



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8P-AR

MAR - 3 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: Colorado Springs Carbon Monoxide Second 10-year Limited Maintenance Plan; Transportation Conformity Adequacy

Dear Mr. Urbina:

EPA has reviewed the Colorado Springs carbon monoxide (CO) Clean Air Act (CAA) section 175A(b) second 10-year Limited Maintenance Plan (LMP) State Implementation Plan (SIP) revision that was submitted to EPA by a letter dated March 31, 2010 from Martha E. Rudolph, then Executive Director of the Colorado Department of Public Health and Environment (CDPHE), on behalf of the Governor.

We have found the Colorado Springs CO LMP adequate for transportation conformity purposes. Our finding is based primarily on the Colorado Springs CO maintenance area as meeting the criteria for a LMP and as meeting the applicable procedures and criteria for adequacy review 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 Colorado Springs CO second 10-year LMP 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 December 10, 2010. 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 Colorado Springs CO maintenance area, the prior EPA-approved motor vehicle emission budget (MVEB) was 531 tons of CO per day for 2010 (see 69 FR 54019, September 7, 2004). With respect to this 2010 MVEB, once our transportation conformity adequacy finding is effective for the Colorado Springs CO LMP second 10-year maintenance period, no regional emissions analyses would be required for the Pikes Peak Area Council of Governments (PPACG) transportation

plan as long as the transportation plan covers the years 2011 and beyond. Essentially, there would be no need to show consistency with the first maintenance plan's 2010 MVEB, since this MVEB would no longer be in the timeframe of the transportation plan and no analysis years would be required beyond 2010 due to the adequate CO LMP.

Therefore, until such time as EPA's adequacy finding for the CO LMP is published in the Federal Register and becomes effective, the PPACG will need to continue to perform the necessary regional emissions analyses for the current 2010 MVEB for the appropriate years in their respective regional transportation plan (RTP) and transportation improvement programs (TIP) conformity determinations. Once EPA's adequacy finding is effective, no regional emissions analyses for conformity determinations will be required for analysis years that fall within the timeframe of the CO LMP and beyond (as per EPA's CO LMP policy and 40 CFR 93.109(f)).

This adequacy finding affects future CO RTP and TIP conformity determinations as prepared and approved by the PPACG, 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 Colorado Springs second 10-year CO LMP SIP revision and should not be used to prejudice 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

cc: Robert MacDonald, Executive Director, PPACG
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:

Colorado Springs Carbon Monoxide Limited 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>March 31, 2010 Letter from Martha E. Rudolph, Exec. Director of CDPHE (on behalf of the Governor.)</p> <p>The submittal includes evidence of a public hearing that occurred on December 17, 2009.</p> <p>Public Hearing Notice: The Colorado Springs Carbon Monoxide Maintenance Plan (CO 2nd Ten-year Maintenance Plan); Public Hearing notice dated October 5, 2009, 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 10/12/09 and on the AQCC Commission website. 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 parties that applied for party-status (Rich Muzzy on behalf of the Pikes Peak Area Council of Governments – PPACG), a listing of parties that applied for party status and/or submitted public comments and included local governments and entities. PPACG submitted a 10/16/09 letter in support of the maintenance plan. EPA was

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
			consulted many times during the development of the revised, Limited Maintenance Plan and submitted comments on draft versions.
Sec. 93.118(e)(4)(iii)	The MVEBs are clearly identified and precisely quantified.	Y	Table 2, page 6, of the document shows emissions for 2007, but does not project future emissions. Area qualified for and State used EPA's Limited Maintenance Plan (LMP) policy which only requires a base year of emissions and no projections.
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions 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).	Y	EPA has reviewed the 2007 emissions inventory on page 6 of the maintenance plan and considered the data as meeting the requirements of EPA's LMP policy.
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 Colorado Springs CO LMP discusses emissions on page 6 in the section entitled "Emission Inventories" and discusses the relevant control measures on page 7 in the section entitled "Enforceable Control Measures for the Maintenance Period".
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans explain and	Y	Mobile source emissions and motor vehicle emissions budgets (MVEBs) were originally documented in the revised Colorado Springs CO maintenance plan that was approved by EPA on

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	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 emission factors or estimates of vehicle miles traveled).		9/7/04 (69 FR 54019). EPA has reviewed these previously approved MVEBs, and the language and how these prior-approved MVEBs are addressed, on page 8 of the currently-submitted LMP in the section entitled "Transportation Conformity Determination". We agree with the language and the analysis.
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. The submittal's "meeting minutes" indicates there was one comment from an AQCC Commissioner, regarding monitoring, that was addressed by CDPHE.
Reviewers: Tim Russ, USEPA, Region 8			Date of Review: November 4, 2010

