



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

July 10, 2003

Ms. Catherine Witherspoon  
Executive Officer  
California Air Resources Board  
P.O. Box 2815  
Sacramento, CA 95812

Dear Ms. Witherspoon:

We have found adequate for transportation conformity purposes the motor vehicle emission budgets in the San Joaquin Valley Unified Air Pollution Control District's Amended 2002 and 2005 Ozone Rate of Progress Plan (April, 2003). As a result of our adequacy finding, the various San Joaquin Valley County Regional Transportation Commissions and the Federal Highway Administration can use these budgets in future conformity analyses.

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision on *Environmental Defense Fund v. 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 (SIPs) 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.

In December 2001, EPA reclassified the San Joaquin Valley Air Basin (SJVAB) from serious to severe nonattainment for the national one-hour ozone standard. Under the severe classification, EPA requires the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) to develop Rate of Progress plans demonstrating reduction of ozone precursor emissions at a rate of three percent per year, averaged over a three year period, and a plan demonstrating attainment of the national ozone standard by the applicable attainment date (November 15, 2005, for ozone non-attainment areas classified as severe).

On December 19, 2002, the SJVUAPCD Governing Board adopted the Amended 2002 and 2005 Rate of Progress (Amended ROP) Plan for San Joaquin Valley Ozone that was developed to address requirements under the Clean Air Act for ozone nonattainment areas classified as severe. This amendment was submitted to EPA on April 10, 2003 and replaces the version that was adopted by the SJVUAPCD Governing Board on May 16, 2002 and transmitted to EPA by CARB on September 6, 2002. The Amended ROP identifies regional motor vehicle emissions budgets for each county under the District's jurisdiction in terms of tons of VOC and

NOx per day for years 2002 and 2005. We announced receipt of the Amended ROP on the Internet and requested public comment by May 23, 2003. We did not receive any comments on the Amended ROP during that comment period.

This letter transmits our decision that the motor vehicle emissions budgets in the Amended 2002 and 2005 Ozone ROP for San Joaquin Valley are adequate for transportation conformity decisions. These budgets are provided in the following table:

Transportation Conformity Budgets<sup>1</sup>  
 Reproduced from Table 3-1 of San Joaquin Valley's Amended 2002 and 2005 Ozone ROP Plan

County	VOC Emissions (tons/day)		NOx Emissions (tons/day)	
	2002	2005	2002	2005
Fresno	23.7	19.1	46.4	39.8
Kern (SJVAB)	16.7	13.5	42.8	37.6
Kings	3.7	3.1	8.1	7.3
Madera	5.1	4.6	9.5	9.3
Merced	8	6.3	17.6	14.1
San Joaquin	15.7	11.4	35.4	28.1
Stanislaus	13.3	10.4	25.7	21.2
Tulare	12.6	10.5	25.2	22.3
<b>Total</b>	<b>98.8</b>	<b>78.9</b>	<b>210.7</b>	<b>179.7</b>

<sup>1</sup>Budgets do not include the effects of local control measures. Budgets do include benefits (emissions reductions) from I/M improvements and they also include potential emissions increases (0.1 tons/day per county in 2005) for extending the new car smog check exemption period from 4 years to 6 years.

Source: California Air Resources Board, EMFAC2002, Version 2.2, November 4, 2002.

In reaching this decision, we have reviewed the ROP plan, including responses to public comments on the plan, and have preliminarily determined that it meets the requirements to reduce ozone precursor emissions at the necessary rate. The plan indicates that ARB's methodology for incorporating updated VMT data, "Recommended Methods for Use of EMFAC2002 to Develop Motor Vehicle Emission Budgets and Assess Conformity," was used to adjust VMT data available in EMFAC2002. Similarly, when showing conformity to these new budgets, transportation agencies in the San Joaquin Valley should use this methodology to ensure that the latest VMT data be used, per 40 CFR §93.110. We note that this adequacy finding relates to budgets prepared in connection with ROP requirements, which are separate from attainment demonstration requirements. The SJVUAPCD severe area attainment demonstration plan for ozone has not been submitted and we understand that the SJVUAPCD intends to seek reclassification as an extreme ozone area and will be working on a plan that will attain the ozone standard by 2010.

We have enclosed a table that summarizes our adequacy determination. We will soon post this information on the Internet at: <http://www.epa.gov/oms/transp/conform/pastsips.htm>. We will also announce this adequacy 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 David Wampler at (415) 972-3975 or Steven Barhite at (415) 972-3980.

Sincerely,

// signed //

Jack P. Broadbent  
Director, Air Division

Enclosure (Adequacy Review)

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**Enclosure**

**Transportation Conformity Adequacy Review**

Control Strategy SIP Under Review: Amended 2002 and 2005 San Joaquin Valley Ozone Rate of Progress Plan		Date of SIP Revision Receipt by EPA: April 11, 2003	
Reviewers: Karina O'Connor, David Wampler		Date: 6/27	
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 April 10, 2003 SIP transmittal letter from CARB to Wayne Nastri indicates endorsement from CARB (which is the agency designated by the Governor to adopt and submit plans). Also, included in the letter is Executive Order G-03-009 which discusses CARB's authority as the State agency responsible for the preparation of any SIP required by the Act. The transmittal package submitted to CARB by the District and forwarded to EPA contains documentation of the public hearing that was held to adopt the 2002 and 2005 Amended SJV Ozone ROP plan on December 19, 2002.
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	We understand that consultation with federal, state and local agencies and the public was undertaken; this consultation is described in ROP plan Appendix D - Valley Transportation Planning Agencies RACM Process Summary. Also, Appendix C includes CalTrans' RACM summary. The District's February 28, 2003 submittal letter to CARB (forwarded to EPA Region IX by CARB as part of their plan submittal) contains summaries of the public comments received on the RACM process and the TPA's responses to those comments.

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 summarized on pages 3-15 and 3-16 of the ROP and precisely quantified in Appendix A of the plan.
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).	Y	<p>The motor vehicle emissions budgets are consistent with ROP plan requirements. The ROP adequately provides for all the control measures and emission reductions necessary to show required Rate of Progress reductions.</p> <p>The ROP shows that VOC reductions alone are not enough to meet ROP milestones by 2002 and 2005. Thus, the District substituted NOx reductions for VOC reductions. NOx substitution is allowed by the statute and is explained in EPA's 1993 NOx Substitution Guidance. In general, substituting NOx for VOC is allowed if the resulting reduction in ozone concentration is at least equivalent to that which would result from VOC emissions reductions. Additional 1994 EPA Guidance explains how NOx substitution can be found acceptable for ROP purposes prior to completion of modeling supporting an area's attainment demonstration. NOx reductions in San Joaquin Valley have been shown to be beneficial to reducing ambient ozone concentration (see p 5-5 and 5-6 of ROP). While San Joaquin has not submitted the required plan demonstrating attainment of the 1-hour ozone standard by the applicable deadline of 2005, this does not prevent us from finding the mobile vehicle emissions budgets contained in the ROP plan adequate: the budgets in the ROP plan are consistent with the ROP requirements and ROP requirements are separate from attainment requirements.</p>

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 and summarized in Chapter 3 (see Table 3-1) and more detailed inventories are provided in Appendix A 1990, 1999, 2002 and 2005 VOC and NOx County-by-County Emissions Inventories.
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).	Y	The April 10, 2003 Amended ROP Plan: 1) updates the prior version [adopted in May 2002; transmitted to EPA on December 19, 2002] with motor vehicle emissions based on the EMFAC 2002 model and the latest available planning assumptions, as well as the resulting emissions budgets for transportation conformity; 2) includes an accounting for pre-1990 emission reduction credits used between 1999 and 2001; 3) revises the emission reduction accounting to correct a calculation error in the prior version; and 4) supplements the prior list of new District measures with commitments to revise two additional rules to reduce fugitive emissions from refineries and chemical plants.
Sec. 93.118(e)(5)	EPA has reviewed the State's compilation of public comments and response to comments that are required to be submitted with any implementation plan.	Y	Public workshops were held on October 4 and 9, 2001 and March 25, 2002. Comments were received during these workshops and response to comments on the Transportation Planning Agency RACM process were provided by the San Joaquin Valley TPAs. The public hearing was held before the SJVUAPCD Board on December 19, 2002 and one comment was provided at the hearing with district response. An additional comment period was held from January 22, 2003 to February 24, 2003; no comments were received during this period.