

This maintenance plan established the MVEBs which are currently being used by the Ohio, Kentucky, Indiana Regional Council of Governments (OKI) to demonstrate transportation conformity. OKI is the metropolitan planning organization (MPO) for the Cincinnati-Hamilton County area, including the three counties identified in this action as the Northern Kentucky area.

## II. Who Is Affected by This Action?

Primarily, the transportation sector represented by OKI will benefit from this revision. Through the Interagency Consultation Group, which includes the Kentucky transportation and air quality partners, OKI identified a need for revised MVEBs for the Northern Kentucky area to allow for growth in the transportation sector. KDAQ, a partner of the Interagency Consultation Group, evaluated the potential to revise the MVEBs for the Northern Kentucky area and prepared this SIP revision to accommodate OKI's request.

## III. What Is Transportation Conformity?

Transportation conformity means that the level of emissions from the transportation sector (*i.e.*, cars, trucks and buses) must be consistent with the requirements in the SIP to attain and maintain the NAAQS. The Clean Air Act, in section 176(c), requires conformity of transportation plans, programs and projects to a SIP's purpose of attaining and maintaining the NAAQS. On November 24, 1993, EPA published a final rule establishing criteria and procedures for determining if transportation plans, programs and projects funded or approved under Title 23 U.S.C. or the Federal Transit Act conform to the SIP.

The transportation conformity rules require an ozone maintenance area to compare the actual projected emissions from cars, trucks and buses on the highway network, to the MVEB established by the maintenance plan. The Northern Kentucky area has an approved maintenance plan. EPA's approval of the maintenance plan on June 19, 2000, established the MVEBs for transportation conformity purposes.

## IV. What Is an MVEB?

An MVEB is the projected level of controlled emissions from the transportation sector (mobile sources) that is estimated in the SIP. The SIP controls emissions through regulations, for example, on fuels and exhaust levels for cars. The MVEB concept is further explained in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188). The preamble also describes how to

establish the MVEB in the SIP and revise the MVEB. The transportation conformity rule allows the MVEB to be changed as long as the total level of emissions from all sources remains below the attainment level of emissions.

## V. What Is a Safety Margin?

A "safety margin" is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the NAAQS. For example, the Northern Kentucky area attained the 1-hour ozone NAAQS during the 1996–1998 time period. Kentucky uses 1996 as the attainment level of emissions for the area. The emissions from point, area and mobile sources in 1996 equaled 39.71 tons per day (tpd) of VOC for the Northern Kentucky area. KDAQ projected emissions out to the year 2010 and projected a total of 32.55 tpd of VOC. The safety margin for VOCs is calculated to be the difference between these amounts or, in this case, 7.16 tpd of VOC for 2010. By this same method, 4.78 tpd (*i.e.*, 66.55 tpd less 61.77 tpd) is the safety margin for NO<sub>x</sub> for 2010.

The emissions are projected to maintain the area's air quality consistent with the NAAQS. The safety margin credit can be allocated to the transportation sector. The total emission level must stay below the attainment level to be acceptable. The safety margin is the extra emissions that can be allocated as long as the total attainment level of emissions is maintained.

## VI. How Does This Action Change Implementation of Transportation Conformity for the Kentucky Portion of the Cincinnati-Hamilton Maintenance Area?

In today's action, EPA is proposing to approve a revision to the 2010 MVEBs for the Northern Kentucky maintenance area. The revised MVEBs are 17.13 tpd for NO<sub>x</sub> and 7.33 tpd for VOC, and include an allocation of 2.0 tpd and 1.5 tpd from the available safety margin for NO<sub>x</sub> and VOC, respectively, for the Northern Kentucky maintenance area. The MVEB is being changed from 15.13 tpd for NO<sub>x</sub> and 5.83 tpd for VOC. Additionally, this action proposes to approve the establishment of subarea MVEBs for the Northern Kentucky maintenance area. Presently, OKI demonstrates conformity for the Kentucky and Ohio portions of the Cincinnati-Hamilton maintenance area together, although Ohio and Kentucky have separate MVEBs for their areas in

the individual SIPs. OKI is the MPO for both areas so it was convenient to demonstrate conformity for both areas together. However, because of a recent mismatch for the budget years for the Ohio and Kentucky portions of this maintenance area, it will be more convenient for the MPO to demonstrate conformity for each area separately. The subarea budget for the Northern Kentucky area is identical to the MVEBs identified above for the Northern Kentucky area. This action merely provides formal recognition that the MPO will demonstrate conformity for the Ohio and Kentucky portions of the Cincinnati-Hamilton County maintenance area separately. The establishment of subarea MVEBs for this area will minimize the administrative burden for the MPO to demonstrate conformity for the Northern Kentucky maintenance area. Without the subarea MVEBs, the MPO would have to analyze an extra year for each conformity analysis because of a current mismatch for the budget years for the Ohio and Kentucky portions of this maintenance area.

## VII. What Is Parallel Processing?

Kentucky has requested that EPA parallel process this proposed SIP revision. Under this procedure, the Regional Office works closely with the Commonwealth of Kentucky while the Commonwealth is developing new or revised regulations. The state submits a copy of the proposed regulation or other revisions to EPA before conducting its public hearing. EPA reviews this proposed state action, and prepares a notice of proposed rulemaking. EPA's notice of proposed rulemaking is published in the **Federal Register** during the same time frame that the Commonwealth is holding its public hearing. The Commonwealth and EPA then provide for concurrent public comment periods on both the state action and the Federal action. After the Commonwealth submits the formal SIP revision request (including a response to all public comments raised during the state's public participation process, and the approved, amended Maintenance Plan for Northern Kentucky), EPA will prepare a final rulemaking notice. If the Commonwealth's formal SIP submittal contains changes which occur after EPA's notice of proposed rulemaking, such changes must be described in EPA's final rulemaking action. If the Commonwealth's changes are significant, then EPA must decide whether it is appropriate to re-propose the state's action.