

**Redesignation of the Kentucky Portion of the Louisville 8-Hour Ozone
Nonattainment Area to Attainment for Ozone**

Effective date: 08/06/2007 (72 FR 36601 07/05/2007)

Background of the Plan: On September 29, 2006, the Commonwealth of Kentucky, through the Kentucky Division for Air Quality, submitted a request to redesignate the Kentucky bi-state Louisville Area to attainment for the 1997 8-hour ozone standard, and for EPA approval of the Kentucky State Implementation Plan (SIP) revision containing a maintenance plan for the Kentucky portion of the Louisville bi-state area. In an action published on April 27, 2007 (72 FR 20966), EPA proposed to approve the redesignation of the Kentucky portion of the Louisville bi-state area to attainment. EPA also proposed approval of Kentucky's plan for maintaining the 1997 8-hour national ambient air quality standard (NAAQS) as a SIP revision, and proposed to approve the regional Motor Vehicle Emissions Budgets (MVEBs) for the bi-state Louisville area (inclusive of the Indiana portion of this area) that were contained in the maintenance plan. During the comment period for EPA's proposal, one commenter submitted an adverse comment. EPA addressed that comment in a final action on July 06, 2007 (72 FR 36601). In the proposed and final rulemakings, EPA also provided information on the status of the Agency's transportation conformity adequacy determination for the new regional MVEBs for the years 2003 and 2020 that are contained in the maintenance plan for the the Louisville bi-state area. These MVEBs are identical to those reflected in Indiana's maintenance plan for this bi-state area. The maintenance plans establish the following regional MVEBs for the Kentucky bi-state Louisville Area.

Louisville Bi-state 8-Hour Ozone MVEBs
[tons per day]

	2003	2020
VOC	40.97	22.92
NO _x	95.51	29.46

EPA's adequacy public comment period on these budgets (as contained in Kentucky's submittal) began on April 27, 2007, and closed on May 29, 2007. No comments related to the adequacy of the MVEBs were received during EPA's adequacy public comment period. Subsequently, in a letter dated June 18, 2007, to John Lyons, Director of the Kentucky Department of Air Quality, and Art Williams, Director of Jefferson County Air Pollution Control District, EPA informed Kentucky of its intention to find the new 2003 and 2020 MVEBs for volatile organic compounds (VOC) and nitrogen oxides (NO_x) adequate for transportation conformity purposes. The State of Indiana was also informed of EPA's intentions in a letter date June 18, 2007. Subsequently, in a separate Federal Register notice, EPA is finding the 2003 and 2020 MVEBs, as contained in Kentucky's submittal, adequate. A similar notice was published for these MVEBs as contained in Indiana's submittal. These MVEBs meet the adequacy criteria contained in the Transportation Conformity Rule. The new regional MVEBs are thus currently being used for transportation conformity determinations.

Summary of the Plan: EPA took final action to approve Kentucky's redesignation request and to change the legal designation of the Kentucky portion of the Louisville bi-state area from nonattainment to attainment for the 1997 8-hour ozone NAAQS. The entire bi-state Louisville 8-hour ozone nonattainment area is comprised of three Kentucky Counties – Bullitt, Jefferson, and Oldham, and two Indiana Counties – Clark and Floyd. This final action addresses only the Kentucky portion of the bi-state Louisville 8-hour ozone area. EPA took action on the redesignation request and maintenance plan for the Indiana portion of this area in a separate action. EPA is also approved Kentucky's 8-hour ozone maintenance plan for Bullitt, Jefferson, and Oldham counties (such approval being one of the Clean Air Act (CAA) criteria for redesignation to attainment status). The maintenance plan is designed to help keep the Kentucky portion of the Louisville bi-state area in attainment for the 8-hour ozone NAAQS through 2020. These approval actions were based on EPA's determination that Kentucky has demonstrated that the Kentucky state Louisville Area has met the criteria for redesignation to attainment specified in the CAA, including a demonstration that the entire bi-state Louisville area has attained the 1997 8-hour ozone standard. EPA's analyses of Kentucky's 8-hour ozone redesignation request and maintenance plan are described in detail in the proposed rule published April 27, 2007 (72 FR 20966)/ Consistent with the CAA, the maintenance plan that EPA approved also included 2003 and 2020 regional MVEBs for NOx and VOCs. In this action, EPA approved these 2003 and 2020 MVEBs. For regional emission analysis years that involve years prior to 2020, the applicable budget, for the purpose of conducting transportation conformity analysis, are the new 2003 MVEBs. For regional emission analysis years that involve the year 2020 and beyond, the applicable budget, for the purpose of conducting transportation conformity analysis, are the new 2020 MVEBs. EPA determined that the 2003 and 2020 MVEBs are adequate through a previous action. EPA is approving such MVEBs in this action. Additionally, in this action, EPA responded to the one comment received on the April 27, 2007 (72 FR 20966), rulemaking proposing to approve the redesignation request and the maintenance plan SIP revision.

Contingency Measures: In the event of a monitored violation of the 1997 8-hour ozone NAAQS in the Louisville area, Kentucky commits to adopt within nine months, and implement the regulatory programs within 18 months, one or more of the following contingency measures to reattain the 1-hour ozone NAAQS:

- A program to require additional emission reductions at stationary sources, either for specific types of processes or an across-the-board reduction for the larger stationary sources.
- More restrictive new source review requirements.
- A more rigorous vehicle emissions testing program or increase the area subject to the current programs.
- Restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles.
- Trip-reduction ordinances.

- Programs to limit or restrict vehicle use in downtown areas, or other areas of emission concentration, particularly during periods of peak use.
- Programs for new construction and major reconstructions of paths or tracks for use by pedestrians or by non-motorized vehicles when economically feasible and in the public interest.

Emission Reduction Programs:

2002-2005 EMISSION REDUCTION PROGRAMS
Highway Mobile Source Reductions
Federal Motor Vehicle Control Programs
Tier 2 Vehicle Emissions and Fuel Standards
Heavy Duty Engine, Vehicle and Fuel Standards
Point Source Emissions Reductions
Reasonably Available Control Measures
Maximum Available Control Technology
Area Source Reductions
Open burning regulations for former 1-hour ozone area
Additional Reductions
NOx SIP Call Reductions

Federal Register: (72 FR 36601, 07/05/2007), Redesignation of the Kentucky Portion of the Louisville 1997 8-Hour Ozone Nonattainment Area to Attainment for Ozone.

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