UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

September 30, 1999

Hank Eyrich
Pima Association of Governments
177 North Church Ave, Suite 405
Tucson, AZ 85701

Dear Mr. Eyrich:

On March 2, the United States Court of Appeals for the District of Columbia Circuit issued a decision on Environmental Defense Fund (EDF) vs. the Environmental Protection Agency, No. 97-1637, that the Environmental Protection Agency (EPA) must make an affirmative adequacy determination that submitted motor vehicle emission budgets contained in State Implementation Plans (SIPs) before they are used to determine the conformity of Transportation Improvement Programs (TIPs) or Long Range Transportation Plans. In response to the court decision, EPA has agreed to make these submitted budgets available for public comment and respond to these comments when announcing our determination of their adequacy. This letter serves as our adequacy decision on the Limited CO Maintenance Plan for Pima County.

On October 6, 1997, Arizona submitted a request to EPA for redesignation of the Tucson Air Planning Area to attainment for the Carbon Monoxide (CO) National Ambient Air Quality Standard (NAAQS) and for approval of a limited maintenance plan (LMP). Under the Clean Air Act Amendments (CAAA) of 1990 the Tucson Area had been classified as nonattainment not classified for the CO NAAQS. Emission budgets in LMP areas may be treated as essentially not constraining for the length of the initial maintenance period because, according to the EPA's October 6, 1995 LMP policy, it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the CO NAAQS would occur. Since an LMP does not require an emissions budget, the adequacy of the SIP can not be evaluated using the criteria outlined in 40 CFR 93.118(e)(4). Instead, EPA must determine if the area qualifies for the LMP option and thus truly does not need an emission budget.

The details of our adequacy determination are detailed in Enclosure #1 and will soon be posted on the Internet at:

http://www.epa.gov/oms/transp/conform/pastsips.htm.

In summary, EPA finds, based on the information contained in the Tucson Area request and maintenance plan and the additional information provided by PAG, that the TAPA qualifies for the LMP option. As a result of our finding that the Tucson Area qualifies for LMP, the area is not

required to have a constraining emissions budget. Therefore the Pima CO Maintenance Plan is adequate for conformity purposes and Pima County is not required to use a motor vehicle emissions budget from the CO LMP for future conformity decisions.

We will also announce this adequacy determination in the Federal Register. As per our agreement with EDF, this determination will become effective 15 days after the Federal Register announcement. If you have any questions regarding this decision, please contact Eleanor Kaplan at 415-744-1159 or Colleen McKaughan at (520) 498-0118.

Sincerely,

David P. Howekamp
Director, Air Division

cc: Bob O'Loughlin, FHWA
Dennis Middelstedt, FHWA
Leslie Rogers, FTA
Pat Cupell, ADOT
Nancy Wrona, ADEQ