



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8P-AR

MAY - 4 2011

Christopher E. Urbina, M.D., MPH
Executive Director/Chief Medical Officer
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

Re: Cañon City PM₁₀ Second 10-year Maintenance Plan; Transportation Conformity Adequacy

Dear Mr. Urbina:

EPA has reviewed the Cañon City PM₁₀ Clean Air Act (CAA) section 175A(b) second 10-year Maintenance Plan State Implementation Plan (SIP) revision that was submitted to EPA by a letter dated June 18, 2009 from James B. Martin, then Executive Director of the Colorado Department of Public Health and Environment (CDPHE), on behalf of the Governor.

We have found the Cañon City PM₁₀ maintenance plan and the 2020 motor vehicle emissions budget (MVEB) adequate for transportation conformity purposes. Our finding focused on the Cañon City PM₁₀ maintenance area's ability to meet the applicable procedures and criteria for adequacy pursuant to section 93.118 of the Transportation Conformity Rule (40 CFR 93, Subpart A). We will announce this adequacy finding by publishing a Notice in the Federal Register. This adequacy finding will then become Federally effective 15 days after the publication of the Notice.

As part of our adequacy review, we announced receipt of the Cañon City PM₁₀ second 10-year maintenance plan and posted an announcement of availability on EPA's Office of Transportation and Air Quality (OTAQ) website at: <http://www.epa.gov/otaq/stateresources/transconf/currships.htm>. We requested public comments by no later than April 14, 2011. We did not receive any comments. In addition, and as part of our review which is summarized in Enclosure 1, we also reviewed the Governor's SIP revision submittal for any comments about the maintenance plan that may have been submitted during the Colorado Air Quality Control Commission (AQCC) public hearing process. There were no adverse comments from the public.

EPA notes that for the Cañon City PM₁₀ maintenance area, the prior EPA-approved MVEB was 7,439 lbs/day of PM₁₀ for 2015 (see 65 FR 34399, May 30, 2000). EPA has reviewed the previously-approved MVEB for 2015 and notes that according to 40 CFR 93.118(e)(1), the prior, EPA-approved PM₁₀ MVEB of 7,439 lbs/day for 2015 must continue to be used from 2015 through 2019, or until such time as the State elects to submit a SIP revision to revise the 2015 PM₁₀ MVEB and EPA approves the SIP revision. As this second 10-year maintenance plan SIP revision does not revise the previously-approved 2015 PM₁₀ MVEB nor establish a new MVEB applicable for 2015 through 2019, the MVEB

"... for the most recent prior year..." (i.e., 2015) must continue to be used (see 40 CFR 93.118(b)(1)(ii) and (b)(2)(iv)).

EPA notes that the Cañon City second 10-year maintenance plan establishes a new MVEB of 1,613 lbs/day of PM₁₀ for 2020. This apparent inconsistency with the prior EPA-approved 2015 PM₁₀ MVEB of 7,439 lbs/day is not viewed as an impediment for conformity determinations or for air quality concerns for PM₁₀ emissions from motor vehicles and road dust.

As a practical matter, the 2020 MVEB of 1,613 lbs/day of PM₁₀ would be controlling for any conformity determination involving the relevant years. Please note that for any maintenance plan that only establishes a budget for the last year of the maintenance plan, 40 CFR 93.118(b)(2)(i) requires that the demonstration of consistency with the budget be accompanied by a qualitative finding that there are no factors which would cause or contribute to a new violation or exacerbate an existing violation in the years before the last year of the maintenance plan. Therefore, when a conformity determination is prepared which assesses conformity for the years before 2020, the 2020 MVEB and the underlying assumptions supporting it would have to be considered. Finally, 40 CFR 93.110 requires the use of the latest planning assumptions in conformity determinations; thus, the most current motor vehicle and road dust emission factors would need to be used and we expect the analysis would show greatly reduced PM₁₀ motor vehicle and road dust emissions from those calculated in the first maintenance plan. In view of the above, EPA is satisfied with the MVEB language as stated in Chapter 3, section "Emissions Budget for PM10" (i.e., 1,613 lbs/day of PM₁₀ for 2020) on page 10 of the maintenance plan.

This adequacy finding affects future PM₁₀ conformity determinations as prepared and approved by the Colorado Department of Transportation (CDOT), and the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

Please note that this adequacy finding is separate from EPA's subsequent rulemaking action on the Cañon City second 10-year PM₁₀ maintenance plan SIP revision and should not be used to prejudge EPA's approval or disapproval of the SIP revision.

If there are any questions, please contact Tim Russ of my staff at (303) 312-6479.

Sincerely,



Deborah Lebow Aal, Acting Director
Air and Radiation Program

Enclosure

cc: Paul Tourangeau, Director, Air Pollution Control Division, CDPHE
Donald Hunt, Executive Director, CDOT
Bill Haas, Colorado Division, FHWA
Kistin Kenyon, Region 8, FTA

Enclosure 1:

Cañon City PM₁₀ Maintenance Plan Adequacy Evaluation

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(i)	The plan was endorsed by the Governor (or designee) and was subject to a public hearing.	Y	<p>June 18, 2009 Letter from James B. Martin, Exec. Director of CDPHE (on behalf of the Governor.)</p> <p>The submittal includes evidence of a public hearing that occurred on November 20, 2008.</p> <p>Public Hearing Notice: The Cañon City PM₁₀ Maintenance Plan (PM₁₀ 2nd Ten-year Maintenance Plan); Public Hearing notice dated August 25, 2008, signed by Douglas Lempke, Administrator, Colorado Air Quality Control Commission (AQCC). Affidavit of publication: The Public Hearing notice was published in the Denver Post on 10/24/08 and on the AQCC Commission website. The Public Hearing occurred on November 20, 2008. Note: In a letter dated October 2, 2002, Casey Shpall, Colorado AG's office stated there is no State Requirement to publish a notice in a newspaper for a Notice of AQCC rulemaking.</p>
Sec. 93.118(e)(4)(ii)	The plan was developed through consultation with federal, state and local agencies; full implementation plan documentation was provided and EPA's stated concerns, if any, were addressed.	Y	The submittal includes the Air Pollution Control Division's (APCD) statement. Steven G. Rabe, City Administrator, City of Cañon City, submitted a letter of support and endorsement for the revised maintenance plan (letter dated 9/18/08). EPA was advised of the development of the Maintenance Plan, but did not offer any comments.
Sec. 93.118(e)(4)(iii)	The MVEBs are clearly identified and precisely quantified.	Y	Figure 2, page 9, (emission inventory for 2020) and as described in Chapter 3, page 10, "Emissions Budget for PM ₁₀ " of the 2 nd ten-year Maintenance Plan.
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions	Y	The 2020 MVEB is consistent with the Maintenance Plan's maintenance

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	budget(s), when considered together with all other emission sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given plan).		demonstration. Refer to Chapter 3. Figure 2 (2020 emission inventory) and Chapter 3, "Maintenance Demonstration" of the 2 nd ten-year Maintenance Plan.
Sec. 93.118(e)(4)(v)	The plan shows a clear relationship between the emissions budget(s), control measures and the total emissions inventory.	Y	The 2 nd ten-year Maintenance Plan discusses the control measures in section Chapter 3, "Maintenance Plan Control Measures." The relationship of the mobile sources emissions is further described and included in Chapter 3, "Emissions Inventories" and in Figure 2.
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans explain and document any changes to any previous submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see 93.101 for definition), and reasons for the changes (including the basis for any changes to	Y	<p>Mobile source emissions and motor vehicle emissions budgets (MVEB) were documented in the Cañon City redesignation to attainment and maintenance plan that was approved by EPA on 5/30/00 (65 FR 34399). EPA has reviewed the previously approved MVEB for 2015 and notes there is no discussion in the 2nd 10-year maintenance plan addressing the prior 2015 MVEB.</p> <p>According to 40 CFR 93.118(e)(1), the prior, EPA-approved PM₁₀ motor vehicle emissions budget (MVEB) of 7,439 lbs/day for 2015 (see 65 FR 34399, May 30, 2000) must continue to be used from 2015 through 2019, or until such time as the State elects to submit a SIP revision to revise the 2015 PM₁₀ MVEB and EPA approves the SIP revision. As this 2nd ten-year maintenance plan SIP revision does not revise the previously-approved 2015 PM₁₀ MVEB nor establish a new MVEB applicable for 2015 through 2019, the MVEB "... for the most recent prior year..." (i.e., 2015) must continue to be used (see 40 CFR 93.118(b)(1)(ii) and (b)(2)(iv)).</p> <p>EPA notes in Figure 2 of the Cañon City 2nd ten-year maintenance plan, the 2020 PM₁₀ emissions for motor vehicles and road dust are now currently calculated to</p>

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	emission factors or estimates of vehicle miles traveled).		be only a total of 1,613 lbs/day. However, this apparent inconsistency with the prior EPA-approved 2015 PM ₁₀ MVEB of 7,439 lbs/day is not viewed as an impediment for conformity determinations or for air quality concerns for PM ₁₀ emissions from motor vehicles and road dust. As a practical matter, with EPA's approval of this CAA section 175A(b) 2nd ten-year maintenance plan, a conformity determination could not be approved if it was shown to be in conflict with; (1) the new 2020 MVEB of 1,613 lbs. per day, and (2) the provisions of 40 CFR 93.118. Also, as 40 CFR 93.110 requires the use of the latest planning assumptions in conformity determinations, the most current motor vehicle and road dust emission factors, the same as used in this plan, would need to be used and, therefore, would show greatly reduced PM ₁₀ motor vehicle and road dust emissions. EPA is, therefore, comfortable with the MVEB language as stated in Chapter 3, "Emissions Budget for PM10" (1,613 lbs./day for 2020) on page 10 of the Plan.
Sec. 93.118(e)(5)	EPA has reviewed the State's compilation of public comments and response to comments that are required to be submitted with any implementation plan.	Y	The Governor's submittal does not indicate there were any public comments at the public hearing.
Reviewers: Tim Russ, USEPA, Region 8			Date of Review: March 11, 2011



