



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

REPLY TO THE ATTENTION OF:

NOV 09 2004

(A-18J)

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Dear Mr. *R. Hodanbosi*:

This letter is in response to your April 2, 2004, letter concerning questions about the options available to the State of Ohio with regard to vehicle inspection and maintenance (I/M) programs and 8-hour ozone standard implementation requirements. The response to your questions are included as an enclosure.

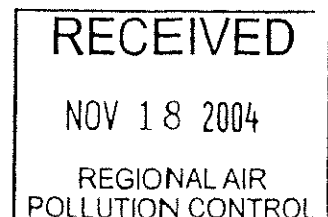
I am also enclosing a copy of a May 12, 2004, policy memorandum titled, "1-Hour Ozone Maintenance Plans Containing Basic I/M Programs". This memorandum provides clarification regarding the provisions detailed in the 8-hour ozone standard Phase I implementation rule published on April 30, 2004 (69 FR 23931) pertaining to basic I/M programs in 1-hour ozone maintenance areas.

If you have any questions please do not hesitate to contact me or Francisco Acevedo, of my staff, at (312) 886-6061.

Sincerely yours,

Stephen Rothblatt
Stephen Rothblatt, Director
Air and Radiation Division

Enclosures



cc: Janet McCabe, Assistant Commissioner
Indiana Department of Environmental Management

Lloyd Eagan, Director
Bureau of Air Management
Wisconsin Department of Natural Resources

David Kolaz, Chief
Bureau of Air
Illinois Environmental Protection Agency

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ARD:APB:CPS: 7/24/04

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**Responses to Ohio Questions About Vehicle
Inspection and Maintenance Requirements Under the 8-hour Ozone Standard**

Cleveland - Akron - Lorain: (1-hour ozone maintenance area and 8-hour ozone nonattainment Moderate designation)

1. Is there any way for Ohio to cease testing in December of 2005 and conform to U.S. EPA's requirements for the eight-hour standard?

No. A vehicle inspection and maintenance (I/M) program is a required control measure for areas designated as Moderate nonattainment under the 8-hour standard. The Cleveland-Akron-Lorain area has been designated by EPA as Moderate nonattainment under the 8-hour standard and, thus, it must keep its I/M program operating until the area attains the 8-hour standard.

2. Can Ohio develop an alternative control mechanism (such as the use of reformulated gasoline) as a replacement for I/M?

Not until the area has been redesignated to attainment of the 8-hour standard. At such time, the area may convert subpart 2 controls (like I/M) to contingency measures which may then be shifted to the area's maintenance plan provided it can be demonstrated that such a move will not interfere with the area's ability to meet other Clean Air Act (CAA) requirements or any National Ambient Air Quality Standards (NAAQS). In making such demonstration, the State will need to establish that the loss of emission reductions from terminating the program can be made up through the implementation of previously unclaimed controls, or that the area can maintain all applicable standards without such reductions.

3. Does the one-hour ozone violation in 2003 prevent Ohio from dropping I/M?

The requirement for areas designated as Moderate 8-hour nonattainment to implement basic I/M and the general anti-backsliding provisions under the 8-hour implementation rule are the factors that prohibit this area from dropping its I/M program.

4. There are also violations of the PM2.5 ambient air quality standard violation in Cuyahoga County. Does the PM2.5 have any significance on whether the I/M program can be dropped?

The State will need to demonstrate that the removal of the I/M program will not interfere with the area's ability to meet other CAA requirements or any NAAQS.

5. Cuyahoga County was one time, designated as nonattainment for carbon monoxide. One of the control measures that were [sic] instituted was an I/M program just in Cuyahoga

county. Would there be any special requirements that would need to be met to drop the I/M program in Cleveland?

As stated above, the State will need to demonstrate that the removal of the I/M program will not interfere with the area's ability to meet other CAA requirements or any NAAQS including the carbon monoxide NAAQS.

Cincinnati-Hamilton: (1-hour ozone nonattainment and 8-hour ozone nonattainment Basic designation)

1. Cincinnati remains designated as nonattainment for the one-hour ozone standard. Although it has been several years since a one-hour violation has been measured, does the non-attainment designation prevent Ohio from legally dropping the program in the Cincinnati area?

Yes. Even though the Cincinnati-Hamilton area has several years of clean data under the 1-hour ozone standard, the area's failure to formally redesignate to attainment for the 1-hour standard creates a legal impediment which prevents the State from converting the program to a contingency measure.

2. The Cincinnati area has measured violations of the eight-hour ozone standard. Do the eight-hour ozone violations prevent Ohio from dropping the I/M program? U.S. EPA anticipates that Cincinnati will be designated nonattainment for the eight-hour ozone standard under Subpart 1. Does this provide enough flexibility to drop the I/M program?

The Cincinnati-Hamilton area has been designated Basic nonattainment under the 8-hour standard for ozone and although the Basic designation does not require the implementation of an I/M program, the general anti-backsliding provisions under the 8-hour implementation rule published April 30, 2004 (69 FR 23931), requires 8-hour areas subject to subpart 2 control under the 1-hour standard to keep those controls in place until those areas attain the 8-hour standard.

However, if the Cincinnati-Hamilton area were to formally redesignate to attainment for the 1-hour ozone standard, it could convert the program to a contingency measure under the area's Maintenance plan, provided the area can demonstrate that doing so will not interfere with its ability to comply with any NAAQS or any other applicable CAA requirement. This flexibility was created under the I/M redesignation rule, published January 5, 1995 (60 FR 1735) and can be found at section 51.372(c) of the I/M rule, under the heading "Redesignation Requests." This flexibility applies only to areas required to implement basic I/M programs under the 1-hour ozone standard that are subsequently redesignated to attainment for that standard and are not subject to I/M requirements under their 8-hour ozone standard classification. For additional information on this option please refer to the attached May 12, 2004, memorandum titled, "1-Hour Ozone

Maintenance Plans Containing Basic I/M Programs”.

3. Would Ohio have to provide alternative control program to offset the lost reductions if we dropped the I/M program?

Dropping the I/M program is not an option in Cincinnati until the area has been redesignated to attainment of the 1-hour standard. At that time, the program could be converted to a contingency measure under the area’s Maintenance plan provided the area can demonstrate that doing so will not interfere with its ability to comply with any NAAQS or any other applicable CAA requirement. In making such demonstration, the State will need to establish that the loss of emission reductions from terminating the program can be made up through the implementation of previously unclaimed controls, or that the area can maintain all applicable standards without such reductions.

4. Cincinnati has measured PM2.5 violations. Do the PM2.5 violations prevent Ohio from dropping the I/M program?

The area will need to demonstrate that the removal of the I/M program will not interfere with its ability to meet other CAA requirements or any NAAQS.

Dayton - Springfield: (1-hour ozone maintenance area and 8-hour ozone nonattainment Basic designation)

1. Dayton has achieved the one-hour ozone standard and has been redesignated to attainment. The area has experienced violations of the eight-hour standard. The U.S. EPA anticipates the area will be redesignated under subpart 1. Can Ohio drop the I/M program in Dayton by December 31, 2005?

Yes. The Dayton-Springfield area has been designated Basic nonattainment under the 8-hour ozone standard and is a maintenance area under the 1-hour standard. This area has the option of converting the program to a contingency measure under the area’s maintenance plan, provided the area can demonstrate that doing so will not interfere with its ability to comply with any NAAQS or any other applicable CAA requirement. This flexibility was created under the I/M redesignation rule, published January 5, 1995 (60 FR 1735) and can be found at section 51.372(c) of the I/M rule, under the heading “Redesignation Requests.” This flexibility applies only to areas required to implement basic I/M programs under the 1-hour ozone standard that are subsequently redesignated to attainment for that standard and are not subject to I/M requirements under their 8-hour ozone standard classification.

2. Can Ohio implement alternative control measures that obtain the equivalent emissions reductions as a substitute for I/M?

As part of the area's attainment demonstration, the State will need to submit as a revision to its SIP a section 110(l) modeling demonstration that I/M is not needed to maintain the 1-hour standard and that dropping it would not interfere with the 8-hour standard. If the State does not want to do modeling for the demonstration, the State can submit a SIP revision that provides equivalent reductions from previously unclaimed measures.

3. Dayton also has violations of the PM2.5 ambient air quality standards. Do the PM2.5 violations prevent Ohio from dropping the I/M program?

The area will need to demonstrate that the removal of the I/M program will not interfere with its ability to meet other CAA requirements or any NAAQS.

Other Issues

1. What would be the likely cause of action by U.S. EPA if Ohio stops the I/M program in all areas of the state at the end of 2005?

If Ohio prematurely ceases operation of its I/M programs it would be out of compliance with CAA requirements. In such cases, the statute provides for at least a 2 to 1 emissions offset, a ratio of emission reductions to increased emissions, to certain new or modified sources. The statute also provides for Federal highway funding restrictions. In addition, if the I/M program prematurely ceases operation, new conformity determinations, a process to assess the link between transportation planning and air quality goals, can not take credit for I/M emissions reductions beyond the date the program ceases to operate. If this analysis demonstrates that transportation plans, programs and/or projects are not consistent with the SIP, then certain transportation projects will not be able to receive Federal approval or funding.

2. What if Ohio made up the emission reductions from I/M by alternative control measures?

See discussion above in response to question #2 in the Dayton section.

It is noted that the anti-backsliding provisions do not prohibit Ohio's I/M programs from being revised and/or right-sized. The only requirements are that the revised program must still meet the basic performance standard and if the revised program gets fewer reductions than the original State Implementation Plan approved program, those lost reductions must be made up through reductions from other, previously unclaimed controls or, it must be shown that the reductions are no longer needed to attain and maintain the 1-hour ozone standard and that it will not interfere with an area's ability to meet other CAA requirements or any other NAAQS, including the 8-hour ozone standard.

