



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

MAR 17 2011

Ref: 8P-AR

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: Pagosa Springs PM<sub>10</sub> Second 10-year Maintenance Plan; Transportation Conformity Adequacy

Dear Mr. Urbina:

EPA has reviewed the Pagosa Springs PM<sub>10</sub> 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 Pagosa Springs PM<sub>10</sub> maintenance plan and the 2021 motor vehicle emissions budget (MVEB) adequate for transportation conformity purposes. Our finding is based primarily on the Pagosa Springs PM<sub>10</sub> maintenance area as meeting 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 Pagosa Springs PM<sub>10</sub> 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/currrips.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 Pagosa Springs PM<sub>10</sub> maintenance area, the prior EPA-approved MVEB was 7,486 lbs. per day of PM<sub>10</sub> for 2012 (see 66 FR 32556, June 15, 2001). EPA has reviewed the previously-approved MVEB for 2012 and the language and how this prior-approved MVEB is addressed, in the second paragraph on page 5 of the submitted second 10-year maintenance plan, in section 1 entitled "Introduction." EPA does not agree with the language as presented in paragraph two on page 5 of the maintenance plan. According to 40 CFR 93.118(e)(1), the prior, EPA-approved PM<sub>10</sub> MVEB of 7,486 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 PM<sub>10</sub> MVEB and EPA approves the SIP revision. As this second 10-year maintenance plan SIP revision does not revise the previously-

approved 2012 PM<sub>10</sub> 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 Pagosa Springs second 10-year maintenance plan establishes a new MVEB of 946 lbs. per day of PM<sub>10</sub> for 2021. This apparent inconsistency with the prior EPA-approved 2012 PM<sub>10</sub> MVEB of 7,486 lbs/day is not viewed as an impediment for conformity determinations or for air quality concerns for PM<sub>10</sub> emissions from motor vehicles and road dust.

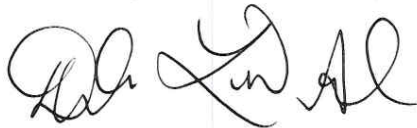
As a practical matter, the 2021 MVEB of 946 lbs. per day of PM<sub>10</sub> would be controlling for any conformity determination involving the relevant years. Please note that for any maintenance plan that only establishes a budget for the last year of the maintenance plan, 40 CFR 93.118(b)(2)(i) requires 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 PM<sub>10</sub> 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 section 5.D. (i.e., 946 lbs. per day of PM<sub>10</sub> for 2021) on page 23 of the maintenance plan.

This adequacy finding affects future PM<sub>10</sub> 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 Pagosa Springs second 10-year PM<sub>10</sub> maintenance plan 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: 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:**

**Pagosa Springs PM<sub>10</sub> Maintenance Plan Adequacy Evaluation**

<b>Transportation Review Criteria</b>		<b>Is Criterion Satisfied?</b>	<b>Reference in SIP Document / Comments</b>
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 Pagosa Springs PM<sub>10</sub> Maintenance Plan (PM<sub>10</sub> 2<sup>nd</sup> 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. David D. Mitchem, Town Manager for the Town of Pagosa Springs, submitted a letter of support and endorsement for the revised maintenance plan (letter dated 11/16/09). 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 and precisely quantified.	Y	<p>Table 4, page 20, (emission inventory for 2021) and as described in Section 5, D, "PM<sub>10</sub> Emission Budget" of the 2<sup>nd</sup> ten-year Maintenance Plan.</p>
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions budget(s), when	Y	<p>The 2021 MVEB is consistent with the Maintenance Plan's maintenance demonstration. Refer to section 5. B., Table</p>

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	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).		4 (2021 emission inventory) and section 5.C. "Maintenance Demonstration" of the 2 <sup>nd</sup> 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 <sup>nd</sup> ten-year Maintenance Plan discusses the control measures in section 4.B. The relationship of the mobile sources emissions is further described and included in section 5.B., Table 4, section 5.C., and section 5.D.
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	Y	<p>Mobile source emissions and motor vehicle an emissions budgets (MVEB) were originally documented in the Pagosa Springs 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 is addressed, in the second paragraph on page 5 of the currently-submitted 2<sup>nd</sup> ten-year Maintenance Plan, in section 1. entitled "Introduction". EPA does not agree with the language as presented in paragraph two on page 5 of the Plan.</p> <p>According to 40 CFR 93.118(e)(1), the prior, EPA-approved PM<sub>10</sub> motor vehicle emissions budget (MVEB) of 7,486 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 PM<sub>10</sub> MVEB and EPA approves the SIP revision. As this 2<sup>nd</sup> ten-year maintenance plan SIP revision does not revise the previously-approved 2012 PM<sub>10</sub> 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)).</p>

Transportation Review Criteria		Is Criterion Satisfied?	Reference in SIP Document / Comments
	emission factors or estimates of vehicle miles traveled).		EPA notes in Table 3 of the Pagosa Springs 2nd ten-year maintenance plan, the 2015 PM <sub>10</sub> emissions for motor vehicles and road dust are now currently calculated to be only a total of 802.25 lbs/day. However, this apparent inconsistency with the prior EPA-approved 2012 PM <sub>10</sub> MVEB of 7,486 lbs/day is not viewed as an impediment for conformity determinations or for air quality concerns for PM <sub>10</sub> 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 or 946 lbs. per day, and (2) the provisions of 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 PM <sub>10</sub> motor vehicle and road dust emissions. EPA is, therefore, comfortable with the MVEB language as stated in section 5.D. (946 lbs./day for 2021) on page 23 of the 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.	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 17, 2010

