

U.S. Environmental Protection Agency
Region 6
November 23, 1999

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, No. 97-1637, that the U.S. 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. The 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 an attainment demonstration SIP revision for the Houston area on May 19, 1998. On July 22, 1999, the availability of this SIP revision was posted on EPA's WEB site for the purpose of soliciting public comment. The comment period closed on August 21, 1999, and no comments were received.

We have reviewed this SIP revision for transportation conformity budget purposes in accordance with the procedures and criteria specified in the transportation conformity rule (see 40 CFR 93.118(e)(4)) and the EPA policy guidance dated May 14, 1999. This SIP revision does not explicitly contain any motor vehicle emissions budgets for volatile organic compound and nitrogen oxide for the Houston ozone nonattainment area. Since the transportation conformity rule requires the State to establish budgets in the attainment demonstration SIPs, we have determined that the attainment SIP revision submitted on May 19, 1998, is inadequate for transportation conformity budget purposes. We will be posting our determination on EPA's WEB site and will announce our determination in the Federal Register. The public notice of this determination will become effective 15 days after the Federal Register publication date.

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If you have any questions concerning this subject, please contact me at (214) 665-7200 or your staff may contact Mr. John Behnam at (214) 665-7247 .

Sincerely yours,

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

cc: Alan Clark
Houston-Galveston Area Council

C. D. Reagan
Federal Highway Administration

Peggy Crist
Federal Transit Administration