

File Number: PLA 10-5-3-2

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 Houston 9% Rate-of-Progress (ROP) SIP on May 19, 1998. The ROP SIP contained the 1999 motor vehicle emissions budgets for VOC (132.68 tons/day) and NOx (283.01 tons/day) for the Houston ozone nonattainment area. On June 7, 1999, the availability of those budgets 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 ROP 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 Houston ROP SIP for 1999 are adequate to be used in the transportation conformity determinations. We will be posting our determination on EPA's WEB site and will 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 LUTHANS POWERS

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.

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Acting Director
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