



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

APR 12 2010

(AR-18J)

Christine Pedersen, Section Chief/Planning  
Indiana Department of Environmental Management  
Office of Air Quality  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Dear Ms. Pedersen:

Thank you for the submittal of the attainment demonstration state implementation plan (SIP) for fine particulate matter (PM<sub>2.5</sub>) in the Central Indiana (Indianapolis) area. This letter addresses our review of the adequacy of the motor vehicle emission budgets (MVEBs) for directly emitted PM<sub>2.5</sub> and NO<sub>x</sub> in the attainment demonstration submittal.

Pursuant to Section 93.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency has reviewed the PM<sub>2.5</sub> attainment demonstration as well as the transportation conformity budgets contained in the submittal. These documents contain MOBILE6 based MVEBs for the Central Indiana PM<sub>2.5</sub> area.

The 2002, and 2009 MVEBs for PM<sub>2.5</sub> and oxides of nitrogen (NO<sub>x</sub>) for the Central Indiana PM<sub>2.5</sub> area, listed in tons per year (tpy) are as follows:

MVEBs for Central Indiana area

	PM <sub>2.5</sub> (tpy)	NO <sub>x</sub> (tpy)
2002	842.37	47,815.51
2009	518.43	28,537.23

EPA has determined that the submitted MVEBs are adequate for transportation conformity purposes. EPA notes that 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 in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed

to remand CAIR without vacating it. However, the court made no other changes to the July 11 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11 opinion. EPA has reviewed these motor vehicle emissions budgets in light of the remand of the CAIR rule and 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 motor vehicle emissions budgets satisfy the requirements of 40 CFR 93.118(e)(4)(iv) which requires that motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements. EPA bases this conclusion on the overall reduction in PM<sub>2.5</sub> and NO<sub>x</sub> emissions from all sources which are documented as part of the State Implementation Plan.

The Transportation Conformity Rule spells out limited technical and administrative criteria that EPA must use to determine the adequacy of submitted MVEBs for transportation conformity purposes. EPA also described the process for determining the adequacy of submitted MVEBs in a May 14, 1999, memorandum entitled "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision." EPA followed this guidance in making this adequacy determination. EPA opened the public comment period on the adequacy of the submitted MVEBs by posting them to the EPA Office of Transportation and Air Quality's adequacy review website (<http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>) on June 2, 2008. The comment period closed on July 2, 2008, and no comments were received.

EPA will publish a notice in the Federal Register announcing this finding. If you have any questions regarding this finding, please feel free to call me or Patricia Morris, of my staff, at (312) 353-8656.

Sincerely,



Michael Compher, Acting Chief  
Criteria Pollutant Section

cc: Larry Heil, FHWA IN  
Philip Roth, IMPO