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

July 12, 1999

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

Dear Ms. Wrona:

On March 2, the United States Court of Appeals for the District of Columbia Circuit issued a decision on the 1997 transportation conformity amendments (62 FR 43780) in response to a case brought by the Environmental Defense Fund. The U.S. EPA and the Department of Transportation (DOT) released guidance on May 14 and June 18 explaining changes to Transportation Conformity procedures which address the court's ruling. In response to the court decision, EPA has committed to determine adequacy/inadequacy of previously submitted control strategy SIPs containing emission budgets. This letter serves as our decision on the Moderate PM_{10} SIP emissions budgets for Yuma County.

In 1994, the Arizona Department of Environmental Protection submitted a Moderate PM_{10} attainment plan to EPA. We have reviewed the plan and determined that the PM10 budgets are not adequate for use in conformity analyses. We cannot make a positive adequacy finding because there is not enough supporting documentation showing how the budgets were calculated in the Plan. Therefore, we have determined that the emissions budgets in the Yuma Moderate PM_{10} plan are currently inadequate for use in conformity determinations.

FHWA's June 18 guidance describes alternative tests that should be used to replace the previous tests using submitted emission budgets. For example, when you have no other submitted or approved budgets, you would use the build/no-build test or no-greater-than-1990 tests that are required by 40 CFR 93.119 of the conformity rule.

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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

cc: Bob O'Loughlin, FHWA
Dennis Middelstedt, FHWA
Leslie Rogers, FTA
Pat Cupell, ADOT
John Gross, Yuma MPO