

EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision"). We followed this guidance in making our adequacy determination.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: October 25, 1999.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 99-29767 Filed 11-15-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6475-8]

### Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: State Implementation Plan for Ozone for the Pittsburgh-Beaver Valley Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy status.

**SUMMARY:** In this document EPA is announcing that the motor vehicle emissions budgets (hereafter referred to as "budgets") contained in the State Implementation Plan (SIP) for Ozone for the Pittsburgh-Beaver Valley Nonattainment Area by the Pennsylvania Department of Environmental Protection are not adequate for transportation conformity purposes. As a result of our finding, the budgets from this submitted SIP cannot be used for future conformity

determinations in the Pittsburgh-Beaver Valley ozone nonattainment area.

**DATES:** This document is effective November 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Larry Budney, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA. 19103 at (215) 814-2184 or by e-mail at: budney.larry@epa.gov.

#### SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we", "us," or "our" are used we mean EPA. The word "budgets" refers to the mobile source emission budget for volatile organic compounds (VOCs) and the mobile source emissions budget for nitrogen oxides (NO<sub>x</sub>). The word SIP in this document refers to the submittal made by PADEP to satisfy the requirements for demonstrating attainment.

On December 31, 1997, PADEP submitted the State Implementation Plan for Ozone for the Pittsburgh-Beaver Valley Nonattainment Area. This SIP did not contain clearly identified and precisely quantified motor vehicle emission budgets for NO<sub>x</sub> and VOCs. On March 2, 1999, the D.C. Circuit Court ruled that budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. In accordance with that ruling, on August 2, 1999, we posted a notice on our web site at: <http://www.epa.gov/oms/traq> stating that we were taking comments on the adequacy of motor vehicle emissions budget found in the State Implementation Plan for Ozone for the Pittsburgh-Beaver Valley Nonattainment Area. The comment period closed on August 31, 1999, and we received no comments.

Today's document is simply an announcement of a finding that we have already made. On October 26, 1999, EPA Region III sent a letter to PADEP stating that the motor vehicle emissions budgets found in the State Implementation Plan for Ozone for the Pittsburgh-Beaver Valley Nonattainment Area are not adequate. The essential information in this document will also be posted on EPA's conformity website: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button, then look for "Adequacy Review of Submissions for Conformity").

Transportation conformity is required by section 176 (c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not

produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's budgets are adequate for conformity purposes are outlined in 40 CFR 93.118 (e) (4). Please note that an adequacy review is separate from EPA's completeness review, and EPA's review to determine if the SIP is approvable. Even if we find a budget adequate, the SIP could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in a guidance memorandum dated May 14, 1999 and titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision." We have followed this guidance in making this adequacy determination for the budgets contained in the State Implementation Plan for Ozone for the Pittsburgh-Beaver Valley Nonattainment Area. You may obtain a copy of this guidance from EPA's conformity web site: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button) or by calling the contact name listed in **FOR FURTHER INFORMATION CONTACT** section of this document.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: November 4, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

[FR Doc. 99-29888 Filed 11-15-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6475-3]

### Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: State Implementation Plan for the Attainment and Maintenance of the NAAQS for Ozone—Southeastern Pennsylvania

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy status.

**SUMMARY:** In this document EPA is announcing that the attainment motor vehicle emissions budgets (hereafter referred to as "budgets") contained in the State Implementation Plan for the Attainment and Maintenance of the NAAQS for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy—Phase II for Southeastern Pennsylvania are not adequate for transportation conformity purposes. We are

concurrently announcing that the Rate of Progress (ROP) motor vehicle emission budgets contained in this same State Implementation Plan submittal are adequate for transportation conformity purposes. As a result of our finding, the attainment budgets contained in the submitted Phase II Ozone Attainment and Maintenance Plan may not be used for future conformity determinations, but the ROP motor vehicle emission budgets contained in the same submittal may be used for future conformity determinations in the Southeastern Pennsylvania area.

**DATES:** These ROP budgets are effective on December 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Larry Budney, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA, 19103 at (215) 814-2184 or by e-mail at: budney.larry@epa.gov.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever "we," "us," or "our" are used we mean EPA. The word "budgets" refers to the mobile source emission budget for volatile organic compounds (VOCs) and the mobile source emissions budget for nitrogen oxides (NO<sub>x</sub>). The word SIP in this document refers to the Phase II State Implementation Plan submitted to demonstrate ROP and to demonstrate attainment and maintenance of the 1-hour National Ambient Air Quality Standard for ozone in the Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area.

On April 30, 1998, the Pennsylvania Department of Environmental Protection (PADEP) submitted its State Implementation Plan for the Attainment and Maintenance of the NAAQS for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy—Phase II. The SIP contained mobile source vehicle emissions budgets both for ROP and for attainment. Based upon its review, EPA is finding the motor vehicle emission budgets in the attainment plan portion of the submittal not adequate for the purposes of transportation conformity. The attainment motor vehicle emission budgets, when considered together with all other emission reductions, were not consistent with applicable requirements for attainment as required in 40 CFR part 93, § 93.118(e)(4)(iv) of the conformity rule. We are concurrently finding the motor vehicle emission budgets in the 1999, 2002, and 2005 ROP plan adequate since they met the review criteria in 40 CFR part 93, section 93.118(e)(4)(i) through (e)(4)(vi) of the conformity rule.

On March 2, 1999, the D.C Circuit Court ruled that motor vehicle emission

budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. In accordance with that ruling, on August 2, 1999, we posted a notice on our web site at: <http://www.epa.gov/oms/traq> stating that we were taking comments on the adequacy of motor vehicle emissions budgets found in the State Implementation Plan for the Attainment and Maintenance of the NAAQS for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy—Phase II. The comment period closed on August 31, 1999. We received no comments.

Today's document is simply an announcement of a finding that we have already made. On October 26, 1999 EPA Region III sent a letter to the PADEP stating that the attainment motor vehicle emissions budgets found in the State Implementation Plan for the Attainment and Maintenance of the NAAQS for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy—Phase II are not adequate for transportation conformity purposes. We also indicated that we were finding the ROP motor vehicle emission budgets found in the SIP adequate for transportation conformity purposes. The essential information in this document will also be posted on EPA's conformity website: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button, then look for "Adequacy Review of Submissions for Conformity").

Transportation conformity is required by section 176 (c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The criteria by which we determine whether a SIP's budgets are adequate for conformity purposes are outlined in 40 CFR 93.118 (e) (4). Please note that an adequacy review is separate from EPA's completeness review, and EPA's review to determine if the SIP is approvable. Even if we find a budget adequate, the SIP could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in guidance memorandum dated May 14, 1999 and titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision". We have

followed this guidance in making this adequacy determination for the budgets contained in the State Implementation Plan for the Attainment and Maintenance of the NAAQS for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy—Phase II submitted on April 30, 1998 by PADEP. You may obtain a copy of this guidance from EPA's conformity web site: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button) or by calling the contact name listed in "For Further Information Contact" section of this document.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: November 4, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6475-6]

### Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: Lancaster Area Request for Redesignation as Attainment for Ozone—Maintenance Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy status.

**SUMMARY:** In this document EPA is announcing that the motor vehicle emissions budgets (hereafter referred to as "budgets") contained in the maintenance plan submitted with the Lancaster Area Request for Redesignation as Attainment for Ozone for the Lancaster, Pennsylvania ozone nonattainment area are not adequate for transportation conformity purposes. As a result of our finding, the budgets from the submitted maintenance plan revision cannot be used for future conformity determinations in the Lancaster ozone nonattainment area.

**DATES:** This document is effective November 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Larry Budney, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA, 19103 at (215) 814-2184 or by e-mail at: budney.larry@epa.gov.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever "we", "us," or "our" are used we mean EPA. The word "budgets" refers to the mobile source emission budget for volatile organic compounds (VOCs) and the mobile source emissions budget for