

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R05-OAR-2019-0239; FRL-9995-66-Region 5]

#### Air Plan Approval; Ohio; Redesignation of the Columbus, Ohio Area to Attainment of the 2015 Ozone Standard

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to find that the Columbus, Ohio area is attaining the 2015 ozone National Ambient Air Quality Standard (NAAQS or standard) and to act in accordance with a request from the Ohio Environmental Protection Agency (Ohio EPA) to redesignate the area to attainment for the 2015 ozone NAAQS because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). The Columbus area includes Delaware, Fairfield, Franklin, and Licking Counties. Ohio EPA submitted this request on April 23, 2019. EPA is also proposing to approve, as a revision to the Ohio State Implementation Plan (SIP), the State's plan for maintaining the 2015 ozone NAAQS through 2030 in the Columbus area. Finally, EPA finds adequate and is proposing to approve Ohio's 2023 and 2030 volatile organic compound (VOC) and oxides of nitrogen (NO<sub>x</sub>) Motor Vehicle Emission Budgets (MVEBs) for the Columbus area.

**DATES:** Comments must be received on or before August 2, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2019-0239 at <http://www.regulations.gov> or via email to [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*,

on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Kathleen D'Agostino, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, [dagostino.kathleen@epa.gov](mailto:dagostino.kathleen@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is EPA proposing?
- II. What is the background for these actions?
- III. What are the criteria for redesignation?
- IV. What is EPA's analysis of Ohio's redesignation request?
  - A. Has the Columbus area attained the 2015 8-hour ozone NAAQS?
  - B. Has Ohio met all applicable requirements of section 110 and part D of the CAA for the Columbus area, and does Ohio have a fully approved SIP for the area under section 110(k) of the CAA?
  - C. Are the air quality improvements in the Columbus area due to permanent and enforceable emission reductions?
  - D. Does Ohio have a fully approvable ozone maintenance plan for the Columbus area?
- V. Has the state adopted approvable motor vehicle emission budgets?
  - A. Motor Vehicle Emission Budgets
  - B. What is the status of EPA's adequacy determination for the proposed VOC and NO<sub>x</sub> MVEBs for the Columbus area?
  - C. What is a safety margin?
- VI. Proposed Actions
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#### **I. What is EPA proposing?**

EPA is proposing to take several related actions. EPA is proposing to determine that the Columbus nonattainment area is attaining the 2015 ozone NAAQS, based on quality-assured and certified monitoring data for 2016–2018 and that this area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus proposing to change the legal designation of the Columbus area from nonattainment to attainment for the 2015 ozone NAAQS. EPA is also proposing to approve, as a revision to the Ohio SIP, the state's maintenance plan (such approval being one of the

CAA criteria for redesignation to attainment status) for the area. The maintenance plan is designed to keep the Columbus area in attainment of the 2015 ozone NAAQS through 2030. Finally, EPA finds adequate and is proposing to approve the newly-established 2023 and 2030 MVEBs for the Columbus area. The comment period for the adequacy of the MVEBs began on May 2, 2019, with EPA's posting of the availability of the submittal on EPA's Adequacy website (at <https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa>). The comment period ended on June 1, 2019. EPA did not receive any requests for this submittal, or adverse comments on this adequacy submittal. In a letter dated June 5, 2019, EPA informed Ohio EPA that we found the 2023 and 2030 MVEBs to be adequate for use in transportation conformity analyses. Please see section V. B. of this rulemaking, "What is the status of EPA's adequacy determination for the proposed VOC and NO<sub>x</sub> MVEBs for the Columbus area," for further explanation of this process. Based on the above, we find adequate, and are proposing to approve, the State's 2023 and 2030 MVEBs for transportation conformity purposes.

#### **II. What is the background for these actions?**

EPA has determined that ground-level ozone is detrimental to human health. On October 1, 2015, EPA promulgated a revised 8-hour ozone NAAQS of 0.070 parts per million (ppm). See 80 FR 65292 (October 26, 2015). Under EPA's regulations at 40 CFR part 50, the 2015 ozone NAAQS is attained in an area when the 3-year average of the annual fourth highest daily maximum 8-hour average concentration is equal to or less than 0.070 ppm, when truncated after the thousandth decimal place, at all of the ozone monitoring sites in the area. See 40 CFR 50.19 and appendix U to 40 CFR part 50.

Upon promulgation of a new or revised NAAQS, section 107(d)(1)(B) of the CAA requires EPA to designate as nonattainment any areas that are violating the NAAQS, based on the most recent 3 years of quality assured ozone monitoring data. The Columbus area was designated as a marginal nonattainment area for the 2015 ozone NAAQS on June 4, 2018 (83 FR 25776) (effective August 3, 2018).

#### **III. What are the criteria for redesignation?**

Section 107(d)(3)(E) of the CAA allows redesignation of an area to

attainment of the NAAQS provided that: (1) The Administrator (EPA) determines that the area has attained the NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k) of the CAA; (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP, applicable Federal air pollutant control regulations, and other permanent and enforceable emission reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and (5) the state containing the area has met all requirements applicable to the area for the purposes of redesignation under section 110 and part D of the CAA.

On April 16, 1992, EPA provided guidance on redesignations in the General Preamble for the Implementation of Title I of the CAA Amendments of 1990 (57 FR 13498) and supplemented this guidance on April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

1. "Ozone and Carbon Monoxide Design Value Calculations," Memorandum from Bill Laxton, Director, Technical Support Division, June 18, 1990;
2. "Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas," Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992;
3. "Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations," Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992;
4. "Procedures for Processing Requests to Redesignate Areas to Attainment," Memorandum from John Calcagni, Director, Air Quality

Management Division, September 4, 1992 (the "Calcagni Memorandum");

5. "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,"

Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992;

6. "Technical Support Documents (TSDs) for Redesignation of Ozone and Carbon Monoxide (CO) Nonattainment Areas," Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, August 17, 1993;

7. "State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) On or After November 15, 1992," Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993;

8. "Use of Actual Emissions in Maintenance Demonstrations for Ozone and CO Nonattainment Areas," Memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993;

9. "Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment," Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994; and

10. "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard," Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995.

**IV. What is EPA's analysis of Ohio's redesignation request?**

*A. Has the Columbus area attained the 2015 ozone NAAQS?*

For redesignation of a nonattainment area to attainment, the CAA requires

EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). An area is attaining the 2015 ozone NAAQS if it meets the 2015 ozone NAAQS, as determined in accordance with 40 CFR 50.15 and appendix U of part 50, based on 3 complete, consecutive calendar years of quality-assured air quality data for all monitoring sites in the area. To attain the NAAQS, the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations (ozone design values) at each monitor must not exceed 0.070 ppm. The air quality data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in EPA's Air Quality System (AQS). Ambient air quality monitoring data for the 3-year period must also meet data completeness requirements. An ozone design value is valid if daily maximum 8-hour average concentrations are available for at least 90% of the days within the ozone monitoring seasons,<sup>1</sup> on average, for the 3-year period, with a minimum data completeness of 75% during the ozone monitoring season of any year during the 3-year period. See section 4 of appendix U to 40 CFR part 50.

EPA has reviewed the available ozone monitoring data from monitoring sites in the Columbus area for the 2016–2018 period. These data have been quality assured, are recorded in the AQS, and have been certified. These data demonstrate that the Columbus area is attaining the 2015 ozone NAAQS. The annual fourth-highest 8-hour ozone concentrations and the 3-year average of these concentrations (monitoring site ozone design values) for each monitoring site are summarized in Table 1.

**TABLE 1—ANNUAL FOURTH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS AND 3-YEAR AVERAGE OF THE FOURTH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS FOR THE COLUMBUS AREA**

County	Monitor	Year	% Observed	Fourth high (ppm)	2016–2018 average (ppm)
Delaware .....	39–041–0002	2016	98	0.067	0.064
		2017	99	0.060	
		2018	99	0.066	
Franklin .....	39–049–0029	2016	99	0.072	0.069
		2017	100	0.070	
		2018	100	0.066	

<sup>1</sup> The ozone season is defined by state in 40 CFR 58 appendix D. The ozone season for Ohio is

March–October. See, 80 FR 65292, 65466–67 (October 26, 2015).

TABLE 1—ANNUAL FOURTH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS AND 3-YEAR AVERAGE OF THE FOURTH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS FOR THE COLUMBUS AREA—Continued

County	Monitor	Year	% Observed	Fourth high (ppm)	2016–2018 average (ppm)
Licking .....	39–049–0037	2016	97	0.067	N/A
		2017	99	0.066	
		2018	*	.....	
	39–049–0081	2016	100	0.071	0.066
		2017	99	0.064	
		2018	100	0.063	
	39–089–0005	2016	99	0.067	0.064
		2017	100	0.065	
		2018	99	0.061	
	39–089–0008	2016	.....	.....	N/A
		2017	**	.....	
		2018	99	0.064	

\* Site terminated effective 12/31/17. The 2014–2016 and 2015–2017 design values at the site were 0.066 and 0.065, respectively.

\*\* Site began operation 3/1/18.

The Columbus area’s 3-year ozone design value for 2016–2018 is 0.069 ppm,<sup>2</sup> which meets the 2015 ozone NAAQS. Therefore, in today’s action, EPA proposes to determine that the Columbus area is attaining the 2015 ozone NAAQS.

EPA will not take final action to determine that the Columbus area is attaining the NAAQS nor to approve the redesignation of this area if the design value of a monitoring site in the area violates the NAAQS after proposal but prior to final approval of the redesignation. Preliminary 2019 data to date indicate that this area continues to attain the 2015 ozone NAAQS. As discussed in section IV.D.3. below, Ohio EPA has committed to continue monitoring ozone in this area to verify maintenance of the 2015 ozone NAAQS.

*B. Has Ohio met all applicable requirements of section 110 and part D of the CAA for the Columbus area, and does Ohio have a fully approved SIP for the area under section 110(k) of the CAA?*

As criteria for redesignation of an area from nonattainment to attainment of a NAAQS, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (see section 107(d)(3)(E)(v) of the CAA) and that the state has a fully approved SIP under section 110(k) of the CAA (see section 107(d)(3)(E)(ii) of the CAA). EPA finds that Ohio has met all applicable SIP requirements, for purposes of redesignation, under section 110 and part D of title I of the CAA (requirements specific to nonattainment areas for the 2015 ozone NAAQS).

<sup>2</sup> The monitor ozone design value for the monitor with the highest 3-year averaged concentration.

Additionally, EPA finds that all applicable requirements of the Ohio SIP for the area have been fully approved under section 110(k) of the CAA. In making these determinations, EPA ascertained which CAA requirements are applicable to the Columbus area and the Ohio SIP and, if applicable, whether the required Ohio SIP elements are fully approved under section 110(k) and part D of the CAA. As discussed more fully below, SIPs must be fully approved only with respect to currently applicable requirements of the CAA.

The September 4, 1992 Calcagni memorandum (see “Procedures for Processing Requests to Redesignate Areas to Attainment,” Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992) describes EPA’s interpretation of section 107(d)(3)(E) of the CAA. Under this interpretation, a state and the area it wishes to redesignate must meet the relevant CAA requirements that are due prior to the state’s submittal of a complete redesignation request for the area. See also the September 17, 1993, Michael Shapiro memorandum and 60 FR 12459, 12465–66 (March 7, 1995) (redesignation of Detroit-Ann Arbor, Michigan to attainment of the 1-hour ozone NAAQS). Applicable requirements of the CAA that come due subsequent to the state’s submittal of a complete request remain applicable until a redesignation to attainment is approved, but are not required as a prerequisite to redesignation. See section 175A(c) of the CAA. *Sierra Club v. EPA*, 375 F.3d 537 (7th Cir. 2004). See also 68 FR 25424, 25427 (May 12, 2003) (redesignation of the St. Louis/East St. Louis area to attainment of the 1-hour ozone NAAQS).

1. Ohio has met all applicable requirements of section 110 and part D of the CAA applicable to the Columbus area for purposes of redesignation.

a. Section 110 General Requirements for Implementation Plans

Section 110(a)(2) of the CAA delineates the general requirements for a SIP. Section 110(a)(2) provides that the SIP must have been adopted by the state after reasonable public notice and hearing, and that, among other things, it must: (1) Include enforceable emission limitations and other control measures, means or techniques necessary to meet the requirements of the CAA; (2) provide for establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor ambient air quality; (3) provide for implementation of a source permit program to regulate the modification and construction of stationary sources within the areas covered by the plan; (4) include provisions for the implementation of part C prevention of significant deterioration (PSD) and part D new source review (NSR) permit programs; (5) include provisions for stationary source emission control measures, monitoring, and reporting; (6) include provisions for air quality modeling; and, (7) provide for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) of the CAA requires SIPs to contain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address transport of certain

air pollutants, *e.g.*, NO<sub>x</sub> SIP call.<sup>3</sup> However, like many of the 110(a)(2) requirements, the section 110(a)(2)(D) SIP requirements are not linked with a particular area's ozone designation and classification. EPA concludes that the SIP requirements linked with the area's ozone designation and classification are the relevant measures to evaluate when reviewing a redesignation request for the area. The section 110(a)(2)(D) requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area within the state. Thus, we believe these requirements are not applicable requirements for purposes of redesignation. *See* 65 FR 37890 (June 15, 2000), 66 FR 50399 (October 19, 2001), 68 FR 25418, 25426–27 (May 13, 2003).

In addition, EPA believes that other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's ozone attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated to attainment of the 2008 ozone NAAQS. The section 110 and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability (*i.e.*, for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania proposed and final rulemakings, 61 FR 53174–53176 (October 10, 1996) and 62 FR 24826 (May 7, 1997); Cleveland-Akron-Lorain, Ohio final rulemaking, 61 FR 20458 (May 7, 1996); and Tampa, Florida final rulemaking, 60 FR 62748 (December 7, 1995). *See also* the discussion of this issue in the Cincinnati, Ohio ozone redesignation (65 FR 37890, June 19, 2000), and the Pittsburgh, Pennsylvania ozone redesignation (66 FR 50399, October 19, 2001).

<sup>3</sup> On October 27, 1992 (63 FR 57356), EPA issued a NO<sub>x</sub> SIP call requiring the District of Columbia and 22 states to reduce emissions of NO<sub>x</sub> in order to reduce the transport of ozone and ozone precursors. In compliance with EPA's NO<sub>x</sub> SIP call, Ohio developed rules governing the control of NO<sub>x</sub> emissions from Electric Generating Units (EGUs), major non-EGU industrial boilers and turbines, and major cement kilns. EPA approved Ohio's rules as fulfilling Phase I of the NO<sub>x</sub> SIP Call on August 5, 2003 (68 FR 46089) and June 27, 2005 (70 FR 36845), and as meeting Phase II of the NO<sub>x</sub> SIP Call on February 4, 2008 (73 FR 6427).

We have reviewed Ohio's SIP and have concluded that it meets the general SIP requirements under section 110 of the CAA, to the extent those requirements are applicable for purposes of redesignation.<sup>4</sup>

#### b. Part D Requirements

Section 172(c) of the CAA sets forth the basic requirements of air quality plans for states with nonattainment areas that are required to submit them pursuant to section 172(b). Subpart 2 of part D, which includes section 182 of the CAA, establishes specific requirements for ozone nonattainment areas depending on the areas' nonattainment classifications.

The Columbus area was classified as marginal under subpart 2 for the 2015 ozone NAAQS. As such, the area is subject to the subpart 1 requirements contained in section 172(c) and section 176. Similarly, the area is subject to the subpart 2 requirements contained in section 182(a) (marginal nonattainment area requirements). A thorough discussion of the requirements contained in section 172(c) and 182 can be found in the General Preamble for Implementation of Title I (57 FR 13498).

#### i. Subpart 1 Section 172 Requirements

CAA Section 172(b) requires states to submit SIPs meeting the requirements of section 172(c) no later than 3 years from the date of the nonattainment designation. For the Columbus nonattainment area, SIPs required under CAA section 172 are due August 3, 2021. No requirements applicable for purposes of redesignation under part D became due prior to Ohio EPA's submission of the complete redesignation request, and, therefore, none are applicable to the area for purposes of redesignation.

EPA has previously approved Ohio's NSR program on January 10, 2003 (68 FR 1366) and February 25, 2010 (75 FR 8496). Nonetheless, EPA has determined that, since PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation, provided that the area demonstrates

<sup>4</sup> EPA has previously approved provisions of the Ohio SIP addressing section 110 elements under the 2008 ozone NAAQS (79 FR 62019, October 16, 2014 and 83 FR 21719 May 10, 2018). In addition, on September 28, 2018, Ohio EPA submitted a SIP to meet the requirements of section 110 for the 2015 ozone NAAQS. The requirements of section 110(a)(2), however, are statewide requirements that are not linked to the 2015 ozone NAAQS nonattainment status of the Columbus area. Therefore, EPA concludes that these infrastructure requirements are not applicable requirements for purposes of review of the state's 2015 ozone NAAQS redesignation request.

maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, "Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment." Ohio has demonstrated that the Columbus area will be able to maintain the 2015 ozone NAAQS without part D NSR in effect; therefore, EPA concludes that the state need not have a fully approved part D NSR program prior to approval of the redesignation request. *See* rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996). Ohio's PSD program will become effective in the Columbus area upon redesignation to attainment. EPA approved Ohio's PSD program on January 22, 2003 (68 FR 2909) and February 25, 2010 (75 FR 8496).

#### ii. Section 176 Conformity Requirements

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs and projects that are developed, funded or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other Federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement and enforceability that EPA promulgated pursuant to its authority under the CAA.

EPA interprets the conformity SIP requirements<sup>5</sup> as not applying for purposes of evaluating a redesignation request under section 107(d) because state conformity rules are still required after redesignation and Federal conformity rules apply where state conformity rules have not been

<sup>5</sup> CAA section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain Federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from SIPs requiring the development of Motor Vehicle Emission Budgets (MVEBs), such as control strategy SIPs and maintenance plans.

approved. *See Wall v. EPA*, 265 F.3d 426 (6th Cir. 2001) (upholding this interpretation); *see also* 60 FR 62748 (December 7, 1995) (redesignation of Tampa, Florida). Nonetheless, Ohio has an approved conformity SIP for the Columbus area. *See* 80 FR 11133 (March 2, 2015).

### iii. Section 182(a) Requirements

Section 182(a)(1) requires states to submit a comprehensive, accurate, and current inventory of actual emissions from sources of VOC and NO<sub>x</sub> emitted within the boundaries of the ozone nonattainment area within two years of designation. For the Columbus area, this submission is due August 3, 2020. Because it will become due after Ohio's submission of a complete redesignation request for the Columbus area, it is not an applicable requirement for purposes of redesignation.

Under section 182(a)(2)(A), states with ozone nonattainment areas that were designated prior to the enactment of the 1990 CAA amendments were required to submit, within six months of classification, all rules and corrections to existing VOC reasonably available control technology (RACT) rules that were required under section 172(b)(3) prior to the 1990 CAA amendments. The Columbus area is not subject to the section 182(a)(2) RACT "fix up" requirement for the 2015 ozone NAAQS because it was designated as nonattainment for this standard after the enactment of the 1990 CAA amendments and because Ohio complied with this requirement for the Columbus area under the prior 1-hour ozone NAAQS. *See* 59 FR 23796 (May 9, 1994) and 60 FR 15235 (March 23, 1995).

Section 182(a)(2)(B) requires each state with a marginal ozone nonattainment area that implemented or was required to implement a vehicle inspection and maintenance (I/M) program prior to the 1990 CAA amendments to submit a SIP revision for an I/M program no less stringent than that required prior to the 1990 CAA amendments or already in the SIP at the time of the CAA amendments, whichever is more stringent. For the purposes of the 2015 ozone NAAQS and the consideration of Ohio's redesignation request for this standard, the Columbus area is not subject to the section 182(a)(2)(B) requirement because the Columbus area was designated as nonattainment for the 2015 ozone NAAQS after the enactment of the 1990 CAA amendments.

Section 182(a)(2)(C), under the heading "Corrections to the State implementation plans—Permit

programs" contains a requirement for states to submit NSR SIP revisions to meet the requirements of CAA sections 172(c)(5) and 173 within 2 years after the date of enactment of the 1990 CAA Amendments. For the purposes of the 2015 ozone NAAQS and the consideration of Ohio's redesignation request for this standard, the Columbus area is not subject to the section 182(a)(2)(C) requirement because the Columbus area was designated as nonattainment for the 2015 ozone NAAQS after the enactment of the 1990 CAA amendments.

Section 182(a)(4) specifies the emission offset ratio for marginal areas but does not establish a SIP submission deadline. EPA's December 6, 2018 implementation rule for the 2015 ozone NAAQS clarifies that nonattainment NSR permit program requirements applicable to the 2015 NAAQS are due 3 years from the effective date of the nonattainment designation, *i.e.*, August 3, 2021. *See* 83 FR 62998, 63001. This approach is based on the provision in CAA section 172(b) requiring the submission of plans or plan revisions "no later than 3 years from the date of the nonattainment designation." Because this requirement will become due after Ohio's submission of a complete redesignation request for the Columbus area, it is not an applicable requirement for purposes of redesignation.

While Ohio has not submitted a nonattainment NSR SIP revision to address the 2015 ozone NAAQS, Ohio currently has a fully-approved part D NSR program in place. In addition, EPA approved Ohio's PSD program on January 22, 2003 (68 FR 2909) and February 25, 2010 (75 FR 8496). As discussed above, Ohio has demonstrated that the Columbus area will be able to maintain the 2015 ozone NAAQS without part D NSR in effect; therefore, EPA concludes that the state need not have a fully approved part D NSR program prior to approval of the redesignation request. The state's PSD program will become effective in the Columbus area upon redesignation to attainment.

Section 182(a)(3) requires states to submit periodic emission inventories and a revision to the SIP to require the owners or operators of stationary sources to annually submit emission statements documenting actual VOC and NO<sub>x</sub> emissions. As discussed below in section IV.D.4. of this proposed rule, Ohio will continue to update its emissions inventory at least once every 3 years. With regard to stationary source emission statements, this submission is due August 3, 2020. Because it will

become due after Ohio's submission of a complete redesignation request for the Columbus area, it is not an applicable requirement for purposes of redesignation.

Therefore, EPA finds that the Columbus area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of title I of the CAA.

2. The Columbus area has a fully approved SIP for purposes of redesignation under section 110(k) of the CAA.

At various times, Ohio has adopted and submitted, and EPA has approved, provisions addressing the various SIP elements applicable for the ozone NAAQS. As discussed above, EPA has fully approved the Ohio SIP for the Columbus area under section 110(k) for all requirements applicable for purposes of redesignation under the 2015 ozone NAAQS. EPA may rely on prior SIP approvals in approving a redesignation request (*see* the Calcagni memorandum at page 3; *Southwestern Pennsylvania Growth Alliance v. Browner*, 144 F.3d 984, 989–990 (6th Cir. 1998); *Wall v. EPA*, 265 F.3d 426), plus any additional measures it may approve in conjunction with a redesignation action (*see* 68 FR 25426 (May 12, 2003) and citations therein).

### C. Are the air quality improvements in the Columbus area due to permanent and enforceable emission reductions?

To redesignate an area from nonattainment to attainment, section 107(d)(3)(E)(iii) of the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from the implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable emission reductions. EPA has determined that Ohio has demonstrated that that the observed ozone air quality improvement in the Columbus area is due to permanent and enforceable reductions in VOC and NO<sub>x</sub> emissions resulting from state measures adopted into the SIP and Federal measures.

In making this demonstration, the state has calculated the change in emissions between 2014 and 2016. The reduction in emissions and the corresponding improvement in air quality over this time period can be attributed to a number of regulatory control measures that the Columbus area and upwind areas have implemented in recent years. In addition, Ohio EPA provided an analysis to demonstrate the

improvement in air quality was not due to unusually favorable meteorology. Based on the information summarized below, EPA finds that Ohio has adequately demonstrated that the improvement in air quality is due to permanent and enforceable emissions reductions.

1. Permanent and enforceable emission controls implemented.

a. Regional NO<sub>x</sub> Controls

*Clean Air Interstate Rule (CAIR)/Cross State Air Pollution Rule (CSAPR).* CAIR created regional cap-and-trade programs to reduce sulfur dioxide (SO<sub>2</sub>) and NO<sub>x</sub> emissions in 27 eastern states, including Ohio, that contributed to downwind nonattainment and maintenance of the 1997 ozone NAAQS and the 1997 fine particulate matter (PM<sub>2.5</sub>) NAAQS. See 70 FR 25162 (May 12, 2005). EPA approved Ohio's CAIR regulations into the Ohio SIP on February 1, 2008 (73 FR 6034), and September 25, 2009 (74 FR 48857). In 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR, *North Carolina v. EPA*, 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina v. EPA*, 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and thus addressed the interstate transport of emissions contributing to nonattainment and interfering with maintenance of the two air quality standards covered by CAIR as well as the 2006 PM<sub>2.5</sub> NAAQS. CSAPR requires substantial reductions of SO<sub>2</sub> and NO<sub>x</sub> emissions from electric generating units (EGUs) in 28 states in the Eastern United States.

The D.C. Circuit's initial vacatur of CSAPR<sup>6</sup> was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA v. EME Homer City Generation, L.P.*, 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets as to a number of states. *EME Homer City Generation, L.P. v. EPA*, 795 F.3d 118 (D.C. Cir. 2015). The remanded budgets include the Phase 2 NO<sub>x</sub> ozone season emissions budgets for Ohio. On September 7, 2016, in response to the remand, EPA finalized an update to CSAPR requiring further reductions in

NO<sub>x</sub> emissions from EGUs beginning in May 2017. This final rule was projected to result in a 20% reduction in ozone season NO<sub>x</sub> emissions from EGUs in the eastern United States, a reduction of 800,000 tons in 2017 compared to 2015 levels.

There are no EGUs in the Columbus area. However, the reduction in NO<sub>x</sub> emissions from the implementation of CSAPR results in lower concentration of transported ozone entering the Columbus area upon implementation of the phase 2 budgets in 2017 and throughout the maintenance period.

b. Federal Emission Control Measures

Reductions in VOC and NO<sub>x</sub> emissions have occurred statewide and in upwind areas as a result of Federal emission control measures, with additional emission reductions expected to occur in the future. Federal emission control measures include the following.

*Tier 2 Emission Standards for Vehicles and Gasoline Sulfur Standards.* On February 10, 2000 (65 FR 6698), EPA promulgated Tier 2 motor vehicle emission standards and gasoline sulfur control requirements. These emission control requirements result in lower VOC and NO<sub>x</sub> emissions from new cars and light duty trucks, including sport utility vehicles. With respect to fuels, this rule required refiners and importers of gasoline to meet lower standards for sulfur in gasoline, which were phased in between 2004 and 2006. By 2006, refiners were required to meet a 30 ppm average sulfur level, with a maximum cap of 80 ppm. This reduction in fuel sulfur content ensures the effectiveness of low emission-control technologies. The Tier 2 tailpipe standards established in this rule were phased in for new vehicles between 2004 and 2009. EPA estimates that, when fully implemented, this rule will cut NO<sub>x</sub> and VOC emissions from light-duty vehicles and light-duty trucks by approximately 76 and 28%, respectively. NO<sub>x</sub> and VOC reductions from medium-duty passenger vehicles included as part of the Tier 2 vehicle program are estimated to be approximately 37,000 and 9,500 tons per year, respectively, when fully implemented. As projected by these estimates and demonstrated in the onroad emission modeling for the Columbus area, much of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period, as older vehicles are replaced with newer, compliant model years.

*Tier 3 Emission Standards for Vehicles and Gasoline Sulfur Standards.*

On April 28, 2014 (79 FR 23414), EPA promulgated Tier 3 motor vehicle emission and fuel standards to reduce both tailpipe and evaporative emissions and to further reduce the sulfur content in fuels. The rule will be phased in between 2017 and 2025. Tier 3 sets new tailpipe standards for the sum of VOC and NO<sub>x</sub> and for particulate matter. The VOC and NO<sub>x</sub> tailpipe standards for light-duty vehicles represent approximately an 80% reduction from today's fleet average and a 70% reduction in per-vehicle particulate matter (PM) standards. Heavy-duty tailpipe standards represent about a 60% reduction in both fleet average VOC and NO<sub>x</sub> and per-vehicle PM standards. The evaporative emissions requirements in the rule will result in approximately a 50% reduction from current standards and apply to all light-duty and onroad gasoline-powered heavy-duty vehicles. Finally, the rule lowers the sulfur content of gasoline to an annual average of 10 ppm by January 2017. As projected by these estimates and demonstrated in the onroad emission modeling for the Columbus area, some of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period, as older vehicles are replaced with newer, compliant model years.

*Heavy-Duty Diesel Engine Rules.* In July 2000, EPA issued a rule for onroad heavy-duty diesel engines that includes standards limiting the sulfur content of diesel fuel. Emissions standards for NO<sub>x</sub>, VOC and PM were phased in between model years 2007 and 2010. In addition, the rule reduced the highway diesel fuel sulfur content to 15 parts per million by 2007, leading to additional reductions in combustion NO<sub>x</sub> and VOC emissions. EPA has estimated future year emission reductions due to implementation of this rule. Nationally, EPA estimated that 2015 NO<sub>x</sub> and VOC emissions would decrease by 1,260,000 tons and 54,000 tons, respectively. Nationally, EPA estimated that by 2030 NO<sub>x</sub> and VOC emissions will decrease by 2,570,000 tons and 115,000 tons, respectively. As projected by these estimates and demonstrated in the onroad emission modeling for the Columbus area, some of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period, as older vehicles are replaced with newer, compliant model years.

*Nonroad Diesel Rule.* On June 29, 2004 (69 FR 38958), EPA issued a rule adopting emissions standards for nonroad diesel engines and sulfur

<sup>6</sup> *EME Homer City Generation, L.P. v. EPA*, 696 F.3d 7, 38 (D.C. Cir. 2012).

reductions in nonroad diesel fuel. This rule applies to diesel engines used primarily in construction, agricultural, and industrial applications. Emission standards are phased in for 2008 through 2015 model years based on engine size. The SO<sub>2</sub> limits for nonroad diesel fuels were phased in from 2007 through 2012. EPA estimates that when fully implemented, compliance with this rule will cut NO<sub>x</sub> emissions from these nonroad diesel engines by approximately 90%. As projected by these estimates and demonstrated in the nonroad emission modeling for the Columbus area, some of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period.

*Nonroad Spark-Ignition Engines and Recreational Engine Standards.* On November 8, 2002 (67 FR 68242), EPA adopted emission standards for large spark-ignition engines such as those used in forklifts and airport ground-service equipment; recreational vehicles such as off-highway motorcycles, all-terrain vehicles, and snowmobiles; and recreational marine diesel engines. These emission standards are phased in from model year 2004 through 2012. When fully implemented, EPA estimates an overall 72% reduction in VOC emissions from these engines and an 80% reduction in NO<sub>x</sub> emissions. As projected by these estimates and demonstrated in the nonroad emission modeling for the Columbus area, some

of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period.

*Category 3 Marine Diesel Engine Standards.* On April 30, 2010 (75 FR 22896) EPA issued emission standards for marine compression-ignition engines at or above 30 liters per cylinder. Tier 2 emission standards apply beginning in 2011, and are expected to result in a 15 to 25% reduction in NO<sub>x</sub> emissions from these engines. Final Tier 3 emission standards apply beginning in 2016 and are expected to result in approximately an 80% reduction in NO<sub>x</sub> from these engines. As projected by these estimates and demonstrated in the nonroad emission modeling for the Columbus area, some of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period.

2. Emission reductions.

Ohio is using a 2014 emissions inventory as the nonattainment year. This is appropriate because it was one of the years used to designate the area as nonattainment. Ohio is using 2016 as the attainment year, which is appropriate because it is one of the years in the 2016–2018 period used to demonstrate attainment.

Area and nonroad mobile emissions were collected from data available on EPA’s Air Emissions Modeling website.<sup>7</sup> Using Emissions Modeling platform 2011v6.3, Ohio EPA collected data for

the 2011 National Emissions Inventory (NEI) year, version 2011el, and the 2017 projected inventory, version 2017ek. Tons per summer day (TPSD) emissions were then derived by dividing July emissions by the number of days in July. 2014 emissions were derived by interpolating between 2011 and 2017 (2011el and 2017ek). 2016 emissions were assumed to be equivalent to the 2017 projected emissions (2017ek).

Ohio EPA compiled 2014 and 2016 actual point source emissions from state inventory databases. TPSD emissions were then derived by applying a conversion factor to the annual emissions. The conversion factor was derived from the emissions modeling platform 2011v6.3 as the ratio of the average July day to annual emissions for the non-EGU sector.

Onroad mobile source emissions were developed in conjunction with the Ohio EPA, the Ohio Department of Transportation, the Mid-Ohio Regional Planning Commission (MORPC), and the Licking County Area Transportation Study (LCATS) and were calculated from emission factors produced by EPA’s Motor Vehicle Emission Simulator model, MOVES2014a, and data extracted from the region’s travel-demand model.

Using the inventories described above, Ohio’s submittal documents changes in VOC and NO<sub>x</sub> emissions from 2014 to 2016 for the Columbus area. Emissions data are shown in Tables 2 through 6.

TABLE 2—COLUMBUS AREA NO<sub>x</sub> EMISSIONS FOR NONATTAINMENT YEAR 2014 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.07	2.45	3.30	7.01	12.83
Fairfield .....	4.05	0.54	2.08	4.96	11.63
Franklin .....	1.48	9.04	11.53	45.89	67.94
Licking .....	0.95	0.69	2.00	7.34	10.98
Area Totals .....	6.55	12.72	18.91	65.20	103.38

TABLE 3—COLUMBUS AREA VOC EMISSIONS FOR NONATTAINMENT YEAR 2014 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.36	4.30	4.14	4.72	13.52
Fairfield .....	0.59	4.61	1.44	3.84	10.48
Franklin .....	2.27	28.24	13.29	31.26	75.06
Licking .....	0.70	6.46	2.59	4.80	14.55
Area Totals .....	3.92	43.61	21.46	44.62	113.61

TABLE 4—COLUMBUS AREA NO<sub>x</sub> EMISSIONS FOR ATTAINMENT YEAR 2016 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.10	2.30	2.49	5.59	10.48

<sup>7</sup> <https://www.epa.gov/air-emissions-modeling/2011-version-63-platform>.

TABLE 4—COLUMBUS AREA NO<sub>x</sub> EMISSIONS FOR ATTAINMENT YEAR 2016 (TPSD)—Continued

County	Point	Area	Nonroad	Onroad	Total
Fairfield .....	3.85	0.55	1.56	3.94	9.90
Franklin .....	1.34	8.90	8.37	36.51	55.12
Licking .....	0.89	0.71	1.53	5.86	8.99
Area Totals .....	6.18	12.46	13.95	51.90	84.49

TABLE 5—COLUMBUS AREA VOC EMISSIONS FOR ATTAINMENT YEAR 2016 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.27	4.16	3.40	4.02	11.85
Fairfield .....	0.55	4.53	1.19	2.84	9.11
Franklin .....	2.24	27.52	11.16	26.55	67.47
Licking .....	0.62	6.36	2.11	4.09	13.18
Area Totals .....	3.68	42.57	17.86	37.50	101.61

TABLE 6—CHANGE IN NO<sub>x</sub> AND VOC EMISSIONS IN THE COLUMBUS AREA BETWEEN 2014 AND 2016 (TPSD)

	NO <sub>x</sub>			VOC		
	2014	2016	Net change (2014–2016)	2014	2016	Net Change (2014–2016)
Point .....	6.55	6.18	–0.37	3.92	3.68	–0.24
Area .....	12.72	12.46	–0.26	43.61	42.57	–1.04
Nonroad .....	18.91	13.95	–4.96	21.46	17.86	–3.60
Onroad .....	65.20	51.90	–13.30	44.62	37.50	–7.12
Total .....	103.38	84.49	–18.89	113.61	101.61	–12.00

As shown in Table 6, NO<sub>x</sub> and VOC emissions in the Columbus area declined by 18.89 TPSD and 12.00 TPSD, respectively, between 2014 and 2016.

### 3. Meteorology.

To further support Ohio's demonstration that the improvement in air quality between the year violations occurred and the year attainment was achieved, is due to permanent and enforceable emission reductions and not unusually favorable meteorology, an analysis was performed by Ohio EPA. Ohio analyzed the maximum fourth-high 8-hour ozone values for May, June, July, August, and September, for years 2000 to 2017.

First, the maximum 8-hour ozone concentration at each monitor in the Columbus area was compared to the number of days where the maximum temperature was greater than or equal to 80 °F. While there is a clear trend in decreasing ozone concentrations at all monitors, there is no such trend in the temperature data.

Ohio EPA also examined the relationship between the average summer temperature for each year of the 2000–2017 period and the fourth-high 8-hour ozone concentration. Given the similarity of ozone concentrations observed at each monitor and the

regional nature of ozone formation, Ohio EPA conducted this analysis using the average fourth-high 8-hour ozone concentration from all monitors in the Columbus, OH area. While there is some correlation between average summer temperatures and ozone concentrations, this correlation does not exist over the study period. The linear regression lines for each data set demonstrate that the average summer temperatures have increased over the 2000 to 2017 period, while average ozone concentrations have decreased. Because the correlation between temperature and ozone formation is well established, these data suggest that reductions in precursors are responsible for the reductions in ozone concentrations in the Columbus area, and not unusually favorable summer temperatures.

Finally, Ohio EPA analyzed the relationship between average summertime relative humidity and average fourth-high 8-hour ozone concentrations. The data did not show a correlation between relative humidity and ozone concentrations.

As discussed above, Ohio identified numerous Federal rules that resulted in the reduction of VOC and NO<sub>x</sub> emissions from 2014 to 2016. In addition, Ohio EPA's analyses of meteorological variables associated with

ozone formation demonstrate that the improvement in air quality in the Columbus area between the year violations occurred and the year attainment was achieved is not due to unusually favorable meteorology. Therefore, EPA finds that Ohio has shown that the air quality improvements in the Columbus area are due to permanent and enforceable emissions reductions.

### D. Does Ohio have a fully approvable ozone maintenance plan for the Columbus area?

As one of the criteria for redesignation to attainment section 107(d)(3)(E)(iv) of the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA. Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the maintenance plan must demonstrate continued attainment of the NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates that attainment of the NAAQS will continue for an additional 10 years beyond the

initial 10-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, as EPA deems necessary, to assure prompt correction of the future NAAQS violation.

The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emission inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan. In conjunction with its request to redesignate the Columbus area to attainment for the 2015 ozone NAAQS, Ohio EPA submitted a SIP revision to provide for maintenance of the 2015 ozone NAAQS through 2030, more than 10 years after the expected effective date of the redesignation to attainment. As discussed below, EPA proposes to find that Ohio’s ozone maintenance plan includes the necessary components and approve the maintenance plan as a revision of the Ohio SIP.

1. Attainment inventory.

EPA is proposing to determine that the Columbus area has attained the 2015 ozone NAAQS based on monitoring data for the period of 2016–2018. Ohio EPA

selected 2016 as the attainment emissions inventory year to establish attainment emission levels for VOC and NO<sub>x</sub>. The attainment emissions inventory identifies the levels of emissions in the Columbus area that are sufficient to attain the 2015 ozone NAAQS. The derivation of the attainment year emissions was discussed above in section IV.C.2. of this proposed rule. The attainment level emissions, by source category, are summarized in Tables 4 and 5 above.

2. Has the state documented maintenance of the ozone standard in the Columbus area?

Ohio has demonstrated maintenance of the 2015 ozone NAAQS through 2030 by assuring that current and future emissions of VOC and NO<sub>x</sub> for the Columbus area remain at or below attainment year emission levels. A maintenance demonstration need not be based on modeling. *See Wall v. EPA*, 265 F.3d 426 (6th Cir. 2001), *Sierra Club v. EPA*, 375 F. 3d 537 (7th Cir. 2004). *See also* 66 FR 53094, 53099–53100 (October 19, 2001), 68 FR 25413, 25430–25432 (May 12, 2003).

Ohio is using emissions inventories for the years 2023 and 2030 to demonstrate maintenance. 2030 is more than 10 years after the expected effective date of the redesignation to attainment and 2023 was selected to

demonstrate that emissions are not expected to spike in the interim between the attainment year and the final maintenance year. The emissions inventories were developed as described below.

Point, area and nonroad mobile emissions were collected from data available on EPA’s Air Emissions Modeling website.<sup>3</sup> Using Emissions Modeling platform 2011v6.3, Ohio EPA collected data for the 2023 and 2028 projected inventories. Tons per summer day (TPSD) emissions were then derived by dividing July emissions by the number of days in July. For interim year 2023, version 2023el was used without modification except for adjustments to emissions for ten point sources, based on more recent source specific information. 2030 emissions were derived by extrapolating from version 2028el. As with the 2023 inventory, adjustments were made to the emissions for ten point sources based on more recent source specific information.

Onroad mobile source emissions were developed through the combined effort of Ohio EPA, the Ohio Department of Transportation, MORPC, and LCAT and were calculated from emission factors produced by EPA’s MOVES2014a model and data extracted from the region’s travel-demand model. Emissions data are shown in Tables 7 through 11 below.

TABLE 7—COLUMBUS AREA NO<sub>x</sub> EMISSIONS FOR INTERIM MAINTENANCE YEAR 2023 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.08	1.97	1.73	2.80	6.58
Fairfield .....	3.55	0.54	1.06	1.94	7.09
Franklin .....	1.08	8.88	5.96	17.84	33.76
Licking .....	0.75	0.73	1.07	2.88	5.43
Area Totals .....	5.46	12.12	9.82	25.46	52.86

TABLE 8—COLUMBUS AREA VOC EMISSIONS FOR INTERIM MAINTENANCE YEAR 2023 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.33	4.19	3.00	2.73	10.25
Fairfield .....	0.53	4.37	1.14	1.90	7.94
Franklin .....	1.52	27.61	11.26	17.60	57.99
Licking .....	0.41	5.94	1.84	2.70	10.89
Area Totals .....	2.79	42.11	17.24	24.93	87.07

TABLE 9—COLUMBUS AREA NO<sub>x</sub> EMISSIONS FOR MAINTENANCE YEAR 2030 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.08	1.56	1.46	1.92	5.02
Fairfield .....	3.55	0.53	0.85	2.70	7.63
Franklin .....	1.08	8.34	5.42	11.70	26.54
Licking .....	0.75	0.73	0.87	1.92	4.27
Area Totals .....	5.46	11.16	8.60	18.24	43.46

TABLE 10—COLUMBUS AREA VOC EMISSIONS FOR MAINTENANCE YEAR 2030 (TPSD)

County	Point	Area	Nonroad	Onroad	Total
Delaware .....	0.33	4.18	3.00	2.14	9.65
Fairfield .....	0.53	4.37	1.20	1.78	7.88
Franklin .....	1.52	27.62	12.17	13.20	54.51
Licking .....	0.41	5.95	1.84	2.04	10.24
Area Totals .....	2.79	42.12	18.21	19.16	82.28

TABLE 11—CHANGE IN NO<sub>x</sub> AND VOC EMISSIONS IN THE COLUMBUS AREA BETWEEN 2016 AND 2030 (TPSD)

	NO <sub>x</sub>				VOC			
	2016	2023	2030	Net change (2016–2030)	2016	2023	2030	Net change (2016–2030)
Point .....	6.18	5.46	5.46	–0.72	3.68	2.79	2.79	–0.89
Area .....	12.46	12.12	11.16	–1.30	42.57	42.11	42.12	–0.45
Nonroad .....	13.95	9.82	8.60	–5.35	17.86	17.24	18.21	0.35
Onroad .....	51.90	25.46	18.24	–33.66	37.50	24.93	19.16	–18.34
Total .....	84.49	52.86	43.46	–41.03	101.61	87.07	82.28	–19.33

In summary, Ohio's maintenance demonstration for the Columbus area shows maintenance of the 2015 ozone NAAQS by providing emissions information to support the demonstration that future emissions of NO<sub>x</sub> and VOC will remain at or below 2016 emission levels when taking into account both future source growth and implementation of future controls. Table 11 shows NO<sub>x</sub> and VOC emissions in the Columbus area are projected to decrease by 41.03 TPSD and 19.33 TPSD, respectively, between 2016 and 2030.

### 3. Continued air quality monitoring.

Ohio EPA has committed to continue to operate the ozone monitors listed in Table 1 above. Ohio EPA has committed to consult with EPA prior to making changes to the existing monitoring network should changes become necessary in the future. Ohio remains obligated to meet monitoring requirements and continue to quality assure monitoring data in accordance with 40 CFR part 58, and to enter all data into the Air Quality System (AQS) in accordance with Federal guidelines.

### 4. Verification of continued attainment.

The State of Ohio has confirmed that it has the legal authority to enforce and implement the requirements of the maintenance plan for the Columbus area. This includes the authority to adopt, implement, and enforce any subsequent emission control measures determined to be necessary to correct future ozone attainment problems.

Verification of continued attainment is accomplished through operation of the ambient ozone monitoring network

and the periodic update of the area's emissions inventory. Ohio EPA will continue to operate the current ozone monitors located in the Columbus area. There are no plans to discontinue operation, relocate, or otherwise change the existing ozone monitoring network other than through revisions in the network approved by the EPA.

In addition, to track future levels of emissions, Ohio EPA will continue to develop and submit to EPA updated emission inventories for all source categories at least once every 3 years, consistent with the requirements of 40 CFR part 51, subpart A, and in 40 CFR 51.122. The Consolidated Emissions Reporting Rule (CERR) was promulgated by EPA on June 10, 2002 (67 FR 39602). The CERR was replaced by the Annual Emissions Reporting Requirements (AERR) on December 17, 2008 (73 FR 76539). The most recent triennial inventory for Ohio was compiled for 2014. Point source facilities covered by Ohio's emission statement rule, Ohio Administrative Code Chapter 3745–24, will continue to submit VOC and NO<sub>x</sub> emissions on an annual basis.

### 5. What is the contingency plan for the Columbus area?

Section 175A of the CAA requires that the state must adopt a maintenance plan, as a SIP revision, that includes such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation of the area to attainment of the NAAQS. The maintenance plan must identify: The contingency measures to be considered and, if needed for maintenance, adopted and

implemented; a schedule and procedure for adoption and implementation; and, a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be considered, adopted, and implemented. The maintenance plan must include a commitment that the state will implement all measures with respect to the control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d) of the CAA.

As required by section 175A of the CAA, Ohio has adopted a contingency plan for the Columbus area to address possible future ozone air quality problems. The contingency plan adopted by Ohio has two levels of response, a warning level response and an action level response.

In Ohio's plan, a warning level response will be triggered when an annual fourth high monitored value of 0.074 ppm or higher is monitored within the maintenance area. A warning level response will consist of Ohio EPA conducting a study to determine whether the ozone value indicates a trend toward higher ozone values or whether emissions appear to be increasing. The study will evaluate whether the trend, if any, is likely to continue and, if so, the control measures necessary to reverse the trend. The study will consider ease and timing of implementation as well as economic and social impacts. Implementation of necessary controls in response to a warning level response trigger will take place within 12 months from the

conclusion of the most recent ozone season.

In Ohio's plan, an action level response is triggered when a two-year average fourth high value of 0.071 ppm or greater is monitored within the maintenance area. A violation of the 2015 ozone NAAQS within the maintenance area also triggers an action level response. When an action level response is triggered, Ohio EPA, in conjunction with the metropolitan planning organization or regional council of governments, will determine what additional control measures are needed to assure future attainment of the 2015 ozone NAAQS. Control measures selected will be adopted and implemented within 18 months from the close of the ozone season that prompted the action level. Ohio EPA may also consider if significant new regulations not currently included as part of the maintenance provisions will be implemented in a timely manner and would thus constitute an adequate contingency measure response.

Ohio EPA included the following list of potential contingency measures in its maintenance plan:

1. Adopt VOC RACT on existing sources covered by EPA Control Technique Guidelines issued after the 1990 CAA.
2. Apply VOC RACT to smaller existing sources.
3. One or more transportation control measures sufficient to achieve at least half a percent reduction in actual area wide VOC emissions. Transportation measures will be selected from the following, based upon the factors listed above after consultation with affected local governments:
  - a. Trip reduction programs, including, but not limited to, employer-based transportation management plans, area wide rideshare programs, work schedule changes, and telecommuting;
  - b. traffic flow and transit improvements; and
  - c. other new or innovative transportation measures not yet in widespread use that affected local governments deem appropriate.
4. Alternative fuel and diesel retrofit programs for fleet vehicle operations.
5. Require VOC or NO<sub>x</sub> emission offsets for new and modified major sources.
6. Increase the ratio of emission offsets required for new sources.
7. Require VOC or NO<sub>x</sub> controls on new minor sources (less than 100 tons).
8. Adopt NO<sub>x</sub> RACT for existing combustion sources.
9. High volume, low pressure coating application requirements for autobody facilities.

10. Requirements for cold cleaner degreaser operations (low vapor pressure solvents).

To qualify as a contingency measure, emissions reductions from that measure must not be factored into the emissions projections used in the maintenance plan.

EPA has concluded that Ohio's maintenance plan adequately addresses the five basic components of a maintenance plan: Attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan. In addition, as required by section 175A(b) of the CAA, Ohio EPA has committed to submit to EPA an updated ozone maintenance plan eight years after redesignation of the Columbus area to cover an additional ten years beyond the initial 10-year maintenance period. Thus, EPA finds that the maintenance plan SIP revision submitted by Ohio EPA for the Columbus area meets the requirements of section 175A of the CAA and EPA proposes to approve it as a revision to the Ohio SIP.

## V. Has the state adopted approvable motor vehicle emission budgets?

### A. Motor Vehicle Emission Budgets

Under section 176(c) of the CAA, new transportation plans, programs, or projects that receive Federal funding or support, such as the construction of new highways, must "conform" to (*i.e.*, be consistent with) the SIP. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing air quality problems, or delay timely attainment of the NAAQS or interim air quality milestones. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of transportation activities to a SIP. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS, but that have been redesignated to attainment with an approved maintenance plan for the NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs for nonattainment areas and maintenance plans for areas seeking redesignations to attainment of the ozone standard and maintenance areas. See the SIP requirements for the 2015 ozone NAAQS in EPA's December 6, 2018 implementation rule (83 FR 62998). These control strategy SIPs (including reasonable further progress

plans and attainment plans) and maintenance plans must include MVEBs for criteria pollutants, including ozone, and their precursor pollutants (VOC and NO<sub>x</sub> for ozone) to address pollution from onroad transportation sources. The MVEBs are the portion of the total allowable emissions that are allocated to highway and transit vehicle use that, together with emissions from other sources in the area, will provide for attainment or maintenance. See 40 CFR 93.101.

Under 40 CFR part 93, a MVEB for an area seeking a redesignation to attainment must be established, at minimum, for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule (58 FR 62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB, if needed, subsequent to initially establishing a MVEB in the SIP.

*B. What is the status of EPA's adequacy determination for the proposed VOC and NO<sub>x</sub> MVEBs for the Columbus area?*

When reviewing submitted control strategy SIPs or maintenance plans containing MVEBs, EPA must affirmatively find that the MVEBs contained therein are adequate for use in determining transportation conformity. Once EPA affirmatively finds that the submitted MVEBs are adequate for transportation purposes, the MVEBs must be used by state and Federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA.

EPA's substantive criteria for determining adequacy of a MVEB are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: Public notification of a SIP submission; provision for a public comment period; and EPA's adequacy determination. This process for determining the adequacy of submitted MVEBs for transportation conformity purposes was initially outlined in EPA's May 14, 1999 guidance, "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision." EPA adopted regulations to codify the adequacy process in the Transportation Conformity Rule Amendments for the "New 8-Hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule

Amendments—Response to Court Decision and Additional Rule Change,” on July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule titled, “Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes,” 68 FR 38974, 38984 (June 30, 2003).

As discussed earlier, Ohio’s maintenance plan includes NO<sub>x</sub> and VOC MVEBs for the Columbus area for 2030 and 2023, the last year of the maintenance period and an interim

year. EPA reviewed the VOC and NO<sub>x</sub> MVEBs through the adequacy process. Ohio’s April 23, 2019 maintenance plan SIP submission, including the VOC and NO<sub>x</sub> MVEBs for the Columbus area was open for public comment on EPA’s adequacy website on May 2, 2019, found at: <https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa>. The EPA public comment period on adequacy of the 2020 and 2030 MVEBs for the Columbus area closed on June 1, 2019. No comments on the adequacy submittal

were received during the comment period. The submitted maintenance plan, which included the MVEBs, was endorsed by the Governor’s designee and was subject to a state public hearing. The MVEBs were developed as part of an interagency consultation process which includes Federal, state, and local agencies. The MVEBs were clearly identified and precisely quantified. These MVEBs, when considered together with all other emissions sources, are consistent with maintenance of the 2015 ozone NAAQS.

TABLE 12—MVEBS FOR THE COLUMBUS AREA (TPSD)

	Attainment year 2016 onroad emissions	2023 estimated onroad emissions	2023 mobile safety margin allocation	2023 MVEBs	2030 estimated onroad emissions	2030 mobile safety margin allocation	2030 MVEBs
VOC .....	37.50	24.93	3.74	28.67	19.16	2.87	22.03
NO <sub>x</sub> .....	51.90	25.46	3.82	29.28	18.24	2.74	20.98

As shown in Table 12, the 2023 and 2030 MVEBs exceed the estimated 2023 and 2030 onroad sector emissions. In an effort to accommodate future variations in travel demand models and vehicle miles traveled forecast, Ohio EPA allocated a portion of the safety margin (described further below) to the mobile sector. Ohio has demonstrated that the Columbus area can maintain the 2015 ozone NAAQS with mobile source emissions at or below 28.67 TPSD and 22.03 TPSD of VOC and 29.28 TPSD and 20.98 TPSD of NO<sub>x</sub> in 2023 and 2030, respectively, since despite partial allocation of the safety margin, emissions will remain under attainment year emission levels. EPA finds adequate and is proposing to approve the MVEBs for use to determine transportation conformity in the Columbus area, because EPA has determined that the area can maintain attainment of the 2015 ozone NAAQS for the relevant maintenance period with mobile source emissions at the levels of the MVEBs.

**C. What is a safety margin?**

A “safety margin” is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. As noted in Table 11, the emissions in the Columbus area are projected to have safety margins of 41.03 TPSD for NO<sub>x</sub> and 19.33 TPSD for VOC in 2030 (the difference between the attainment year, 2016, emissions and the projected 2030 emissions for all sources in the Columbus area). Similarly, there is a

safety margin of 31.63 TPSD for NO<sub>x</sub> and 14.54 TPSD for VOC in 2023. Even if emissions exceeded projected levels by the full amount of the safety margin, the counties would still demonstrate maintenance since emission levels would equal those in the attainment year.

As shown in Table 12 above, Ohio is allocating a portion of that safety margin to the mobile source sector. Specifically, in 2023, Ohio is allocating 3.74 TPSD and 3.82 TPSD of the VOC and NO<sub>x</sub> safety margins, respectively. In 2030, Ohio is allocating 2.87 TPSD and 2.74 TPSD of the VOC and NO<sub>x</sub> safety margins, respectively. Ohio EPA is not requesting allocation to the MVEBs of the entire available safety margins reflected in the demonstration of maintenance. In fact, the amount allocated to the MVEBs represents only a small portion of the 2023 and 2030 safety margins. Therefore, even though the State is requesting MVEBs that exceed the projected onroad mobile source emissions for 2023 and 2030 contained in the demonstration of maintenance, the permissible level of onroad mobile source emissions that can be considered for transportation conformity purposes is well within the safety margins of the ozone maintenance demonstration. Further, once allocated to mobile sources, these safety margins will not be available for use by other sources.

**VI. Proposed Actions**

EPA is proposing to determine that the Columbus nonattainment is attaining the 2015 ozone NAAQS, based

on quality-assured and certified monitoring data for 2016–2018 and the area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus proposing to change the legal designation of the Columbus area from nonattainment to attainment for the 2015 ozone NAAQS. EPA is also proposing to approve, as a revision to the Ohio SIP, the state’s maintenance plan for the area. The maintenance plan is designed to keep the Columbus area in attainment of the 2015 ozone NAAQS through 2030. Finally, EPA finds adequate and is proposing to approve the newly-established 2023 and 2030 MVEBs for the Columbus area.

**VII. Statutory and Executive Order Reviews**

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices,

provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on

tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

##### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: June 13, 2019.

**Cathy Stepp,**

*Regional Administrator, Region 5.*

[FR Doc. 2019-14154 Filed 7-2-19; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-1989-0008; FRL-9996-05-Region 3]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Strasburg Landfill Superfund Site

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

**ACTION:** Proposed rule; notice of intent.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 3 is issuing a Notice of Intent to Delete the Strasburg Landfill Superfund Site (Site) located in Newlin and West Bradford Townships, Chester County, Pennsylvania from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP, Southeast Region), have determined that all appropriate response actions under CERCLA, other than operation and maintenance (O&M), monitoring, and Five-Year Reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** Comments must be received by August 2, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-1989-0008, by one of the following methods:

- <https://www.regulations.gov>.

Follow on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

- *Email:* [greaves.david@epa.gov](mailto:greaves.david@epa.gov).

- *Mail:* USEPA Region III, 1650 Arch Street, Philadelphia, PA 19103.

- *Hand delivery:* USEPA Region III, 1650 Arch Street, Philadelphia, PA 19103. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID no. EPA-HQ-SFUND-1989-0008. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <https://www.regulations.gov> or email. The <https://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <https://www.regulations.gov>, your email