

(c) On April 11, 2005, the Ohio Environmental Protection Agency submitted a request to revise the State's plan controlling nitrogen oxide emissions from stationary sources in the State. The request included the results of the action taken by Ohio EPA to rescind OAC 3745–23–06, which affected emissions of oxides of nitrogen from combustion sources and nitric acid plants. This action was preceded by a negative declaration regarding nitric acid plants dated April 11, 1994, and rule approvals (NO_x SIP Call, NSPS, budget trading program, etc.) affecting large fossil-fueled utility and industrial boilers. OAC 3745–23–06, Control of nitrogen oxide emissions from stationary sources, also known as AP–7–06 in its original form, is therefore removed from the Ohio SIP.

(d) On August 22, 2008, Ohio requested that Ohio Administrative Code 3745–17–05 “Non-degradation Policy.” be removed from the Ohio SIP. The rule was rescinded statewide on February 1, 2008.

[62 FR 47947, Sept. 12, 1997, as amended at 71 FR 76919, Dec. 22, 2006; 75 FR 65572, Oct. 26, 2010]

§ 52.1891 Section 110(a)(2) infrastructure requirements.

(a) *Approval.* In a December 5, 2007 submittal, supplemented on April 7, 2011, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 8-hour ozone NAAQS.

(b) *Approval.* In a December 5, 2007 submittal, supplemented on April 7, 2011, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 PM_{2.5} NAAQS.

(c) *Approval and Disapproval*—In a September 4, 2009 submittal, supplemented on June 3, 2011, and July 5, 2012, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2006 24-hour PM_{2.5} NAAQS. We are not finalizing action on the visibility protection requirements of (D)(i)(II) or

the state board requirements of (E)(ii). We will address these requirements in a separate action. We are disapproving narrow portions of Ohio's infrastructure SIP submission addressing the relevant prevention of significant deterioration requirements of the 2008 NSR Rule (identifying PM_{2.5} precursors, and the regulation of PM_{2.5} and PM₁₀ condensables in permits) and the Phase 2 Rule (identification of NO_x as a precursor to ozone) with respect to section 110(a)(2)(C), (D)(i)(II), and (J).

[76 FR 41086, July 13, 2011, as amended at 77 FR 65488, Oct. 29, 2012]

§ 52.1892 Determination of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Huntington-Ashland, West Virginia-Kentucky-Ohio PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Huntington-Ashland PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton fine particle (PM_{2.5}) nonattainment areas attained the 1997 annual PM_{2.5} National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM_{2.5} nonattainment areas are not subject to the consequences of failing to attain pursuant to section 179(d).

(c) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio-Kentucky-

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Indiana PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(d) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Parkersburg-Marietta, WV-OH and Wheeling, WV-OH fine particle (PM_{2.5}) nonattainment areas attained the 1997 annual PM_{2.5} National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the areas' air quality as of the attainment date, whether the areas attained the standard. EPA also determined that the Parkersburg-Marietta, WV-OH and Wheeling, WV-OH PM_{2.5} nonattainment areas are not subject to the consequences of failing to attain pursuant to section 179(d).

[76 FR 55544, Sept. 7, 2011, as amended at 76 FR 56643, Sept. 14, 2011; 76 FR 60376, Sept. 29, 2011; 76 FR 75467, Dec. 1, 2011]

§52.1919 Identification of plan-conditional approval.

(a) The plan commitments listed below were submitted on the dates specified.

(1) [Reserved]

(2) On April 20, 1994, Ohio submitted Rule 3745-35-07, entitled "Federally Enforceable Limitations on Potential to Emit," and requested authority to issue such limitations as conditions in State operating permits. On June 16, 1994, Ohio submitted a commitment to revise Rule 3745-35-07 to clarify that the rule provides for USEPA objection to permits after issuance. The revisions are approved provided Ohio fulfills this commitment by October 25, 1995.

(i) Incorporation by reference.

(A) Rule 3745-35-07, adopted April 4, 1994, effective April 20, 1994.

(3) Conditional Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan. The submittal pertained to a plan for the implementation of the federal transportation conformity requirements at the State or local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. This conditional approval is based, in part, on the State's commitment, submitted in a letter on April 1, 1996, to submit revised transportation conformity rules to incorporate the two amendments to the federal transportation conformity regulations. The State of Ohio committed to revise its transportation conformity rules by November 14, 1996. If the State ultimately fails to meet its commitment to meet these requirements within one year of final conditional approval, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

(i) Incorporation by reference. August 1, 1995, Ohio Administrative Code Chapter 3745-101, effective August 21, 1995.

(4) On March 1, 1996, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan. The request was supplemented on April 16, 1997, September 5, 1997, December 4, 1997, and April 21, 1998.

(i) Incorporation by reference.

(A) Rule 3745-31-01 through 3745-31-20, effective September 25, 1998.

(b) On October 9, 2000, the Ohio Environmental Protection Agency submitted a revision to Ohio Administrative Code (OAC) 3745-21-09(BBB). The revision removed a requirement that for the agerite resin D process, the VOC emissions from the vapor recovery system vents and neutralization and distillation system vents (except wash kettle or still feed condenser vents, stills vacuum jet tailpipe vents, and process emergency safety relief devices) be vented to an emissions control device that is designed and operated to achieve an emissions control