



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8P-AR

MAR 21 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: Telluride PM₁₀ Second 10-year Maintenance Plan; Transportation Conformity Adequacy

Dear Mr. Urbina:

EPA has reviewed the Telluride PM₁₀ Clean Air Act (CAA) section 175A(b) second 10-year Maintenance Plan 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 Telluride PM₁₀ maintenance plan and the 2021 motor vehicle emissions budget (MVEB) adequate for transportation conformity purposes. Our finding focused on the Telluride PM₁₀ maintenance area's ability to meet the applicable procedures and criteria for adequacy 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 Telluride PM₁₀ second 10-year maintenance plan 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 22, 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 Telluride PM₁₀ maintenance area, the prior EPA-approved MVEB was 10,001 lbs. per day of PM₁₀ for 2012 (see 66 FR 32556, June 15, 2001). EPA has reviewed the previously-approved MVEB for 2012 and notes that according to 40 CFR 93.118(e)(1), the prior, EPA-approved PM₁₀ MVEB of 10,001 lbs/day for 2012 must continue to be used from 2012 through 2020, or until such time as the State elects to submit a SIP revision to revise the 2012 PM₁₀ MVEB and EPA approves the SIP revision. As this second 10-year maintenance plan SIP revision does not revise the previously-approved 2012 PM₁₀ MVEB nor establish a new MVEB applicable for 2012 through

2020, the MVEB "... for the most recent prior year..." (i.e., 2012) must continue to be used (see 40 CFR 93.118(b)(1)(ii) and (b)(2)(iv)).

EPA notes that the Telluride second 10-year maintenance plan establishes a new MVEB of 1,108 lbs. per day of PM₁₀ for 2021. This apparent inconsistency with the prior EPA-approved 2012 PM₁₀ MVEB of 10,001 lbs/day is not viewed as an impediment for conformity determinations or for air quality concerns for PM₁₀ emissions from motor vehicles and road dust.

As a practical matter, the 2021 MVEB of 1,108 lbs. per day of PM₁₀ would be controlling for any conformity determination involving the relevant years. Please note that for any maintenance plan that only establishes a budget for the last year of the maintenance plan, 40 CFR 93.118(b)(2)(i) requires that the demonstration of consistency with the budget be accompanied by a qualitative finding that there are no factors which would cause or contribute to a new violation or exacerbate an existing violation in the years before the last year of the maintenance plan. Therefore, when a conformity determination is prepared which assesses conformity for the years before 2021, the 2021 MVEB and the underlying assumptions supporting it would have to be considered. Finally, 40 CFR 93.110 requires the use of the latest planning assumptions in conformity determinations; thus, the most current motor vehicle and road dust emission factors would need to be used and we expect the analysis would show greatly reduced PM₁₀ motor vehicle and road dust emissions from those calculated in the first maintenance plan. In view of the above, EPA is satisfied with the MVEB language as stated in Chapter 3, section "Emissions Budget for PM₁₀" (i.e., 1,108 lbs. per day of PM₁₀ for 2021) on page 10 of the maintenance plan.

This adequacy finding affects future PM₁₀ conformity determinations as prepared and approved by 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 Telluride second 10-year PM₁₀ maintenance plan SIP revision and should not be used to prejudice 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: 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:

Telluride PM₁₀ 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 November 19, 2009.</p> <p>Public Hearing Notice: The Telluride PM₁₀ Maintenance Plan (PM₁₀ 2nd Ten-year Maintenance Plan); Public Hearing notice dated August 25, 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	<p>The submittal includes the Air Pollution Control Division's (APCD) statement. Stu Fraser, Mayor, Telluride Town Council, submitted a letter of support and endorsement for the maintenance plan (letter dated 10/6/09). Greg L. spark, Town Manager, Town of Mountain Village submitted a letter of support and endorsement for the maintenance plan (letter dated 10/27/09). Elaine R.C. Fischer, Chari, San Miguel County Commissioners submitted a letter of support and endorsement of the maintenance plan (letter dated 10/7/09). EPA was advised of the development of the Maintenance Plan, but did not offer any comments.</p>
Sec. 93.118(e)(4)(iii)	The MVEBs are clearly identified	Y	<p>Figure 3, page 9, (emission inventory for 2021) and as described in Chapter 3,</p>

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	and precisely quantified.		“Emissions Budget for PM10” of the 2 nd ten-year Maintenance Plan.
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	The 2021 MVEB is consistent with the Maintenance Plan’s maintenance demonstration. Refer to Figure 3, page 9 (2021 emission inventory) and Chapter 3, “Maintenance Demonstration” of the 2 nd ten-year Maintenance 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 2 nd ten-year Maintenance Plan discusses the control measures in Chapter 3, “Attainment/Maintenance Plan Control Measures”. The relationship of the mobile sources emissions is further described and included in Chapter 3, Figure 3, Chapter 3, “Maintenance Demonstration”, and Chapter 3, “Emissions Budget for PM10”.
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	Y	<p>Mobile source emissions and motor vehicle an emissions budgets (MVEB) were originally documented in the Telluride redesignation to attainment and maintenance plan that were approved by EPA on 6/15/01 (66 FR 32556). EPA has reviewed the previously approved MVEB for 2012 and the language and how this prior-approved MVEB was developed. There is no discussion in the 2nd 10-year maintenance plan addressing the prior 2012 MVEB.</p> <p>According to 40 CFR 93.118(e)(1), the prior, EPA-approved PM₁₀ motor vehicle emissions budget (MVEB) of 10,001 lbs/day for 2012 (see 66 FR 32556, June 15, 2001) must continue to be used from 2012 through 2020, or until such time as the State elects to submit a SIP revision to revise the 2012 PM₁₀ MVEB and EPA approves the SIP revision. As this 2nd ten-year maintenance plan SIP revision does not revise the previously-approved 2012 PM₁₀ MVEB nor establish a new MVEB applicable for 2012</p>

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	definition), and reasons for the changes (including the basis for any changes to emission factors or estimates of vehicle miles traveled).		<p>through 2020, the MVEB "... for the most recent prior year..." (i.e., 2012) must continue to be used (see 40 CFR 93.118(b)(1)(ii) and (b)(2)(iv)).</p> <p>EPA notes in Figure 3 of the Telluride 2nd ten-year maintenance plan, the 2015 PM₁₀ emissions for motor vehicles and road dust are now currently calculated to be only a total of 932.77 lbs/day. However, this apparent inconsistency with the prior EPA-approved 2012 PM₁₀ MVEB of 10,001 lbs/day is not viewed as an impediment for conformity determinations or for air quality concerns for PM₁₀ emissions from motor vehicles and road dust. As a practical matter, with EPA's approval of this CAA section 175A(b) 2nd ten-year maintenance plan, a conformity determination could not be approved if it was shown to be in conflict with; (1) the new 2021 MVEB of 1,108 lbs. per day and (2), the provisions 40 CFR 93.118 . Also, as 40 CFR 93.110 requires the use of the latest planning assumptions in conformity determinations, the most current motor vehicle and road dust emission factors, the same as used in this plan, would need to be used and, therefore, would show greatly reduced PM₁₀ motor vehicle and road dust emissions. EPA is, therefore, comfortable with the MVEB language as stated in Chapter 3 "Emissions Budget for PM10 (1,108 lbs./day for 2021) on page 10 of the maintenance plan.</p>
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. The APCD responded to one question from AQCC Commissioner Arnott regarding growth factors.
Reviewers: Tim Russ, USEPA, Region 8			Date of Review: November 17, 2010

