UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

(AR-18J)

Larry Bruss
Chief
Regional Pollutant and Mobile Source Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster Street
PO Box 7921
Madison, Wisconsin 53707-7921

Dear Mr. Bruss:

Thank you for the submittal of the redesignation and maintenance plan state implementation plans (SIP) for 8-hour ozone standard in the Milwaukee-Racine, Door County, Manitowoc, and Sheboygan, Wisconsin areas. This letter addresses our review of the adequacy of the motor vehicle emission budgets (MVEBs).

Pursuant to Section 93.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency has reviewed the 8-hour ozone maintenance plan as well as the transportation conformity budgets contained in the submittal. These documents contain MOBILE6 based MVEBs for the Wisconsin areas.

The 2012 and 2020 MVEBs for volatile organic compounds and oxides of nitrogen (NOx) for the Milwaukee-Racine, Door County, Manitowoc, and Sheboygan, Wisconsin 8-hour ozone areas, listed in tons per day (tpd), are as follows:

Area	2012		2020	
	NOx (tpd)	VOCs (tpd)	NOx (tpd)	VOCs (tpd)
Milwaukee-Racine	47.27	22.66	20.41	14.91
Door County	1.55	0.78	0.74	0.53
Manitowoc County	3.76	1.76	1.86	1.25
Sheboygan County	4.15	2.01	1.79	1.32

EPA has determined that the submitted MVEBs are adequate for transportation conformity purposes. EPA notes that the D.C. Circuit 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

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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 these motor vehicle emissions budgets in light of the remand of the CAIR rule and concluded that the budgets meet the conformity rule's adequacy criteria found at 40 CFR 93.118(e)(4). In particular, EPA has concluded that the motor vehicle emissions budgets satisfy the requirements of 40 CFR 93.118(e)(4)(iv) which requires that motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for maintenance. EPA bases this conclusion on the overall reduction in VOC and NOx emissions from all sources which are documented as part of the State Implementation Plan.

The Transportation Conformity Rule spells out limited technical and administrative criteria that EPA must use to determine the adequacy of submitted MVEBs for transportation conformity purposes. EPA also described the process for determining the adequacy of submitted MVEBs in a May 14, 1999, memorandum entitled "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision." EPA followed this guidance in making this adequacy determination. EPA opened the public comment period on the adequacy of the submitted MVEBs by posting them to the EPA Office of Transportation and Air Quality's adequacy review website (http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm) on February 24, 2010. The comment period closed on March 26, 2010, and no comments were received.

EPA will publish a notice in the Federal Register announcing this finding. If you have any questions regarding this finding, please feel free to call me or Michael Leslie, of my staff, at (312) 353-6680.

Sincerely,

Michael Compher
Acting Chief
Criteria Pollutant Section

cc: Mike Friedlander
Bureau of Air Management
Wisconsin Department of Natural Resources

Dwight McComb, Planning and Program Development Engineer
Federal Highway Administration
Wisconsin Division

Patricia Trainer
Bureau of Equity and Environmental Services
Wisconsin Department of Transportation