

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

May 31, 2000

John P. Cahill, Commissioner  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233

Dear Commissioner Cahill:

On April 18, 2000 New York submitted its revised Phase 2 State Implementation Plan (SIP) in order to demonstrate attainment of the one-hour ozone standard. A March 2, 1999 decision by the D.C. Circuit Court requires that the Environmental Protection Agency conduct a public process and make an affirmative decision on the adequacy of transportation conformity budgets before they can be used by metropolitan planning organizations in conformity determinations. This letter is to inform you that we have completed the required public comment period on the adequacy of the transportation conformity budgets. We are finding that the 2007 attainment budgets for volatile organic compounds and nitrogen oxides for the New York portion of the New York-New Jersey-Connecticut severe ozone nonattainment area are adequate for transportation conformity purposes.

I would like to congratulate you and your staff for completing the work needed to submit these emission budgets within the very tight timeframe that was established for their revision. I believe that the submittal of these updated budgets is a sign of New York State's continued leadership in providing clean and healthy air and transportation planning. These revised 2007 budgets address the issue raised in my November 1, 1999 letter to you. Specifically, these revised budgets meet the adequacy criterion in section 93.118(e)(4)(iv) of the federal transportation conformity regulation, which requires that when motor vehicle emissions budgets are considered with all other emission sources they must be consistent with the level of emissions that is necessary for the area to attain the one-hour ozone standard. The budgets that had been submitted on November 24, 1998 failed to meet this criterion.

We will be publishing a Federal Register notice shortly announcing our adequacy finding. The finding will become effective 15 days after that notice appears in the Federal Register. You should be aware that the New York Metropolitan Transportation Council (NYMTC) will have 25 weeks from that effective date to demonstrate conformity of its long range transportation plan and its short term transportation improvement program to these emission budgets. Our staffs are already working with NYMTC's staff and its members to ensure that this required conformity determination is completed within 25 weeks of these budgets becoming adequate. Failure to meet this schedule will result in a

transportation conformity lapse in the New York metropolitan area.

If you have any further questions please feel free to have your staff contact Kathleen Callahan, Director of the Division of Environmental Planning and Protection at 212-637-3725.

Sincerely,

Jeanne M. Fox  
Regional Administrator

cc: Carl Johnson, Deputy Commissioner  
New York State Department of  
Environmental Conservation

Joseph Boardman, Commissioner  
New York State Department of Transportation

Thomas Schulze, Acting Executive Director  
New York Metropolitan Transportation Council

Harold Brown, Division Administrator  
Federal Highway Administration - New York Division Office

Letitia Thompson, Regional Administrator  
Federal Transit Administration - Region 2