



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8P-AR

MAR - 4 2011

Christopher E. Urbina, M.D., MPH
Executive Director/Chief Medical Officer
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

Re: Greeley, Carbon Monoxide Second 10-year Limited Maintenance Plan; Transportation
Conformity Adequacy

Dear Mr. Urbina:

EPA has reviewed the Greeley carbon monoxide (CO) Clean Air Act (CAA) section 175A(b) second 10-year Limited Maintenance Plan (LMP) State Implementation Plan (SIP) revision that was submitted to EPA by a letter dated March 31, 2010 from Martha E. Rudolph, then Executive Director of the Colorado Department of Public Health and Environment (CDPHE), on behalf of the Governor.

We have found the Greeley CO LMP adequate for transportation conformity purposes. Our finding is based primarily on the Greeley CO maintenance area as meeting the criteria for a LMP and as meeting the applicable procedures and criteria for adequacy review pursuant to section 93.118 of the Transportation Conformity Rule (40 CFR 93, Subpart A). We will announce this adequacy finding by publishing a Notice in the Federal Register; this adequacy finding will then become Federally-effective 15 days after the publication of the Notice.

As part of our adequacy review, we announced receipt of the Greeley CO second 10-year LMP and posted an announcement of availability on EPA's Office of Transportation and Air Quality (OTAQ) website at: <http://www.epa.gov/otaq/stateresources/transconf/currsubs.htm>. We requested public comments by no later than December 10, 2010. We did not receive any comments. In addition, and as part of our review which is summarized in Enclosure 1, we also reviewed the Governor's SIP revision submittal for any comments about the maintenance plan that may have been submitted during the Colorado Air Quality Control Commission (AQCC) public hearing process. There were no adverse comments from the public.

EPA notes that for the Greeley CO maintenance area, the prior EPA-approved motor vehicle emission budgets (MVEB) were 62 tons of CO per day for 2010 through 2014 and 60 tons per day of CO for 2015 (see 70 FR 48650, August 19, 2005). With respect to these prior EPA-approved MVEBs, we note that the second 10-year CO LMP SIP submittal will not replace the current full maintenance plan and its MVEBs for the time period covered by those SIP MVEBs. Consistency to the MVEBs in the first maintenance plan must continue to be demonstrated for as long as any of the MVEBs are

within the timeframe of the transportation plans. Eventually in the future, no regional emissions analyses would be required for the regional transportation plan (RTP) or the transportation improvement program (TIP) transportation plan when these transportation plans cover the years 2016 and beyond. In such a case, there would no need to show consistency with the first maintenance plan's 2015 MVEB since this MVEB would no longer be in the timeframe of the transportation plan and no analysis years would be required beyond 2015 due to the adequate CO LMP.

Therefore, once our transportation conformity adequacy finding is published in the Federal Register and becomes effective for the Greeley CO LMP second 10-year maintenance period, regional emissions analyses would not be required for the years in the North Front Range Metropolitan Planning Organization (NFRMPO) transportation plans that are covered by the LMP (i.e., any analysis years that would normally be required beyond 2015). This reflects the provisions in our CO LMP policy and 40 CFR 93.109(f). However, as we noted above, consistency must continue to be demonstrated to the 2014 and 2015 budgets in the approved first maintenance plan under 40 CFR 93.118(d)(2), as long as such years are within the timeframe of the transportation plan.

This adequacy finding affects future CO RTP and TIP conformity determinations as prepared and approved by the NFRMPO, the Colorado Department of Transportation (CDOT), and the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

Please note that this adequacy finding is separate from EPA's subsequent rulemaking action on the Greeley second 10-year CO LMP SIP revision and should not be used to prejudge EPA's approval or disapproval of the SIP revision.

If there are any questions, please contact Tim Russ of my staff at (303) 312-6479.

Sincerely,



Deborah Lebow Aal, Acting Director
Air and Radiation Program

Enclosure

cc: Cliff Davidson, Executive Director, NFRMPO
Paul Tourangeau, Director, Air Pollution Control Division, CDPHE
Donald Hunt, Executive Director, CDOT
Bill Haas, Colorado Division, FHWA
Kistin Kenyon, Region 8, FTA

Enclosure 1:

Greeley Carbon Monoxide Limited Maintenance Plan 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>March 31, 2010 Letter from Martha E. Rudolph, Exec. Director of CDPHE (on behalf of the Governor.)</p> <p>The submittal includes evidence of a public hearing that occurred on December 17, 2009.</p> <p>Public Hearing Notice: The Greeley Carbon Monoxide Maintenance Plan (CO 2nd Ten-year Maintenance Plan); Public Hearing notice dated October 5, 2009, 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 10/12/09 and on the AQCC Commission website. 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 (Suzette Mallette on behalf of the North Front Range Metropolitan Planning Organization – NFRMPO), a listing of parties that applied for party status and/or submitted public comments and included local governments and entities. NFRMPO submitted a 11/10/09 letter in support of the

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
			maintenance plan. EPA was consulted many times during the development of the revised, Limited Maintenance Plan and submitted comments on draft versions.
Sec. 93.118(e)(4)(iii)	The MVEBs are clearly identified and precisely quantified.	Y	Table 2, page 5, of the document shows emissions for 2007, but does not project future emissions. Area qualified for and State used EPA's Limited Maintenance Plan (LMP) policy which only requires a base year of emissions and no projections.
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 reviewed the 2007 emissions inventory on page 5 of the maintenance plan and considered the data as meeting the requirements of EPA's LMP policy.
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 Greeley CO LMP discusses emissions on page 5 in the section entitled "Emission Inventories" and discusses the relevant control measures on pages 5 & 6 in the section entitled "Enforceable Control Measures for the Maintenance Period".
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans	Y	Mobile source emissions and motor vehicle emissions budgets (MVEBs) were originally documented in the revised Greeley CO maintenance plan that was

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	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).		approved by EPA on 8/19/05 (70 FR 48650). EPA has reviewed these previously approved MVEBs, and the language and how these prior-approved MVEBs are addressed, on page 6 of the currently-submitted LMP in the section entitled "Transportation Conformity Determination". We agree with the language and the analysis.
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 Governor's submittal does not indicate there were any public comments at the public hearing.
Reviewers: Tim Russ, USEPA, Region 8			Date of Review: November 4, 2010

