UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901
December 1, 1999

Nancy Wrona,
Director, Air Quality Division
Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, AZ 85012

James Bourey
Executive Director
Maricopa Association of Governments
302 North 1st Avenue, Ste. 300
Phoenix, Arizona 85003

Dear Ms. Wrona and Mr. Bourey:

We have found inadequate for transportation conformity purposes the motor vehicle emission budget in the MAG 1999 Serious Area Particulate Plan for PM-10 for the Maricopa County Nonattainment Area (June 1999). As a result of our inadequacy finding, the Maricopa Association of Governments and the Federal Highway Administration cannot use this budget in future conformity analyses .

On March 2, the United States Court of Appeals for the District of Columbia Circuit issued a decision on *Environmental Defense Fund vs. the Environmental Protection Agency*, No. 97-1637, that we must make an affirmative determination that the submitted motor vehicle emission budgets contained in State Implementation Plans are adequate before they are used to determine the conformity of Transportation Improvement Programs or Long Range Transportation Plans. In response to the court decision, we are making any submitted SIP revision containing a control strategy plan available for public comment and responding to these comments before announcing our adequacy determination.

On July 8, 1999, ADEQ submitted the MAG Serious Area PM-10 plan for the Maricopa County nonattainment area. The plan identifies a regional motor vehicle emission budget of 62 metric tons of directly-emitted PM-10 per day. We announced receipt of the plan on the Internet and requested public comment by September 30, 1999. We received no comments on the plan.

This letter transmits our decision that the MAG PM-10 Plan is inadequate for transportation conformity decisions. After reviewing the plan, we have preliminarily determined that it will not result in attainment of the PM-10 standards in the greater Phoenix area. We have detailed our inadequacy determination in the enclosure and will soon post this information on the Internet at: http://www.epa.gov/oms/transp/conform/pastsips.htm. We will also announce this

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inadequacy determination in the Federal Register. This determination will become effective 15 days after the Federal Register announcement.

If you have any questions regarding this decision, please contact Karina O'Connor at 415-744-1247 or Colleen McKaughan at (520) 498-0118.

Sincerely,

for David P. Howekamp
Director, Air Division

Enclosure

cc: Bob O'Loughlin, FHWA
Dennis Middelstedt, FHWA
Leslie Rogers, FTA
Pat Cupell, ADOT
Lindy Bauer, MAG

Enclosure

Transportation Conformity Adequacy Review

Control Strategy SIP under Review: MAG Serious Area PM-10			Date of SIP Revision Receipt by EPA: 7/8/99
Reviewer: Frances Wicher		Date: 11/99	
Transportation Review Criteria		Is Criterion Satisfied? Y/N	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(i)	The plan was endorsed by the Governor (or designee) and was subject to a public hearing.	Y	The July 8 1999 transmittal letter from ADEQ to Felicia Marcus references ARS § 49-404 and § 49-406 which delegates authority to ADEQ from the governor to adopt and submit plans. Appendix D, Exhibit 1: (Volume 4) contains documentation of a public hearing on the plan on Thursday, May 20, 1999.
Sec. 93.118(e)(4)(ii)	The plan was developed through consultation with federal, state and local agencies; full implementation plan documentation was provided and EPA's stated concerns, if any, were addressed.	Y	The process used for consultation with federal, state and local agencies and the public is described and documented in Chapter 11, Public Participation, of the plan. Appendix D, Exhibit 1: (Volume 4) contains the actual public comments received on the plan and responses to those comments. The responses adequately address all comments received.

Control Strategy SIP under Review: MAG Serious Area PM-10 Plan			Date of SIP Revision Receipt by EPA: 7/8/99
Reviewer: Frances Wicher		Date: 11/99	
Transportation Review Criteria		Is Criterion Satisfied? Y/N	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(iii)	The motor vehicle emission budget(s) is clearly identified and precisely quantified.	Y	The motor vehicle budget is clearly identified and precisely quantified on page 8-15 of the plan. Budget is for directly-emitted PM-10. No budget is established for PM-10 precursors.
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions budget(s), when considered together with all other emission sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given plan).	N	Chapter 8, Demonstration of attainment status. Annual standard: 86% of the emission reductions needed for attainment in 2006 come from Maricopa County ESD's fugitive dust rules but to achieve the needed level of reductions the plan assumes an unrealistic 90% compliance rate with the rules. A more realistic compliance rate leaves the plan short of attainment. 24-hour standard: attainment of the 24-hour standard at several monitors is dependent on emission reductions from agricultural sources. Control measures for agricultural sources are still under development and are not quantified in the plan; therefore, the plan does not demonstrate attainment.

Control Strategy SIP under Review: MAG Serious Area PM-10 Plan			Date of SIP Revision Receipt by EPA: 7/8/99
Reviewer: Frances Wicher		Date: 11/99	
Transportation Review Criteria		Is Criterion Satisfied? Y/N	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(v)	The plan shows a clear relationship between the emissions budget(s), control measures and the total emissions inventory.	Y	The emission inventory for all point, area and motor vehicle, and their relation to control measures, is described on pages 9-2 though 9-11.
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans explain and document any changes to any previous submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see 93.101 for definition), and reasons for the changes (including the basis for any changes to emission factors or estimates of vehicle miles traveled).	N/A	There was no previous PM-10 budget for the Maricopa nonattainment area.