



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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OCT 08 2010

Mr. David Brymer  
Director, Air Quality Division  
Chief Engineer's Office  
Texas Commission on Environmental Quality  
Post Office Box 13087, MC-206  
Austin, Texas 78711-3087

Dear Mr. Brymer:

The purpose of this letter is to notify you that the U.S. Environmental Protection Agency (EPA) will soon announce in the *Federal Register* our determination that the motor vehicle emissions budgets (MVEBs or budgets) contained in the latest revisions to the Houston/Galveston/Brazoria 8-hour Ozone State Implementation Plans (SIP) are adequate for transportation conformity purposes. These revisions incorporate the latest available demographic projections into the MVEBs, and establish the modeled budget years. The budgets will become effective 15 days after the *Federal Register* publication date.

In letters dated April 1<sup>st</sup> and April 6<sup>th</sup>, 2010, Chairman Bryan W. Shaw submitted to EPA the Houston/Galveston/Brazoria 8-hour Ozone Reasonable Further Progress (RFP) and Attainment Demonstration SIPs respectively, both of which contain new MVEBs. The RFP SIP contains new MVEBs for 2008 (193.39 tons per day (tpd) for nitrogen oxides (NO<sub>x</sub>); and 94.75 tpd for volatile organic compounds (VOCs)), 2011 (135.74 tpd NO<sub>x</sub>, 75.17 tpd VOCs), 2014 (95.26 tpd NO<sub>x</sub>, 61.84 tpd VOCs), 2017 (67.95 tpd NO<sub>x</sub>, 53.23 tpd VOCs), and 2018 (60.92 tpd NO<sub>x</sub>, 51.35 tpd VOCs). The Attainment Demonstration SIP contains a new MVEB for 2018: the new budget for NO<sub>x</sub> is 49.22 tpd; the new budget for VOCs is 45.97 tpd.

EPA has considered these MVEBs in light of the current status of the Clean Air Interstate Rule (CAIR). 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 filed a motion for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted the motion for rehearing and remanded CAIR to EPA for further rulemaking consistent with the courts' July 11, 2008 opinion. However, the court did not vacate CAIR in that decision; thus, the CAIR rule remains in place.

On August 2, 2010 (75 FR 45210) EPA proposed the Air Pollution Transport Rule (Transport Rule) as a replacement for the remanded CAIR rule. EPA anticipates finalizing the Transport Rule in June 2011. EPA has reviewed these MVEBs in light of the remand of the CAIR rule and the proposed Transport Rule and has 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 budgets satisfy the requirements of 40 CFR

93.118(e)(4)(iv), which requires that the budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress and attainment. EPA bases its conclusion on comparison of the NOx and VOC MVEBs with emissions allotted to on-road emission categories within each SIP, and determining that these emission levels are available within the context of on-road RFP and attainment emissions for the budget years demonstrated. Therefore, the budgets satisfy the requirements of 40 CFR 93.118(e)(4)(iv).

EPA is required to make a determination that the MVEBs are consistent with the applicable SIP control strategy, and we have followed the procedure for doing so per 40 CFR 93.118(e)(4). The availability of these SIP revisions was posted on EPA's website for the purpose of soliciting public comments on the MVEBs. The revised MVEBs were made available for public review and comment on June 24, 2010. EPA received no comment by the close of the comment period on July 26, 2010. We have determined the budgets submitted in these SIP revisions are adequate for transportation conformity purposes and, upon the effective date of the subsequent *Federal Register* Notice of Adequacy, they must be used in future transportation conformity determinations. We will be posting our determination on EPA's website in addition to announcing it in the *Federal Register*.

If you have any questions concerning this action, please contact me at (214) 665-7200 or Guy Donaldson of my staff at (214) 665-7242.

Sincerely Yours,



Carl E. Edlund, P.E.

Director

Multimedia Planning and  
Permitting Division

cc: Ms. Shelley Whitworth  
Houston/Galveston Area Council

Ms. Peggy Thurin  
Texas Department of Transportation

Mr. Jose Campos  
Federal Highway Administration, Texas Division