



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

Mr. John Daniel, Director
Air Program Coordination
Virginia Department of Environmental Quality
629 East Main Street
PO Box 10009
Richmond, VA 23240

Dear Mr. Daniel:

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, No. 97-1637, that the Environmental Protection Agency (EPA) must make an affirmative determination that submitted motor vehicle emission budgets contained in State Implementation Plans (SIPs) will not cause or increase violations or delay attainment of the National Ambient Air Quality Standards before they are used to determine the conformity of Transportation Improvement Program (TIPs) Plans or Long Range Transportation Plans. In addition, EPA agreed to make these submitted budgets available for public comment and respond to those comments when announcing our determination of their adequacy.

There are six attainment SIPs associated with the Washington Region Phase II Ozone Attainment Plans for the Washington Metropolitan Non-Attainment Area. However, there only two motor vehicle emissions budgets, for NO_x and VOC, for the Washington area. Each SIP contains a duplicate set of these two budgets. The SIPs and their respective submittal dates were as follows:

State	Submittal Date
Maryland portion of the Washington Region	1. April 29, 1998 - Initial Submittal
	2. August 17, 1998 - Supplement to the initial submittal
Virginia portion of the Washington Region	1. April 29, 1998 - Initial Submittal
	2. August 18, 1998 - Supplement to the initial submittal
D.C. portion of the Washington Region	1. April 24, 1998 - Initial Submittal
	2. October 27, 1998 - Supplement to the initial submittal

On August 2, 1999, the availability of the SIPs and motor vehicle emission budgets was posted on EPA's WEB site for the purpose of soliciting public comment. The comment period closed on August 31, 1999 and no comments were received.

We have reviewed the motor vehicle emission budgets in accordance with the procedures and criteria for review in the following sections of the Conformity Rule: 40CFR Part 93, Sections §93.118(e)(4)(i) through (e)(4)(vi). Based on its review, EPA is finding the budgets in the attainment plans not adequate. The basis for this determination is detailed in Enclosure #1. We understand that new attainment motor vehicle emission budgets are being developed and will soon be submitted to EPA for review.

As required in our agreement with EDF, we will be posting our determination on EPA's WEB site and we will also announce our determination in the Federal Register. That announcement should be made in the next couple of weeks.

If you or your staff have any questions please feel free to contact Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch at (215) 814-2704, or Paul Wentworth at (215) 814-2183.

Sincerely,

Judith M. Katz, Director
Air Protection Division

Enclosure

cc: Howard Simons (MDOT)
Steve Rapley (FHWA,MD)
Susan Stephenson (BMC)
Dianne Franks(MDE)
Sam Curling (VDOT)
James Sydnor (VDEQ)

Enclosure #1
Attainment Motor Vehicle Emission Budget Adequacy Review

Transportation Conformity Rule 40 CFR Part 93, § 93.118	Review Criteria	Was the Criterion Satisfied? If “Yes” How was this Criteria Satisfied? (Reference SIP Document/Comments if required)
Sec. 93.118(e)(4)(i)	Was the submitted control strategy implementation plan revision or maintenance plan was endorsed by the Governor (or his or her designee) and was subject to a State public hearing?	<p>The submitted control strategy implementation plan revision or maintenance plan was endorsed by the Governor (or his or her designee) in the following letters:</p> <p>Maryland : 4/29/98 - Phase II submittal for Wash DC , Baltimore and Cecil County areas (8/17/98 -supplement)</p> <p>Virginia: 4/29/98, Supplement on 8/18/98</p> <p>D.C. : (Phase II Portion) - 4/24/98 letter Supplement - October 27, 1998 letter</p>
Sec. 93.118(e)(4)(ii)	Before the control strategy implementation plan or maintenance plan was submitted to EPA, did consultation among federal, State and local agencies occur; was full implementation plan documentation was provided to EPA; and was EPA’s stated concerns, if any, were addressed?	<p>Yes. Consultation has occurred between all required federal, state and local agencies. The Governors of Maryland, Virginia and the Mayor of the District of Columbia have given the Metropolitan Washington Air Quality Committee the authority to develop control strategies as part of this SIP and ultimately, the entire SIP package including MVEBs. These three jurisdictions, in conjunction with municipal planning organizations, collaborated on a coordinated attainment plan for the entire nonattainment area.</p>

Transportation Conformity Rule 40 CFR 93.118	Review Criteria	Was the Criterion Satisfied? If “Yes” How was this Criteria Satisfied? (Reference SIP Document/Comments if required)
Sec. 93.118(e)(4)(ii) Continued		<p>The Metropolitan Washington Air Quality Committee (MWAQC) includes representatives from:</p> <ul style="list-style-type: none"> ○ the State and District’s air quality planning agencies, ○ State and local elected officials, ○ members of the National Capital Region Transportation Planning Board -- the area’s transportation planning board, <p>The MWAQC is assisted by the Metropolitan Washington Council of Governments (MWCOCG). Each jurisdiction has adopted the nonattainment area-wide MVEBs into it’s SIP.</p>
Transportation Conformity Rule 40 CFR 93.118	Review Criteria	Was the Criterion Satisfied? If “Yes” How was this Criteria Satisfied? (Reference SIP Document/Comments if required)

<p>Sec. 93.118(e)(4)(iii)</p>	<p>Was the motor vehicle emissions budget(s) clearly identified and precisely quantified?</p>	<p>On page 4-15, Table 4-12 of the Washington region's Phase II Attainment SIP submission shows a breakdown of 1999 projected controlled emissions for Maryland, Virginia and the District of Columbia, these controlled emissions represent the area's budget. The total tons per day for Mobile NOx and Mobile VOC are shown to be: 196.8 tons per day and 123.5 tons per day, respectively. However, on page 8-2 Section 8.1.1 identifies the Mobile budgets for NOx and VOC as 199.2 tons per day and 123.3 tons per day, respectively. It is uncertain which numbers represent the true MVEBs for the Washington Area. Therefore the motor vehicle budgets in this case are not clearly identified and precisely quantified</p>
<p>Sec. 93.118(e)(4)(iv)</p>	<p>Is the motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for attainment?</p>	<p>The plan shows that the area would have attainment in 1999 if it was not for the fact of transport. However, our analysis indicates that the reductions from NLEV in MD and VA are needed to demonstrate attainment, however, NLEV is not in the current budget.</p>
<p>Transportation Conformity Rule 40 CFR 93.118</p>	<p>Review Criteria</p>	<p>Was the Criterion Satisfied? If "Yes" How was this Criteria Satisfied? (Reference SIP Document/Comments if required)</p>

<p>Sec. 93.118(e)(4)(v)</p>	<p>Is the motor vehicle emissions budget(s) is consistent with and clearly related to the emissions inventory and the control measures in the submitted control strategy implementation plan revision?</p>	<p>The current MVEBs are not adequate because they do not reflect the parameters of their current enhanced I/M SIPs and the SIP need additional measures to keep emissions at or below allowable attainment levels.</p> <p>Until the state identifies measures and revises its inventories and MVEBs we cannot say that these budgets are adequate.</p>
<p>Sec. 93.118(e)(4)(vi)</p>	<p>Revisions to previously submitted control strategy implementation plans or maintenance plans explain and document any changes to previously submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see Sec. 93.101 for definition); and reasons for the changes (including the basis for any changes related to emission factors or estimates of vehicle miles traveled).</p>	<p>Not Applicable. This is the first submission of the attainment SIP.</p>
<p>Sec. 93.118(e)(5)</p>	<p>Did they provide and we review public comments and the State's responses to those comments with the submitted control strategy SIP?</p>	<p>Yes</p>