



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

Mr. James Salvaggio, Director  
Bureau of Air Quality Control  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8468  
Harrisburg, Pennsylvania 17105-8468

May 31, 2000

Dear Mr. Salvaggio:

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.

On February 25, 2000, the Pennsylvania Department of Environmental Protection (DEP) formally submitted revisions its State Implementation Plan (SIP). The Commonwealth submitted revisions to its 2005 attainment demonstration plan (attainment plan) for the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area and to its Rate-of-Progress (ROP) plans for the Pennsylvania portion of that area. The Pennsylvania portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area consists of Philadelphia, Delaware, Chester, Montgomery and Bucks Counties. Pennsylvania's revised ROP plans are for the milestone years 1999, 2002 and 2005.

On March 13, 2000, a notice was posted on EPA's web site at <http://www.epa.gov/oms/traq>, for the purpose of opening EPA's 30-day public comment period on the adequacy of d budgets contained in Pennsylvania's revised attainment and ROP plans. That notice also provided a link to and the address for DEP's website where interested members of the public could access the ROP and attainment plan. EPA's public comment period closed on April 24, 2000. 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 budgets in the ROP and attainment plans 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 budgets. Based upon that review and after consideration of the comments received, EPA finds the budgets in the revised attainment and ROP plans submitted by the Commonwealth on February 25, 2000 adequate for transportation conformity purposes.

I call your attention to the Tier 2/Sulfur Rulemaking related discussion in Section III of the enclosed TSD. Because Tier 2/Sulfur Rulemaking reductions are needed for demonstrating attainment in the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area, we are including a condition in our adequacy finding that conformity determinations may not take credit for Tier 2 until the budgets of your attainment plan are revised to reflect Tier 2 benefits. EPA believes that the budgets do not need to be revised immediately to include Tier 2 benefits in order for us to find the budgets adequate. However, since the Tier 2 Rule is now final, without this condition all the Tier 2 reductions could be used for increases in vehicle miles traveled above those already provided for in the attainment plan. Therefore, we are including a condition in our adequacy finding which prohibits the use of Tier 2 emission reductions in conformity determinations until the budgets of your attainment plan are revised to reflect Tier 2 benefits.

We will be posting today's findings on EPA's website at, <http://www.epa.gov/oms/traq> and we will also announce today's findings on the motor vehicle emission budgets in the Federal Register. That announcement will be published in approximately one week. The findings of adequacy of the budgets of the revised ROP and attainment plans submitted by Pennsylvania on February 25, 2000 for the Philadelphia Wilmington-Trenton Ozone Nonattainment Area 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 Marcia L. Spink, Associate Director for Air Programs at (215) 814-2104 or Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch at (215) 814-2704.

Sincerely,

Judith M. Katz, Director  
Air Protection Division

Enclosure

cc: Michael Baker (PENNDOT)  
Spencer Stevens (FHWA, PA)  
Ron Roggenburk (DVRPC)  
Arleen Shulman (DEP)