

## TO BE RESCINDED

3745-101-02           **Definitions.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the "Incorporation by Reference" paragraph at the end of this rule.]

(A) Terms used but not defined in this chapter shall have the meaning given them by the CAA, Titles 23 and 49 of the United States Code, other USEPA regulations, other USDOT regulations, or other state or local air quality or transportation rules, in that order of priority. Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

(B) As used in Chapter 3745-101 of the Administrative Code:

- (1) "1-hour ozone NAAQS" means the one hour ozone national ambient air quality standard codified in 40 CFR 50.9.
- (2) "8-hour ozone NAAQS" means the eight hour ozone national ambient air quality standard codified in 40 CFR 50.10.
- (3) "Action scenario" means the future transportation system that would result from the implementation of the proposed transportation plan, program, and projects.
- (4) "Applicable implementation plan" as defined in Section 302(q) of the CAA means the portion, or portions, of the state's implementation plan, or most recent revision thereof, which has been approved under Section 110 of the CAA, or promulgated under Section 110(c) of the CAA , or promulgated or approved pursuant to regulations promulgated under Section 301(d) of the CAA and which implements the relevant requirements of the CAA.
- (5) "Baseline scenario" means the transportation system that would result from the continued implementation of current programs, as specified in 40 CFR 93.119.
- (6) "CAA " means the Clean Air Act as amended November 15, 1990; 42 USC 7401 to 7671q. .
- (7) "Cause or contribute to a new violation" for a project means:

- (a) To cause or contribute to a new violation of a standard in the area substantially affected by the project or over a region which would otherwise not be in violation of the standard during the future period in question, if the project were not implemented, or
  - (b) To contribute to a new violation in a manner that would increase the frequency or severity of a new violation of a standard in such area.
- (8) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act, contained in 42 USC 9601 to 9675. .
- (9) "Clean data" means air quality monitoring data determined by EPA to meet the requirements of 40 CFR Part 58 that indicate attainment of the national ambient air quality standard.
- (10) "CO" means carbon monoxide.
- (11) "Consultation" means that one party confers with another identified party, provides all appropriate information to that party needed for meaningful input, and prior to taking any action, considers the views of that party and, except with respect to those actions for which only notification is required and those actions subject to paragraph (C)(1)(f) of rule 3745-101-04 of the Administrative Code, responds to those views in a timely, substantive written manner prior to any final decision on such action.
- (12) "Control strategy implementation plan revision" means the applicable implementation plan which contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy CAA requirements for demonstrations of reasonable further progress and attainment including implementation plan revisions submitted to satisfy 172(c), 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 187(g), 189(a)(1)(B), and 189(b)(1)(A) of the CAA ; and Sections 189(d), 192(a), and 192 (b) of the CAA, , for nitrogen dioxide; and any other applicable CAA provision requiring a demonstration of reasonable further progress or attainment).
- (13) "Design concept" means the type of facility identified by the project, e.g., freeway, expressway, arterial highway, grade-separated highway, reserved right-of-way rail transit, mixed-traffic rail transit, exclusive busway, etc.
- (14) "Design scope" means the design aspects of a facility which will affect the proposed facility's impact on regional emissions, usually as they relate to

vehicle or person carrying capacity and control, e.g., number of lanes or tracks to be constructed or added, length of project, signalization, access control including approximate number and location of interchanges, preferential treatment for high occupancy vehicles, etc.

- (15) "Donut areas" are geographic areas outside a metropolitan planning area boundary, but inside the boundary of a nonattainment or maintenance area that contains any part of a metropolitan area(s). These areas are not isolated rural nonattainment and maintenance areas.
- (16) "EAC" means early action compact.
- (17) "EMFAC" means a computer-based mathematical model used by the state of California to calculate motor vehicle emissions.
- (18) "Facility" means any building, structure, roadway, installation, operation, or combination thereof.
- (19) "FHWA" means the federal highway administration of USDOT.
- (20) "FHWA/FTA project", for the purpose of this chapter, means any highway or transit project which is proposed to receive funding assistance and approval through the federal-aid highway program or the federal mass transit program or requires federal highway administration (FHWA) or federal transit administration (FTA) approval for some aspect of the project, such as connection to an interstate highway or deviation from applicable design standards on the interstate system.
- (21) "FTA" means the federal transit administration of USDOT.
- (22) "Fiscally constrained" means that full funding is reasonably anticipated to be available within the time period contemplated for completion of the projects in the transportation plan or in the transportation improvement plan in accordance with the metropolitan planning regulations at 23 CFR Part 450.
- (23) "Forecast period" with respect to a transportation plan or the transportation improvement plan means the period covered by the transportation plan or the transportation improvement plan pursuant to 23 CFR Part 450.
- (24) "Highway project" means an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required phases necessary for implementation. For analytical purposes, it

shall be defined sufficiently to:

- (a) Connect logical termini and be of sufficient length to address environmental matters on a broad scale;
  - (b) Have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
  - (c) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
- (25) "Horizon year" means a year for which the transportation plan or the transportation improvement plan describes the envisioned transportation system in accordance with 40 CFR 93.106.
- (26) "Hot-spot analysis" means an estimation of likely future localized CO and PM<sub>10</sub> pollutant concentrations and a comparison of those concentrations to the national ambient air quality standards. A hot-spot analysis assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, and uses an air quality dispersion model to determine the effects of emissions on air quality.
- (27) "HPMS" means highway performance monitoring system.
- (28) "Incomplete data area" means any ozone nonattainment area which is classified by USEPA, as an incomplete data area, pursuant to 40 CFR Part 81.
- (29) "Increase the frequency or severity" means to cause a location or region to exceed a standard more often or to cause a violation at a greater concentration than previously existed and/or would otherwise exist during the future period in question, if the project were not implemented.
- (30) "Lapse" means that the conformity determination for a transportation plan or a transportation improvement plan has expired, and thus there is no currently conforming transportation plan and transportation improvement plan .
- (31) "Lead agency" means the agency responsible for preparing the document, as referred to in paragraph (B)(2) of rule 3745-101-04 of the Administrative Code, unless otherwise provided by a memorandum of understanding or contract.

- (32) "Isolated rural nonattainment and maintenance areas" are areas that do not contain or are not part of any metropolitan planning area as designated under the transportation planning regulations. Isolated rural areas do not have federally required metropolitan transportation plans or transportation improvement plans and do not have projects that are part of the emissions analysis of any metropolitan planning organization's metropolitan transportation plan or transportation improvement plan. Projects in such areas are instead included in statewide transportation improvement programs. These areas are not donut areas.
- (33) "Level of service" is a qualitative measure describing operational conditions of traffic, generally described in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. The following six levels of service define a facility's operating condition:
- (a) Level of service A - free flow, no restrictions on operating speed.
  - (b) Level of service B - stable flow, few speed restrictions
  - (c) Level of service C - stable flow, higher volumes, some restricted speed and lane changing
  - (d) Level of service D - approaching unstable flow, little freedom to maneuver
  - (e) Level of service E - unstable flow, lower speed with some stops
  - (f) Level of service F - forced flow, low speed with many stops
  - (g) "Limited maintenance plan" is a maintenance plan that USEPA has determined meets USEPA's limited maintenance plan policy criteria for a given NAAQS and pollutant. To qualify for a limited maintenance plan, for example, an area must have a design value that is significantly below a given NAAQS, and it must be reasonable to expect that a NAAQS violation will not result from any level of future motor vehicle emissions growth.
- (34) "Local air agency" means an agency that has been delegated air pollution control responsibilities by the director of the Ohio EPA pursuant to Section 3704.03 of the Revised Code.

- (35) "Maintenance area" means any geographic region of the United States previously designated nonattainment pursuant to the CAA and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under Section 175 (a) of the CAA.
- (36) "Maintenance plan" means an implementation plan under Section 175(a) of the CAA..
- (37) "Memorandum of understanding" or "MOU" means an agreement among the agencies required to perform consultation under this chapter defining their respective responsibilities in air quality and transportation planning processes for each nonattainment area.
- (38) "Metropolitan planning organization" or "MPO" means that organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive transportation planning process under 23 USC 134 and 49 USC 5303 within the MPO boundary as recognized by the governor of Ohio. It is the forum for cooperative transportation decision-making.
- (39) "Milestone" has the meaning given in Sections 182(g)(1) and 189(c) of the CAA for serious and above ozone nonattainment areas and PM<sub>10</sub> nonattainment areas, respectively. For all other nonattainment areas, a milestone consists of an emissions level and the date on which that level is to be achieved as required by the applicable CAA provision for reasonable further progress towards attainment.
- (40) "Motor vehicle emissions budget" means that portion of the total allowable emissions allocated by the applicable implementation plan to highway and transit vehicles. Such portion of the total allowable emissions is defined in a revision to the applicable implementation plan for a certain date for the purpose of meeting reasonable further progress milestones, or attainment or maintenance demonstrations, for any criteria pollutant or its precursors. Such portion can also be defined in an implementation plan revision which was endorsed by the governor or by the Ohio EPA, subject to a public hearing, and submitted to, but not yet approved by, the USEPA. The applicable implementation plan for an ozone nonattainment area may also designate a motor vehicle emissions budget for NO<sub>x</sub> for a reasonable further progress milestone year if the applicable implementation plan demonstrates that this NO<sub>x</sub> budget will be achieved with measures in the implementation plan (as an implementation plan shall do for VOC milestone requirements). The applicable implementation plan for an ozone nonattainment area includes a NO<sub>x</sub> budget if NO<sub>x</sub> reductions are being substituted for the reductions in

VOC in milestone years which are required for reasonable further progress.

- (41) "National ambient air quality standards" or "NAAQS" means those standards established pursuant to section 109 of the CAA.
- (42) "NEPA" means the National Environmental Policy Act of 1969, contained in 42 USC 4321 to 4370(f).
- (43) "NEPA process completion", for the purposes of this chapter, with respect to FHWA or FTA, means the point at which there is a specific action to make a formal final determination that a project is categorically excluded, to make a finding of no significant impact, or to issue a record of decision on a final environmental impact statement under NEPA.
- (44) "NH<sub>3</sub>" means ammonia.
- (45) "Nonattainment area" means any geographic region of the United States which has been designated as nonattainment under Section 107 of the CAA for any pollutant for which a national ambient air quality standard exists.
- (46) "Not classified area" means any carbon monoxide nonattainment area which USEPA has not classified as either moderate or serious.
- (47) "NO<sub>x</sub>" means oxides of nitrogen.
- (48) "NO<sub>2</sub>" means nitrogen dioxide.
- (49) "Ohio DOT" means the Ohio department of transportation.
- (50) "Ohio EPA" means the Ohio environmental protection agency.
- (51) "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to ten microns.
- (52) "PM<sub>2.5</sub>" mean particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns.
- (53) "Precursor for PM<sub>10</sub>" means transportation-related emissions of volatile organic compounds and oxides of nitrogen.

- (54) "Precursor for PM<sub>2.5</sub>" means transportation-related emissions of sulfur oxides, ammonia, volatile organic compounds and oxides of nitrogen
- (55) "Project" means a highway project or transit project.
- (56) "Protective finding" means a determination by USEPA that the control strategy contained in a submitted control strategy implementation plan revision would have been considered approvable with respect to requirements for emissions reductions if all committed measures had been submitted in enforceable form as required by Section 110(a)(2)(A) of the CAA.
- (57) "Recipient of funds designated under Title 23 of the United States Code or the Federal Transit Act" means any agency at any level of state, county, city or regional government that routinely receives Title 23 of the United States Code or Federal Transit Act funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners or developers, or contractors or entities that are only paid for services or products created by their own employees.
- (58) "Regionally significant project" means a transportation project, other than an exempt project, that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network which shall include, at a minimum:
- (a) All principal arterial highways,
  - (b) All fixed guideway transit facilities that offer an alternative to regional highway travel,
  - (c) Any project that Ohio EPA identifies as having the potential to affect air quality on a regional basis.
- (59) "Rural area" means an area external to all metropolitan planning organization boundaries recognized by the governor of Ohio.
- (60) "Safety margin" means the amount by which the total projected emissions

from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirement for reasonable further progress, attainment, or maintenance.

- (61) "SO<sub>x</sub>" means sulfur oxides.
- (62) "Standard" means a national ambient air quality standard.
- (63) "State project" means any highway or transit project which is proposed to receive funding assistance or approval through any state or local transportation program.
- (64) "Statewide transportation improvement program" or "STIP" means a staged, multi-year, intermodal program of transportation projects covering the state, or the nonattainment area, attainment area, or maintenance area, which is consistent with the statewide transportation plan and metropolitan transportation plans, and developed pursuant to 23 CFR Part 450.
- (65) "Statewide transportation plan" means the official intermodal statewide transportation plan that is developed through the statewide planning process for the state, developed pursuant to 23 CFR Part 450.
- (66) "Submarginal area" means any ozone nonattainment area which USEPA has classified as submarginal in 40 CFR Part 81.
- (67) "TIP" means transportation improvement plan.
- (68) "Title 23 USC" means Title 23 of the United States Code.
- (69) "Transit" means mass transportation by bus, rail, or other conveyance which provides general or special service to the public on a regular and continuing basis. It does not include school buses or charter or sightseeing services.
- (70) "Transit project" means an undertaking to implement or modify a transit facility or transit-related program, purchase transit vehicles or equipment, or provide financial assistance for transit operations. It does not include actions that are solely within the jurisdiction of local transit agencies, such as changes in routes, schedules, or fares. It may consist of several phases. For analytical purposes, it shall be defined inclusively enough to:
  - (a) Connect logical termini and be of sufficient length to address

environmental matters on a broad scope;

- (b) Have independent utility or independent significance, i.e., be a reasonable expenditure even if no additional transportation improvements in the area are made; and
  - (c) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
- (71) "Transitional area" means any ozone nonattainment area which USEPA has classified as transitional in 40 CFR Part 81.
- (72) "Transportation control measure" or "TCM" means any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in Section 08 of the CAA , or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the above, vehicle technology-based, fuel-based, and maintenance-based measures which control the emissions from vehicles under fixed traffic conditions are not TCMs for the purpose of this chapter.
- (73) "Transportation improvement program" or "TIP" means a staged, multi-year, intermodal program of transportation projects covering a metropolitan planning area which is consistent with the metropolitan transportation plan, and developed pursuant to 23 CFR Part 450.
- (74) "Transportation plan" means the official intermodal metropolitan transportation plan that is developed through the metropolitan planning process for the metropolitan planning area, developed pursuant to 23 CFR Part 450.
- (75) "Transportation project" means a highway project or a transit project.
- (76) "USDOT" means the United States department of transportation.
- (77) "USEPA" means the United States environmental protection agency.
- (78) "VMT" means total miles traveled by all vehicles on a given roadway.
- (79) "VOC" means volatile organic compound as defined in paragraph (B)(6) of

rule 3745-21-01 of the Administrative Code.

- (80) "Written commitment" for the purposes of this chapter means a written commitment that includes a description of the action to be taken; a schedule for the completion of the action; a demonstration that funding necessary to implement the action has been authorized by the appropriating or authorizing body; and an acknowledgment that the commitment is an enforceable obligation under the applicable implementation plan.
- (C) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.
- (1) Availability. The materials incorporated by reference are available as follows:
- (a) Clean Air Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1990 is also available in electronic format at [www.epa.gov/oar/caa/](http://www.epa.gov/oar/caa/). A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
  - (b) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at [www.access.gpo.gov/nara/cfr/](http://www.access.gpo.gov/nara/cfr/). The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
  - (c) Comprehensive Environmental Response, Compensation, and Liability Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1980 is also available in electronic format at <http://www4.law.cornell.edu/uscode/>. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."

- (d) Federal Transit Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1998 is also available in electronic format at <http://www4.law.cornell.edu/uscode/>. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (e) National Environmental Policy Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (f) United States Code. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www4.law.cornell.edu/uscode/>. The USC compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials

- (a) 23 CFR Part 450; "Planning assistance and standards;" as published in the July 1, 2005 Code of Federal Regulations.
- (b) 23 CFR 450.316(b); 58 FR 58064, Oct. 28, 1993, as amended at 61 FR 67175, Dec. 19, 1996.
- (c) 23 CFR 450.322(c); 58 FR 58064, Oct. 28, 1993, as amended at 61 FR 67175, Dec. 19, 1996; 67 FR 62373, Oct. 7, 2002.
- (d) 23 CFR 450.324(c); 58 FR 58064, Oct. 28, 1993, as amended at 61 FR 67175, Dec. 19, 1996.
- (e) 23 USC 109; "Standards;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (f) 23 USC 134; "Metropolitan Planning;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.

- (g) 40 CFR 50.9; "National 1-hour primary and secondary ambient air quality standards for ozone;" 62 FR 38894, July 18, 1997, as amended at 65 FR 45200, July 20, 2000; 68 FR 38163, June 26, 2003, 69 FR 23996, Apr. 30, 2004.
- (h) 40 CFR 50.10; "National 8-hour primary and secondary ambient air quality standards for ozone;" 62 FR 38894, July 18, 1997.
- (i) 40 CFR 51.390; "Implementation plan revision;" 62 FR 43801, Aug. 15, 1997.
- (j) 40 CFR Part 51, Subpart T; "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws;" 62 FR 43801, Aug. 15, 1997.
- (k) 40 CFR Part 58; "Ambient Air Quality Surveillance;" as published in the July 1, 2005 Code of Federal Regulations.
- (l) 40 CFR Part 81; "Designation of Areas for Air Quality Planning Purposes;" as published in the July 1, 2005 Code of Federal Regulations.
- (m) 40 CFR 93.104; "Frequency of conformity determinations;" 62 FR 43801, Aug. 15, 1997, as amended at 67 FR 50817, Aug. 6, 2002; 69 FR 40072, July 1, 2004.
- (n) 40 CFR 93.105; " Consultation;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40073, July 1, 2004; 70 FR 24291, May 6, 2005.
- (o) 40 CFR 93.105(c)(1)(i); "Consultation;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40073, July 1, 2004; 70 FR 24291, May 6, 2005.
- (p) 40 CFR 93.106; "Content of transportation plans;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40073, July 1, 2004.
- (q) 40 CFR 93.108 "Fiscal constraints for transportation plans and TIPs;" 58 FR 62235, Nov. 24, 1993.
- (r) 40 CFR 93.109(l)(2)(iii); "Criteria and procedures for determining

conformity of transportation plans, programs, and projects: General" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40093, July 1, 2004.

- (s) 40 CFR 93.113(c)(1); "Criteria and procedures: Timely implementation of TCMs" 62 FR 43801, Aug. 15, 1997.
- (t) 40 CFR 93.116; "Criteria and procedures: Localized CO and PM<sub>10</sub> violations (hot spots);" 69 FR 40077, July 1, 2004.
- (u) 40 CFR 93.118; "Criteria and procedures: Motor vehicle emissions budget;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40078, July 1, 2004.
- (v) 40 CFR 93.119; "Criteria and procedures: Interim emissions in areas without motor vehicle emissions budgets;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40079, July 1, 2004; 70 FR 24291, May 6, 2005.
- (w) 40 CFR 93.121; "Requirements for adoption or approval of projects by other recipients of funds designated under title 23 USC or the Federal Transit Laws;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40080, July 1, 2004.
- (x) 40 CFR 93.122; "Procedures for determining regional transportation-related emissions;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40080, July 1, 2004.
- (y) 40 CFR 93.123(b); "Procedures for determining localized CO and PM<sub>10</sub> concentrations (hot-spot analysis)" 58 FR 62235, Nov. 24, 1993.
- (z) 40 CFR 93.126; "Exempt projects;" 62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40081, July 1, 2004.
- (aa) 40 CFR 93.127; "Projects exempt from regional emissions analyses;" 62 FR 43801, Aug. 15, 1997.
- (bb) 42 USC 4321 to 4370f; "National Environmental Policy"; published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (cc) 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution

Prevention and Control;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.

- (dd) "Comprehensive Environmental Response, Compensation, and Liability;" contained in 42 USC 9601 to 9675; published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ee) 49 CFR 7.43; " Fee schedule;" Amdt. 1, 63 FR 38331, July 16, 1998.
- (ff) 49 CFR Part 613; "Planning Assistance and Standards;" 58 FR 58079, Oct. 28, 1993; 41 FR 33443, Aug. 9, 1976.
- (gg) 49 USC 5303; "Metropolitan Planning;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (hh) Federal Transit Act; contained in 49 USC 53; "Mass Transportation;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ii) Part D of Title I of the Clean Air Act; contained in 42 USC 74501 to 76515 "The Public Health and Welfare-Air Pollution Prevention and Control;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (jj) Section 107 of the Clean Air Act; contained in 42 USC 7408; "Air quality criteria and control techniques;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (kk) Section 107(d) of the Clean Air Act; contained in 42 USC 7407; "Air quality control regions;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ll) Section 108 of the Clean Air Act; contained in 42 USC 7408; "Air quality criteria and control techniques;" published January 6, 2003 in Supplement III of the 2000 Edition of the United States Code.
- (mm) Section 109 of the Clean Air Act; contained in 42 USC 7409; "National ambient air quality standards;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (nn) Section 110 of the Clean Air Act; contained in 42 USC 7410;

"Implementation plans;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.

- (oo) Section 110(a)(2)(A) of the Clean Air Act; contained in 42 USC 7410; "Implementation plans;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (pp) Section 110(c) of the Clean Air Act; contained in 42 USC 7410; "Implementation plans;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code
- (qq) Section 172(c) of the Clean Air Act; contained in 42 USC 7502; "Nonattainment plan provisions;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (rr) Section 175A of the Clean Air Act; contained in 42 USC 7505a; "Maintenance plans;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ss) Section 176(c) of the Clean Air Act; contained in 42 USC 7506; "Limitation on certain federal assistance;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (tt) Section 182(b)(1) of the Clean Air Act; contained in 42 USC 7511a; "Plan submissions and requirements;" published January 19, 2004 in Supplement II of the 2000 Edition of the United States Code.
- (uu) Section 182(c)(2)(A) of the Clean Air Act; contained in 42 USC 7511a; "Plan submissions and requirements;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (vv) Section 182(c)(2)(B) of the Clean Air Act; contained in 42 USC 7511a; "Plan submissions and requirements;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ww) Section 182(g)(1) of the Clean Air Act; contained in 42 USC 7511a; "Plan submissions and requirements;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (xx) Section 187(a)(7) of the Clean Air Act; contained in 42 USC 7512a; "Plan submissions and requirements;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.

- (yy) Section 187(g) of the Clean Air Act; contained in 42 USC 7512a; "Plan submissions and requirements;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (zz) Section 189(a)(1)(B) of the Clean Air Act; contained in 42 USC 7513a; "Plan provisions and schedules for plan submissions;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (aaa) Section 189(b)(1)(A) of the Clean Air Act; contained in 42 USC 7513a; "Plan provisions and schedules for plan submissions;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (bbb) Section 189(c) of the Clean Air Act; contained in 42 USC 7513a; "Plan provisions and schedules for plan submissions;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ccc) Section 189(d) of the Clean Air Act; contained in 42 USC 7513a; "Plan provisions and schedules for plan submissions;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ddd) Section 192(a) of the Clean Air Act; contained in 42 USC 7514a; "Attainment dates;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (eee) Section 192(b) of the Clean Air Act; contained in 42 USC 7514a; "Attainment dates;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (fff) Section 301(d) of the Clean Air Act; contained in 42 USC 7601; "Administration;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (ggg) Section 302(q) of the Clean Air Act; contained in 42 USC 7602; "Definitions;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- (hhh) Title 23 of the United States Code; "Highways;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code; as amended June 9, 1998; Pub. L. 105-178, title V, §5101(1), , 112 Stat.

422, Sept. 9, 1966, Pub. L. 89-564, title I, §102(b)(3), , 80 Stat. 735.

- (iii) Title 49 of the United States Code; "Transportation;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.

Effective:

Five Year Review (FYR) Dates: 09/24/2015

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(E)  
Rule Amplifies: 3704.03(A), 3704.03(E)  
Prior Effective Dates: 8/21/95, 6/19/97, 2/16/99, 9/23/02, 11/03/06