is also approving the maintenance plan and emissions inventory for Clinton County as a revision to Ohio's State Implementation Plan (SIP) for ozone. Clinton County's monitoring data shows that it is already meeting the ozone air quality standard. In addition, in order to meet USEPA redesignation requirements the State must continue to maintain the ozone National Ambient Air Quality Standards for at least ten years after the redesignation, or the year 2006. Thus, the State has developed a maintenance plan which includes specific contingency measures to assure continued compliance with the ozone air quality standard. Any monitored violation in Clinton County will trigger these contingency measures to reduce ozone levels. In addition, an ambient air monitor will remain in operation to verify future attainment status of the area.

EFFECTIVE DATE: This final rule is effective on March 21, 1996.

ADDRESSES: Copies of the redesignation request, public comments on the rulemaking, and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Fayette Bright at (312) 886–6069, before visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AR–18J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Fayette Bright, Air Programs Branch, Regulation Development Section (AR–18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6069.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1994, the OEPA submitted to the USEPA a request for redesignation of Clinton County, Ohio from transitional nonattainment [1] to attainment for ozone, and a maintenance plan designed to assure continued attainment of the national ambient air quality standards for ozone in the Clinton County area. On February 24, 1995, the OEPA submitted additional information to the USEPA regarding the State public hearing and responses to public comments received regarding the redesignation and the maintenance plan. The redesignation request was supported by technical information demonstrating that the requirements of Section 107(d)(3)(E) of the Clean Air Act (Act) were met. On May 5, 1995, a document was published in the Federal Register (60 FR 22337) which proposed approval of the redesignation request the maintenance plan, and the emissions inventory.

[1] As stated in the proposed rule, Clinton County did not experience a violation during the three year period from January 1, 1987 through December 31, 1989. Therefore, pursuant to Section 185(A) of the Clean Air Act, it was designated a transitional nonattainment area for ozone. Under this classification, the requirements of Subpart 2 of Part D of Title 1 of the CAA for ozone nonattainment areas were suspended for Clinton County until December 31, 1991. See 60 FR 22337 (May 5, 1995). After December 31, 1991, the requirements were no longer suspended, however, Subpart 2 did not contain any new requirements that would apply to a transitional area that was not classified under Section 181(a) as marginal or above.