

United States Environmental Protection Agency Region 2  
November 1, 1999

John P. Cahill, Commissioner  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233

Dear Commissioner Cahill:

On November 24, 1998 New York submitted its Phase 2 State Implementation Plan (SIP) in order to demonstrate reasonable further progress and attainment of the one-hour ozone standard. A March 2, 1999 decision by the D.C. Circuit Court requires that the Environmental Protection Agency conduct a public process and make an affirmative decision on the adequacy of transportation conformity budgets before they can be used by metropolitan planning organization in conformity determinations. This letter is to inform you that we have completed the required public comment period on the adequacy of the transportation conformity budgets. We are finding the 2002 and 2005 reasonable further progress budgets for volatile organic compounds and nitrogen oxides for the New York portion of the New York-New Jersey-Connecticut severe ozone nonattainment area to be adequate for transportation conformity purposes and the 2007 budgets for volatile organic compounds and nitrogen oxides for this area to be inadequate for transportation conformity purposes. Therefore, the 2007 budgets may not be used in conformity determinations until the inadequacy is corrected and the revised budgets are found adequate. Specifically, the 2007 budgets fail to meet the requirement of section 93.118(e)(4)(iv) of the federal transportation conformity regulation, which requires that when motor vehicle emissions budgets are considered with all other emission sources they must be consistent with the level of emissions that is necessary for the area to attain the one-hour ozone standard.

We have been working with your staff on addressing the inadequacy of the 2007 budgets. We look forward to continuing to assist you in this effort and to receiving revised budgets in the near future. If you have any further questions please feel free to have your staff contact Kathleen Callahan, Director of the Division of Environmental Planning and Protection at 212-637-3725.

Sincerely,

Jeanne M. Fox  
Regional Administrator