UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466

SEP 20 2001

Ref: 8P-AR

Margie Perkins, Director
Air Pollution Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Dear Margie:

Pursuant to Section 93.118(e) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), EPA has reviewed the Denver PM_{10} maintenance plan submitted by Governor Bill Owens on July 30, 2001. Our review was intended to determine the adequacy of the emissions budgets for PM_{10} contained in this plan for purposes of conformity. The conformity rule spells out limited technical and administrative criteria that we must use in determining adequacy of submitted emissions budgets, and we have determined that these criteria have been satisfied for these emissions budgets. Therefore, we find that these budgets are adequate for transportation conformity purposes. As a result of our adequacy finding, the Denver Regional Council of Governments, the Colorado Department of Transportation, and the U.S. Department of Transportation are required to 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 in *Environmental Defense Fund vs. the Environmental Protection Agency*, No. 97-1637, that we must make an affirmative determination that the submitted motor vehicle emission budgets contained in a State Implementation Plan (SIP) 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 make any submitted SIP revision containing a control strategy plan available for public comment and respond to these comments before announcing our adequacy determination.

On July 30, 2001, Governor Bill Owens submitted the Denver PM_{10} maintenance plan. We announced receipt of this plan on the Internet and requested public comment by September 12, 2001. We received no comments on the plans during that comment period. As part of our review, we also reviewed comments submitted to the Air Quality Control Commission on the maintenance plans during the public hearing process. There were no comments submitted during the State hearing process regarding the budgets.

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We will announce this adequacy determination in the Federal Register, but that notice will not constitute a new action or change the effect of this letter. This determination will become effective 15 days after the Federal Register announcement. If you have any questions, please contact me at (303) 312-6005, or Kerri Fiedler of my staff at (303) 312-6493.

Sincerely,

Richard R. Long, Director
Air and Radiation Program

cc: Robin Smith, FHWA
Dave Beckhouse, FTA
David Pampu, DRCOG
George Gerstle, CDOT