UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 25, 2010

Onis "Trey" Glenn III, Director
Alabama Department of
Environmental Management
1400 Coliseum Blvd
Montgomery, Alabama 36130-2059

Dear Mr. Glenn:

Thank you for the October 14, 2009, submittal of the final attainment demonstration plan for the Alabama portion of the tri-state Chattanooga 1997 annual fine particulate matter ($PM_{2.5}$) nonattainment area. The tri-state Chattanooga 1997 annual $PM_{2.5}$ nonattainment area is comprised of a portion of Jackson County, Alabama; Catoosa and Walker Counties, Georgia; and Hamilton County, Tennessee. This attainment demonstration contains a justification for a finding of insignificance for regional mobile source emissions of direct $PM_{2.5}$ and nitrogen oxides (NOx) in the Jackson County, Alabama portion of the nonattainment area.

Pursuant to sections 93.118(e)(4) and 93.109(k) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency (EPA) has reviewed Alabama's attainment demonstration, as well as, the justification for the finding of insignificance for direct $PM_{2.5}$ and NOx emissions from mobile sources in the Jackson County, Alabama portion of the 1997 annual $PM_{2.5}$ tri-state area. Section 93.109(k) states that a regional emissions analysis is no longer necessary if EPA finds through the adequacy or approval process that a State Implementation Plan (SIP) demonstrates that regional motor vehicle emissions are an insignificant contributor to the air quality problem for that pollutant/precursor. A finding of insignificance does not change the requirement for a regional analysis for other pollutants and precursors and does not change the requirement for hot spot analysis or other transportation conformity requirements (i.e., other than the regional emissions analysis). We have determined that the overall mobile source emissions of direct $PM_{2.5}$ and NOx in the Jackson County, Alabama portion of the nonattainment area are an insignificant contributor to the air quality problem for these pollutants.

EPA opened the public comment period on the adequacy of the submitted SIP by posting it to the EPA Office of Transportation and Air Quality's adequacy review website (http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm) on February 16, 2010. The comment period closed on March 18, 2010, and no comments were received.

More information on SIPs and adequacy reviews is available on the EPA website. EPA will publish a notice in the Federal Register announcing our adequacy finding. The Federal Register notice will also announce the date that the adequacy finding becomes effective. EPA will review the adequacy of Georgia's and Tennessee's submittals in separate actions.

EPA notes that the District of Columbia (D.C.) Circuit Court issued a decision on July 11, 2008 vacating the Clean Air Interstate Rule (CAIR). *North Carolina v. EPA*, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed to remand CAIR without vacating it. However, the court made no other changes to the July 11 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11 opinion. EPA has reviewed the submittal and the insignificance finding, in light of the remand of the CAIR rule, and concluded that the submittal and the insignificance finding meet the conformity rule's criteria found at 40 CFR 93.118(e)(4) and 93.109(k). In particular, the submitted SIP demonstrates that it would be unreasonable to expect that this area would experience enough motor vehicle emissions growth that a violation of the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard would occur. EPA bases this conclusion on the overall emissions from all sources in the nonattainment area, the low percentage of mobile source emissions contributing to the total emissions in the area, the current state of air quality, and the absence of state and local motor vehicle control measures in the SIP for this portion of the nonattainment area.

If you have any questions or need additional information, please contact me or Richard A. Schutt, Chief, Air Planning Branch at (404) 562-9033.

Sincerely,

Carol L. Kemker for

Kenneth R. Lapierre
Acting Director
Air, Pesticides and Toxics
Management Division

cc: F. Allen Barnes, GA EPD
Bob Colby, Chattanooga Air
Pollution Control Bureau