

File Number: PLA 10-5-3-2

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 Houston-Galveston Area (HGA) Attainment Demonstration SIP on November 15, 1999. The Attainment SIP contained the 2007 motor vehicle emissions budgets for VOC (79.00 tons/day) and NO_x (195.00 tons/day) for the HGA ozone nonattainment area. On November 29, 1999, the notice of availability of those budgets was posted on EPA's website for the purpose of soliciting public comments. Since EPA received additional information from the TNRCC on March 14, 2000, and a clarification letter on April 7, 2000, we re-posted the notice of availability of the budgets on the EPA's website on March 20, 2000, and subsequently extended the comment period until May 1, 2000. The EPA received two public comment letters.

We have reviewed the HGA 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

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HGA attainment SIP are adequate and they must be used in the transportation conformity determinations. A copy of our response to the public comments is enclosed for your information. We will be posting our determination with our response to comments on the EPA's website and will announce our determination 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: Mr. Alan Clark
Houston-Galveston Area Council

Mr. C. D. Reagan
Federal Highway Administration

Ms. Peggy Crist
Federal Transit Administration

Mr. Robert E. Yuhnke (with Enclosure)
Attorney/Consultant, Environmental Defense
Natural Resources Defense Council

Mr. Patrick Gallagher (with Enclosure)
Senior Attorney, Sierra Club

Ms. Lois J. Schiffer, Assistant Attorney General
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Ms. Eileen McDonough, Attorney
Environment and Natural Resources Division

Ms. Jan M. Tierney
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Mr. Howard I. Fox
Earthjustice Legal Defense Fund

Mr. David G. Hawkins
Natural Resources Defense Council