

July 15, 2003

Alfredo Santistevan, Director  
Albuquerque Environmental Health Department  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Dear Mr. Santistevan,

The purpose of this letter is to notify you that the Environmental Protection Agency (EPA) will announce in the *Federal Register* our determination that the motor vehicle emissions budgets contained in the latest revision to the Albuquerque Carbon Monoxide State Implementation Plan (SIP) are adequate for transportation conformity purposes. As outlined below, Court decisions require the EPA to make an affirmative determination that the Motor Vehicle Emission Budget (MVEB) is consistent with the SIP control strategy. We made the MVEB available for public review and received no comment by the close of the comment period on June 23, 2003. The budget will become effective 15 days after the *Federal Register* publication date.

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in *Environmental Defense Fund (EDF) v. Environmental Protection Agency*, 167 F.3d 641. The Court directed the EPA to make an affirmative determination that motor vehicle emission budgets contained in SIPs will not cause or increase violations or delay attainment of the National Ambient Air Quality Standards (NAAQS) before they can be used for transportation conformity purposes. As a response to this court decision, EPA issued a guidance memorandum on May 14, 1999. In this memorandum, EPA agreed to make these submitted budgets available for public comment and respond to those comments when announcing our determination of their adequacy.

In a letter dated May 02, 2003, Governor Bill Richardson of New Mexico submitted to EPA a revision to the Albuquerque Carbon Monoxide Maintenance SIP. This revision incorporates changes to the MVEB resulting from analysis with MOBILE6, the newest emission factor modeling program, which was released by EPA on January 28, 2002. The SIP submittal contains revised carbon monoxide MVEBs for Bernalillo County for the following years, reported in tons per day: 1996 (416.31), 1999 (373.05), 2002 (369.53), 2005 (367.28) and 2006 (312.65).

We reviewed this SIP revision for transportation conformity budget purposes in accordance with the procedures and criteria specified in the transportation conformity rule (see 40 CFR 93.118(e)(4)) and the EPA policy guidance dated May 14, 1999. The availability of this

SIP revision was also posted on EPA's website for the purpose of soliciting public comments. We have determined the budgets submitted in this SIP revision are adequate for transportation conformity purposes and they must be used in transportation conformity determinations. We will be posting our determination on EPA's website in addition to announcing our determination in the *Federal Register*. This submission by Albuquerque fulfills a requirement to update the MVEB with MOBILE6 within 24 months of its release. We appreciate your prompt attention to this matter.

If you have any questions concerning this action, please contact me at (214) 665-7200 or Peggy Wade of my staff at (214) 665-7247.

Sincerely yours,

Carl E. Edlund, P.E.  
Director  
Multimedia Planning and Permitting

Division

cc: Mr. Joseph Maestas  
Federal Highway Administration

Ms. Peggy Crist  
Federal Transit Administration