



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 8  
999 18<sup>TH</sup> STREET - SUITE 500  
DENVER, CO 80202-2466

Ref: 8P-AR

Margie Perkins, Director  
Air Pollution Control Division  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Dear Margie:

Pursuant to Section 93.118(e) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), EPA has reviewed the Aspen PM<sub>10</sub> maintenance plan submitted by Governor Bill Owens on November 9, 2001. Our review was intended to determine the adequacy of the emissions budgets for PM<sub>10</sub> contained in this plan for purposes of conformity. The conformity rule spells out limited technical and administrative criteria that we must use in determining adequacy of submitted emissions budgets, and we have determined that these criteria have been satisfied for these emissions budgets. Therefore, we find that these budgets are adequate for transportation conformity purposes. As a result of our adequacy finding, the City of Aspen, Pitkin County, the Colorado Department of Transportation, and the U.S. Department of Transportation are required to use these budgets in future conformity analyses.

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision in *Environmental Defense Fund vs. the Environmental Protection Agency*, No. 97-1637, that we must make an affirmative determination that the submitted motor vehicle emission budgets contained in a State Implementation Plan (SIP) are adequate before they are used to determine the conformity of Transportation Improvement Programs or Long Range Transportation Plans. In response to the court decision, we make any submitted SIP revision containing a control strategy plan available for public comment and respond to these comments before announcing our adequacy determination.

On November 9, 2001, Governor Bill Owens submitted the Aspen PM<sub>10</sub> maintenance plan. We announced receipt of this plan on the Internet and requested public comment by no later than May 11, 2002. We received no comments on the plans during that comment period. As part of our review, we also reviewed comments submitted to the Air Quality Control Commission on the maintenance plans during the public hearing process. There were no comments submitted during the State hearing process regarding the budgets.



We will announce this adequacy determination in the Federal Register, but that notice will not constitute a new action or change the effect of this letter. This determination will become effective 15 days after the Federal Register announcement. If you have any questions, please contact me at (303) 312-6005, or Jeffrey Kimes of my staff at (303) 312-6445.

Sincerely,

Richard R. Long, Director  
Air and Radiation Program

cc: Craig Larson, FHWA  
Dave Beckhouse, FTA  
David Pampu, DRCOG  
George Gerstle, CDOT