

TABLE 1.—COMPARISON OF STATE RULE TO MODEL RULE—Continued

Ohio rule 3745–14—	Corresponds with USEPA rule . . .
09, NO _x budget opt-in units	Subpart I, Individual Unit Opt-ins. Section 96.80, Applicability. 96.81, General. 96.82, NO _x authorized account representative. 96.83, Applying for NO _x budget opt-in permit. 96.84, Opt-in process. 96.85, NO _x budget opt-in permit contents. 96.86, Withdrawal from NO _x budget trading program. 96.87, Change in regulatory status. 96.88, NO _x allowance allocations to opt-in units.
10, Alternative compliance plans	This rule allows a source to participate in alternate multi-pollutant reduction schemes such as the President's Clear Skies proposal.
11, Portland cement kilns	Part 98, subpart B, Emissions from cement manufacturing, proposed rules, October 21, 1998.

Ohio's plan includes opportunities for sources to obtain, beginning in 2006, an allocation for energy efficiency/renewable energy projects. The Ohio rule contains a provision which sets aside one percent of the tons of NO_x emissions in the State trading budget. This set-aside is for units that during the control period reduce end-use demand for electricity or displace electrical energy utilization by use of wind power, solar power, biomass or landfill methane gas generation.

Ohio's plan also sets aside one percent of the trading budget beginning in 2006 for innovative technology projects. This means that an industry can compete for a set-aside, using stationary or mobile source technology

which has not yet been adequately demonstrated in practice but where there is a likelihood that the technology will reduce NO_x emissions and increase energy efficiency.

C. Does the Ohio EPA NO_x Plan Meet the Federal NO_x Statewide Emissions Budget?

Yes, on July 11, 2002, Ohio submitted a plan containing rules in OAC Chapter 3745–14 to respond to USEPA's NO_x SIP Call published in the **Federal Register** on October 27, 1998. We reviewed the plan and found it complete on July 23, 2002. (See 67 FR 50600, dated August 5, 2002)

USEPA's NO_x SIP Call affected sources of NO_x in 22 states (including Ohio) and the District of Columbia. The

NO_x SIP Call rulemaking established statewide budgets for NO_x emissions beginning in the 2003 ozone season (May 1 to September 30). Each state was required to submit a State Implementation Plan (SIP) containing rules necessary to reduce NO_x emissions to the NO_x budget levels.

On March 2, 2000, USEPA published a final rule amending state NO_x budgets (65 FR 11222). Ohio used the information from this final rule to develop its budget. Further, Ohio describes the process it used to develop the budget in the budget demonstration contained in its plan submittal. A summary of the base and budget NO_x emissions contained in this rule for Ohio are provided in table 2.

TABLE 2.—NO_x EMISSIONS BUDGET BY SOURCE CATEGORY
[tons]

Source Category						
2007 Final	EGU	Non-EGU	Area source	Non-Road mobile	Highway mobile	Total
Base	163,132	50,001	21,860	43,380	94,850	373,223
Budget	48,990	40,194	21,860	43,380	94,850	249,274
Reduction	114,142	9,807	0	0	0	123,949

On November 15, 2000, Ohio informally provided draft rules for preliminary review to stakeholders and USEPA to start the rulemaking process. Ohio received comments on these draft rules from USEPA and twenty-two other interested parties. Ohio's draft rules were revised to take into account the comments received, and the revised draft rules were distributed to interested parties on November 19, 2001. Ohio EPA, again, received comments on these draft rules from USEPA and thirty-eight other interested parties. The rules, to be submitted to Ohio's Joint Committee for Administrative Rule Review (JCARR), were revised again taking into consideration the comments. Ohio believes that these rules will achieve the

NO_x reductions required by USEPA's NO_x SIP Call, and has finalized them for inclusion in its submitted NO_x plan.

The budget projections used to prepare Ohio's submission are the same as the State budget established by USEPA in the final rule published in the **Federal Register** on March 2, 2000 (65 FR 11222). A minor change was made by Ohio EPA and is addressed in the State's submittal. This change corresponds with a technical correction to the Ohio inventory made by USEPA on October 31, 2001 (66 FR 54992).

Ohio's budgets for Area Sources, Mobile Sources and Non-Mobile sources reflect emissions during the ozone control period from May 1 through September 30 for each year. The original

USEPA budgets that Ohio used in its analysis can be found on the electronic file entitled "OH.zip" on USEPA's Web site ftp://ftp.epa.gov/EmisInventory/NOxSIPCall_Mar2_2000. Ohio submitted similar budgets for area, mobile and non-mobile source categories on a compact disk (CD) along with the Budget Demonstration. The CD is available in the Region 5 Docket. Table 3 identifies the 2007 base budgets for these sources and the name of the attached file in which they are found. No NO_x reductions from these source categories (mobile, area, and non-mobile) are projected for Ohio's budget demonstration. Furthermore, Ohio does not believe it is necessary to develop additional NO_x emission reduction