



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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JAN 21 2010

Ref: 8P-AR

Martha E. Rudolph, Executive Director
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

Subject: Adequacy determination for the Denver Metro Area & North Front Range 8-hour Ozone Attainment Plan's NO_x and VOC Motor Vehicle Emissions Budgets

Dear Ms. Rudolph:

Pursuant to Section 93.118(e) of the Transportation Conformity Rule (40 CFR 93 Subpart A), EPA has reviewed the Denver Metro Area & North Front Range 8-hour Ozone (1997 NAAQS) Attainment Plan that was submitted with a June 18, 2009 letter signed by James B. Martin, Executive Director of the Colorado Department of Public Health and Environment (CDPHE). The focus of our review was to determine the adequacy of the 2010 motor vehicle emissions budgets (MVEB) for nitrogen oxides (NO_x) and volatile organic compounds (VOC) contained in this plan for purposes of transportation conformity. EPA's conformity rule spells out limited technical and administrative criteria that we must use in determining the adequacy of submitted MVEBs, and we have determined that these criteria have been satisfied for the NO_x and VOC MVEBs contained in the submitted attainment plan.

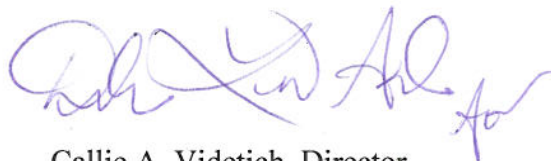
As presented in the attainment plan SIP revision document, we find that the Total Nonattainment Area Budgets of 122.9 tons per day (tpd) of NO_x and 109.2 tpd of VOC for 2010 are adequate according to the regulations found at 40 CFR 93.118(e). In addition, we find the nonattainment area's Northern Subarea Budgets of 20.5 tpd of NO_x and 19.5 tpd of VOCs and the Southern Subarea Budgets of 102.4 tpd of NO_x and 89.7 tpd of VOCs, all for 2010, are also adequate. As described in the Denver Metro Area & North Front Range 8-hour Ozone Attainment Plan (December 12, 2008), the initial conformity determination must be done using the nonattainment area-wide MVEBs for NO_x and VOCs. After the initial conformity determination, the Denver Regional Council of Governments (DRCOG) and the North Front Range Metropolitan Planning Organization (NFR MPO) may switch from using the combined nonattainment area-wide MVEBs to using the sub-area MVEBs for determining conformity. To switch to use of the sub-area MVEBs (or to subsequently switch back to use of the combined nonattainment area-wide MVEBs), DRCOG and the NFR MPO must use the process as described in the Denver Metro Area & North Front Range 8-hour Ozone Attainment Plan on pages VI-4 through VI-6. As a result of our adequacy finding, DRCOG, the NFR MPO, the Colorado Department of Transportation, and the U.S. Department of Transportation are required to use these budgets in future transportation conformity analyses.

EPA announced receipt of this 8-hour ozone attainment plan on the internet and requested public comment, regarding adequacy of the motor vehicle emission budgets, by no later than November 16, 2009. We received no comments during that public comment period. As part of our adequacy review, which is summarized in Enclosure 1, we also reviewed the submittal for any comments concerning the MVEBs that were submitted to the Air Quality Control Commission (AQCC) and CDPHE during the public hearing process. EPA believes the comments regarding the budgets that were submitted from the public during the State public hearing process, and previously submitted EPA comments, were sufficiently addressed by the State in its AQCC Prehearing Statement, during the course of the December 12, 2008 public hearing, and in the AQCC-approved ozone attainment plan SIP revision.

Please note that this adequacy determination is separate from EPA's subsequent rulemaking action on the Denver Metro Area & North Front Range 8-hour Ozone Attainment Plan SIP revision and should not be used to prejudge EPA's approval or disapproval of the SIP revision.

EPA will announce this adequacy determination in the Federal Register. This determination will become effective 15 days after the Federal Register announcement. If you have any questions, please contact me at (303) 312-6434 or Tim Russ of my staff at (303) 312-6479.

Sincerely,



Callie A. Videtich, Director
Air Program

cc: Bill Haas, Colorado Division, FHWA
Jennifer Schaufele, Executive Director, Denver Regional Council of Governments
Cliff Davidson, Executive Director, North Front Range Metropolitan Planning
Organization
Paul Tourangeau, Director, Air Pollution Control Division, CDPHE

Enclosure 1
Denver Metro & NFR 8-hour (80 ppb) Ozone Attainment Demonstration Plan MVEB
Adequacy Evaluation

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(i)	The plan was endorsed by the Governor (or designee) and was subject to a public hearing.	Y	<p>June 18, 2009 Letter from James Martin, Exec. Director or CDPHE (on behalf of the Governor.)</p> <p>The submittal includes evidence of a public hearing that occurred on December 12, 2009.</p> <p>Public Hearing Notice: The 8-hour (80 ppb) Ozone Attainment Plan for the Denver Metro/NFR Area; Public Hearing notice dated September 25, 2008, signed by Douglas Lempke, Administrator, Colorado Air Quality Control Commission (AQCC). Affidavit of publication: The Public Hearing notice was published in the Denver Post on November 21, 2008. Note: In a letter dated October 2, 2002, Casey Shpall, Colorado AG's office stated there is no State Requirement to publish a notice in a newspaper for a Notice of AQCC rulemaking.</p>
Sec. 93.118(e)(4)(ii)	The plan was developed through consultation with federal, state and local agencies; full implementation plan documentation was provided and EPA's stated concerns, if any, were addressed.	Y	The submittal includes parties that applied for party-status, a listing of parties that applied for party status and/or submitted public comments and included local governments and entities. EPA was consulted many times during the development of the attainment plan and also submitted comments.

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(iii)	The MVEBs are clearly identified and precisely quantified.	Y	Table 12, page VI-3, (for 2010) of the 8-hour (80 ppb) Ozone Attainment Plan for Denver Metro/NFR.
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions budget(s), when considered together with all other emission sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given plan).	Y	EPA has preliminarily evaluated the June 18, 2009 submitted Ozone Attainment Demonstration Plan SIP Revision and believes that attainment of the 8-hour (80 ppb) Ozone NAAQS is demonstrated for the Denver metro/NFR nonattainment area and that the MVEBs are consistent with that demonstration. Refer to sections III., IV., V., and VI. of the Attainment Demonstration Plan.
Sec. 93.118(e)(4)(v)	The plan shows a clear relationship between the emissions budget(s), control measures and the total emissions inventory.	Y	The Denver metro/NFR Ozone Attainment Demonstration Plan discusses the control measures in section IV. The relationship of the mobile sources emissions is further included in sections III., V., and VI.

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans explain and document any changes to any previous submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see 93.101 for definition), and reasons for the changes (including the basis for any changes to emission factors or estimates of vehicle miles traveled).	Y	Mobile source emissions were originally documented in the Denver metro/NFR Early Action Compact Attainment Demonstration that EPA approved on 8/19/05 (see 70 FR 48652.) At that time, the area was designated nonattainment, but with a deferred effective date and was not required to demonstrate transportation conformity to the mobile source emissions contained in the EPA-approved SIP revision. Revisions to mobile sources emissions estimates (and MVEBs) in the June 18, 2009 Attainment Demonstration SIP revision resulted from revised VMT data, updated EPA Nonroad Model, updated information from other source categories, and, changes to the Colorado inspection and maintenance program for vehicles. A revised DRCOG 2030 Transportation Plan also updated the VMT estimates due to updates to population, VMT, and development patterns estimates.
Sec. 93.118(e)(5)	EPA has reviewed the State's compilation of public comments and response to comments that are required to be submitted with any implementation plan.	Y	The public comments and EPA comments were included in the SIP revision submittal. The State did not include a specific section on how the comments were addressed. Public and EPA comments were sufficiently addressed by the State in its AQCC Prehearing Statement, during the course of the December 12, 2008 public hearing, and in the AQCC-approved ozone attainment plan SIP revision.
Reviewers: Tim Russ, USEPA, Region 8			Date of Review: September 30, 2009