



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 23 2009

REPLY TO THE ATTENTION OF:

(AR-18J)

Jennifer Hunter, Section Chief
Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

Dear Ms. Hunter:

Thank you for the submittal of the attainment demonstration state implementation plan (SIP) for annual PM_{2.5} in Ohio. This letter addresses our review of the adequacy of the insignificance findings for direct PM_{2.5} and oxides of nitrogen (NO_x) in Washington County, Ohio (part of the Parkersburg/Marietta nonattainment area) and also in the Ohio portion of the Huntington/Ashland nonattainment area.

Pursuant to Section 93.118(e)(4) and 93.109(k) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency has reviewed the annual PM_{2.5} attainment demonstration submittal as well as the justification for the finding of insignificance for direct PM_{2.5} and also for NO_x as a precursor of PM_{2.5} in these areas.

The Transportation Conformity Rule in Section 93.109 (k) states that a regional emissions analysis is no longer necessary if EPA finds through the adequacy or approval process that a SIP demonstrates that regional motor vehicle emissions are an insignificant contributor to the air quality problem for that pollutant/precursor. A finding of insignificance does not change the requirement for a regional analysis for other pollutants and precursors and does not change the requirement for hot spot analysis. EPA opened the public comment period on the adequacy of the submitted SIPs by posting them to the EPA Office of Transportation and Air Quality's adequacy review website (<http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>) on September 2, 2009. The comment period closed on October 2, 2009, and no comments were received.

EPA notes that the D.C. Circuit issued a decision on July 11, 2008 vacating the Clean Air Interstate Rule (CAIR). North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed to remand

CAIR without vacating it. However, the court made no other changes to the July 11 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11 opinion. EPA has reviewed the submittal and these insignificance findings in light of the remand of the CAIR rule and concluded that the submittal and the insignificance findings meet the conformity rule's criteria found at 40 CFR 93.118(e)(4) and 93.109(k). In particular, the submitted SIP demonstrates that it would be unreasonable to expect that either of these areas would experience enough motor vehicle emissions growth that a violation of the 1997 annual PM_{2.5} NAAQS would occur. EPA bases this conclusion on the overall emissions from all sources in the nonattainment area, the low percentage of mobile source emissions contributing to the total emissions in the area, the current state of air quality, and the absence of state and local motor vehicle control measures in the SIP for these areas..

EPA will publish a notice in the Federal Register announcing this finding. If you have any questions regarding this finding, please feel free to call me or Patricia Morris, of my staff, at (312) 353-8656.

Sincerely,



John Mooney, Chief
Criteria Pollutant Section

cc: Jennifer Hunter, OEPA
Dave Moore, ODOT
Leigh Oesterling, FHWA Ohio