

**RESOLUTION NO. 2006-032
(SUPPORT FOR AN EXTENSION OF TIME FOR
ATTAINMENT OF THE 8-HOUR OZONE NATIONAL
AMBIENT AIR QUALITY STANDARD IN NORTHEAST OHIO)**

**RESOLUTION OF THE GOVERNING BOARD
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the designated Metropolitan Planning Organization for Cuyahoga, Geauga, Lake, Lorain, and Medina Counties; and

WHEREAS, the eight counties of Northeast Ohio, including Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit, have been designated by the United States Environmental Protection Agency to be in nonattainment of the federal 8-hour ozone National Ambient Air Quality Standards (NAAQS); and

WHEREAS, NOACA has been requested by the Ohio Environmental Protection Agency, through a Memorandum of Understanding dated November 1, 2005, as a Section 174 agency under the Clean Air Act, to undertake the public involvement process to recommend options for bringing Northeast Ohio into attainment of both the federal 8-hour ozone NAAQS and the fine particulate NAAQS; and

WHEREAS, NOACA convened the NOACA Air Quality Public Advisory Task Force to host such a public involvement process, which has been ongoing since May 2005; and

WHEREAS, the NOACA Air Quality Public Advisory Task Force studied more than 80 options to determine which ones might assist Northeast Ohio in reaching attainment, after which the options were further reviewed by NOACA's standing advisory committees, and have been recommended to the NOACA Board for endorsement; and

WHEREAS, attainment of the 8-hour ozone NAAQS has been predicted by airshed modeling to be difficult to reach in Northeast Ohio by the federally mandated deadline of 2010; and

WHEREAS, failing to reach attainment by 2010 will result in a re-classification, by operation of law under § 181 of the federal Clean Air Act, from a "moderate ozone nonattainment area" to a "serious ozone nonattainment area," which would entail economic hardship for Northeast Ohio, including increased regulatory pressure on existing businesses, disincentives for new businesses to locate in Northeast Ohio, and mandatory transportation control measures; and

WHEREAS, multiple federal programs are slated to produce air quality benefits for the entire nation, including Northeast Ohio, in the years between 2010 and 2013; and

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WHEREAS, this action is endorsed by the NOACA EAC Air Quality Subcommittee, the NOACA Transportation Advisory Committee and the NOACA Planning Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Northeast Ohio Areawide Coordinating Agency, consisting of thirty-eight principal elected and other officials of general purpose local government throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina; that:

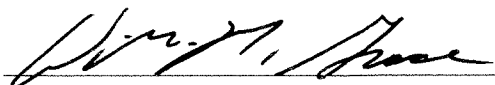
Section 1: The Board supports legislative efforts by Ohio EPA and federal legislators to gain an extension of time from 2010 to 2013 for Northeast Ohio to reach attainment of the 8-hour ozone NAAQS, without having the area redesignated from "moderate" to "serious."

Section 2: The Executive Director be and he is hereby authorized and directed to forward certified copies of this to the Governor of Ohio, the Ohio EPA Director, the United States Environmental Protection Agency Regional Administrator, Northeast Ohio's state and federal legislative delegations, and to other appropriate officials in the state and federal executive branch.

Certified to be a true copy of a Resolution of the
Governing Board of the Northeast Ohio
Areawide Coordinating Agency adopted this
11th day of August 2006.

Secretary: _____

Date Signed: _____



8-11-06

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

MEMORANDUM

TO: NOACA Governing Board

FROM: John Beeker, PhD., Director of Environmental Planning
Pamela Davis, AICP, Senior Environmental Planner
Amy M. Wainright, Esq., Air Quality Planner

DATE: August 2, 2006

RE: **Resolution No. 2006-032**
Support for an Extension of Time for Attainment of the 8-hour Ozone National Ambient Air Quality Standard in Northeast Ohio

Northeast Ohio is in nonattainment of the federal USEPA-designated 8-hour National Ambient Air Quality Standard for ground-level ozone. The eight nonattainment counties are Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

The Ohio Environmental Protection Agency (Ohio EPA), on behalf of Northeast Ohio, must submit to USEPA an 8-Hour Ozone State Implementation Plan (SIP) by June 2007 with sufficient control measures to show that the area will attain the federal standard by June 2010.

The federal deadline, however, does not allow the region to benefit from several air pollution reduction programs that have been recently implemented by the USEPA. For example, Northeast Ohio will benefit over the next decade from:

- The Clean Air Interstate Rule (CAIR), which imposes stringent controls on electric generating units (specifically, coal-fired power plants).
- The NO_x SIP Call, which similarly addresses electric generating units, but on a seasonal basis.
- Federal control programs including the Nonroad Diesel Rule and the evaporative Large Spark Ignition (forklifts, generators, etc.) and Recreational Vehicle standards.
- Federal emission standards for Heavy-Duty Highway Diesel Engines, beginning in 2007.
- Federal railroad locomotive standards.
- Federal commercial marine vessel engine standards.
- Federal woodstove standards.
- Title IV (Acid Rain Program) provisions for Phase I and II electric generating units.
- Federal consumer product standards.
- Federal architectural and industrial maintenance coatings standards.
- The Maximum Achievable Control Technology (MACT) standards, including surface coating, combustion turbines, and industrial boiler process heater/reciprocating internal combustion engine (RICE) MACT

In order to gain the benefit of these federal programs, without having to duplicate their effects with new state or local programs, it would be beneficial for the attainment deadline to be moved from 2010 to 2013.

However, the federal Clean Air Act dictates the deadlines for "moderate ozone nonattainment areas," such as Northeast Ohio. To change the deadline would require Congressional amendment of the Clean Air Act.

Another way to gain additional time would be for Northeast Ohio to be voluntarily "bumped-up to serious" nonattainment status. Unfortunately, "serious" ozone nonattainment areas have mandatory requirements for existing businesses that are exceptionally difficult to meet and which discourage new businesses from coming into the area.

Resolution No. 2006-032 supports state and federal legislative efforts to gain a "penalty-free" extension of time for Northeast Ohio to come into attainment of the 8-hour ozone standard.