



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

MAR 3 11 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 final redesignation and maintenance plan for the Cleveland/Akron, Ohio 8-hour ozone nonattainment area dated March 17, 2009. Pursuant to Section 93.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency has reviewed the ozone redesignation and maintenance plan as well as the transportation conformity budgets contained in the submittal. These documents contain MOBILE6 based Motor Vehicle Emission Budgets (MVEBs) for the Cleveland/Akron, 8-hour ozone nonattainment area.

The 2012 and 2020 MVEBs for oxides of nitrogen (NOx) and volatile organic compounds (VOC) for the Cleveland/Akron, Ohio, 8-hour ozone nonattainment area, listed in tons per day (tpd), are as follows:

	VOC (tpd)	NOX (tpd)
2012	46.64	95.89
2020	31.48	42.75

EPA has determined that the submitted MVEBs are adequate for transportation conformity purposes. 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, 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 these motor vehicle

emissions budgets in light of the remand of the CAIR rule and 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 motor vehicle emissions budgets satisfy the requirements of 40 CFR 93.118(e)(4)(iv) which requires that motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for maintenance. EPA bases this conclusion on the overall reduction in NOx emissions from all sources. The reduction in NOx in future years remains below the attainment level of NOx in the Cleveland/Akron area even without the CAIR reductions.

The Transportation Conformity Rule spells out limited technical and administrative criteria that EPA must use to determine the adequacy of submitted MVEBs for transportation conformity purposes. EPA also described the process for determining the adequacy of submitted MVEBs in a May 14, 1999, memorandum entitled "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision." EPA followed this guidance in making this adequacy determination. EPA opened the public comment period on the adequacy of the submitted MVEBs 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 February 18, 2009. The comment period closed on March 20, 2009, and no comments were received.

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