

File Number: PLA 10-5-2-2

U. S. EPA Region 6
September 1, 1999

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, No. 97-1637, that the Environmental Protection Agency (EPA) must make an affirmative determination that submitted motor vehicle emission 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 El Paso Section 179B International Border SIP for carbon monoxide (CO) on September 27, 1995. This SIP contained the 1996 CO motor vehicle emissions budget (96.90 tons/day) for the El Paso CO nonattainment area. On June 7, 1999, the availability of this budget was posted on EPA's WEB site for the purpose of soliciting public comment. The comment period closed on July 7, 1999, and no comments were received.

We have reviewed the El Paso CO SIP budget 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 budget submitted in the El Paso Section 179B International Border SIP for 1996 is adequate to be used in the transportation conformity determinations. As required in our policy guidance, we will be posting our determination on EPA's WEB site and we will also announce our determination in the Federal Register. The budgets will become effective 15 days after the Federal Register publication date.

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DIGGS POWERS LUTHANS

If you have any questions concerning this subject, please contact me at (214) 665-7200 or Tom Diggs, of my staff, at (214) 665-7214..

Sincerely yours,

Robert E. Hanneschlager, P.E.
Acting Director
Multimedia Planning and
Permitting Division

cc: Ricardo Dominguez
El Paso Metropolitan Planning Organization

C. D. Reagan
Federal Highway Administration

Peggy Crist
Federal Transit Administration