



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

James Goldstene
Executive Officer
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, CA 95812

NOV 20 2009

Re: Adequacy Status of Motor Vehicle Emissions Budgets in Nitrogen Dioxide
(Subsequent) Maintenance Plan Portion of the 2007 South Coast State Implementation
Plan

Dear Mr. Goldstene:

We have found adequate for transportation conformity purposes the motor vehicle emissions budgets (MVEBs) in the nitrogen dioxide (NO₂) maintenance plan portion of the 2007 South Coast State Implementation Plan (SIP), as submitted by the California Air Resources Board (CARB) on November 28, 2007, and corrected by CARB on May 1, 2009. As a result of our adequacy finding, the Southern California Association of Governments (SCAG) and the U.S. Department of Transportation must use these budgets in future conformity analyses.

On November 28, 2007, CARB submitted the 2007 South Coast SIP as a revision to the California SIP. The 2007 South Coast SIP includes the Final 2007 Air Quality Management Plan (AQMP), as adopted by the South Coast Air Quality Management District (SCAQMD) on June 1, 2007, except as modified by CARB through adoption of the 2007 AQMP on September 27, 2007 (ARB Resolution 07-41) and adoption of revised MVEBs on November 15, 2007 (ARB Resolution 07-50). The 2007 South Coast SIP includes revisions for ozone, fine particulate matter, carbon monoxide and NO₂ in the South Coast Air Basin, and for ozone in the Coachella Valley. On May 6, 2008, we found adequate for transportation conformity purposes certain MVEBs for ozone and fine particulate matter from the 2007 South Coast SIP, as revised by CARB's submittal dated April 30, 2008. The budgets we have found adequate herein are the MVEBs from the "subsequent" NO₂ maintenance plan. Subsequent maintenance plans are those that are developed to demonstrate maintenance of the standard for a second ten-year period beyond redesignation, as required under section 175A(b) of the Clean Air Act.

The (subsequent) NO₂ maintenance plan portion of the 2007 South Coast SIP, as corrected by CARB by letter dated May 1, 2009, identifies regional MVEBs for the South Coast. A footnote to the table (table 6-11) containing the NO₂ MVEBs indicates that the budget calculated for year 2002 is applicable "to all future years and beyond 2020." We believe neither CARB nor the SCAQMD intended to create an NO₂ budget for every year between 2002 and 2020, and beyond 2020, because this would be unreasonable. Rather, we interpret the 2007 South Coast SIP as creating the same NO₂ budget for the horizon year (2020) for the subsequent NO₂ maintenance plan as for the base year of 2002, and that the plan does not establish a budget for any other year, but that the budget is to be used for any other year in which a transportation conformity determination is otherwise required.

By letter dated May 1, 2009, CARB corrected the NO₂ MVEB as shown in table 6-11, as adopted in ARB Resolution 07-50 and submitted on November 28, 2007, and provided an explanation for the discrepancy between the baseline 2002 NO_x emissions estimate in table C-1 of appendix III to the 2007 AQMP that, conceptually, should have equaled the corresponding MVEB. We announced receipt of the NO₂ maintenance plan on the Internet on June 1, 2009 and requested public comment by July 1, 2009. We did not receive any comments on the budgets and plan during that comment period.

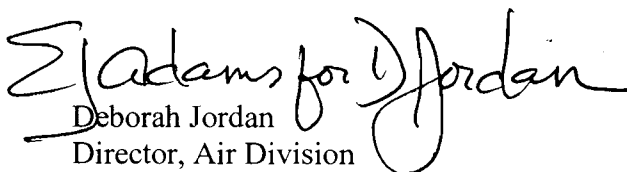
This letter transmits our decision that the NO₂ MVEBs in the subsequent NO₂ maintenance plan portion of the 2007 South Coast SIP are adequate for transportation conformity decisions. The budgets are provided in the following table:

South Coast Nitrogen Dioxide (Subsequent) Maintenance Plan Motor Vehicle Emissions Budget	
2002 & 2020 Emissions Budgets	NO ₂ 680 tons per day (winter season)

In reaching this decision, we have reviewed the subsequent maintenance plan, including responses to public comments, and have preliminarily determined that it demonstrates, based on existing adopted rules, the continued maintenance of the NO₂ standard through 2020, i.e., the end of the second 10-year period beyond redesignation. We have detailed our adequacy findings in the enclosure. A copy of this letter and its enclosure will soon be posted on the internet at <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>. We will also announce this adequacy determination in the Federal Register. This finding will become effective 15 days after the Federal Register announcement pursuant to 40 CFR 93.118(f).

If you have any questions regarding this decision, please contact Elizabeth Adams at 415-972-3183 or Wienke Tax at 415-947-4192.

Sincerely,


 Deborah Jordan
 Director, Air Division

Enclosure

cc: Hasan Ikhata, SCAG
 Jonathan Nadler, SCAG
 Barry Wallerstein, SCAQMD
 Sue Kiser, FHWA
 Ted Matley, FTA
 Kurt Karperos, ARB

Transportation Conformity Adequacy Review

Control Strategy State Implementation Plan (SIP) Under Review: 2007 South Coast SIP [Subsequent 10-Year Maintenance Plan for NO ₂]		Date SIP Revision submitted to EPA: November 28, 2007, as corrected with respect to the NO ₂ motor vehicle emissions budgets on May 1, 2009.	
Reviewers: Wienke Tax and Karina O'Connor, Air Planning Office		November 3, 2009	
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.	Yes	The November 28, 2007 transmittal letter submitting the 2007 South Coast SIP (and related NO ₂ MVEBs) was sent by CARB's Executive Officer, James Goldstene, the Governor's designee. CARB held a public hearing on September 27, 2007 on the 2007 South Coast SIP, and on November 15, 2007 on the related MVEBs. The May 1, 2009 letter correcting the NO ₂ MVEBs was also sent by CARB's Executive Officer, James Goldstene, the Governor's designee.
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.	Yes	Documentation included with the submittal of the 2007 South Coast SIP describes a public and agency outreach effort. See, e.g., the SCAQMD's Response to Comments on the Draft 2007 Air Quality Management Plan (February 2007), submitted by CARB on November 28, 2007 as enclosure I-E, describing nine regional workshops held from October 24 through December 6, 2006 to discuss the draft 2007 Air Quality Management Plan (AQMP) released on October 10, 2006. EPA received a copy of the draft 2007 AQMP, and SCAQMD responded to our comments.

Sec. 93.118(e)(4)(iii)	The motor vehicle emission budgets are clearly identified and precisely quantified.	Yes	The MVEBs for the NO ₂ subsequent maintenance plan portion of the 2007 South Coast SIP are clearly identified in the corrected version of table 6-11 included as an attachment to CARB's letter dated May 1, 2009. The NO ₂ budgets for years 2002 and 2020 are the same (680 tons per day – winter planning inventory). Documentation for the budget is found in appendix III to the 2007 AQMP (in particular, see table C-1). A footnote to table 6-11 containing the NO ₂ MVEBs indicates that the budget calculated for year 2002 is applicable “to all future years and beyond 2020.” We believe neither CARB nor the SCAQMD intended to create an NO ₂ budget for every year between 2002 and 2020, and beyond 2020, because this would be unreasonable. Rather, we interpret the 2007 South Coast SIP as creating the same NO ₂ budget for the horizon year (2020) for the subsequent NO ₂ maintenance plan portion of the 2007 South Coast SIP as for the base year of 2002, and that the plan does not establish a budget for any other year.
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 maintenance.	Yes	EPA has preliminarily concluded that the NO ₂ budgets, when considered together with all other emission sources, are consistent with the requirement to demonstrate continued maintenance of the NO ₂ standard through 2020, i.e., the end of the second 10-year period. By establishing the same NO ₂ budget for 2020 as for 2002, the 2007 South Coast SIP is assigning a portion of the safety margin (as defined in 40 CFR 93.101) to motor vehicles. The portion of the safety margin assigned to motor vehicles in the plan is approximately 481 tons per day, which is the difference between the budget (680 tons per day) and the estimated baseline motor vehicle emissions in 2020 (199 tons per day - see table C-8 in appendix III to the 2007 AQMP). The safety margin is consistent with continued maintenance of the NO ₂ standard through 2020 because baseline non-motor-vehicle emissions are expected to decline from 2002 to 2020 resulting in a decrease in overall baseline NO _x emissions between 2002 and 2020 even if motor vehicle emissions were held constant at 680 tons per day over that same interval.

Sec. 93.118(e)(4)(v)	The plan shows a clear relationship among the emissions budget(s), control measures and the total emissions inventory.	Yes	The 2007 South Coast SIP did not show a clear relationship between the NO ₂ MVEBs and the baseline emissions inventory on which they were based. The budget shown in table 6-11 as adopted on November 15, 2007 through ARB Resolution 07-50 should have been the same as the baseline motor vehicle emissions estimate for 2002 as shown in table C-1 of the appendix to the 2007 AQMP, but it was not. However, by letter dated May 1, 2009, CARB corrected table 6-11 and explained the reason for the discrepancy, and, as corrected, the 2007 South Coast SIP now shows a clear relationship between the NO ₂ MVEBs and the baseline emissions inventory in appendix III. The NO ₂ budgets do not rely on any of the new control strategies set forth in the 2007 South Coast SIP but are based on regulations adopted prior to the adoption of the plan.
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 VMT).	Yes	CARB's May 1, 2009 letter adequately explains the discrepancy between the NO ₂ MVEBs, as submitted on November 28, 2007, and the underlying baseline emissions inventory (in appendix III to the 2007 AQMP) on which it was based. The budgets found adequate in this action will coexist with the NO ₂ MVEBs (686 tons per day) for years 2003 and 2010, approved by EPA in 2009 (74 FR 10176, March 10, 2009), in connection with a revision to the initial (i.e. first 10-year) NO ₂ maintenance plan.
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.	Yes	SCAQMD compiled public comments submitted during the June 1, 2007 public hearing and during the public comment periods. These comments and the responses are included in the February 2007 "Response to Comments" (http://www.aqmd.gov/aqmp/07aqmp/modified/Response_to_Comments.pdf). ARB compiled public comments submitted during the September 27, 2007, and November 15, 2007 public hearings and during the public comment periods. These comments and the responses are included in adoption hearing transcripts (http://www.arb.ca.gov/board/meetings.htm). We have reviewed the compilation of comments and responses and find SCAQMD's and CARB's responses to be acceptable. No issues that might have affected our adequacy finding remain unanswered.