



Appendix A

DRAFT Clean Air Act Section 110(l) Noninterference Demonstration to Remove Vehicle Inspection & Maintenance Program from the Cleveland, Ohio Maintenance Area

Division of Air Pollution Control

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1. EXECUTIVE SUMMARY

On June 30, 2025 Ohio House Bill 96 (HB96) was signed into law. Effective June 30, 2025, this law requires the Director of the Ohio Environmental Protection Agency (Ohio EPA) to conduct a review to assess the motor vehicle I/M program that is implemented in accordance with Ohio Revised Code (ORC) Section 3704.14. HB96 requires the Ohio EPA to determine the necessity of the program and make appropriate recommendations accordingly. Notably, HB96 requires an:

- “Evaluation of whether each county that is subject to the program during the prior calendar year has achieved, and has the ability to maintain, compliance with federal ozone standards without implementation of the program in that county.”
- “Analysis of whether a revision to Ohio's state implementation plan could be submitted to the United States Environmental Protection Agency to discontinue the program while maintaining compliance with national ambient air quality standards. If the Director's analysis finds that compliance may be achieved without participation in the program, the Director shall formally submit a request to the United States Environmental Protection Agency for reconsideration of the program's implementation in affected regions.”

Based upon the analysis within, Ohio EPA formally requests that the United States Environmental Protection Agency (U.S. EPA) remove the Cleveland area Inspection and Maintenance (I/M) program from Ohio's State Implementation Plan (SIP) as an actively implemented control measure.

Ohio EPA is requesting U.S. EPA approval of this Clean Air Act (CAA) Section 110(l) noninterference demonstration.

Ohio EPA further requests approval of a limited amendment to the ozone maintenance plan for the Cleveland area, revising the contingency provisions to designate the I/M program as a potential contingency measure rather than an active component of the SIP.

Finally, Ohio EPA requests that U.S. EPA retain all previously approved elements of the Cleveland area maintenance plan except those specifically requested in this submission, including the motor vehicle emissions budgets for 2032 and 2038, which remain fully approved and adequate under federal regulations. Ohio's request is not intended to revise the broader maintenance demonstration already approved by U.S. EPA.

As demonstrated below, the Cleveland area can maintain all NAAQS without relying on reductions from the I/M program.

2. INTRODUCTION

Under the CAA, U.S. EPA has established National Ambient Air Quality Standards (NAAQS) for the following criteria pollutants: ozone, carbon monoxide (CO), lead, nitrogen dioxide (NO₂), fine and coarse particulate matter (PM_{2.5} or PM₁₀), and sulfur dioxide (SO₂). U.S. EPA is required to review, and revise if necessary, the NAAQS every five years. Areas that violate a NAAQS are designated as “nonattainment” by U.S. EPA. Areas designated as “moderate nonattainment” or higher for ozone and CO are required to implement a Motor Vehicle Inspection and Maintenance (I/M) Program in

accordance with the CAA, Sections 187(a)(4) and 182(b)(4), respectively. The requirements of an I/M program were established in the Code of Federal Regulations (CFR) under Title 40 CFR Part 51.

Ohio EPA implemented an I/M program as a part of Ohio's plan to attain and maintain compliance with the ozone and CO NAAQS. When a state adopts a program to help achieve the NAAQS it becomes a part of their "state implementation plan", or "SIP". I/M has been a part of Ohio's SIP since the 1970s. Ohio EPA has regulations for implementing and monitoring the program under the Ohio Administrative Code (OAC) Chapter 3745-26. These rules have been approved by U.S. EPA as a part of Ohio's SIP. Ohio's I/M program was last approved by U.S. EPA on June 29, 2026 (91 FR 39019).

Ohio EPA administers, provides technical support for, and develops specifications for the program. The program is implemented through a contract, currently with Envirotest. Over time, the program has transferred from a "tailpipe" emissions test to On-Board Diagnostic II (OBD) only testing, which is its current method of testing.

I/M is currently implemented in the "Cleveland area". Various counties in this area have been in and out of attainment for the various CO and ozone NAAQS promulgated by U.S. EPA as discussed in the history section below. The Cleveland area is comprised of the following counties where testing is conducted: Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit. All of these counties have been included in the ozone nonattainment designations discussed below for each of the ozone NAAQS. Only Cuyahoga County has been designated nonattainment historically for the CO NAAQS.

3. CLEVELAND AREA DESIGNATION AND I/M HISTORY

I/M was first included as an optional program for improving air quality under the 1970 CAA. At that time, the CAA required states to implement all measures determined necessary to achieve attainment of the NAAQS. The Cleveland area suffered from high CO levels in the 1970s and U.S. EPA required Ohio EPA to adopt I/M as an option for bringing the Cleveland area into attainment with the CO NAAQS established in 1971.

Throughout the 1970s and 1980s, the Cleveland area suffered with poor air quality for both CO and photochemical oxidants (what would become "ozone"). The Cleveland area was designated nonattainment under the first ozone NAAQS established in 1979.

The CAA was amended in 1990 to expand the I/M program to be of different types (basic vs. enhanced) and if an area was still not meeting the ozone NAAQS (last revised in 1979 at that time) and met a certain classification level that was now being established under the 1990 amendments, the area was required to implement the I/M program under U.S. EPA's expanded program requirements. The Cleveland area was determined to still not meet the 1979 ozone NAAQS and was put into the classification of "moderate" on November 1, 1991. The moderate classification required basic I/M.

With the 1990 amendments, two new applicability requirements were set by U.S. EPA in a 1992 implementation rule. First, any area that was designated as marginal ozone or moderate CO with a design value of 12.7 ppm or less had to continue operating any existing I/M program that were a part of an approved SIP at the time of the 1990 amendments (or if U.S. EPA previously interpreted the I/M program was required prior to the 1990 amendments). Second, basic I/M was also required for any

area designated as moderate ozone after the 1990 amendments. The Cleveland area fit into both of these categories.

States were given the option to implement an enhanced I/M program, for which Ohio EPA opted to do. Ohio EPA made this choice because it gave the flexibility to test every 2-years rather than annually.

Ohio EPA continued to maintain the I/M program in the Cleveland area even though the area was eventually redesignated back to attainment in 1996 for the 1979 ozone NAAQS and in 1994 for the 1971 CO NAAQS. This was due to the reductions that were being achieved from an I/M program at that time helping to ensure Ohio maintained the ozone and CO NAAQS. Ohio EPA has not relied on the I/M program for any other SIP elements.

U.S. EPA revised the ozone NAAQS again in 1997 and the Cleveland area was designated as moderate ozone in 2004 but then was redesignated back to attainment in 2009. Subsequently, the ozone NAAQS was revised again in 2008 and the Cleveland area was designated as marginal ozone in 2012 but then was redesignated back to attainment in 2017.

And lastly, the ozone NAAQS was revised again in 2015 and the Cleveland area was initially designated as marginal ozone in 2018, “bumped” to moderate ozone in 2022, and “bumped” again to serious ozone in 2025. With the serious classification that occurred in 2025, it was no longer an option to implement enhanced I/M but became required. The area was finally redesignated to attainment for the 2015 ozone NAAQS on June 29, 2026 (91 FR 39019). As a part of that redesignation, U.S. EPA fully approved Ohio’s maintenance plan, attainment and maintenance (projected) inventories and on-road mobile budgets.

4. DEMONSTRATION BACKGROUND

As noted in U.S. EPA’s 1992 implementation rule and reinforced in subsequent ozone implementation rules for the various revised NAAQS over time, in order to remove an I/M program the state must submit, and U.S. EPA approve, a demonstration that convincingly shows that the area can maintain all NAAQS without the benefit of the emission reductions attributable to the I/M program. Two federal statutes are critical to considering removal of an I/M program.

First, CAA Section 110(l): Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.

This is often referred to as the “anti-backsliding provision” and is intended to ensure an area that is now attaining, continues to implement those programs that lead to clear air to ensure the area does not degrade into poor air quality again.

Second, CAA Section 193: Each regulation, standard, rule, notice, order and guidance promulgated or issued by the Administrator under this Act, as in effect before the date of the enactment of the Clean Air Act Amendments of 1990 shall remain in effect according to its terms, except to the extent otherwise

provided under this Act, inconsistent with any provision of this Act, or revised by the Administrator. No control requirement in effect, or required to be adopted by an order, settlement agreement, or plan in effect before the date of the enactment of the Clean Air Act Amendments of 1990 in any area which is a nonattainment area for any air pollutant may be modified after such enactment in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

This is often referred to as the “savings clause”.

Ohio EPA does not believe CAA Section 193 independently requires an equivalent-emissions demonstration for this SIP revisions because no county in the Cleveland area is currently designated nonattainment for any NAAQS. Nevertheless, the emissions analysis presented in this demonstration shows that total emissions following removal of the I/M program remain below the emissions levels represented by the 2023 base year inventory for CO, NO_x and VOC.

In order for Ohio EPA to discontinue the I/M program, Ohio EPA would be required to prepare a plan that demonstrates removal of the program would not interfere with continued attainment of any NAAQS in the area. In accordance with Section 110(l) of the CAA, Ohio EPA is submitting this noninterference demonstration to request U.S. EPA’s approval to remove the Cleveland area from the requirements to implement Ohio’s I/M SIP.

This noninterference demonstration provides a comprehensive review of the emissions data available for the removal of the I/M program from the Cleveland area. Sections 2 and 3 of this noninterference demonstration provides background information on Ohio’s I/M program and the Cleveland area nonattainment history. Section 4 presents Ohio’s noninterference demonstration requirements and elements necessary for Ohio’s request for U.S. EPA approval to remove the Cleveland area from the requirements to implement an I/M program. Section 5 presents the noninterference demonstration by summarizing the current emissions data available for the Cleveland area to show why removing the area from the program will not interfere with maintaining compliance with the NAAQS. Section 6 addresses transportation conformity considerations. Section 7 discusses Ohio EPA’s amendment of the contingency measures list for the Cleveland area. Based on the technical analysis presented in this noninterference demonstration, Section 8 presents Ohio’s conclusions supporting the removal of the Cleveland area from requirements for an I/M program. Section 9 presents evidence of public participation.

4.1 Pollutant Selection

The pollutants that need to be reviewed are NO₂, CO, NO_x, and VOCs. Nitrogen oxides refer to nitric oxide (NO) and NO₂. Since NO_x includes NO₂, NO₂ does not need to be reviewed separately. Pollution control systems for light-duty gasoline vehicles subject to the I/M program are not designed to reduce emissions of PM_{2.5}, SO₂, or lead. While U.S. EPA considers NO_x, VOCs, ammonia, and SO₂ as precursors for particulate matter (PM), PM formation in Ohio is dominated by emissions of SO₂, reacting in the atmosphere to form sulfates, and not by emissions of NO_x, VOCs, or ammonia. However, NO_x and VOC increases are considered through the analysis for ozone. As discussed in Section 4.2, a recent study may indicate the Cleveland area is, or has, transitioned from a NO_x-sensitive to VOC-sensitive area for ozone formation, Ohio is evaluating both NO_x and VOC emissions to be conservative. Therefore,

removing the Cleveland area from the I/M program is not expected to have any impact on ambient concentrations of these other pollutants and they will not be assessed further.

4.2 Ozone Sensitivity in the Cleveland Area

A recent analysis¹ performed for the Cleveland area by the Lake Michigan Air Director's Consortium (LADCO), looked at mean ozone concentrations in sets of high-ozone days ("nodes"). A few of the highest-ozone nodes in the Cleveland area showed increasing ozone over the last decade or so, surmising the result is likely due to VOC-sensitive chemistry in this areas. The report concluded that over the next few years, these areas would benefit from VOC emissions reductions along with reductions in NO_x emissions to avoid such increases. In addition, if NO_x emissions continue to decrease, this area may eventually become NO_x-sensitive, at which point ozone would be expected to decrease over time in all nodes. Because both NO_x and VOC contribute to ozone formation and the relative sensitivity may vary spatially and over time, Ohio EPA evaluates the effect of I/M removal on both pollutants.

5. NONINTERFERENCE DEMONSTRATION

This section presents the emissions data necessary to show that eliminating the I/M requirements from the Cleveland area will not interfere with continued maintenance with the NAAQS. Part of this step is to determine the emissions reductions achieved through operation of the I/M program.

5.1 Emissions Inventory Discussion

For this analysis, Ohio EPA used U.S. EPA's National Emissions Collaborative's 2022v1 Emissions Modeling Platform (EMPv1)².

Ohio EPA is selecting 2023 as the base year for this demonstration with which to compare future projected emissions. It corresponds to one of the three years comprising the 2023-2025 period during which the Cleveland area demonstrated attainment of the 2015 ozone NAAQS and the area was also attaining the CO NAAQS. The EMPv1 included the 2022 base year and future analytic years 2026, 2032, and 2038. The 2022 base year from the EMPv1 was selected for Ohio EPA's starting point analysis for the 2023 base year emissions. Ohio's point source inventory from U.S. EPA's Emissions Inventory System (EIS) was utilized specifically for generating point source (electric generating units (EGU) and non-EGU)³ emissions. Ohio EPA also derived on-road mobile emissions for 2023 specifically, using the most recent version of the U.S. EPA approved model as will be discussed below.

¹ Classification and Regression Tree (CART) Analysis for LADCO Ozone Nonattainment Areas: 2001-2023, Angela F. Dickens, LADCO; <https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/27/sip/Appendix-D-CORR.pdf>

² U.S. EPA EMPv1 can be found at <https://www.epa.gov/air-emissions-modeling/2022v1-emissions-modeling-platform>

³ Ohio's EIS can be found at <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/reports-and-data/emission-inventory-system>

Ohio EPA believes this is conservative as the 2022 EMPv1 year is closest to the base year (2023); on-road mobile and point source emissions are derived for the exact years; and the other source categories are predominantly based on population and emissions factors that are unlikely to vary to a meaningful degree within a one-year period.

Future year 2026 from the EMPv1 was selected for Ohio EPA's starting point analysis for the 2027 projected emissions. The 2026 EMPv1 projected emissions are a conservative surrogate for the future year 2027 which is the selected analysis year as it is the same year as the year in which the discontinuation of Ohio's I/M program is expected to be in effect.

For the same reason as above, Ohio EPA believes this is a conservative approach to derive 2027 emissions. Ohio's point source EIS inventory was reviewed and 2026 EMPv1 emissions were adjusted for any emissions source shutdowns that occurred since the 2026 EMPv1 projections were derived. Ohio EPA also reviewed the EIS to determine if any new sources were not included in the 2026 EMPv1 projections. Note, Ohio EPA did not find any new additional sources to add to the 2027 inventory. Again, Ohio EPA also derived on-road mobile emissions for 2027 specifically, using the most recent version of the U.S. EPA approved model as will be discussed below.

It should be noted that the 2023 inventory includes emissions benefits from the vehicle I/M program, and the 2027 projected emissions reflect the removal of Ohio's vehicle I/M program. An evaluation of inventory data ensures that even with the discontinuation of Ohio's vehicle I/M program, emissions of CO and ozone precursor pollutants (NOx and VOCs) will decrease into the future.

Ohio EPA provided data inputs, particularly for on-road mobile sources, and provided review and comment on the 2022 base year and 2026 projected year inventories for the EMPv1 platform. Therefore, Ohio EPA believes that the EMPv1 is a robust and high-quality source of data for comparing 2023 and 2027 emissions estimates for Ohio. However, the National Emissions Collaborative estimated on-road mobile source emissions for the EMPv1 using the previous version 4 of the MOVES model. Therefore, to ensure an accurate comparison of 2023 and 2027 Ohio on-road mobile emissions, Ohio EPA performed its own 2023 and 2027 on-road mobile emissions estimates using U.S. EPA's Motor Vehicle Emission Simulator version 5.0.1 (MOVES5.0.1). For the 2023 and 2027 emissions, Ohio replaced the EMPv1 on-road mobile estimates with its own estimates for all vehicle types although on-road passenger vehicles and light-duty commercial trucks are the only categories subject to Ohio's I/M program.

5.2 On-Road Mobile Emissions Modeling and Inventory

Ohio EPA determined the emissions reduction achieved by Ohio's I/M program using the most recent version of U.S. EPA's mobile source emissions model, MOVES5.0.1, released in January 2026. This modeling was conducted in accordance with the following U.S. EPA technical guidance:

- [MOVES5 Technical Guidance: Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity](#), EPA-420-B-24-043, November 2024.

The demonstration involves a comparison of emissions from Ohio's actual I/M program to no I/M program. Ohio's I/M program is implemented in seven counties in northeast Ohio; five counties are within the jurisdiction of the Northeast Ohio Areawide Coordinating Agency (NOACA); and two

counties are within the jurisdiction of the Akron Metropolitan Area Transportation Study (AMATS) organization.

- The five NOACA counties include: Cuyahoga, Geauga, Lake, Lorain, and Medina.
- The two AMATS counties include: Portage and Summit.

Much of the data used to support this modeling is comprised of local emissions data obtained from NOACA, AMATS, and from the Ohio Department of Transportation (ODOT). Table 1 summarizes the MOVES5.0.1 modeling assumptions used, other than those inputs pertaining to I/M programs.

MOVES5.0.1 accounts for U.S. EPA's Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles and Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles – Phase 3. Both standards are attained with higher future electric vehicle sales. In MOVES5.0.1, this is modeled with higher projected electric vehicle fractions starting with model year 2027. The Alternate Vehicle Fuel and Technology (AVFT) table in MOVES5.0.1 contains the fraction of each model year and source type designed to run on different fuels, including battery electric vehicles. The default MOVES5.0.1 AVFT table includes higher future fractions of battery vehicles to account for these new standards. On March 12, 2025, U.S. EPA announced they are reconsidering these emissions standards. To reflect this reconsideration, the default MOVES5.0.1 AVFT was modified to remove the higher future fractions of battery vehicles and return them to pre-standard levels. Per guidance from U.S. EPA, Ohio EPA ran the AVFT Tool in MOVES5.0.1 to set the future fraction of each model year and source type designed to run on different fuels to constant, the last complete model year of input data equal to 2023 and an analysis year of 2027. Note, this modification is not necessary for 2023 emissions because 2023 is prior to the implementation or removal of these standards.

Table 1. Calendar Year 2023 and 2027 Assumptions, Other than I/M Program Parameters, Associated with MOVES5.0.1

Category	Area	
	NOACA Counties	AMATS Counties
Calendar Year	2023 and 2027	2023 and 2027
Month	All months	All months
Day Type	Weekday and weekend	Weekday and weekend
Age Distribution	ODPS 2023 Vehicle Registration Data	2023 ODPS 2023 Vehicle Registration Data
Vehicle Miles of Travel	NOACA Travel Demand Model	AMATS Travel Demand Model
Vehicle Population	NOACA Travel Demand Model	AMATS Travel Demand Model
Fuel Inputs	MOVES5.0.1 Default	MOVES5.0.1 Default
Road Type Distribution	ODOT HPMS Summary Reports	ODOT HPMS Summary Reports
Alternate Vehicle Fuel and Technology (AVFT)	2023: MOVES5.0.1 Default 2027: MOVES5.0.1 Default except constant projection for future fractions after 2025	2023: MOVES5.0.1 Default 2027: MOVES5.0.1 Default except constant projection for future fractions after 2025
Average Speed Distribution	ODOT TMMS	ODOT TMMS
Annual Daily Temperature Range	National Weather Service data for 2023	National Weather Service data for 2023
Annual Daily Humidity Range	National Weather Service data for 2023	National Weather Service for 2023

Note: The following abbreviations are used in this table: I/M = Inspection/Maintenance; MOVES5.0.1 = United States Environmental Protection Agency's Motor Vehicle Emissions Simulator Model (Version 5.0.1); NEI = National Emissions Inventory; ODPS = Ohio Department of Public Safety; NOACA = Northeast Ohio Areawide Coordinating Agency; VMT = Vehicle-Miles of Travel; AMATS = Akron Metropolitan Area Transportation Study; ODOT = Ohio Department of Transportation; HPMS = Highway Performance Monitoring System; TMMS = Traffic Monitoring Management System

The I/M parameters used in the modeling for Ohio's current program are presented in Table 2.

Table 2. I/M Program Parameters Associated with MOVES5.0.1

Category	Ohio I/M Program
Evaluation Date	2023 and 2027 for annual, July 2023 and July 2027 for summer day
Exhaust OBD Check	2023: MYs 1999 to 2019 2027: MYs 2003 to 2023
Evaporative Gas Cap Check	2023: MYs 1999 to 2019 2027: MYs 2003 to 2023
Evaporative System OBD Check	2023: MYs 1999 to 2019 2027: MYs 2003 to 2023
Test Frequency	Biennial
Fuel Types Tested for: Passenger Cars Passenger Trucks Light Commercial Trucks	Gasoline and E-85
Waiver Rate	32.1% (2023 data)
Compliance Rate	100% (2023 data)
Failure Rate	6.7% (2023 data)
Maximum GVWR Tested all MYs	10,000 pounds
Final Compliance Factor	
Passenger Cars: All MYs	97.84 (2023 data)
Passenger Trucks: All MYs	97.84 (2023 data)
Light Commercial Trucks: All MYs	97.84 (2023 data)

Note 1: The following abbreviations are used in this table: E-85 = gasoline-ethanol blend with up to 85% ethanol; GVWR = Gross Vehicle Weight Rating; I/M = Inspection/Maintenance; MYs = Model Years; OBD = On-Board Diagnostics

Note 2: 2023 and 2027 program data based on Ohio's 2023 actual program, the waiver rate, compliance rate, and failure rate are calculated from data obtained from pages 2 (number of vehicles initially failing), 7 (number of subject vehicles and passing vehicles) and 9 (number of waivers) of the Ohio E-Check Annual Report, 2023.

Note 3: The Final Compliance Factors are calculated as specified in pages 69 to 71 of U.S. EPA's [MOVES5 Technical Guidance: Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity](#). EPA-420-B-24-043, November 2024.

Table 3 presents NO_x, VOC and CO emissions for the 2023 base year for which the Cleveland area was in attainment with the CO and ozone⁴ NAAQS, with the I/M program in place. Table 4 presents the NO_x, VOC and CO emissions for 2027 when the I/M program would be discontinued. Specifically, Tables 3 and 4 present modeling results of annual NO_x, VOC and CO emissions from the existing I/M program and no I/M program.

The MOVES5.0.1 data files used in this assessment are available from Ohio EPA upon request.

Table 3. 2023 Annual NO_x, VOC and CO Emissions With I/M

County Code	County	NO_x Emissions (tpy)	VOC Emissions (tpy)	CO Emissions (tpy)
39035	Cuyahoga	3,968.53	2,767.86	33,466.49
39055	Geauga	376.42	294.51	3,065.35
39085	Lake	1,087.33	682.20	8,208.60
39093	Lorain	1,453.13	951.98	11,169.52
39103	Medina	1,086.23	635.76	7,704.11
39133	Portage	822.86	562.97	7,280.09
39153	Summit	2,419.25	1,616.17	21,347.20
Total (tpy)		11,213.74	7,511.46	92,241.37

Table 4. 2027 Annual NO_x, VOC and CO Emissions Without I/M

County Code	County	NO_x Emissions (tpy)	VOC Emissions (tpy)	CO Emissions (tpy)
39035	Cuyahoga	2,759.65	2,429.90	28,877.61
39055	Geauga	271.47	260.77	2,560.30
39085	Lake	789.22	594.98	7,030.65
39093	Lorain	1,073.53	828.91	9,576.61
39103	Medina	794.79	562.57	6,631.51
39133	Portage	600.04	492.29	6,303.80
39153	Summit	1,749.26	1,417.30	18,526.47
Total (tpy)		8,037.96	6,586.72	79,506.96

5.3 All Sectors Emissions Inventory

For the purposes of this CAA Section 110(l) demonstration, Ohio EPA evaluates the emissions effect of I/M removal in the context of total emission from all source sectors. Although removal of I/M increases on-road mobile emissions relative to a scenario in which I/M continues, the relevant comparison for this demonstration is between total emissions in the 2023 base year with I/M and total projected emissions following removal of I/M. As demonstrated in Table 5 and 6, total projected emission of NO_x, VOC and CO remain below base year levels after accounting for discontinuation of I/M.

⁴ 2023-2025 3-year period was the design value period for which Ohio EPA demonstrated attainment as a part of Ohio's redesignation request and maintenance plan for this area for the 2015 ozone NAAQS.

Table 5 and 6 show 2023 base year and 2027 projection year emissions estimates for Ohio from the EMPv1, including Ohio EPA's own on-road mobile estimates and point source inventory adjustments, as described above. Again, the data show that, even with the discontinuation of Ohio's I/M program, emissions of CO and ozone precursors of NO_x and VOC are expected to decline into the future. As seen in Table 6, although non-road, area and marine, air and rail (MAR) are projected to increase slightly for CO, overall there are significant reductions for CO between 2023 and 2027, even with the loss of reductions from the removal of I/M. For VOC and NO_x, there are minor increases in CO and VOC emissions for the EGU category. The only remaining EGU sources in the Cleveland area are intermittent diesel peaker sources, therefore emissions from year to year are highly variable and generally very low. The increase in VOC emissions for the non-EGU category is very minor and again demonstrates slight variations in operations from year to year. It is important to note that although the removal of the I/M program results an increase in emissions in 2027, the reduction in on-road mobile emissions due to other factors (e.g., vehicles miles traveled, fleet turnover, federal programs that remain in place) still provides for an overall reduction in on-road mobile emission for all pollutants between 2023 and 2027 as can be seen in Tables 3 and 4 above.

Table 5. Ohio 2023 Base Year With I/M Emissions and 2027 Projected Year Without I/M Emissions (tpy) by Sector and County

		CO (TPY)		VOC (TPY)		NOx (TPY)	
		2023	2027	2023	2027	2023	2027
Cuyahoga	EGU	13.31	11.08	1.94	1.92	37.50	35.56
	Non-EGU*	24,877.34	17,129.67	842.78	781.45	1,800.48	1,395.93
	Non-road	49,018.05	49,925.92	2,712.44	2,711.05	1,941.69	1,719.61
	Area	7,795.68	7,740.94	17,126.11	16,907.45	3,040.29	2,930.32
	MAR	2,350.99	2,348.24	287.06	264.39	1,841.80	1,888.37
	On-road**	33,466.49	28,877.61	2,767.86	2,429.90	3,968.53	2,759.65
	Total	117,521.86	106,033.46	23,738.19	23,096.16	12,630.29	10,729.43
Geauga	EGU	0	0	0	0	0	0
	Non-EGU*	19.96	23.15	38.83	38.81	7.33	8.73
	Non-road	6,207.11	6,256.68	451.08	440.11	255.53	218.80
	Area	4,141.41	4,156.05	5,810.90	5,810.50	423.72	427.29
	MAR	462.57	463.62	66.62	51.51	33.12	32.49
	On-road**	3,065.35	2,560.30	294.5	260.77	376.42	271.47
	Total	13,896.40	13,459.80	6,661.94	6,601.70	1,096.12	958.79
Lake	EGU	3.54	0.11	0.25	0.01	18.43	1.84
	Non-EGU*	1,388.44	1,409.81	269.23	289.99	570.72	559.66
	Non-road	6,632.56	6,753.39	370.34	365.22	428.71	363.86
	Area	4,081.31	4,077.96	5,553.04	5,568.19	622.68	605.86
	MAR	1,949.77	1,852.61	232.23	190.05	764.92	734.63
	On-road**	8,208.60	7,030.65	682.20	594.98	1,087.33	789.22
	Total	22,264.22	21,124.54	7,107.30	7,008.44	3,492.78	3,055.07
Lorain	EGU*	180.96	255.13	20.49	26.80	197.91	192.95
	Non-EGU*	197.87	226.79	305.01	234.00	276.93	335.95
	Non-road	8,937.76	9,038.05	563.21	554.02	479.70	407.38
	Area	5,862.62	5,856.40	8,682.77	8,705.32	911.99	890.06
	MAR	1,440.73	1,426.21	180.82	152.52	848.62	830.38
	On-road**	11,169.52	9,576.61	951.98	828.91	1,453.13	1,073.53
	Total	27,789.45	26,379.19	10,704.28	10,501.57	4,168.29	3,730.24
Medina	EGU	0.09	0.13	0.03	0.08	1.18	2.41
	Non-EGU*	71.57	78.30	106.39	123.35	80.64	95.05
	Non-road	5,600.34	5,658.30	400.02	388.29	324.11	268.52
	Area	5,012.62	5,030.38	8,019.36	7,990.88	705.41	703.18
	MAR	644.19	776.71	44.41	43.67	153.27	152.60
	On-road**	7,704.11	6,631.51	635.76	562.57	1,086.23	794.79
	Total	19,032.93	18,175.34	9,205.96	9,108.84	2,350.83	2,016.55
Portage	EGU	4.54	5.44	0.30	0.36	5.40	6.47
	Non-EGU*	126.05	125.49	373.54	390.55	99.35	104.80
	Non-road	5,651.54	5,705.40	441.34	430.04	256.04	219.43
	Area	4,810.86	4,868.64	8,685.86	8,697.50	703.70	731.29
	MAR	1,488.57	1,504.80	228.66	180.74	530.75	524.94
	On-road**	7,280.09	6,303.80	562.97	492.29	822.86	600.04
	Total	19,361.65	18,513.56	10,292.67	10,191.48	2,418.10	2,186.97
Summit	EGU	0.54	0.67	0.31	0.54	8.25	15.12
	Non-EGU*	223.43	140.49	262.72	343.22	172.15	128.08
	Non-road	15,178.37	15,482.24	906.55	898.94	679.51	599.72
	Area	7,416.96	7,419.51	11,835.23	11,834.52	1,495.67	1,461.92
	MAR	1,241.52	1,240.28	148.20	124.55	435.27	437.12
	On-road**	21,347.20	18,526.47	1,616.17	1,417.30	2,419.52	1,749.26
	Total	45,408.03	42,809.65	14,769.18	14,619.06	5,210.37	4,391.22

*EGU and nonEGU categories have had 2026/7 emissions adjusted to reflect unit shutdowns not included in the EMPv1

**On-road category has been derived using MOVES5.0.1

Table 6: Ohio 2023 Base Year With I/M Emissions and 2027 Projected Year Without I/M Emissions (tpy) by Sector For Entire Area

	CO (TPY)		VOC (TPY)		NOx (TPY)	
	2023	2027	2023	2027	2023	2027
EGU*	202.98	272.56	23.32	29.70	268.67	254.35
Non-EGU*	26,904.66	19,133.70	2,198.52	2,201.37	3,007.60	2,628.21
Non-road	97,225.73	98,819.99	5,844.97	5,787.68	4,365.30	3,797.32
Area	39,121.46	39,149.86	65,713.26	65,514.36	7,903.46	7,749.92
MAR	9,578.34	9,612.48	1,188.00	1,007.42	4,607.73	4,600.52
On-road	92,241.36	79,506.95	7,511.45	6,586.72	11,214.02	8,037.96
Total	265,274.53	246,495.53	82,479.52	81,127.26	31,366.78	27,068.28
Decrease	18,779.00		1,352.27		4,298.50	

####.## increase in emissions from 2023 to 2026/7

####.## decrease in emissions from 2023 to 2026/7

5.4 Evaluation of the Maintenance Period

A maintenance demonstration relies on the overall projected emissions inventory and modeled future year emissions reductions developed using U.S. EPA-approved methodologies and assumptions available at the time of the analysis. Ohio EPA expects emissions of NOx and VOC in the Cleveland area to continue to decrease through the maintenance period, even with the removal of Ohio's I/M program. As demonstrated by the analysis above, removal of Ohio's I/M program results in an increase in on-road mobile NOx and VOC emissions compared with continued implementation of the I/M program; however, that increase is not expected to offset the overall emission reductions projected for the Cleveland area through 2038, Ohio's maintenance year from the approved maintenance plan. Accordingly, Ohio EPA expects overall emissions to continue to decline and concludes that removal of Ohio's I/M program will not interfere with continued maintenance of the 2015 ozone NAAQS through 2038.

6. TRANSPORTATION CONFORMITY

An attainment or maintenance plan must estimate the level of motor vehicle emissions, which when considered with emissions from all other sources (stationary, area and other on-road mobile source), is consistent with attainment. The estimate of motor vehicle emissions is used to determine the conformity of transportation plans and programs to the SIP, as described by CAA Section 176(c)(2)(A). For transportation conformity purposes, the estimate of motor vehicle emissions is known as the motor vehicle emissions budget (MVEB) and is a necessary part of an attainment or maintenance plan. A SIP cannot effectively demonstrate attainment or maintenance unless it identifies the level of motor vehicle emissions that can be produced while still demonstrating attainment.

As a part of Ohio's maintenance plan for the Cleveland area for the 2015 ozone NAAQS, Ohio EPA submitted MVEBs for the Cleveland area for VOC and NOx as follows:

Table 7. Current VOC and NOx MVEBs for the Cleveland area

County	2032 MVEB (tpd)	2038 MVEB (tpd)
VOC	14.49	9.92
NOx	13.16	7.72

Using the same modeling protocol, adjustments and inputs identified in Section 5.1 above, Ohio EPA modeled 2027 emissions with and without I/M in tons per day (tpd) (July summer day), producing the following results:

Table 8. 2027 Summer Day NOx Emissions With and Without I/M

County Code	County	NOx Emissions Without I/M (tpd)	NOx Emissions With I/M (tpd)	NOx Emissions Reductions (tpd)
39035	Cuyahoga	7.80	7.53	0.27
39055	Geauga	0.74	0.72	0.02
39085	Lake	2.22	2.17	0.05
39093	Lorain	3.02	2.95	0.07
39103	Medina	2.21	2.16	0.05
39133	Portage	1.68	1.63	0.04
39153	Summit	4.96	4.83	0.14
Total (tpsd)		22.64	21.99	0.65

Table 9. 2027 Summer Day VOC Emissions With and Without I/M

County Code	County	VOC Emissions Without I/M (tpd)	VOC Emissions With I/M (tpd)	VOC Emissions Reductions (tpd)
39035	Cuyahoga	7.50	6.91	0.58
39055	Geauga	0.80	0.75	0.05
39085	Lake	1.85	1.72	0.13
39093	Lorain	2.58	2.42	0.17
39103	Medina	1.75	1.64	0.11
39133	Portage	1.55	1.45	0.10
39153	Summit	4.45	4.14	0.31
Total (tpsd)		20.48	19.03	1.45

As discussed in Section 5.4 above, Ohio EPA expects overall emissions, including on-road mobile emissions, to continue to decline through the maintenance period despite removal of Ohio's I/M program. The existing 2032 and 2038 MVEBs were established as part of the recently approved

maintenance demonstration and reflect the projected decline in on-road mobile emissions through the maintenance period.

The analysis presented above quantifies the effect of I/M removal in 2027, the first projected year without implementation of the program. Removal of Ohio's I/M program is estimated to increase 2027 on-road mobile emissions by 0.65 tpd of NO_x and 2.45 tpd of VOC compared with continued implementation of I/M. Nevertheless, overall on-road mobile NO_x and VOC emissions are expected to continue to decline as the fleet turns over and newer, lower-emitting vehicles replace older vehicles. The emissions benefit attributable to Ohio's I/M program is likewise expected to decline over time as the population of older vehicles for which I/M provides the greatest emissions benefit decreases.

Based on the quantified 2027 analysis, the projected downward trend in on-road mobile emissions through the maintenance period, and the overall emissions trajectory discussed in Section 5.4 above, Ohio EPA does not expect removal of Ohio's I/M program to alter the emission trajectory underlying the approved 2032 and 2038 MVEBs. Ohio EPA therefore proposes to retain the existing 2032 and 2038 MVEBs.

Ohio EPA's currently approved MVEBs for the 2015 ozone NAAQS may be revised at a future date in a separate action.

7. CONTINGENCY MEASURE AMENDMENT

CAA Section 175(A)(d) requires contingency provisions necessary to assure that the State will promptly correct any violation of the NAAQS which occurs after the redesignation of the area as an attainment area. Such provisions shall include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the SIP for the area before redesignation of the area as an attainment area.

Because Ohio EPA is requesting removal of the I/M program, as a part of this request, Ohio EPA is proposing a limited amendment to the ozone maintenance plan for the Cleveland area, revising the contingency provisions to designate the I/M program as a potential contingency measure rather than an active component of the SIP. The proposed amendments also include a discussion of milestones and schedules.

Ohio EPA is proposing no other revisions to the maintenance plan or contingency provisions except those specifically identified in this submission. Ohio EPA is not requesting reconsideration of the of the broader maintenance demonstration previously approved by U.S. EPA. Ohio EPA is not requesting any amendment to the contingency warning and action triggering levels at this time.

Attachment A includes proposed amendments to Requirement 3 of 4 and Requirement 4 of 4 of Ohio's contingency measure portion of the approved maintenance plan for the 2015 ozone NAAQS. These sections identify the list of potential contingency measures that could be selected for implementation, and the potentially subject sources, in the event it is determined necessary to implement contingency measure(s). As noted in Requirement 3 of 4:

“Contingency measures to be considered will be selected from a comprehensive list of measures deemed appropriate and effective at the time the selection is made. The selection of measures will be based on cost-effectiveness, emission reduction potential, economic and social considerations or other factors that Ohio EPA deems appropriate. Ohio EPA will solicit input from all interested and affected persons in the maintenance area prior to selecting appropriate contingency measures. Because it is not possible at this time to determine what control measures will be appropriate at an unspecified time in the future, the list of contingency measures outlined below is not exhaustive. No contingency measure shall be implemented without providing the opportunity for full public participation during which the relative costs and benefits of individual measures, at the time they are under consideration, can be fully evaluated.”

Ohio EPA is not proposing any changes to the above language.

Ohio EPA will retain the necessary legal authority to implement an I/M program in the state of Ohio in any location Ohio EPA determines that implementation of a I/M program is necessary for the state to effectively comply with the CAA. Ohio’s authority to implement I/M in these cases is outlined in ORC Section 3704.14 (Attachment B). In accordance with paragraph (A)(1) of ORC Section 3704.14, it is the Director of Ohio EPA who determines if implementation of an I/M program is necessary.

Ohio EPA’s full maintenance plan can be viewed here:
<https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/27/sip/Main-Document-CORR.pdf>

8. CONCLUSION

Ohio EPA’s analysis demonstrates that discontinuation of the Cleveland area I/M program will not interfere with attainment or maintenance of the CO and ozone NAAQS. Total projected NOx, VOC and CO emissions following removal of Ohio’s I/M program remain below the emissions levels represented by the 2023 base year emissions inventory. Ohio commits to retaining all other control measures, besides the I/M program, that are contained in the Ohio SIP and which allowed the State of Ohio to come into attainment with the CO and ozone NAAQS.

Ohio EPA requests U.S. EPA:

1. Approve this CAA Section 110(l) noninterference demonstration.
2. Approve the discontinuance of Ohio’s I/M program and remove the program from Ohio’s SIP as an actively implemented control measure.
3. Removes Ohio’s regulations contained in OAC Chapter 3745-26 from Ohio’s SIP.
4. Approve a revision to Ohio’s approved contingency measure SIP to include the I/M program on the list of potential contingency measures control options.
5. Retain all previously approved elements of the Cleveland area maintenance plan, except for the limited revisions specifically identified in this submission. Ohio EPA proposes to retain the existing numerical 2032 and 2038 MVEBs based on the demonstration in Section 6 that projected on-road mobile emissions following removal of Ohio’s I/M program remain within those budgets.

Under 40 CFR 51.350(c), Ohio is required to continue implementing the I/M program until U.S. EPA approves this demonstration.

9. PUBLIC PARTICIPATION

Ohio published notification for the public comment period and public hearing concerning Ohio's CAA Section 110(l) demonstration and revised contingency measure list for the removal of Ohio's I/M program from the Cleveland, OH 2015 ozone maintenance area on Ohio EPA's website on October 5, 2026. The comment period and public hearing were also noticed in Ohio's Weekly Review and interested parties were notified via electronic mailing lists. The public comment period closed on November 5, 2026. The public hearing was held the same day. <No comments or Comments were received>. Attachment C includes a copy of the public notice and comments received and response to comments.

ATTACHMENT A

The following provision is from Ohio EPA's approved maintenance plan for the Cleveland area for the 2015 8-hour ozone NAAQS. Ohio EPA is requesting the following updates identified below be approved as an amendment to Ohio's maintenance plan.

Requirement 3 of 4

A list of potential contingency measures that would be implemented in such an event.

Demonstration

Contingency measures to be considered will be selected from a comprehensive list of measures deemed appropriate and effective at the time the selection is made. The selection of measures will be based on cost-effectiveness, emission reduction potential, economic and social considerations or other factors that Ohio EPA deems appropriate. Ohio EPA will solicit input from all interested and affected persons in the maintenance area prior to selecting appropriate contingency measures. Because it is not possible at this time to determine what control measures will be appropriate at an unspecified time in the future, the list of contingency measures outlined below is not exhaustive.

- 1) Tighten VOC RACT on existing sources covered by U.S. EPA Control Technique Guidelines issued after the 1990 CAA.
- 2) Apply VOC RACT to smaller existing sources.
- 3) One or more transportation control measures sufficient to achieve at least half a percent reduction in actual area wide VOC emissions. Transportation measures will be selected from the following, based upon the factors listed above after consultation with affected local governments:
 - a) trip reduction programs, including, but not limited to, employer-based transportation management plans, area wide rideshare programs, work schedule changes, and telecommuting;
 - b) traffic flow and transit improvements; and
 - c) other new or innovative transportation measures not yet in widespread use that affected local governments deem appropriate.
- 4) Alternative fuel and diesel retrofit programs for fleet vehicle operations.
- 5) Require VOC or NO_x emission offsets for new and modified major sources.

- 6) Increase the ratio of emission offsets required for new sources.
- 7) Require VOC or NO_x controls on new minor sources (less than 100 tons).

8) Adopt additional NO_x RACT for existing combustion sources.

9) Implementation of an Inspection and Maintenance (I/M) Program.

No contingency measure shall be implemented without providing the opportunity for full public participation during which the relative costs and benefits of individual measures, at the time they are under consideration, can be fully evaluated.

Where I/M would be a selected contingency measure, several milestones would be necessary due to the complexity of an I/M program. The following milestones are used for illustrative purposes and may require adjustment and expansion due to unknown circumstances that could evolve upon selection of I/M as a contingency measure. Under 40 CFR 51.372(c)(4), “unless the State, in accordance with the provisions of the maintenance plan, chooses not to implement I/M, it must submit a SIP revision containing an I/M program no more than 18 months after notification by EPA.” Therefore, if I/M is selected as a contingency measure the SIP submission would be submitted in accordance with this timeline although other implementation milestones may take longer than the 18 months. It is estimated that full implementation could take as much as 2-4 years:

- Program and regulatory development in Ohio’s Administrative Code⁵ along with SIP submission.
- Contract procurement - Issuing Requests for Proposals and awarding contracts to private vendors for testing networks.
- Data collection & IT system finalization: creating the network architecture that links testing equipment to the Ohio's Bureau of Motor Vehicles.
- Equipment acquisition & certification: Setting hardware and software specifications for computerized emission analyzers or On-Board Diagnostic (OBD) scanning tools.
- Procure and develop infrastructure system – acquire building, offices, testing centers.
- Inspector training and certification: finalizing and executing the curriculum required to certify automotive technicians and testing lane operators.
- Quality assurance & control programs: establishing covert and overt audit procedures, network security protocols, and station review routines.
- Public awareness campaign launch: deploying educational materials regarding who must get tested, repair waivers, and station locations ahead of the start date.

⁵ Ohio retains the authority to implement I/M under Ohio Revised Code 3704.14.

- [Pilot testing / soft launch: operational trial window to troubleshoot IT systems and equipment synchronization.](#)
- [Full program implementation: mandatory testing begins.](#)

Requirement 4 of 4

A list of VOC and NO_x sources potentially subject to future additional control requirements.

Demonstration

The following is a list of VOC and NO_x sources potentially subject to future controls.

NO_x RACT

- EGUs
- other sources less than 50 tons per year

VOC RACT

- architectural and industrial maintenance coatings
- automobile refinishing shops
- cold cleaner degreasers
- synthetic organic compound manufacturing
- organic compound batch processes
- wood manufacturing
- industrial wastewater
- aerospace industry
- plastic parts coating
- volatile organic liquid storage
- industrial solvent cleaning
- offset lithography
- industrial surface coating
- other sources greater than 50 tons per year

MOBILE SOURCES

- [passenger vehicles](#)
- [light-duty commercial trucks](#)

ATTACHMENT B



Ohio Revised Code

Section 3704.14 Enhanced motor vehicle inspection and maintenance program.

Effective: September 30, 2025

Legislation: House Bill 96 - 136th General Assembly

(A)(1) If the director of environmental protection determines that implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, 2025, the director may provide for the implementation of the program in those counties in this state in which such a program is federally mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of H.B. 33 of the 135th general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, 2025, in accordance with this section. The contract shall be extended for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that was authorized by division (A)(1) of this section under the authority of H.B. 33 of the 135th general assembly, the director of environmental protection shall request the director of administrative services to enter into a contract with a vendor to operate a decentralized motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, 2027. The contract shall ensure that the decentralized motor vehicle inspection and maintenance program achieves an equivalent amount of emission reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section under the authority of H.B. 33 of the 135th general assembly. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection process regarding a contract to operate a decentralized motor vehicle inspection and maintenance program in this state incorporates the following, which shall be included in the contract:

(a) For purposes of expanding the number of testing locations for consumer convenience, a requirement that the vendor utilize established local businesses, auto repair facilities, or leased properties to operate state-approved inspection and maintenance testing facilities;



(b) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration.

(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code.

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

(B) The director shall establish a decentralized motor vehicle inspection and maintenance program as authorized by this section and, at a minimum, the director shall ensure that the program does all of the following:

- (1) Complies with the federal Clean Air Act;
- (2) Provides for the issuance of inspection certificates and alternative emissions certificates as specified in rules adopted under division (C)(2) of this section;
- (3) Provides for a new car exemption for motor vehicles six years old or newer and provides that a new motor vehicle is exempt for six years regardless of whether legal title to the motor vehicle is transferred during that period;
- (4) Provides for an exemption for battery electric motor vehicles;
- (5) Provides for an exemption for hybrid motor vehicles seven years old or newer and provides that a hybrid motor vehicle is exempt for seven years regardless of whether legal title to the motor vehicle is transferred during that period.

(C)(1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by



Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The rules adopted under division (C)(1) of this section shall provide for the issuance of inspections certificates and alternative emissions certificates. Under the rules, an inspection certificate shall be issued to the owner or lessee of a motor vehicle when the motor vehicle passes an emissions inspection conducted in accordance with the motor vehicle inspection and maintenance program established under this section. In lieu of obtaining an inspection certificate, the rules shall establish a system by which the owner or lessee of a motor vehicle may request an alternative emissions certificate from the director.

(a) The rules providing for the issuance of alternative emissions certificates shall require an owner or lessee of a motor vehicle to do the following in order to receive the certificate:

(i) Complete and submit an attestation form created by the director that includes a statement that reads substantially as follows:

"I, _____, attest that, to the best of my knowledge, the motor vehicle concerning which I am the owner or lessee complies with all laws of Ohio and the United States governing motor vehicle emissions. I, _____, am aware that a false statement on this form is not permitted."

(ii) Sign and date the form either manually or electronically;

(iii) Submit the form to the director either by regular mail, certified mail, or electronically.

(b) The rules shall require the director to include both of the following additional information on the attestation form:

(i) A provision that allows the owner or lessee of a motor vehicle to specify one of the following methods by which the owner or lessee may request delivery of the alternative emissions certificate: certified mail, noncertified mail, or electronically;

(ii) A provision that allows the owner or lessee of a motor vehicle to specify the vehicle identification number, make, model, and year of the relevant motor vehicle and the date the attestation form is submitted to the director.

(c) Subject to division (C)(2)(d) of this section, the rules shall require the director to deliver an alternative emission certificate to the owner or lessee of a motor vehicle who complies with rules adopted under division (C)(2)(a) of this section. The director shall deliver the certificate within thirty business days after the director's receipt of the attestation form or, if the owner or lessee submits the form electronically, within five business days after receipt of the form. The director shall confirm the receipt of the attestation form if the director receives it by electronic means.



(d) The rules shall require the director to reject an attestation form for any of the following reasons:

(i) The motor vehicle that is the subject of the attestation form was in an accident or collision within the two years prior to the date of submission of the form, and the accident or collision caused substantial damage to the internal structure of the motor vehicle.

(ii) The owner or lessee of the motor vehicle that is the subject of the attestation form has received a ticket, citation, or summons with regard to that motor vehicle within the two years prior to the date of submission of the form for a violation of section 4513.22 of the Revised Code or substantially equivalent municipal ordinance.

(iii) The information in the attestation form is determined by the director to be false.

If the director rejects an attestation form under division (C)(2)(d)(iii) of this section, the director shall provide notice to the owner or lessee that the attestation form was determined to be false. The notice shall inform the owner or lessee that the owner or lessee may submit a corrected form to the director within thirty days of the receipt of the notice. If the owner or lessee submits a corrected attestation form that complies with rules adopted under division (C)(2) of this section within that thirty-day period, the director shall issue an alternative emissions certificate to the owner or lessee. If the owner or lessee fails to correct the attestation form, the director shall require the owner or lessee to complete an emissions inspection and obtain an inspection certificate in accordance with rules adopted under this section.

If the director rejects an attestation form under division (C)(2)(d)(i) or (ii) of this section, the director shall require the owner or lessee to complete an emissions inspection and obtain an inspection certificate in accordance with rules adopted under this section.

(e) In adopting rules under division (C)(2) of this section, the director shall ensure that the owner or lessee of a motor vehicle who falsifies an attestation form receives a notice that includes a statement that reads substantially as follows: "You have falsified an attestation form for your vehicle under the E-Check/motor vehicle emissions testing program. Your vehicle is registered in one of [insert the number of counties] counties in this state that has federal emission mandates imposed on it that the State of Ohio is required, under threat of penalty, to enforce. This letter serves as Ohio's only penalty for falsification of an attestation form. You have thirty days from the date of this notice to amend your attestation form and submit the amended form to the Environmental Protection Agency. However, if you choose not to submit an amended attestation form, you must have a motor vehicle emissions inspection conducted for your vehicle in accordance with section 3704.14 of the Revised Code and rules adopted under it."



(f) No penalties apply to a person who the director has determined to have falsified an attestation form, other than the issuance of the notice required under division (C)(2)(e) of this section.

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

(F) As used in this section "battery electric motor vehicle" and "hybrid motor vehicle" have the same meanings as in section 4501.01 of the Revised Code.

(G) On June 30, 2025, the director shall immediately begin procedures to submit to the United States environmental protection agency the alternative emissions certification program for approval as part of the Ohio state implementation plan. If the United States environmental protection agency approves the modification of the decentralized motor vehicle inspection and maintenance program as providing sufficient air pollution reductions to meet the federal Clean Air Act requirements for a vehicle inspection and maintenance program and modifies the Ohio state implementation plan, the director shall immediately begin to modify the Ohio environmental protection agency rules to implement the alternative emissions certification program. Nothing in this division requires the Ohio environmental protection agency to take action to implement the alternative emissions certification program until the United States



environmental protection agency approves the alternative program as part of the Ohio state implementation plan.

(H) If the United States environmental protection agency determines that the motor vehicle inspection and maintenance program implemented in accordance with this section is not necessary for the state or any area of the state to comply with the federal Clean Air Act, the director shall immediately discontinue the program and take any actions necessary to effectuate the termination of the program.

ATTACHMENT C

Public Notice
Ohio Environmental Protection Agency
Draft State Implementation Plan (SIP)
Revision to Ohio EPA's Inspection and Maintenance (I/M) Program

Notice is hereby given that the Director of the Ohio Environmental Protection Agency is submitting to the United States Environmental Protection Agency (U.S. EPA) a SIP revision requesting the United States Environmental Protection Agency (U.S. EPA) remove the Cleveland area Inspection and Maintenance (I/M) program from Ohio's State Implementation Plan (SIP) as an actively implemented control measure. Currently, Ohio EPA is required to ensure emissions testing is performed for certain vehicles in the Cleveland-Akron-Lorain metropolitan area (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties).

As demonstrated in Ohio EPA's Clean Air Act (CAA) 110(l) demonstration, the Cleveland area can maintain all National Ambient Air Quality Standards (NAAQS) without relying on reductions from the I/M program. Ohio EPA is requesting U.S. EPA approval of this CAA Section 110(l) noninterference demonstration.

Ohio EPA further requests approval of a limited amendment to the ozone maintenance plan for the Cleveland area, revising the contingency provisions to designate the I/M program as a potential contingency measure rather than an active component of the SIP.

Finally, Ohio EPA requests that U.S. EPA retain all previously approved elements of the Cleveland area maintenance plan, except for the limited revisions specifically identified in this submission. Ohio EPA proposes to retain the existing numerical 2032 and 2038 motor vehicle emissions budgets (MVEBs).

Ohio EPA is seeking public comment to satisfy U.S. EPA requirements for public involvement in SIP related activities in accordance with 40 CFR 51.102.

The public comment period will run until November 5, 2026. Written comments should be submitted at: <https://ohioepa.commentinput.com?id=3G8tTJpWM>.

Ohio EPA will hold a public hearing on the proposed SIP revision on November 5, 2026, at 4 p.m., at the Cuyahoga County Library, Mayfield Branch, 500 Som Center Rd., Mayfield, OH 44143. During the hearing, the public may submit verbal and/or written comments on the record in person.

Citizens intending to give testimony at the hearing should notify the Ohio EPA Communications and Outreach Office, P.O. Box 1049, Columbus, Ohio 43216-1049, 614.644.2160, or by emailing mary.mccarron@epa.ohio.gov.

Oral testimony may be limited to three minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed SIP revision. All oral comments presented at any hearing, and all written statements submitted at any hearing or to the above address by the close of business on November 5, 2026, will be considered by Ohio EPA prior to taking final action. Written statements submitted after November 5, 2026 may be considered as time and circumstances permit, but will not be part of the official record.

Questions or comments about this document should be directed to Jennifer Van Vlerah at 614-644-3696 or jennifer.vanvlerah@epa.ohio.gov.