



REGION 2

NEW YORK, N.Y. 10007

March 11, 2024

Francis C. Steitz, Director
Division of Air Quality
New Jersey Department of Environmental Protection
P.O. Box 420
Mail Code 401-02E
Trenton, NJ 08625-0402

Dear Mr. Steitz:

On July 6, 2023, the New Jersey Department of Environmental Protection submitted a State Implementation Plan (SIP) Revision, *Maintenance of the Fine Particulate Matter (PM_{2.5}) 2006 24-hour 35 ug/m³ National Ambient Air Quality Standards (NAAQS) Limited Maintenance Plan (LMP)*, for the New Jersey portion of the Northern New Jersey-New York-Connecticut (NNJ-NY-CT) and Southern New Jersey-Pennsylvania-Delaware (SNJ-PA-DE) Maintenance areas. This revision to the SIP included the second of two ten-year Maintenance Plans. This Limited Maintenance Plan applies to the North Jersey Transportation Planning Authority and the Delaware Valley Regional Planning Commission.

The transportation conformity rule (40 C.F.R. part 93) requires that the U.S. Environmental Protection Agency (EPA) conduct a public consultation process and make an affirmative decision on the adequacy of the SIP revision before it can apply to transportation conformity purposes. We announced availability of New Jersey's LMP on the EPA's transportation conformity website on August 16, 2023 (<https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa#NY-NJ-CT-PM2.5>) and requested comments by September 15, 2023. We received no comments in response to the adequacy review posting.

This letter is to inform you that we have found the PM_{2.5} Limited Maintenance Plan for the 2006 24-hour PM_{2.5} standard, for both of New Jersey's maintenance areas adequate for transportation conformity purposes. Per 40 CFR 93.109(e), once an area has an adequate or approved LMP, transportation plan or transportation improvement program conformity determinations would not be required to include a regional emissions analysis for the NAAQS that the LMP is associated with. Motor Vehicle Emissions Budgets may be treated as essentially not constraining for the length of this second maintenance period as long as the area continues to meet the limited maintenance criteria, with no reason to expect that these areas will experience so much growth in that period that a violation of the PM_{2.5} NAAQS would result. Therefore, once this adequacy finding is effective, the North Jersey Transportation Planning Authority and the Delaware Valley Regional Planning Commission can satisfy PM_{2.5} transportation conformity requirements without a regional emissions analysis.

Since limited maintenance plan areas are still maintenance areas, as per 40 CFR 93.109(e), transportation conformity determinations are still required to meet all applicable requirements listed in 40 CFR 93.109(b) for transportation plans, programs, and projects. Specifically, for such determinations, transportation plans, transportation improvement programs, and projects must still demonstrate that they are fiscally constrained (40 CFR part 108) and must meet the criteria for consultation and Transportation Control Measure (TCM) implementation in the conformity rule (40 CFR 93.112 and 40 CFR 93.113, respectively). In addition, projects in limited maintenance areas will still be required to meet the criteria for PM_{2.5} hot spot analyses to satisfy “project-level” conformity determinations (40 CFR 93.116 and 40 CFR 93.123) which must incorporate the latest planning assumptions and models that are available. All aspects of transportation conformity (with the exception of satisfying the emission budget test) will still be required.

The EPA continues to review the submitted SIP for approvability. Nothing in this adequacy finding should be construed as prejudging the eventual outcome of our on-going review of this SIP submittal. EPA will post a copy of this letter online at <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>. We will also announce the adequacy finding in the Federal Register. This Limited Maintenance Plan adequacy finding will become effective for conformity determinations 15 days after the Federal Register announcement.

If you have questions, please feel free to contact me, or have your staff contact Lily Black, of my staff, at (212) 637-3884 or black.lily@epa.gov.

Sincerely,

Richard Ruvo, Division Director
Air & Radiation Division

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