



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 07 2009

REPLY TO THE ATTENTION OF:

(AR-18J)

Jennifer Hunter, Section Manager
Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

Dear Ms. Hunter:

Thank you for the submittal of the attainment demonstration state implementation plan (SIP) for annual fine particulate matter (PM_{2.5}) in Ohio. This letter addresses our review of the adequacy of the motor vehicle emission budgets for the Cleveland/Akron area.

Pursuant to Section 93.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency has reviewed the annual PM_{2.5} attainment demonstration plan as well as the transportation conformity budgets contained in the submittal. These documents contain MOBILE6 based Motor Vehicle Emission Budgets (MVEBs) for the Cleveland/Akron, Ohio area.

The 2009 MVEBs for oxides of nitrogen (NO_x) and directly emitted fine particulate matter PM_{2.5} for the Cleveland/Akron, Ohio, PM_{2.5} nonattainment area, listed in tons per day (tpd), are as follows:

Cleveland/Akron, Ohio

	PM _{2.5} (tpd)	NO _x (tpd)
2009	818.11	43553.48

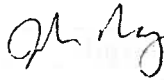
EPA has determined that the submitted MVEBs are adequate for transportation conformity purposes. EPA notes that the D.C. Circuit issued a decision on July 11, 2008 vacating the Clean Air Interstate Rule (CAIR). North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed

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The Transportation Conformity Rule spells out limited technical and administrative criteria that EPA must use to determine the adequacy of submitted MVEBs for transportation conformity purposes. EPA also described the process for determining the adequacy of submitted MVEBs in a May 14, 1999, memorandum entitled "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision." EPA followed this guidance in making this adequacy determination. EPA opened the public comment period on the adequacy of the submitted MVEBs by posting them to the EPA Office of Transportation and Air Quality's adequacy review website (<http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>) on September 1, 2009. The comment period closed on October 1, 2009, and no comments were received.

EPA will publish a notice in the Federal Register announcing this finding. If you have any questions regarding this finding, please feel free to call me or Patricia Morris, of my staff, at (312) 353-8656.

Sincerely,



John Mooney, Chief
Criteria Pollutant Section