



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 11 2011

REPLY TO THE ATTENTION OF:

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 redesignation and maintenance plan state implementation plan (SIP) for annual PM<sub>2.5</sub> in the Ohio portion of the Huntington/Ashland area. This letter addresses our review of the adequacy of the insignificance findings for direct PM<sub>2.5</sub> and oxides of nitrogen (NO<sub>x</sub>) in the Ohio portion of the Huntington/Ashland, West Virginia nonattainment area.

Pursuant to Section 93.118(e)(4) and 93.109(m) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency has reviewed the annual PM<sub>2.5</sub> redesignation and maintenance plan submittal as well as the justification for the finding of insignificance for direct PM<sub>2.5</sub> and also for NO<sub>x</sub> as a precursor of PM<sub>2.5</sub> in this area.

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 May 5, 2011. The comment period closed on June 6, 2011, and no comments were received.

EPA has considered these motor vehicle emissions budgets in light of the current status of the Clean Air Interstate Rule (CAIR). The D.C. Circuit issued a decision on July 11, 2008, vacating the 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 motion 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 and remanded CAIR to EPA for further rulemaking consistent with the court's July 11, 2008, opinion. The court decided to remand without vacatur to preserve the environmental benefits of CAIR. The court decision not to vacate CAIR left the rule in place temporarily. The opinion, however, also required EPA to promulgate another rule consistent with the court's July 11, 2008, opinion.

On August 8, 2011, (76 FR 48208) EPA published in the Federal Register, the Cross-State Air Pollution Rule (CSAPR) as a replacement for the remanded CAIR rule. CSAPR addresses emissions of sulfur dioxide and NOx in the covered states in 2012 and beyond, while the CAIR control requirements remain in place to address 2011 emissions. EPA has reviewed these motor vehicle emissions budgets in light of the remand of the CAIR rule and the final Cross-State Air Pollution Rule and has concluded that the budgets meet the conformity rule's adequacy criteria found at 40 CFR 93.118(e)(4). In particular, EPA has concluded that the budgets satisfy the requirements of 40 CFR 93.118(e)(4)(iv), which requires that the budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for maintenance. EPA bases its 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 Patricia Morris, of my staff, at (312) 353-8656.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Aburano". The signature is fluid and cursive, written in a professional style.

Doug Aburano  
Chief  
Control Strategies Section