



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

September 6, 2000

Mr. Jeffery A. Saitas, P.E.  
Executive Director  
Texas Natural Resource Conservation Commission  
P. O. Box 13087  
Austin, TX 78711

Dear Mr. Saitas:

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in Environmental Defense Fund (EDF) v. Environmental Protection Agency, 167 F.3d 641 (D.C. Cir. 1999), that the Environmental Protection Agency (EPA) must make an affirmative determination that submitted motor vehicle emissions budgets contained in State Implementation Plans (SIP) will not cause or increase violations or delay attainment of the National Ambient Air Quality Standards before they can be used for transportation conformity purposes. In addition, EPA agreed to make these submitted budgets available for public comment and respond to those comments when announcing our determination of their adequacy.

The Governor of Texas submitted the Dallas-Fort Worth (DFW) Attainment Demonstration SIP on April 25, 2000. The Attainment SIP contained the 2007 motor vehicle emissions budgets for VOC (107.60 tons/day) and NO<sub>x</sub> (164.30 tons/day) for the DFW ozone nonattainment area. On May 9, 2000, the availability of those budgets was posted on EPA's web site for the purpose of soliciting public comments. The public comment period closed on June 8, 2000, and the EPA did not receive any comments.

Also, the Governor submitted additional information on the Beaumont-Port Arthur (BPA) Attainment Demonstration SIP on April 25, 2000, to supplement the November 15, 1999, initial submission. The Attainment SIP contained the 2007 motor vehicle emissions budgets for VOC (17.22 tons/day) and NO<sub>x</sub> (29.94 tons/day) for the BPA ozone nonattainment area. On August 1, 2000, the availability of those budgets was posted on EPA's web site for the purpose of soliciting public comments. The public comment period closed on August 31, 2000, and the EPA did not receive any comments.

We have reviewed the DFW and BPA attainment SIP budgets in accordance with the procedures and criteria specified in the transportation conformity rule (see 40 CFR 93.118(e)(4)) and EPA policy guidance dated May 14, 1999. We have determined that the budgets submitted in the

DFW and BPA attainment SIPs are adequate and they must be used in the transportation conformity determinations. We will be posting the DFW and BPA adequacy determinations on the EPA's web site and will announce our determinations in the Federal Register. The budgets will become effective 15 days after the Federal Register publication date.

If you have any questions concerning this subject, please contact me or Tom Diggs of my staff at (214) 665-7214.

Sincerely yours,

Carl E. Edlund, P.E.  
Director  
Multimedia Planning and  
Permitting Division

Enclosure

cc: Michael Morris  
North Central Texas Council of Governments

Bob Dickinson  
South East Texas Regional Planning Commission

C. D. Reagan  
Federal Highway Administration

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Federal Transit Administration