

**V. Director's Decision**

Based on the findings above, and except as noted below, the Director is approving the program amendment submitted by Indiana on March 21, 1994. As discussed in Finding 2, the Director is approving IC 13-4.1-9-2.5 to the extent that the proposed amendment meets the requirements of SMCRA section 720(a) from June 30, 1994. In addition, the Director is deferring decision on the enforcement of the provisions of SMCRA section 720(a) during the period from the effective date of SMCRA section 720 (October 24, 1992) to the effective date of IC 13-4.1-9-2.5 (June 30, 1994). As discussed above in Finding 5, the Director is not acting on IC 13-4.1-2-3.

The Federal regulations at 30 CFR Part 914 codifying decisions concerning the Indiana program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

*Effect of Director's Decision*

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to the State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In his oversight of the Indiana program, the Director will recognize only the statutes, regulations and other materials approved by him, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Indiana of only such provisions.

**VI. Procedural Determinations**

*Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

*Executive Order 12778*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable

standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

*National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

**List of Subjects in 30 CFR Part 914**

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 27, 1995.

**Ronald C. Recker,**

*Acting Assistant Director, Eastern Support Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

**PART 914—INDIANA**

1. The authority citation for Part 914 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. In Section 914.15, paragraph (ggg) is added to read as follows:

**§ 914.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(ggg) The following amendment (Program Amendment Number 94-1) to the Indiana program as submitted to OSM on April 18, 1994, is approved, except as noted below, effective April 4, 1995:

- IC 13-4.1-6-9 Forfeiture of bond
- IC 13-4.1-9-2.5 Subsidence repair or compensation, to the extent that the proposed amendment meets the requirements of SMCRA section 720(a) from June 30, 1994. The Director is deferring decision on the enforcement of the provisions of SMCRA section 720(a) during the period from the effective date of SMCRA section 720 (October 24, 1992) to the effective date of IC 13-4.1-9-2.5 (June 30, 1994).
- IC 13-4.1-11-6 Suspension or revocation of permits
- IC 13-4.1-2-4 Petition procedures for rules
- IC 13-4.1-2-4 Rule petition procedures
- IC 13-4.1-4-3 Necessary permit findings
- IC 13-4.1-4-5 Hearing on permit approval/disapproval
- IC 13-4.1-6-7 Release of bond or deposit
- IC 13-4.1-11-6 Suspension or revocation of permit
- IC 13-4.1-11-8 Temporary relief
- IC 13-4.1-11-12 Hearings; intervention
- IC 13-4.1-12-1 Civil penalties
- IC 13-4.1-13-1 Review of action of the director/commission
- IC 13-4.1-15-9 Hearings; use or disposition of acquired lands

The Director is not acting on IC 13-4.1-2-3, Conflict of interest.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[OH69-1-6680a; FRL-5175-2]

**Approval and Promulgation of Air Quality Implementation Plans Ohio; Enhanced Motor Vehicle Inspection and Maintenance Program****AGENCY:** Environmental Protection Agency (USEPA).**ACTION:** Direct final rule.

**SUMMARY:** The USEPA is giving full approval through a direct final procedure of the Vehicle Inspection and Maintenance (I/M) program as a revision of the State Implementation Plan (SIP) for ozone for the Cleveland-Akron-Lorain, the Dayton-Springfield, and Cincinnati moderate ozone nonattainment areas in the State of Ohio. The revision and subsequent related material was submitted by the State on November 12, 1993, March 15, 1994 and May 26, 1994. The SIP revision establishes and requires the implementation of an enhanced I/M program in three (3) nonattainment areas consisting of fourteen (14) counties in the State, and enables the development of a basic program in one (1) other area consisting of two (2) counties. The Cleveland-Akron-Lorain, the Dayton-Springfield, and Cincinnati areas are designated moderate nonattainment for ozone and have opted to implement enhanced I/M. The I/M program is designed to be contract operated, and the State has taken the necessary steps to get the program up and running within the timeframe required in the USEPA regulations. The Toledo area was also included as part of the I/M submittal. This area is undergoing review for redesignation to attainment for ozone. As such, the USEPA will take no action at this time regarding the submittal of an I/M program in the Toledo area. The USEPA is approving the legislation and rules for the Toledo area but will rulemake on the need for an I/M program in the Toledo area at a later date. This I/M SIP action is being taken under section 110 of the Clean Air Act (the Act).

In the proposed rules section of this **Federal Register**, USEPA is proposing approval of this I/M program and SIP revision and solicits public comments on the action. If adverse comments are received on this direct final rule, USEPA will withdraw this final rule and address these comments in a subsequent final rule based on the proposed rule.

**EFFECTIVE DATES:** This action will be effective June 5, 1995 unless by May 4, 1995, someone submits adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be addressed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the documents related to this action are available for public inspection during normal business hours at the following addresses: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE-17J), Chicago, Illinois 60604; and Office of Air and Radiation, Docket and Information Center, Room M1500, U.S. Environmental Protection Agency, 401 M Street, S.W. Washington D.C., 20460.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Regulation Development Section, Air Enforcement Branch (AE-17J), U. S. Environmental Protection Agency, Chicago, Illinois 60604 (312) 886-6084.

**SUPPLEMENTARY INFORMATION:****I. Introduction**

Motor vehicles are a major contributor of volatile organic compounds (VOC), carbon monoxide (CO), and nitrogen oxide (NO<sub>x</sub>) emissions. The motor vehicle inspection and maintenance program is an effective means of reducing these emissions. Despite improvements in emission control technology in past years, mobile sources in urban areas continue to remain responsible for roughly half of the emissions of VOC causing ozone, and most of the emissions of CO. They also emit substantial amounts of nitrogen oxides and air toxics. This is because the number of vehicle miles traveled has doubled in the last 20 years to 20x10<sup>12</sup> (20 trillion) miles per year, offsetting much of the technological progress in vehicle emission control over the same period. Projections indicate that the steady growth in vehicle miles will continue.

Under the Act, the USEPA is pursuing a three-point strategy to achieve emission reductions from motor vehicles. The development and commercialization of cleaner vehicles and cleaner fuels represent the first two elements of the strategy. These developments will take many years before cleaner vehicles and fuels dominate the fleet and favorably impact the environment. This Notice deals with

the third element of the strategy, inspection and maintenance, which is aimed at the reduction of emissions from the existing fleet by ensuring that vehicles are maintained to meet the emission standards established by USEPA. Properly functioning emission controls are necessary to keep pollution levels low. The driving public is often unable to detect a malfunction of the emission control system. While some minor malfunctions can increase emissions significantly, they do not affect drivability and may go unnoticed for a long period of time. Effective I/M programs can identify excessive emissions and assure repairs. The USEPA projects that sophisticated I/M programs such as the one being proposed in this rulemaking in Ohio will identify emission related problems and prompt the vehicle owner to obtain timely repairs thus reducing emissions.

The Act requires that polluted cities adopt either a "basic" or "enhanced"

I/M program, depending on the severity of the pollution and the population of the area. Moderate ozone nonattainment areas, plus marginal ozone areas with existing or previously required I/M programs in Census-defined urbanized areas, fall under the "basic" I/M requirements. Basic and enhanced I/M programs both achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions, and requiring them to be repaired. An "enhanced" I/M program covers more vehicles in operation in the fleet, employs inspection methods which are better at finding high emitting vehicles, and has additional features to better assure that all vehicles are tested properly and effectively repaired. The Act directed USEPA to establish a minimum performance standard for enhanced I/M programs. The standard is based on the performance achievable by annual inspections in a centralized test program. States have flexibility to design their own programs if they can show that their program is as effective as the model program used in the performance standard. Naturally, the more effective the program the more credit a State will get towards the emission reduction requirement. An effective program will help to offset growth in vehicle use and allow for industrial and/or commercial growth.

The USEPA and the States have learned a great deal about what makes an I/M program effective since the Clean Air Act of 1977 first required I/M programs for polluted areas. There are three major keys to an effective program:

(1) Given the advanced state of current vehicle design and anticipated technology changes, the ability to accurately fail problem vehicles and pass clean ones requires improved test equipment and test procedures;

(2) Comprehensive quality control and aggressive enforcement is essential to assuring the testing is done properly;

(3) Skillful diagnostics and capable mechanics are important to assure that failed cars are fixed properly.

These three factors are missing in most older I/M programs. Specifically, the idle and 2500 RPM/idle short tests and anti-tamper inspections used in current I/M programs are not as effective in identifying and reducing in-use emissions from the types of vehicles in the current and future fleet. Also, covert audits by USEPA and State agencies typically discover improper inspection and testing 50 percent of the time in test-and-repair stations indicating poor quality control. Experience has shown that quality control at high-volume test-only stations is usually much better. And, finally, diagnostics and mechanics training are often poor or nonexistent.

On November 5, 1992 (57 FR 52950), USEPA established a high-tech emission test for high-tech cars. This I/M test, known as the IM240 test, is so effective that biennial test programs yield almost the same emission reduction benefits as annual programs. The test can also accurately measure NO<sub>x</sub> emissions where NO<sub>x</sub> is important to address an ozone problem. Adding the pressure and purge test increases the benefit even more resulting in lower testing costs and consumer time demands. The pressure test is designed to find leaks in the fuel system, and the purge test evaluates the functionality of the vapor control system.

## II. Background

There are four (4) areas in the State of Ohio which are required to implement an I/M program. They are: the Cleveland-Akron-Lorain, the Dayton-Springfield, Cincinnati, and Toledo areas. All are classified moderate nonattainment for ozone.

On September 13, 1993, the State submitted a request for redesignation to attainment for the Toledo area. The State analysis shows that the ozone standard can be maintained in the Toledo area without an I/M program. This request is still pending. The USEPA will rulemake on this issue at a later date.

On November 12, 1993, December 12, 1993, March 15, 1994, and May 26, 1994, the State of Ohio submitted material which comprised the State's I/M SIP revision for the areas in the State required to implement basic I/M. The

November 12, 1993, submittal contained the program plan, emission inventory, legislation, draft rules, and draft request for proposal (RFP) along with demographic material for the areas of concern. The December 12, 1993, I/M submittal contained the official request from the Director, Ohio Environmental Protection Agency (OEPA) asking USEPA for approval. On March 15, 1994, the State submitted the final RFP and additional support material for three (3) of the areas (referred to as "zones" in the State SIP) in which enhanced I/M will be implemented. The May 26, 1994, submittal contained final approved rules, public notice material, proceedings from the public hearings, written comments and certification materials. Finally, in a letter dated June 22, 1994, the Director provided assurances to the USEPA that the State has completed an RFP for the Toledo Metropolitan area which will be released promptly should the State's request for redesignation to attainment be disapproved.

On January 21, 1994, the USEPA notified the State that the November 12, 1993, I/M revision submittal was not complete and that the sanctions clock had started. Upon receipt of the additional material noted above on July 22, 1994, the USEPA notified the OEPA that the State's I/M implementation plan revision was complete and the sanctions clock started in January had been stopped for all of the affected areas. While the State did not issue a request for proposal (RFP) for the Toledo area, it did have an RFP ready to issue in the event the redesignation to attainment failed.

The program also included rules which give the Director of the OEPA authority to implement a centralized basic I/M program in any area designated moderate nonattainment. The USEPA considered the SIP submittal complete in part because it contained all the required authority to readily implement an I/M program without any additional action on the part of the State legislature.

The Ohio I/M program was enabled by Senate Bill 18, which was signed into law by Governor Voinovich on June 27, 1993, and became effective on September 27, 1993. The bill gives the Director of OEPA authority to implement the I/M program, and defines the geographic boundaries of the program in each nonattainment area based on county boundaries. The bill authorizes I/M for the following Ohio counties which have Census-defined urbanized areas: In the Cleveland-Akron-Lorain CMSA, the counties of Cuyahoga, Geauga, Lake, Lorain,

Medina, Portage, and Summit; in the Dayton-Springfield CMSA, the counties of Clark, Greene, and Montgomery; in the Cincinnati CMSA, the counties of Butler, Clermont, Hamilton and Warren; and in the Toledo MSA, the counties of Lucas and Wood. Basic I/M is required in all Census-defined urbanized areas designated as moderate nonattainment. The legislation also established a process under which local governments in an area classified as moderate nonattainment can ask the Director of the OEPA to implement and supervise an enhanced I/M program instead of the required basic program. With the exception of the Toledo area, the other three nonattainment areas have opted, through the legislatively prescribed process, to implement enhanced I/M. The March 15, 1994, submittal contained the State's RFP which describes in detail the requirements for a contractor to develop and operate the enhanced I/M program in these three areas.

The USEPA has determined that the Ohio enhanced I/M program meets the requirements of USEPA's performance standard and other requirements contained in the Federal I/M rule promulgated on November 5, 1992 (57 FR 52950). The biennial, centralized, test only program, is required to begin testing in September 1995, two years after the legislation became effective. Testing will be conducted by a contractor and supervised by the Ohio EPA, Air Division. Additional aspects of the program include: IM240 testing of 1981 and newer vehicles; two-speed idle test of pre-1981 vehicles to 1975; pressure and purge testing; a test fee to ensure the State has adequate resources to supervise the program; enforcement by registration denial; opacity testing of diesel powered vehicles; waiver limits set at \$100 for 1975-1980 model year, and \$200, actual expenditures, for 1981 and later model year vehicles; compilation of a list of repair facilities which can repair a vehicle to pass the tailpipe inspection; data collection; repair effectiveness program; inspector training and certification; penalties for inspectors and contractors; and emission recall enforcement. In addition to the above, the Director of the Ohio EPA provided assurances in his letter of June 22, 1994, to the USEPA Regional Administrator that in the event the Toledo redesignation to attainment is not approved, the State will immediately obtain a contractor to operate a basic I/M program in that area. An analysis of how the Ohio program meets the Federal program requirements is provided below.

### A. Applicability

Under the requirements of the Clean Air Act, basic inspection and maintenance programs are required in a number of areas classified as moderate nonattainment for ozone. These areas include: Cleveland-Akron-Lorain CMSA including the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit; Dayton-Springfield CMSA including the counties of Clark, Greene, and Montgomery; Cincinnati CMSA including the counties of Butler, Clermont, Hamilton and Warren; and the Toledo MSA containing the counties of Lucas and Wood. The State excluded some smaller urbanized areas in the CMSAs based on population. However, because the I/M program is implemented on a county-wide basis, exclusion of these areas is offset by the inclusion of non-urban residents in the I/M counties. Ashtabula and Miami counties are excluded from the I/M testing program because these counties contain no urban areas. In the Cleveland-Akron-Lorain CMSA, 96.5 percent of the population is in the program. In the Dayton-Springfield CMSA, 90.3 percent of the population is in the program. All of the counties in the Cincinnati CMSA are included in the program.

### B. Enhanced I/M Performance Standard

The enhanced I/M program must be designed and implemented to meet or exceed a minimum performance standard. The minimum performance standard in this case is a basic I/M program which is required in all four (4) moderate nonattainment areas of the State. Areas are required to meet the performance standard for the pollutants which cause them to be subject to I/M requirements. Emission levels are calculated using the most recent version of USEPA mobile source emission factor model. In Ohio the performance standard must be met for volatile organic compounds (VOC). The performance standard is established using the model I/M program inputs and local characteristics, such as vehicle mix and local fuel controls, and model I/M program parameters for the following: network type, start date, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards, emission control device, evaporative system function checks, stringency, waiver rate, compliance rate and evaluation date. Ohio used the USEPA model known as MOBILE5a to calculate the emission levels from the program design. The Ohio I/M program target design includes: centralized test, 1983 start

date, biennial frequency, 1970 and newer model year coverage, vehicle types include LDGV, LDGT1, LDGT2 and HDGV up to 10,000 pounds, IM240 for 1981 and newer vehicles, and a steady-state loaded test for pre-1981 vehicles, five (5) element visual inspection and pressure purge on all vehicles, stringency rate for all vehicles will be 20 percent, waiver rate will be 3 percent and a 96 percent compliance rate. The performance standard is based on a basic I/M program for all areas in the State because the areas are classified as moderate nonattainment areas and are required to implement a basic I/M program.

The emission levels achieved by the State were modeled using MOBILE5a. The demonstration was performed correctly, using local characteristics and shows that the program design will exceed the minimum required I/M performance standard. The State exempts a number of alternatively powered vehicles from the I/M program. The USEPA believes these exemptions for electric, hydrogen powered, compressed natural gas, methanol, ethanol and propane, which are intended to encourage the use of renewable and alternative energy sources, will have little or no impact on emissions in the immediate future.

### C. Network Type and Program Evaluation

Three of the four Ohio ozone nonattainment areas are opting into the enhanced I/M program. In these enhanced areas a contractor will operate a test-only centralized network for inspections and reinspection. All vehicles included in the emission reduction demonstration will be tested by a contractor in centralized I/M test facilities. The contract specifies that the contractor is barred from involvement in motor vehicle-related business with the exception of vehicle testing equipment fabrication and sales. Authority for this program is established in Senate Bill 18. The Ohio legislation specifies inspections and reinspection under an enhanced program shall be conducted by a centralized contractor.

The Ohio I/M program plan calls for the Ohio EPA to institute an ongoing evaluation of the enhanced I/M program consistent with USEPA regulations to quantify the emissions reductions benefits of the program to verify that it is meeting the requirements of the Clean Air Act. The evaluation will consist of monitoring the performance of IM240 on a random, representative sample of at least 0.1 percent of the vehicles subject to inspection and covering a 25 model-year rolling window. Evaporative

system purge (1981 and newer) and pressure tests (all model years) will be performed on those vehicles subject to the test requirements. The State program plan describes the manner in which the State will perform the evaluation: using Ohio EPA auditors, visiting each lane at every station, choosing vehicles at random at different times of the day, performing calibration checks, and ensuring the selected vehicles represent the fleet mix in the test area. The evaluation program includes surveys conducted by the State to assess the effectiveness of repairs performed on vehicles which fail any of the required tests. Tampering rates will be measured for changes during the life of the program, and deterrent effects will be evaluated. Ohio law prohibits the sale of any tampered vehicle in the State.

Lane inspectors employed by the contractor will be evaluated using undercover audit vehicles and State personnel. The mission of the auditors will be to conduct surveys for inspector effectiveness in identifying vehicles in need of repair. Ohio EPA will submit biennial reports on the results of the evaluations. The report will assess whether the program is meeting the emission reduction target.

### D. Adequate Tools and Resources

The Federal regulation requires the State to demonstrate that there is adequate funding of the program functions including quality assurance, data analysis and reporting, holding hearings and adjudication of cases. The Ohio I/M program will be funded through a per-vehicle inspection fee which will be set following award of the centralized contracts in each of the ozone nonattainment areas. Legislation gives the director of the Ohio EPA the authority to establish an annual or biennial test fee sufficient to cover all costs associated with implementation, administration and operation of the program. The fee is capped in the State's legislation at twenty-five (25) dollars per test for an enhanced biennial program. Approximately \$1.25 from each test will be paid to the Ohio EPA for administrative oversight activities. This will result in sufficient funding during the year for the State to administer the program and provide oversight, management, and enforcement. The Ohio EPA will use leased vehicles of a variety of makes and model years for the covert auditing program. Arrangements are made with the Ohio Bureau of Motor Vehicles (BMV) which provides cover registrations and license plates.

The contractor(s) selected to perform the testing will be required to provide administrative support for Ohio EPA

staff at the three area headquarters, along with a supply of calibration gas and hardware to perform quality assurance audits. The Ohio BMV will provide program oversight of the registration denial portion of the enforcement program.

#### *E. Test Frequency and Convenience*

The Federal I/M rule requires test systems to be designed in such a way to provide convenient service. The Ohio enhanced program test frequency is biennial for all subject vehicles. New vehicles are not tested until two (2) years after the initial registration. In the biennial program even model years will be tested on the even calendar year and odd numbered model years will be tested in the odd numbered calendar year. The State will require that test facilities are located such that eighty (80) percent of all motorists in urban areas do not have to drive more than five (5) miles to a test facility, and one-hundred (100) percent in urban area will not have to drive more than ten (10) miles, and one-hundred (100) percent of the affected population in rural areas will be within 15 miles of a test facility. The State RFP specifies at least fifty-eight (58) hours of operation of a test facility per week.

#### *F. Vehicle Coverage*

The Federal rule for enhanced I/M programs assumes coverage of all 1968 and newer model year light duty vehicles and light duty trucks up to 8,500 pounds gross vehicle weight rating (GVWR), and includes vehicles operating on all fuel types. The Ohio I/M program requires all gasoline and diesel powered light duty passenger cars, light duty trucks, and heavy duty vehicles up to 10,000 pounds, up to and including twenty-five (25) years old and newer are subject to the program. The BMV data available on the current fleet does not include vehicles owned by the U.S. General Services Administration or vehicles owned by the State BMV. These government vehicles are required to be tested but are not currently part of the State data base. The OEPA is working with these organizations to establish a testing routine and schedule for these vehicles, which are not presently licensed by the BMV. The State also exempts vehicles including historical vehicles (older than 25 years), licensed collectors vehicles (which have use restrictions), parade and exhibition vehicles (which receive temporary road permits), motor cycles, recreational vehicles over 10,000 pounds, and alternative fueled vehicles. The USEPA agrees with the State that these vehicles do not make up a significant portion of

the total motor vehicle fleet in the tested area and most are not included in the modeling for the performance standard. Additional information and other statistical information regarding the fleet, required to manage the program, will become available following the first test cycle.

#### *G. Test Procedures and Standards*

Written test procedures and pass/fail standards are required to be established and followed for each model year and vehicle type included in the program. Federal test procedures and standards are found in 40 CFR 51.357 and in the draft USEPA document entitled "High-Tech I/M Test Procedures, Equipment Standards, Quality Control Requirements, and Equipment Specifications", EPA-AA-EPSP-IM-93-1, finalized in April 1994. The Director of OEPA has the authority to establish test procedures according to the needs of the program. The test procedures are listed in the Ohio EPA RFP and correspond to the USEPA procedures. The Ohio procedure for the evaporative system functional test uses non-invasive helium in place of nitrogen as called for in the USEPA procedure. The contractor will work with the USEPA to obtain approval for use of this gas. All vehicles will be tested in an as-received condition and vehicle owners will have an opportunity to view the test from an area at the test site that affords an unobstructed view. Each vehicle will be inspected prior to the emissions test and rejected from testing if any unsafe condition exists or if the exhaust is leaking or missing. In the event of an emission failure of any kind, all components are retested after repairs. The State will use the same emission standards set forth in section 85.2205(a) of the technical guidance published by USEPA in July 1993. The State also uses the evaporative test standards published in the same document, and a clause in the RFP allows the State to change the standards in the event emission cutpoints need to be changed to adjust failure rates in the program. The State has established a twenty-five (25) year "rolling window" for vehicles subject to the emission standards in the I/M program. This concept has been taken into account in the modeling the State performed to determine emission reduction benefits. A vehicle with a switched engine is required to meet the emission standards of the chassis model year as listed on the vehicle registration. If the engine is newer than the chassis, the State's tamper provisions apply and the vehicle will be evaluated on that basis. For the tamper inspection, such a vehicle must

match a light-duty certified configuration of chassis model year or of a newer vehicle if it had originally been a light-duty configuration.

The State permanently exempts a number of vehicles. The State exempted alternatively-fueled vehicles in order to promote clean burning fuels. Dual-fueled vehicles are not subject to this exemption. Dual-fueled vehicles will be tested to meet the requirements of the program while being fueled with gasoline. Exempted vehicles fall into a select category defined as "limited use" and are not normally found in common use on the highway. These include historic, parade, and collector's vehicles, electric vehicles, vehicles over ten thousand (10,000) pounds, vehicles with salvage certificates, and any vehicle over twenty-five (25) years old. Temporary exemptions and extensions to the exemptions are also available for a range of criteria. Motor vehicles owned by military personnel stationed outside the State, out-of-State students, owner's with a temporary medical condition, and vehicles undergoing repair are eligible for temporary exemptions. Owners of these vehicles are required to submit documentation to prove status and are tracked in the State's data base to ensure the vehicle eventually gets tested.

#### *H. Test Equipment*

The Federal regulation requires computerized test systems for performing any measurement on subject vehicles. The Ohio EPA lists the details of the technical specification of the test equipment in the RFP, and make reference to the requirements of the Federal regulations and the technical guidance document. Computerized test systems are required for performing any measurements on subject vehicles. According to the requirements in the RFP, these systems must conform to Federal requirements. Each of the State's test lanes shall be equipped with a dynamometer, constant volume sampler, non-dispersive infrared analyzers to measure carbon monoxide, carbon dioxide, and hydrocarbons, and an analyzer for measuring NOx, and non-invasive helium pressure and purge test equipment. All of this equipment must pass an acceptance test before it is approved by the State. The State's contract will require the contractor(s) to update emission test equipment to accommodate new technology vehicles and any changes to the program. All test systems will be linked by a real-time data link in order to prevent unauthorized multiple initial tests on the same vehicle in the same test cycle.

### I. Quality Control

Quality control measures will ensure that emission measurement equipment are calibrated and maintained properly, and that inspection, calibration records, and control charts are accurately created, recorded and maintained. The Ohio EPA prepared the RFP to require the contractor to implement quality control procedures which comply with 40 CFR 51.359. The compliance document, the inspection certificate, that Ohio EPA will issue to motorists that comply with inspection requirements are only valid once a computer generated check redundancy code (CRC) is printed on each document. The CRC is analyzed by the Bureau of Motor Vehicles (BMV), and vehicle registration renewals can only be generated by the BMV computer if the code is valid. The CRC is only printed on a compliance document, which contains test results, once a vehicle passes all parts of the emission inspection. The security of compliance documents for the Ohio program focuses on the CRC rather than the number of compliance documents issued to inspection stations. However, inspection certificates shall be stored in a locked container at the inspection station at all times when not in use, and the contractor is held responsible for accountability of all certificates. The RFP states that the contractor's quality control procedures shall ensure that emission measurement equipment is properly calibrated and maintained. Analyzers will automatically record quality control check information, lockouts, attempted tampering, and any other recordable circumstances that impact quality control.

### J. Waivers and Compliance via Diagnostic Inspection

The I/M program allows the issuance of a waiver, which is a form of compliance with the program requirements that allows a motorist to comply without meeting the applicable test standards, as long as the prescribed criteria are met. The State program plan contains elements in this section which generally follow the waiver issuance criteria listed in the Federal I/M regulation. In modeling the emission reduction benefits, Ohio used MOBILE5a and assumed a maximum waiver rate of 2 percent for 1980 and older model year vehicles and 3 percent for 1981 and newer vehicles. In the event the actual waiver rate exceeds the planned maximum used for estimating the emission reduction benefit, the State has committed to remodel to assess the

emission reduction benefits based on the actual waiver rate.

Legislation gives the Director of the Ohio EPA the authority to issue waivers, set and adjust cost limits, and administer the waiver system. Following a test failure, the subsequent reinspection must show a thirty (30) percent improvement in measured concentrations of each pollutant that exceeded the standards in the first test and the minimum waiver limit amount has been spent on emission related repairs. A vehicle is eligible for a waiver when proof is provided that the vehicle has received all repairs and adjustments for which it is eligible under any emissions performance warranty. The costs associated with repair of any tampering is not considered valid towards a waiver. When proof is provided to the inspection station manager that appropriate repairs have been performed on the vehicle, such vehicle will be eligible for a waiver. The inspection station manager is responsible for verifying repairs and reviewing repair receipts. The station manager, assistant manager or an Ohio EPA auditor are authorized to determine waiver eligibility. Waivers are valid for one (1) year and are not renewable. The minimum expenditure made on emission repairs is one-hundred (\$100) dollars for 1980 and older vehicles and two-hundred (\$200) dollars for 1981 and newer. While the Clean Air Act requires a minimum waiver repair expenditure for enhanced I/M programs of \$450, basic areas such as in Ohio which are opting up to enhanced I/M do not have to meet this requirement.

The State allows exemptions to the inspection requirement and extensions if a vehicle is undergoing extensive repair at the time of its registration or registration renewal. The requirements for an extension or exemption are sufficient to allow the State full understanding of the need by the consumer for the extension or exemption, and places a burden on the consumer to prove to the State that such an extension or exemption is needed.

The Federal I/M rules also allow the use of compliance via diagnostic inspection following repairs after a test failure. The State of Ohio has chosen not to allow compliance via diagnostic repair.

### K. Motorist Compliance Enforcement

The Federal regulations require the use of registration denial to ensure compliance with the requirements of the I/M program. The Ohio EPA, along with the Ohio Bureau of Motor Vehicles (BMV), will continue to implement a registration denial enforcement

program. Vehicle owners who do not renew vehicle registrations, and continue to drive an unregistered vehicle in the State, will be subject to enforcement action by any law enforcement officer in the State. Local governments are responsible for establishing policies for the mandatory fines of all traffic violations including failing to comply with registration requirements. Owners of all vehicles registered in the State are required to affix a sticker to the lower right hand corner of the rear license plate. This sticker identifies the month and year of the registration renewal date. If an owner or driver fails to comply with I/M or registration requirements, he or she will be unable to legally drive that automobile and be subject to enforcement action. Vehicle owners who move their residence into an Ohio I/M testing area will be required to have an emission test prior to registering the vehicle in the area. Motorists are permitted thirty (30) days to register the vehicle after moving to a new address. Vehicle owners who fail to complete the registration process after relocating may be ticketed by law enforcement agencies for driving with a registration violation.

### L. Motorist Compliance Enforcement Program Oversight

The Federal rule requires the State to audit the enforcement program on a regular basis and the State shall follow effective program management practices, including adjustments to improve operation when necessary. A quality assurance program shall be implemented to insure effective overall performance of the enforcement system. Ohio Senate Bill 18 authorizes the Director of Ohio EPA to promulgate, adopt, amend and rescind rules for motorist compliance with the I/M program. The contractors are responsible for in-house accounting of documents and compliance certificates. Documents in the Ohio I/M program are valid only if a CRC is present. Missing or unaccounted certificates do not pose a threat of fraudulent activity because each CRC is unique for each certificate at the time the certificate is issued.

The I/M contractor is held responsible for certificate accountability. In the event the contractor employees or inspectors tamper with the records or documents, the state will take action to have the employee terminated. Exemption records will be analyzed together with the registration database to determine changes in registration data. Where it is determined that an unusually high number of vehicles are unexplainably not in the registration area or not being tested, provisions will

be made to identify and take action on the anomalous condition. The procedures may include methods for performing covert and overt audits, preparation of enforcement documents, I/M test equipment operation, public relation materials and other applicable information. The Bureau of Motor Vehicles (BMV) will issue material containing procedures for performing specific operations associated with I/M inspection and registration requirements. The BMV materials will be issued to the Deputy Registrars and will include information explaining the evaluation process. Each Deputy Registrar is evaluated biannually. In cases where enforcement personnel fail to follow established procedures, action may be taken to discipline, retrain, or remove the employee. In establishing an information base to be used in evaluating and enforcing the I/M program, the State uses actual vehicle population data obtained from the BMV and test results from I/M contractors.

The I/M contractors will have access to the BMV database, but in a "read only" format to prevent accidental or intentional data modifications.

Both the State and the contractors will be able to perform periodic audits of the testing database. Reports from these audits will be used to evaluate program effectiveness. Test data will be analyzed to determine if facilities are operating according to procedures. Outlying data will trigger investigations of the facilities. If necessary, enforcement action will be taken against test facilities found violating State or Federal regulations.

#### *M. Quality Assurance*

The USEPA rule requires an ongoing quality assurance program in order to discover, correct and prevent fraud, waste, and abuse, and to determine whether procedures being followed are adequate, whether equipment is measuring accurately, and whether other problems may exist which would impede program performance. The procedures shall be periodically evaluated to assess their effectiveness in achieving program goals. Scheduled State audits are to ensure that all facilities are randomly audited on a regular basis. Directed audits will be conducted to investigate specific situations. Any valid consumer complaint will trigger a directed audit of a centralized facility. If a problem appears to exist at a specific station, a directed audit will be conducted. Covert audits will be conducted annually by State staff and equal in number to the number of inspectors employed by the contractors. Vehicles presented for audit

testing will be in a range of manufacturers, models and age to replicate the current fleet, and will be leased on a six month basis to ensure that a variety of vehicles are presented to the inspection process.

The covert audit will include a gas audit using gases of known concentrations that are as accurate as those used for routine quality control checks. The audit will include a check for tampering and general serviceability of equipment, critical flow in the constant volume sampler (CVS), CVS flow calibration, leak check and gas tolerances. There will be a functional check of the dynamometer for roll speed and distance, coast-down, inertia weight selection and power absorption. The pressure and purge equipment will also be checked. The OEPA auditors are expected to receive formal training in the use of analyzers, basics of air pollution control, basic engine repair, State administrative procedures, quality assurance practices, covert procedures and program rules and regulations.

#### *N. Enforcement Against Contractors, Stations and Inspectors*

The Federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. Senate Bill 18 of the Ohio Revised Code gives Ohio EPA authority to enter into a contract to implement and maintain an inspection and maintenance program. This contract allows the State to impose penalties when violations occur that adversely affect the operation of the inspection network. A penalty schedule, listing a variety of rules infractions, will be used for violations discovered at an inspection facility as a result of overt and covert audits conducted by Ohio EPA staff. Penalties range from 100 dollars up to 10,000 dollars to termination of employment and breach of contract. In cases of inspector incompetence, Ohio EPA will require the contractor retrain the inspector according to the requirements listed in the contract. Inspectors will be prevented from conducting tests until retraining is complete.

Ohio EPA will maintain field offices and employ auditors in each of the zones in which I/M is required to be implemented. The primary function of the auditors will be to conduct audits of the contractor facilities. These audits will determine the ability of the contractor and inspectors to conduct a proper inspection and identify cases of bribery or fraud. Funding for this enforcement program will come from a

rotary fund established under section 3704.14 of the Ohio Revised Code.

#### *O. Data Collection*

In order to manage, evaluate and enforce the program requirements an effective I/M program requires accurate data collection. The Ohio I/M program RFP requires the contractor to design the program to include all of the elements of data collection listed in the Federal rule. The contractor is also required to conduct quality control checks and report data from those checks.

#### *P. Data Analysis and Reporting*

Data analysis and reporting are required in order to monitor and evaluate the program by the State and the USEPA. The Federal rule requires annual reports submitted to the USEPA following a performance period by a specific time. The Ohio I/M program requires the contractor to provide the information to the State in order to meet the submittal requirements of the Federal rule. The statistics required are consistent with those listed in the Federal rule and are expected to be submitted on time.

#### *Q. Inspector Training and Licensing or Certification*

The Federal rule requires all inspectors receive formal training and be licensed or certified to conduct inspections. Ohio Senate Bill 18 authorizes the Ohio EPA to develop rules which establish provisions for inspector training and certification requirements. The Ohio EPA requires the contractor to enter into an arrangement with local vocational schools, technical schools or training organizations to conduct inspector training. All trainees are required to pass a comprehensive hands-on and written examination which requires inspectors to demonstrate an understanding of Ohio's rules, regulations, test procedures, equipment usage, quality control procedures and safety and health issues as used in the enhanced test. The Ohio EPA has committed to evaluating and monitoring the development of the I/M inspector training program. Recertification is required on a biennial basis and inspectors are required to attend training for updated information and new program developments.

#### *R. Public Information and Consumer Protection*

The Ohio implementation plan must include a program for informing the public on an ongoing basis for the life of the program about the air quality,

requirements of State and Federal laws, the role of motor vehicles in the air quality problem, and the benefits of an I/M program. Information must be made available to the motorist, whose vehicle fails the test, to provide knowledge of repair facilities and the relative quality of repairs performed. The Ohio EPA assigned some public awareness efforts to the contractor with State oversight. These efforts include a toll-free hotline, sending reminder notices to motorists in advance of testing deadlines, producing brochures and participating in public speaking activities. The State will carry out its responsibilities by publishing fact sheets, issuing press releases, publishing a newsletter for the repair industry, and participating in special events. The Ohio I/M consumer protection plan will include components to protect the consumer from fraud and abuse. Both Ohio EPA and the contractors will perform quality assurance to ensure integrity of the inspection process. The State's approach in this regard will focus on the use of undercover audits of the inspection and test procedure. Consumers who believe their vehicles should not have failed will be able to appeal the test results directly to the Ohio EPA by scheduling an appeal inspection within 14 days of the initial test. Citizens who report incidents of fraud, theft or other violations are protected by the State which will grant confidentiality to encourage such disclosure. The contractor will operate a toll-free hotline to provide to motorists answers to questions about the program. The contractor is required by the State to swiftly resolve complaints over which the contractor has control or forward the complaint to the State for disposition. The State will periodically audit the process to ensure complaints are resolved. The State will also intervene on behalf of a consumer in the event of a conflict with an automobile dealer for warranty repairs for a vehicle which fails the I/M test.

#### *S. Improving Repair Effectiveness*

Inspection and maintenance program goals are achieved through effective repairs of vehicles which have failed the initial test. The State will provide the repair industry with information and assistance on vehicle inspection diagnosis and repair. Ohio EPA will provide technical assistance to repair facilities which are in the business of repairing emission failures.

These facilities will receive publications which include I/M test procedures, common problems with specific model year vehicles, diagnostic tips, training and other I/M related

issues. A technician's hotline also will be available to respond to specific I/M repair questions. The State will monitor the performance of individual motor vehicle repair facilities, and provide to the public a summary of the performance of repair facilities so the consumer has a choice of locations to seek repairs. The repair statistics also will be available to the repair facilities. The State plans to evaluate the availability of repair technician training in the I/M areas. If sufficient training is not available the State commits to work with public and private automotive training institutions to develop a training program.

#### *T. Compliance With Recall Notices*

States are required to establish a method to ensure that vehicles subject to enhanced I/M and that are included in either a voluntary emissions recall as defined at 40 CFR 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Act, receive the required repairs. The Ohio EPA, at the time of submittal, did not have a specific plan developed but included provisions in its RFP for the contractor to follow to ensure subject vehicles receive all required recall repairs. Emissions tests will not be conducted on a vehicle that has an unresolved recall notice until all of the work is done. Vehicles with unresolved recall work will be identified as noncomplying by the contractor's system. An owner is required to provide proof that the repairs have been performed before a test is allowed. The contractor shall have the ability to resolve situations where the repairs have been performed but the database has not yet been updated. The State OAC rule 3745-26-12 requires documented proof that the repairs have been performed. The cost of these repairs are not counted towards the amount needed for a waiver. Unresolved recall reports from the contractor to the State are required on an annual basis. The State requires the contractor to provide detailed information in the annual report sufficient for the State to inform the USEPA of the status of operations of the program.

#### *U. On-Road Testing*

On-road testing is required in enhanced I/M areas and is an option for basic I/M areas. The Ohio nonattainment areas at issue are all moderate areas requiring basic I/M. Since the enhanced I/M program is an option in the nonattainment areas of Ohio, on-road testing is not required. Accordingly, the State did not plan for conducting on-road testing.

#### *V. State Implementation Plan Submission*

The State submitted a committal SIP to USEPA on November 12, 1993. The committal included: a schedule of events leading up to the implementation of the I/M program, mobile modeling which shows that the program meets the performance standard, a description of the geographic area, a detailed discussion of the design elements, final copy of the legal authority, regulations, and funding and resources. Additional information was submitted through May 26, 1994. On July 22, 1994, the USEPA notified the State that the submittal was complete. This notification stopped the sanctions clock which was started on January 21, 1994, because at that time the State's submittal was not complete.

#### **III. Comments and Approval Procedure**

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision amendment and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on June 5, 1995, unless USEPA receives adverse or critical comments by May 4, 1995.

If USEPA receives comments adverse or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent **Federal Register** notice which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking notice. The USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action.

Any parties interested in commenting on this action should do so at this time. If no comments are received, USEPA hereby advises the public that this action will be effective on June 5, 1995.

#### **IV. The USEPA's Analysis of the Ohio I/M Program Submittal**

A complete USEPA analysis of the program submittal is detailed in the Agency's technical support document (TSD) which is available in the docket. A copy of the TSD can be obtained by contacting the person listed in the **ADDRESSES** portion of this notice. The TSD summarizes the requirements of the Federal I/M regulations and address



whether the elements of the State's submittal comply with the Federal rule. Interested parties are encouraged to examine the TSD for additional detailed information about the Ohio I/M program.

*Final Action*

The USEPA is approving the I/M SIP for the Cleveland-Akron-Lorain, Cincinnati, and Dayton-Springfield areas and takes no action on the I/M SIP for the Toledo area.

*Precedential Effect*

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any SIP. The 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.

*Executive Order 12866*

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

*Regulatory Flexibility*

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 *et seq.*, USEPA should 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, 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. This limited approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The CAA forbids USEPA to base its final limited approval of Ohio's I/M on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (1976).

**List of Subjects in 40 CFR Part 52**

Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 10, 1995.

**Valdas V. Adamkus**,  
*Regional Administrator.*

Title 40 of the Code of Federal Regulations, chapter I, part 52, subpart KK 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.

2. Section 52.1870 is amended as follows by adding paragraph (c)(101) to read as follows:

**§ 52.1870 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(101) On November 12, 1993 the Ohio Environmental Protection Agency submitted a vehicle inspection and maintenance program in accordance with section 110 of the Clean Air Act as amended in 1990. The new program replaces I/M programs in operation in the Cleveland and Cincinnati areas and establishes new programs in Dayton and any area designated moderate nonattainment or any area where local planning authorities have requested the State to implement a program.

(i) Incorporation by reference.

(A) Ohio Administrative Code Amended Rules 3745-26-01, 3754-26-02, 3745-26-10, and rules 3745-26-12, 3745-26-13, and 3745-26-14, all made effective on June 13, 1994.

(ii) Other material.

(A) Certification letter from the Director of the Ohio Environmental Protection Agency regarding the State process in developing the I/M rules and the I/M program.

(B) Letter dated June 22, 1994, from the Director of OEPA regarding implementation of an I/M program in the Toledo area in the event the State's request for redesignation to attainment for that area is not approved by USEPA.

\* \* \* \* \*

[FR Doc. 95-8221 Filed 4-3-95; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Parts 52 and 81**

[IL116-1-6792a; FRL-5182-3]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Illinois**

**AGENCY:** Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** The USEPA is approving a November 10, 1994 State Implementation Plan (SIP) revision request to redesignate two sulfur dioxide (SO<sub>2</sub>) nonattainment areas in the State of Illinois to attainment and approving the accompanying maintenance plans as SIP revisions because they satisfy the requirements of the Clean Air Act (Act). The redesignation requests and maintenance plans were submitted by the Illinois Environmental Protection Agency (IEPA) for the following SO<sub>2</sub> nonattainment areas: Peoria County (Hollis and Peoria Townships) and Tazewell County (Groveland Township). The redesignation requests are based on ambient monitoring data and modeling demonstrations that show no violations of the SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS). In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comments on these requested redesignations and SIP revisions. If adverse comments are received on this direct final rule, USEPA will withdraw this final rule and address these comments in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. Adverse comments received concerning a specific geographic area, Peoria or Tazewell Counties, will only affect this final rule as it pertains to that area and only the portion of this final rule concerning the area receiving adverse comments will be withdrawn.

**DATES:** This final rule is effective June 5, 1995, unless notice is received by May 4, 1995, that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the SIP revision and USEPA's analyses 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