

(b) The Administrator hereby extends by six-months the deadline by which Maryland must incorporate mandatory testing of second generation On-board Diagnostics (OBD-II) equipped motor vehicles as part of its inspection and maintenance (I/M) program. As a result of this deadline extension, Maryland must now incorporate mandatory OBD-II checks (for 1996-and-newer OBD-II equipped vehicles) as an element of the Commonwealth's I/M program in all enhanced I/M program areas by July 1, 2002.

[FR Doc. 03-855 Filed 1-15-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH155-1a; FRL-7425-8]

### Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Regulations

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** On July 11, 2002, Ohio submitted a plan which contained rules to control emissions of oxides of nitrogen (NO<sub>x</sub>) from electric generating units (EGU), non-EGUs and Portland Cement Kilns. The plan and associated rules represent a strategy submitted by the Ohio Environmental Protection Agency (Ohio EPA) in response to USEPA's October 27, 1998, NO<sub>x</sub> State Implementation Plan (SIP) Call and subsequent technical amendments. This direct final rule addresses the adequacy and acceptability of the Ohio plan, which we believe will have a major impact in reducing NO<sub>x</sub> and ozone in Ohio and in areas downwind from major sources of NO<sub>x</sub> emissions. USEPA believes the State's plan, which includes a NO<sub>x</sub> trading program, an energy efficiency/renewable energy feature and accommodates innovative technology projects, adequately addresses the requirements of the NO<sub>x</sub> SIP Call and meets the budget prescribed for Ohio. USEPA is taking final action today to approve the Ohio EPA plan.

**DATES:** This rule is effective on March 17, 2003, unless USEPA receives relevant adverse written comments by February 18, 2003. If USEPA receives adverse comment, we will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Send written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air and Radiation Division (AR-18J) Region 5, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. You may obtain a copy of the State Implementation Plan revision request at the above address. Please telephone John Paskevicz at (312) 886-6084 if you intend to visit the Region 5 office.

You may inspect copies of Ohio's submittal at: Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Chicago, Illinois, 60604. E-Mail Address: [paskevicz.john@epa.gov](mailto:paskevicz.john@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, the terms "you" refer to the reader of this proposed rule and/or to sources subject to the State rule, and the terms "we", "us", or "our" refers to USEPA.

#### Table of Contents

##### I. Background

A. What Requirements Led to the State's Submittal of the NO<sub>x</sub> Emission Control Plan?

B. What Requirements Must Ohio Meet?

C. What Have Been the Court Rulings Regarding USEPA's NO<sub>x</sub> Emission Control Rule?

##### II. Summary of the State Submittal

A. When Was the Ohio EPA NO<sub>x</sub> Plan Submitted to the USEPA?

B. What Are the Basic Components of the Ohio EPA NO<sub>x</sub> Plan?

C. Does the Ohio EPA NO<sub>x</sub> Plan Meet the Federal NO<sub>x</sub> Statewide Emissions Budget?

D. What Public Review Opportunities Were Provided?

E. What Guidance Did USEPA Use to Evaluate Ohio's NO<sub>x</sub> Control Program?

F. Does the Ohio Plan Meet Federal NO<sub>x</sub> SIP Call Requirements?

G. What Deficiencies Were Noted in the Ohio EPA NO<sub>x</sub> Plan?

##### III. USEPA Action

##### IV. Administrative Requirements

#### I. Background

*A. What Requirements Led to the State's Submittal of the NO<sub>x</sub> Emission Control Plan?*

On October 27, 1998, the USEPA promulgated a regulation known as the NO<sub>x</sub> SIP Call for numerous States, including the State of Ohio. The NO<sub>x</sub> SIP Call requires the subject States to develop NO<sub>x</sub> emission control regulations sufficient to provide for a prescribed NO<sub>x</sub> emission budget in 2007.

Preceding the promulgation of USEPA's NO<sub>x</sub> SIP Call, there had been extensive discussions by Federal, State, and local environmental agencies, industry, and environmental groups regarding the transport of ozone in the eastern United States. The Environmental Council of States (ECOS) recommended the formation of a national workgroup to assess the problem and to develop a consensus approach to addressing the transport problem. As a result of ECOS' recommendation and in response to a March 2, 1995, USEPA memorandum, the Ozone Transport Assessment Group (OTAG) was formed to conduct regional ozone transport analyses and to develop a recommended ozone transport control strategy. OTAG was a partnership among USEPA, the 37 eastern States and the District of Columbia, and industrial, academic, and environmental groups. OTAG was given the responsibility of conducting the two years of analyses envisioned in the March 2, 1995, USEPA memorandum.

OTAG conducted a number of regional ozone data analyses and regional ozone modeling analyses using photochemical grid modeling. In July 1997, OTAG completed its work and made recommendations to the USEPA concerning the regional emissions reductions needed to reduce transported ozone as an obstacle to attainment in downwind areas. OTAG recommended a possible range of regional NO<sub>x</sub> emission reductions to support the control of transported ozone. Based on OTAG's recommendations and other information, USEPA issued the NO<sub>x</sub> SIP Call rule on October 27, 1998. 63 FR 57356.

In the NO<sub>x</sub> SIP Call, USEPA determined that sources and emitting activities in 23 jurisdictions<sup>1</sup> emit NO<sub>x</sub> in amounts that "significantly contribute" to ozone nonattainment or interfere with maintenance of the 1-hour ozone national ambient air quality standards (NAAQS) in one or more downwind areas in violation of Clean Air Act (CAA) section 110(a)(2)(D)(i)(I). USEPA identified NO<sub>x</sub> emission reductions by source sector that could be achieved using cost-effective measures and set state-wide NO<sub>x</sub> emission budgets for each affected jurisdiction for 2007 based on the

<sup>1</sup> Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.