UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

The Honorable Kendl P. Philbrick, Acting Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

December 9, 2003

Dear Secretary Philbrick :

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in Environmental Defense Fund (EDF) v. Environmental Protection Agency (EPA), No. 97-1637, that the EPA must make an affirmative determination that the submitted Motor Vehicle Emission Budgets (the budgets) contained in State Implementation Plans (SIPs) are consistent with applicable requirements for attainment of the National Ambient Air Quality Standards (NAAQS) before they are used to test the conformity of Transportation Improvement Programs (TIPs) or Long Range Transportation Plans. In addition, EPA agreed to make these submitted budgets available for public comment and to respond to those comments when announcing our determination of the adequacy of those budgets.

By transmittal letters dated as shown in the table below, the District of Columbia, State of Maryland and Commonwealth of Virginia each formally submitted a SIP revision consisting of changes to the budgets contained in the attainment demonstration plan (attainment plan) for the Metropolitan Washington D.C. One -Hour Ozone Nonattainment Area (the Washington, D.C. area). Those same SIP revision submittals also included Rate of Progress (ROP) plans for 2002 and 2005 for the Washington D.C. area which identify mobile budgets.

State	Submittal Date	SIP #
Maryland	September 2, 2003	MD147/ MD148
Virginia	August 19, 2003	VA135/VA136
Washington D.C.	September 5, 2003	DC053/054

On September 10, 2003, a notice was posted on EPA's website at http://www.epa.gov/oms/traq, for the purpose of opening EPA's 30-day public comment period on the adequacy of the budgets in your revised attainment plan. That notice also provided a link to and the address for a website where interested members of the public could access the revised attainment plan. EPA's public comment period closed on October 10, 2003. Enclosed please find the Technical Support Document (TSD) prepared in support of our findings regarding the adequacy of your revised budgets. Please see Section II of the TSD regarding the comments received.

We have reviewed the revised budgets in the attainment plan in accordance with the procedures and criteria for review in the following sections of the Conformity Rule: 40 CFR Part 93, Sections 93.118(e)(4)(i) through (e)(4)(vi) and Section 93.118(e)(5). The enclosed TSD details our review of the revised budgets. Based upon that review and after consideration of the comments received, EPA finds the budgets in the revised attainment plan and 2005 Rate of Progress plan for the Metropolitan Washington, D.C. Ozone Nonattainment Area adequate for transportation conformity purposes. Your proposed 2002 ROP SIP revision, in which you also identify mobile budgets, indicates a shortfall in required reductions of volatile organic compound (VOC) emissions. This shortfall appears to be due to misapplication of EPA's NOx substitution guidance. EPA understands that you are in the process of revising this proposed 2002 ROP plan to correctly apply our guidance to reflect that there is no actual VOC shortfall for the 2002 milestone year. Therefore at this time, EPA is only taking action to find the budgets of the 2005 attainment plan and 2005 ROP plan adequate as they will be needed for conformity and transportation planning. EPA is taking no action with regard to the adequacy of the motor vehicle emissions budgets identified in the current version of your 2002 ROP plan.

We will be posting today's finding on EPA's website at, http://www.epa.gov/oms/traq and we will also announce today's findings on the budgets in the Federal Register. We anticipate that the announcement will be published in approximately one week. The findings of adequacy of the budgets contained in revised attainment plan will be effective 15 days after publication of the announcement in the Federal Register.

If you or your staff have any questions please feel free to contact Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch at (215) 814-2704.

Sincerely,

Judith M. Katz, Director
Air Protection Division

Enclosure

cc: Howard Simons (VDOT)
Valencia Thompson (FHWA, MD)
Diane Franks (MDE)
Joan Rohlfs (WASCOG)