UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

OCT 26 1999

Mr. James Salvaggio, Director
Bureau of Air Quality Control
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building, 12th Floor
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Mr Salvaggio:

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued it's opinion in Environmental Defense Fund (EDF) v. Environmental Protection Agency (EPA), No. 97-1637, that the EPA must make an affirmative determination that the 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. This adequacy determination must be made before those emission budgets are used to test the conformity of Transportation Improvement Programs (TIPs) 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.

This letter is to document our adequacy findings for the following two SIP submittals: On January 26, 1996, we received the "Lancaster Area Request for Redesignation as Attainment for Ozone". On December 31, 1997, we received the proposed "State Implementation Plan for Ozone for the Pittsburgh-Beaver Valley Nonattainment Area - Attainment Plan". On August 2, 1999, the availability of the SIPs and the motor vehicle emission budgets were 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 budgets in accordance with the procedures and criteria for review in the following sections of the Transportation Conformity Rule: 40CFR Part 93, Sections §93.118(e)(4)(i) through (e)(4)(vi). The results of this review are detailed in Tables 1 and 2. Based upon our review, we are finding the budgets inadequate. As required in EPA's agreement with EDF, we will be posting our negative adequacy determinations on EPA's WEB site and we will also announce our determinations in the Federal Register. That announcement should be made in the next couple of weeks. As per our agreement with EDF, those budgets are not available for transportation conformity purposes. However, the build/no-build test or the no-greater than-1990 test for VOC and NOx will continue to apply in Lancaster. The build/no-build test or the no-greater than-1990 test will apply in the Pittsburgh-Beaver Valley area for NOx. The VOC budget in the approved 15% VOC reduction plan will apply in the Pittsburgh-Beaver Valley area for VOC.

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 Larry Budney at (215)-814-2184.

Sincerely,

Judith M. Katz, Director
Air Protection Division

cc: Bradley L. Mallory, Secretary, PENNDOT
Ronald W. Carmichael, Division Administrator, FHWA

TABLE 1
ADEQUACY REVIEW OF MOTOR VEHICLE EMISSION BUDGETS
FOR THE LANCASTER AREA

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 maintenance plan endorsed by the Governor (or his or her designee) and subject to a State public hearing?	The submitted maintenance plan was endorsed by the Governor (or his or her designee) and a public hearing was held.
Sec. 93.118(e)(4)(ii)	Before the maintenance plan was submitted to EPA, did consultation among federal, State and local agencies occur; was full plan documentation provided to EPA, and was EPA's stated concerns, if any, addressed?	Yes. Consultation has occurred between all required federal, state and local agencies.
Sec. 93.118(e)(4)(iii)	Was the motor vehicle emissions budget(s) clearly identified and precisely quantified?	Yes.
Sec. 93.118(e)(4)(iv)	Is the motor vehicle emissions budget(s), when considered together with all other emission reductions, consistent with applicable requirements for a maintenance plan?	No. Not all the claimed emission reduction measures have been submitted and/or adopted.

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)(v)	Is the motor vehicle emissions budget(s) consistent with and clearly related to the emissions inventory and the control measures in the submitted plan?	No. This needs to be investigated because as stated in the (iv) entry above, not all the required measures have been submitted and/or adopted.
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted 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).	Not Applicable. This was the first submission of the maintenance plan.
Sec. 93.118(e)(5)	Did they provide and we review public comments and the State's responses to those comments with the submitted plan?	Yes

TABLE 2
ADEQUACY REVIEW OF MOTOR VEHICLE EMISSION BUDGETS
FOR THE PITTSBURGH AREA

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 attainment demonstration endorsed by the Governor (or his or her designee) and subject to a State public hearing?	Yes. The submitted attainment demonstration was endorsed by the Governor (or his or her designee) and a public hearing was held.
Sec. 93.118(e)(4)(ii)	Before the attainment demonstration was submitted to EPA, did consultation among federal, State and local agencies occur; was full implementation plan documentation provided to EPA, and was EPA's stated concerns, if any, addressed?	Yes. Consultation has occurred between all required federal, state and local agencies.
Sec. 93.118(e)(4)(iii)	Was the motor vehicle emissions budget(s) clearly identified and precisely quantified?	No. No conformity budget was defined.
Sec. 93.118(e)(4)(iv)	Is the motor vehicle emissions budget(s), when considered together with all other emission reductions, consistent with applicable requirements for attainment?	No, since no budget was defined.

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)(v)	Is the motor vehicle emissions budget(s) consistent with and clearly related to the emissions inventory and the control measures in the submitted attainment demonstration?	No, since no budget was defined.
Sec. 93.118(e)(4)(vi)	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).	Not Applicable. This was the first submission of the attainment demonstration.
Sec. 93.118(e)(5)	Did they provide and we review public comments and the State's responses to those comments with the submitted attainment demonstration?	Yes