



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Interim Director

AUG 20 2014

Ms. Susan Hedman
Regional Administrator
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Re: Request to Replace Ohio's Transportation Conformity SIP

Dear Administrator Hedman:

Please accept this letter as Ohio's formal request to withdraw our existing Transportation Conformity State Implementation Plan (SIP) and replace it with the attached series of Memorandums of Understanding (MOUs).

Background

In August 2005, Congress passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) which made amendments to the federal transportation conformity process. In 2007/2008, Ohio EPA began the process of updating Ohio's transportation conformity process to meet the requirements of the federal SAFETEA-LU act. The process resulted in 9 memorandums of understanding (MOU's) which were approved and signed by each of the local MPOs, the Ohio EPA, and the Ohio Department of Transportation (ODOT) in 2008. However, USEPA and the Federal Highway Administration (FHA), also parties to the MOUs, had some comments regarding the content of the MOUs and would not sign until additional changes were made to the documents.

Between 2008 and 2012, Ohio EPA worked with USEPA and FHA to address their concerns with the local MOU's. The concerns were with how the state and federal agencies communicated, rather than how the local MPO's communicated. Subsequently, it was decided that a single "master" MOU would be written that would address USEPA's and FHA's concerns, and that the Local MOUs would be allowed to remain "as-is", as attachments to the "master."

In October, 2012, Ohio EPA began the process of obtaining signatures on the MOUs. This was completed in 2 phases. First, All parties signed the master MOU and then, to ensure that all signatories to the local MOUs were still current as of execution, all of the local MOUs were re-signed by the current management of the MPOs, state and federal agencies. The signature process culminated in July, 2014 with USEPA providing the final signatures, making the MOUs complete and executed.

Rule Replacement

Ohio's transportation conformity SIP currently consists of six rules, all located in the Ohio administrative code (OAC). These rules are:

- 3745-101-01 - Purpose
- 3745-101-02 - Definitions
- 3745-101-03 - Applicability, Priority, and Frequency of Conformity Determinations
- 3745-101-04 - Consultation
- 3745-101-05 - Content of Transportation Plans
- 3745-101-06 - Relationship with NEPA and Fiscal Constraints

On July 2, 2014, USEPA signed Ohio's Transportation conformity MOU's, thereby completing the signature process and activating the MOU's. These MOUs are equivalent to Ohio's existing transportation conformity rules discussed above and address deficiencies between the existing rules and the SAFETEA-LU legislation. For this reason, Ohio EPA requests that the following MOUs replace Ohio's existing transportation conformity SIP. The MOUs are as follows:

- MOU dated August 2013 "Master" MOU between State and Federal Agencies (OEPA, ODOT, Federal Highway Administration (FHWA), Federal Transit Administration (FTA))
- Local MOU Attachment A - Eastgate Regional Council of Governments, State and Federal Agencies
- Local MOU Attachment B - Toledo Metro Area Council of Governments (TMACOG), State and Federal Agencies
- Local MOU Attachment C - Miami Valley Regional Planning Commission (MVRPC), Clark County-Springfield Transportation Coordinating Committee (CCSTCC), Ohio-Kentucky-Indiana Regional Council of Governments (OKI), State and Federal Agencies
- Local MOU Attachment D - Kentucky, Ohio, West Virginia Interstate Planning Commission (KYOVA), State and Federal Agencies
- Local MOU Attachment E - Ohio-Kentucky-Indiana Regional Council of Governments (OKI), MVRPC, State and Federal Agencies
- Local MOU Attachment F - Lima-Allen County Regional Planning Commission (LACRPC), State and Federal Agencies
- Local MOU Attachment G - Stark County Area Transportation Study (SCATS), State and Federal Agencies
- Local MOU Attachment H - Mid-Ohio Regional Planning Commission (MORPC), State and Local Agencies
- Local MOU Attachment I - Northeast Ohio Areawide Coordinating Agency (NOACA), Akron Metropolitan Area Transportation Study (AMATS),

Erie Regional Planning Commission (ERPC), State and Federal
Agencies

A copy of the executed MOUs is included in Appendix A. The executed MOUs can also be obtained electronically from Ohio EPA's website at, http://epa.ohio.gov/dapc/sip/trans_conform.aspx under the heading "STATE IMPLEMENTATION PLANS (SIP) - Transportation Conformity".

Public Involvement

Ohio EPA notified the public of the draft MOUs and the opportunity to provide comments on August 24, 2012. This notice was also published in the 12 major newspapers of general circulation in the state of Ohio. A public hearing on the draft MOUs was held on September 24, 2012 in Columbus, Ohio. No Testimony was provided at the hearing and no written comments were received. A copy of the hearing transcript is included as Appendix B.

If you have questions, please contact Paul Braun in our Division of Air Pollution Control at (614) 644-3734.

Sincerely,



Craig W. Butler
Director

Cc: Bob Hodanbosi, Chief, Division of Air Pollution Control, Ohio EPA

Enclosure