

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL -]

Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 18, 1998, the EPA published a proposal to approve the identification of additional ozone areas attaining the 1-hour standard and to which the 1-hour standard is no longer applicable. The comment period concluded on June 17, 1998. Comments were received on the proposal during the comment period. Today, the EPA is addressing the comments and taking final action to approve the identification of six additional ozone areas attaining the 1-hour standard and to which the 1-hour standard is no longer applicable. Upon promulgation of this action, the Code of Federal Regulations (CFR) for ozone will be amended to reflect such changes. Additionally, today's action is consistent with the President's memorandum of July 16, 1997. The President's memorandum called for EPA to publish an action identifying ozone areas to which the 1-hour standard will cease to apply because they have not measured a current

violation of the 1-hour standard. For all other areas, the 1-hour standard will continue to apply. Furthermore, this action is being taken as indicated in the direct final rule published on January 16, 1998, which, due to the receipt of adverse comments, was withdrawn on March 16, 1998 and subsequently converted to a proposal. On June 5, 1998, the Agency promulgated a final rule, effective immediately, responding to the adverse comments, thus completing the action identifying ozone areas where the 1-hour standard is no longer applicable. According to the final rule, the Agency intended to publish, in early 1998, a subsequent document which takes similar action to revoke the 1-hour standard in additional areas that have air quality that does not violate the 1-hour standard. The six additional areas identified today are: Dayton-Springfield, Ohio; Detroit-Ann Arbor, Michigan; Warrick County, Indiana; Grand Rapids, Michigan; Poughkeepsie, New York; and Morgan County, Kentucky.

DATES: This action will be effective on **[insert date of publication]**.

ADDRESSES: Documents relevant to this rulemaking are available for inspection at the Air and Radiation Docket and Information Center (6101), Attention: Docket No. A-98-19, U.S. Environmental Protection Agency, 401 M Street SW, Room

M-1500, Washington, DC 20460, telephone (202) 260-7548, between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be addressed to Annie Nikbakht (policy) or Barry Gilbert (air quality data), Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, Ozone Policy and Strategies Group, MD-15, Research Triangle Park, NC 27711, telephone (919) 541-5246/5238. In addition, the following Regional contacts may be called for individual information regarding monitoring data and policy matters specific for each Regional Office's geographic area:

Region II - Ray Werner, (212) 637-3706

Region IV - Kay Prince, (404) 562-9026

Region V - Todd Nettesheim, (312) 353-9153

SUPPLEMENTARY INFORMATION: *Electronic Availability* - The official record for this final rule, as well as the public version, has been established under docket number A-98-19. A public version of this record which does not include any information claimed as Confidential Business Information is available for inspection from 8:00 a.m. to 4:00 p.m., Monday

through Friday, excluding legal holidays. The official final rulemaking record is located at the address in ADDRESSES at the beginning of this document.

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I. Background

On July 16, 1997, the President issued a memorandum (62 FR 38421, July 18, 1997) to the Administrator of the EPA which indicates that within 90 days of promulgation of the new 8-hour standard, the EPA will publish an action identifying ozone areas to which the 1-hour standard will cease to apply. The memorandum states that for areas where the air quality does not currently attain the 1-hour standard, the 1-hour standard will continue in effect. The provisions of subpart 2 of title I of the Clean Air Act (Act) would also apply to currently designated nonattainment

areas until such time as each area has air quality meeting the 1-hour standard.

On July 18, 1997 (62 FR 38856), EPA promulgated a regulation replacing the 1-hour ozone standard with an 8-hour standard at a level of 0.08 parts per million (ppm). The form of the 8-hour standard is based on the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area. The new primary standard, which became effective on September 16, 1997, will provide increased protection to the public, especially children and other at-risk populations. On July 18, 1997, EPA also promulgated regulations providing that revocation of the 1-hour ozone national ambient air quality standard (NAAQS) would occur on an area-by-area basis when EPA determined that an area was meeting the 1-hour NAAQS. This was done in order to facilitate continuity in public health protection during the transition to the new NAAQS.

Therefore, on January 16, 1998, in accordance with the President's memorandum and the regulations promulgated on July 18, 1997, the Agency issued a direct final rule (63 FR 2726) which identified ozone areas to which the 1-hour standard will cease to apply because they have not measured a current violation of the 1-hour standard. For all other

areas, the 1-hour standard will continue to apply. However, due to the receipt of adverse comments, the direct final action was withdrawn on March 16, 1998 (63 FR 12652) and converted to a proposed rule that had previously been published on January 16, 1998 (63 FR 2804). The Agency summarized and addressed all relevant public comments in a subsequent final rule, published and effective on June 5, 1998 (63 FR 31014). According to the final rule, the Agency intended to publish, in early 1998, a subsequent document which takes similar action to revoke the 1-hour standard in additional areas that have air quality that does not violate the 1-hour standard and to take similar action each year thereafter.

On May 18, 1998, the EPA published a proposal to approve the identification of six additional ozone areas attaining the 1-hour standard and to which the 1-hour standard is no longer applicable (63 FR 27247). Comments were received on the proposal during the comment period ending on June 17, 1998.

II. Summary of Today's Action

The purpose of this document is to respond to comments received on the May 18th proposed rule and finalize the identification of the six additional areas that EPA has determined are not violating the 1-hour standard and,

therefore, with respect to which the 1-hour standard no longer applies. The newly identified areas are: Dayton-Springfield, Ohio; Detroit-Ann Arbor, Michigan; Warrick County, Indiana; Grand Rapids, Michigan; Poughkeepsie, New York; and Morgan County, Kentucky.

III. Public Comments and EPA Responses

The following discussion summarizes and responds to the comments received on the proposed rule published on May 18, 1998 (63 FR 27247).

Comment: The commenter states that clean monitoring data alone are an insufficient legal basis for revocation of the applicability of the 1-hour standard in these areas and that all requirements of section 107(d)(3)(E) of the Act must be met in order to have the standard revoked.

Response: The Agency previously addressed this question in its promulgated rule of June 5, 1998 (63 FR 31014) and incorporates by reference the discussion of this issue therein. In brief, as this action is not a redesignation, but rather a determination that the 1-hour NAAQS no longer applies to certain areas, pursuant to the regulations promulgated in July 1997 as part of the rulemaking regarding the ozone NAAQS (40 CFR section 50.9(b)), the redesignation requirements of section 107(d)(3)(E) do not apply to this action. These regulations provide the legal basis for this

action and specify the criteria that must be met--the determination by EPA that an area has air quality meeting the standard.

Comment: The commenter states that many of the areas contribute to downwind air quality problems in Canada.

Response: Section 115 does not play a role in today's rulemaking action because (1) EPA has not received any study or petition from an international agency; (2) today's action does not impose or revoke any air quality measures, as a result, the impact is neutral; and (3) the criteria for determining the standard does not apply do not include an analysis of international impacts. Furthermore, the EPA has not received any comments from the government of Canada or private Canadian citizens regarding this matter. In ongoing discussions between the EPA and the Canadian government, the overall benefits of the nitrogen oxides (NOx) State implementation plan (SIP) call(62 FR 60318, November 7, 1997) as a vehicle to deal with transport are widely recognized.

Comment: Data considered for this rulemaking are incomplete. The commenter notes a problem with malfunctioning ozone monitors in Allegan County, Michigan and suspect monitoring conducted in Warrick County. In addition, the commenter notes that the New Haven, Michigan ozone monitor was not

functioning during the May 1998 ozone episode.

Response: The EPA is only considering complete, quality assured air quality data in this rulemaking. Today's action does not consider 1998 air quality data, because these data have not yet been quality assured and have not been reported to the EPA. The 1995-1997 period was chosen because it was the most recent 3-year period at the time of this rule for which EPA and the States had complete data. With respect to the question of malfunctioning monitors in Allegan County, this rulemaking does not deal with Allegan County, therefore the comment is irrelevant to this rulemaking action. With regard to comments on the quality of Warrick County, Indiana ozone data, EPA considered only quality assured ozone data for the 1995-1997 period and has no reason to suspect the quality of the ozone data supplied by the State of Indiana. Furthermore, the commenter provides no documentation to support the claim of suspicious ozone data in Warrick County. As to the comment that the monitor in New Haven, Michigan was not functioning during May 1998, draft air quality data reports for 1998 indicate that this monitor was, in fact, running during the May 1998 period and has not recorded any exceedances of the 1-hour ozone NAAQS.

Comment: The commenter notes that meteorological conditions in 1996 and 1997 were atypical and a meteorological analysis

should be included to show whether the areas have attained the 1-hour standard.

Response: The Agency previously addressed this concern regarding variations in meteorological conditions in its final rule promulgated on June 5, 1998 (63 FR 31014) and incorporates that discussion by reference. Attainment of the ozone NAAQS is determined using three consecutive years of data to account for variations in meteorological conditions, as well as variations in volatile organic compounds (VOC) and NO_x emissions. The ozone NAAQS is designed to take into account such variations.

Comment: Modeling predicts continued violations of the 1-hour NAAQS in these areas.

Response: The EPA's authority for this action is based on the regulatory provisions adopted when it promulgated the 8-hour ozone NAAQS in July 1997 (62 FR 38856 (July 18, 1997)). Those regulations, in 40 CFR 50.9(b), provide that the "1-hour standard set forth in this section will no longer apply to an area once EPA determines that the area has air quality meeting the 1-hour standard." Those regulations specify a single criterion for determining that the 1-hour standard no longer applies--the determination by EPA that an area has air quality meeting the 1-hour standard. The EPA believes that is the only criterion that

may be applied in this rulemaking, and that it has been satisfied in the case of all the areas covered by this action. In essence, the commenters' issue, properly viewed, is not with the action being taken at this time, but with the regulatory provision on which this action is based. That regulation was promulgated in July 1997, the commenters' issues are, therefore, untimely.

Comment: Areas are in noncompliance with their maintenance plans. The commenter notes that Detroit, Michigan has experienced exceedances of the ozone NAAQS, despite the implementation of required contingency measures.

Response: Under section 107 of the Act, in order to be redesignated, the Administrator must approve a maintenance plan that meets the requirements of section 175(A) of the Act. Section 175(A) requires maintenance plans to include contingency measures sufficient to "promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area." On March 7, 1994, the EPA published the final approval of the redesignation request and maintenance plan for the Detroit area. Subsequently, the area violated the ozone standard and, in accordance with the approved maintenance plan, the area implemented two contingency measures, a low volatility gasoline program, and an expansion of the Stage I gasoline

vapor recovery program. Since that time, the area has experienced exceedances, but not violations of the ozone standard. As the area is attaining the standard, it satisfies the criterion for revocation of the NAAQS specified in 40 CFR section 50.9(b). In fact, the exceedances experienced in the area in May 1998 occurred prior to the control period for the low volatility gasoline program which runs from June 1 to September 15. As a result, Michigan has implemented its approved maintenance plan in the Detroit area and the contingency measures appear to be working as designed to prevent future violations of the 1-hour ozone NAAQS.

Comment: The EPA has determined that these areas interfere with downwind areas' abilities to attain the 1-hour standard for ozone.

Response: The EPA is addressing this issue in the Eastern United States through the NOx SIP call, which EPA has proposed (62 FR 60318, November 7, 1997). The proposal would place controls for NOx emissions in large geographic upwind areas that contain both attainment and nonattainment areas. The controls would reduce NOx emissions and, as a result, ozone levels. The EPA has also been petitioned, under section 126(b) of the Act, to place controls on upwind stationary sources of NOx emissions. More generally, it

should be noted that upwind sources are subject to section 110(a)(2)(D) regardless of whether the 1-hour standard continues to apply to them. Accordingly, a determination that the 1-hour standard does not apply to upwind areas does not preclude additional reductions in the upwind areas. Furthermore, the only criterion specified in 40 CFR section 50.9(b) for revocation is EPA's determination that the area itself is meeting the standard and the factor referred to by the commenter is not relevant to that issue.

Comment: Children's health will be disproportionately and adversely affected by this rule.

Response: EPA disagrees with this comment. Today's action will not result in diminished controls or worsened air quality.

Comment: A group of commenters expressed concern that EPA did not revoke the 1-hour NAAQS for the San Francisco Bay area despite its continued violations, but did revoke the NAAQS for other areas designated attainment. The commenters stated that EPA's approach misapplies 40 CFR section 50.9 (the regulation governing revocation of the 1-hour standard), violates the Act and leads to inconsistent and illogical results.

Response: The Agency previously addressed this comment in its final rule promulgated on June 5, 1998 (63 FR 31014) and

incorporates by reference that discussion. The EPA is continuing the approach employed in the earlier notices. The Presidential memorandum of July 16, 1997 (62 FR 38421, July 18, 1997) states, "For areas where the air quality does not currently attain the 1-hour standard, the 1-hour standard will continue in effect." This policy should include maintenance and attainment areas which currently violate the 1-hour standard. In addition, on December 29, 1997, Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, issued guidance, entitled Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS, which reiterates that "The EPA will not revoke the 1-hour standard in an area that is violating that standard." The EPA believes that to determine that the 1-hour standard ceases to apply to the Bay Area would mislead the public into thinking their health was not at risk. The EPA will not revoke the 1-hour NAAQS in an area that measures violations during the prior 3-year period. The Bay Area had a total of 43 exceedances and 17 violations of the 1-hour standard since the June 1995 redesignation to attainment. Therefore, for all of the above reasons, the Agency believes that it is prudent to keep the 1-hour standard in place for the Bay Area.

In addition, EPA disagrees that its actions are

inconsistent or arbitrary. The commenters point out that an area with clean data for all years in the 1990's, except for four or more exceedances in one year, may not receive a determination that the standard will cease to apply, but an area with exceedances in all years in the 1990's, except for less than four exceedances in a 3-year period, may receive such a determination. Factually, the commenters are correct because the 1-hour NAAQS is based on air quality in a consecutive 3-year period. After EPA revised the 1-hour NAAQS, instead of immediately revoking it for all areas, EPA determined that it should be phased out by a determination that it would cease to apply on any area that attained it for a 3-year period, beginning 1994-96 and continuing for each 3-year period (on a rolling basis) after that. Although an area may experience exceedances after the 1-hour standard is determined no longer to apply, the new 8-hour standard is designed to protect the air quality.

Comment: The commenter believes that retention of the 1-hour standard in maintenance and attainment areas will not promote early attainment of the 8-hour standard and EPA cannot justify its approach based on a desire to protect air quality.

Response: The Agency previously addressed this comment in a final rule promulgated on June 5, 1998 (63 FR 31014) and

incorporates by reference that discussion. Most, if not all, of the measures undertaken for the purpose of attaining the 1-hour standard will assist in the attainment of the 8-hour standard. This is because most areas with 1-hour exceedances also have 8-hour exceedances. As more measures are undertaken to meet the 1-hour standard, the 1-hour concentrations composing the 8-hour average will decrease in magnitude, as will the number of 8-hour exceedances.

IV. Analysis of Air Quality Data

This final action, to determine that the 1-hour standard no longer applies to selected areas, is based upon analysis of quality-assured, ambient air quality monitoring data showing no violations of the 1-hour ozone standard. The method for determining attainment of the ozone NAAQS is contained in 40 CFR part 50.9 and Appendix H to that section. The level of the 1-hour primary and secondary NAAQS for ozone is 0.12 ppm.

The 1-hour standard no longer applies to an area once EPA determines that the area has air quality not violating the 1-hour standard. Determinations for this document were based upon the most recent data available, i.e., 1995-1997 data. Detailed air quality data information used for today's determinations is contained in the Technical Support Document (TSD) to Docket No. A-98-19.

V. Tables

The ozone tables codified in today's action are significantly different from the tables now included in 40 CFR part 81. The current 40 CFR part 81 designation listings (revised November 6, 1991 and most recently revised June 5, 1998) include, by State and NAAQS pollutant, a brief description of areas within the State and their respective designation. Today's final action includes completely new entries for the six additional ozone areas identified where the 1-hour standard no longer applies.

VI. Other Regulatory Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The OMB has exempted this regulatory action from Executive Order 12866 review.

B. Rule Effective Date

The EPA finds that there is good cause for this action to become effective immediately upon publication because a delayed effective date is unnecessary due to the nature of this action, which is a determination that the 1-hour ozone standard no longer applies. The immediate effective date

for this action is authorized under both 5 U.S.C. 553 (d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction" and section 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule."

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604), unless EPA certifies that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. The EPA is certifying that this final rule will not have a significant impact on a substantial number of small entities, because the determination that the 1-hour standard ceases to apply does not subject any entities to any additional requirements.

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act

of 1995 (UMRA), EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that today's action, as promulgated, would not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. This Federal action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of

Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

F. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States court of Appeals for the appropriate circuit by **[insert date 60 days from date of publication]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

G. Applicability of Executive Order (E.O.)13045

On April 21, 1997, the President signed an Executive Order (13045) entitled "Protection of Children from Environmental Health Risks and Safety Risks." This is the primary directive to Federal agencies and departments that Federal health and safety standards now must include an evaluation of the health or safety effects of the planned

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regulation on children. For rules subject to the Executive Order, agencies are further required to issue an explanation as to why the planned regulation is preferable to other potentially effective and reasonable feasible alternatives considered by the Agency.

This final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by E.O. 12866, and it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control,
National parks, Wilderness areas.

Dated:

Carol M. Browner,
Administrator

For the reasons set out in the preamble, title 40, chapter 1, part 81, of the Code of Federal Regulations is amended as follows:

PART 81-[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. In § 81.315, the table entitled "Indiana-Ozone (1-Hour Standard)" is amended by revising the entry for "Warrick County" to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Warrick County Area: Warrick County..... * * * * *	[insert date of publica- tion]	1 hr.std.N.A. ²		

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

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3. In § 81.318, the table entitled "Kentucky-Ozone (1-Hour Standard)" is amended by revising the entry for "Morgan County Area" to read as follows:

§ 81.318 Kentucky.

* * * * *

KENTUCKY-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Morgan County Area: Morgan County..... * * * * *	[insert date of publica- tion]	1 hr.std.N.A. ²		

¹This date is June 5,1998, unless otherwise noted.

²1 hour standard Not Applicable.

* * * * *

4. In § 81.323, the table entitled "Michigan-Ozone (1-Hour Standard)" is amended by revising the entries for "Detroit-Ann Arbor Area" and "Grand Rapids Area" to read as follows:

§ 81.323 Michigan.

* * * * *

MICHIGAN-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Detroit-Ann Arbor Area: Livingston County..... Macomb County..... Monroe County..... Oakland County..... St. Clair County..... Washtenaw County..... Wayne County..... * * * * * Grand Rapids Area: Kent County..... Ottawa County..... * * * * *	[insert date of publication]	1 hr.std.N.A. ² 1 hr.std.N.A. ² 1 hr.std.N.A. ² 1 hr.std.N.A. ² 1 hr.std.N.A. ² 1 hr.std.N.A. ² 1 hr.std.N.A. ²		
	[insert date of publication]	1 hr.std.N.A. ² 1 hr.std.N.A. ²		

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

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5. In § 81.333, the table entitled "New York-Ozone (1-Hour Standard)" is amended by revising the entry for "Poughkeepsie Area" revising footnote 2 to read as follows:

§ 81.333 New York.

* * * * *

NEW YORK-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Poughkeepsie Area: Dutchess County..... Orange County (remainder)..... Putnam County * * * * *	[insert date of publication]	1 hr.std.N.A. ³		
	[insert date of publication]	1 hr.std.N.A. ³		
	[insert date of publication] ²	1 hr.std.N.A. ³		
	[insert date of publication]			

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable for the remainder of Orange Co.

³1 hour standard Not Applicable.

* * * * *

6. In § 81.336, the table entitled "Ohio-Ozone (1-Hour Standard)" is amended by revising the entry for "Dayton-Springfield Area" to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO-OZONE (1-HOUR STANDARD)

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Dayton-Springfield Area: Clark County..... Greene County..... Miami County Montgomery County..... * * * * *	[insert date of publica- tion]	1 hr.std.N.A. ² 1 hr.std.N.A. ² 1 hr.std.N.A. ² 1 hr.std.N.A. ²		

¹This date is June 5, 1998, unless otherwise noted.

²1 hour standard Not Applicable.

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