



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JUN 21 2010

Jared Snyder, Assistant Commissioner  
Office of Air Resources, Climate Change & Energy  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Dear Assistant Commissioner Snyder,

On February 8, 2008, your agency submitted a proposed state implementation plan (SIP) revision for the New York portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT and Poughkeepsie 8-hour ozone nonattainment areas. This proposed revision to the SIP included 2008 and 2009 summer day volatile organic compound (VOC) and nitrogen oxides (NO<sub>x</sub>) motor vehicle emissions budgets ("budgets") associated with reasonable further progress and attainment for the Poughkeepsie 8-hour ozone nonattainment area and 2008 VOC and NO<sub>x</sub> reasonable further progress budgets for the New York portions of the NY-NJ-CT 8-hour ozone nonattainment area.

The transportation conformity rule (40 CFR 93) requires that the U.S. Environmental Protection Agency (EPA) conduct a public process and make an affirmative decision on the adequacy of motor vehicle emissions budgets before they can be used by metropolitan planning organizations in transportation conformity determinations. These budgets are summarized below:

8-Hour Ozone Motor Vehicle Emissions Budgets  
(tons per day)

Nonattainment Area / (MPO)	2008		2009	
	NO <sub>x</sub>	VOC	NO <sub>x</sub>	VOC
New York Portions of New York-Northern New Jersey-Long Island, NY-NJ-CT (NYMTC excluding Putnam County)	211.77	148.85	n/a	n/a
Poughkeepsie, NY (PDCTC, OCTC, NYMTC Putnam County only)	32.32	19.22	29.77	17.63

Internet Address (URL) • <http://www.epa.gov>

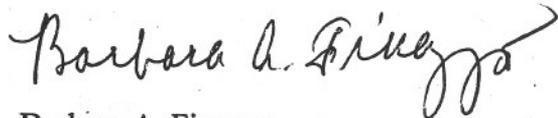
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

This letter transmits our decision that the 2008 reasonable further progress budgets contained in the 8-hour ozone SIP submission for the New York portions of the New York- Northern New Jersey- Long Island, NY-NJ-CT area, and the 2008 reasonable further progress and 2009 attainment year budgets contained in the Poughkeepsie 8-hour ozone SIP submission are adequate for transportation conformity purposes. After reviewing these SIPs, including responses to public comments on those plans, we have preliminarily determined that the submitted 2008 budgets for the New York portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT area are consistent with the required rate of progress plan for this area. With regard to the submitted 2008 and 2009 motor vehicle emissions budgets in the Poughkeepsie area, we have determined that these budgets are adequate for transportation conformity purposes because they are consistent with the plan's demonstration of rate of progress and attainment.

EPA continues to review the submitted attainment demonstrations for SIP approvability for the New York and Poughkeepsie areas. Nothing in this adequacy finding should be construed as prejudging the eventual outcome of our on-going review of the attainment demonstrations for the areas. A copy of this letter will soon be posted on the Internet at <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>. EPA responses to public comments are enclosed and can also be downloaded from the URL above. We will also announce the adequacy finding in the Federal Register. The finding will become effective 15 days after the Federal Register announcement.

If you have further questions, please feel free to have your staff contact Melanie Zeman, of my staff, at (212) 637-4022.

Sincerely,



Barbara A. Finazzo  
Director, Division of Environmental  
Planning and Protection

Enclosure

cc: M. Sheehan, NYDEP  
J. Zamurs, NYDOT  
J. Rich, FHWA NY  
N. Danzig, FTA Region 2  
J. Ettinger, NYMTC  
J. Czamanske, OCTC  
K. Salomon, PDCTC

Poughkeepsie, New York 8-hour Ozone Nonattainment Area  
Motor Vehicle Emissions Budgets for Transportation Conformity  
Adequacy Determination – Response to Comments  
June 2010

**Comment:**

Several commenters indicated that state implementation plan (SIP) for the Poughkeepsie 8-hour Ozone Nonattainment Area achieves excess Nitrogen Oxide (NOx) emission reductions that could be used to establish a safety margin for the motor vehicle emissions budgets utilized for transportation conformity. Commenters recommended that a portion of the excess NOx emissions reductions be utilized to increase the proposed motor vehicle emissions budgets to a level that would allow local metropolitan planning organizations to continue to demonstrate conformity in the future (that is, at an increased emission rate), while also allowing for the attainment of the ozone standard by the attainment year as envisioned in the state implementation plan.

**Response:**

EPA is conducting an adequacy determination on the motor vehicle emissions budgets pursuant to its regulations governing adequacy at 40 CFR93.118(e). Adequacy determinations are factual determinations applying pre-established criteria, as required by 40 CFR93.119(e)4 of EPA's transportation conformity regulation, to preliminarily determine whether or not the proposed motor vehicle emissions budgets are adequate for transportation conformity purposes. EPA has determined that the motor vehicle emissions budgets, when considered together with all other emissions sources, are consistent with applicable requirements for reasonable further progress and attainment and are consistent with and clearly related to the emissions inventory and control measures in the SIP. The submitted SIP and motor vehicle emissions budgets have also been vetted through the interagency consultation process as required by EPA's transportation conformity regulation.

EPA cannot take action to create a safety margin as described and suggested by the commenters. The commenters' request for a safety margin to be included in the state implementation plan would be more appropriately directed to the state air agency that has direct responsibility for the SIP. EPA has determined that the submitted budgets meet the established adequacy criteria and are appropriate for future use by the applicable metropolitan planning organizations in the nonattainment area.