

on May 28, 1998 for Kent and New Castle Counties. You may obtain a copy of this guidance from EPA's conformity web site: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button) or by calling the contact name listed in **FOR FURTHER INFORMATION CONTACT** section of this document.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: November 4, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

[FR Doc. 99-29891 Filed 11-15-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6475-5]

### Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: Washington Region Phase II Ozone Attainment Plans for the Metropolitan Washington D.C. Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy status.

**SUMMARY:** In this document EPA is announcing that the motor vehicle emissions budgets (hereafter referred to as "budgets") contained in the Phase II Ozone Attainment Plans submitted for the Metropolitan Washington D.C. Nonattainment Area (comprised of the District of Columbia and portions of the State of Maryland and Commonwealth of Virginia) are not adequate for transportation conformity purposes. As a result of our finding, the budgets from the Phase II Ozone Attainment Plans as submitted cannot be used for future conformity determinations in the Metropolitan Washington D.C. ozone nonattainment area.

**DATES:** This document is effective November 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Paul T. Wentworth, P.E., U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA. 19103 at (215) 814-2183 or by e-mail at: [wentworth.paul@epa.gov](mailto:wentworth.paul@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we, us", or "our" are used we mean EPA. The word "budgets" refers to the mobile source emission budget for volatile organic compounds (VOCs) and the mobile source emissions budget for nitrogen oxides (NOx). The word SIP in this document refers to the State Implementation Plan revisions submitted to satisfy the attainment demonstration requirements for the

Metropolitan Washington D.C. area, commonly referred to as the Phase II Attainment SIP.

There are six SIPs submissions associated with the Phase II Ozone Attainment Plan for the Metropolitan Washington DC ozone nonattainment area. They contain two motor vehicle emissions budgets, one for NOx and one for VOC. The six SIPs and their respective submittal dates follow below:

State	Submittal date
Maryland portion of the Washington area.	(1) April 29, 1998—Initial Submittal. (2) August 17, 1998—Supplement.
Virginia portion of the Washington area.	(1) April 29, 1998—Initial Submittal. (2) August 18, 1998—Supplement.
The District portion of the Washington area.	(1) April 24, 1998—Initial Submittal. (2) October 27, 1998—Supplement.

On March 2, 1999, the D.C. Circuit Court ruled that budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. In accordance with that ruling, on August 2, 1999, we posted a notice on our web site at: <http://www.epa.gov/oms/traq> stating that we were taking comments on the adequacy of motor vehicle emissions budget found in the Phase II Ozone Attainment Plans for the Metropolitan Washington D.C. Nonattainment Area. The comment period closed on August 31, 1999. We received no comments.

Today's document is simply an announcement of a finding that we have already made. On October 26, 1999, EPA Region III sent letters to the Virginia Department of Environmental Quality, the Maryland Department of the Environment, and the Washington D.C. Department of Health, Air Quality Division, stating that the motor vehicle emissions budgets found in the Phase II Ozone Attainment Plans for the Metropolitan Washington Nonattainment Area are not adequate for transportation conformity purposes. The essential information in this document will also be posted on EPA's conformity website: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button, then look for "Adequacy Review of Submissions for Conformity").

Transportation conformity is required by section 176 (c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay

timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's budgets are adequate for conformity purposes are outlined in 40 CFR 93.118 (e) (4). Please note that an adequacy review is separate from EPA's completeness review, and EPA's review to determine if the SIP is approvable. Even if we find a budget adequate, the SIP could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in guidance memorandum dated May 14, 1999 and titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision". We have followed this guidance in making this adequacy determination for the budgets contained in the Region Phase II Ozone Attainment Plans for the Metropolitan Washington Nonattainment Area. You may obtain a copy of this guidance from EPA's conformity web site: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button) or by calling the contact name listed in "For Further Information Contact" section of this document.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: November 4, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6475-7]

### Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: Phase II Ozone Attainment SIPs for the Baltimore Area and Cecil County

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy status.

**SUMMARY:** In this document EPA is announcing that the motor vehicle emissions budgets (hereafter referred to as "budgets") contained in the submitted Phase II Ozone Attainment SIPs for the Baltimore ozone nonattainment area and the Cecil County, Maryland portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area are not adequate for transportation conformity purposes. As a result of our finding, the budgets from these submitted State Implementation Plans (SIPs) may not be used for future conformity

determinations in the Baltimore area and in Cecil County.

**DATES:** This document is effective November 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Paul T. Wentworth, P.E., U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA. 19103 at (215) 814-2183 or by e-mail at: wentworth.paul@epa.gov.

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever "we," "us," or "our" are used we mean EPA. The word "budgets" refers to the mobile source emission budget for volatile organic compounds (VOCs) and the mobile source emissions budget for nitrogen oxides (NO<sub>x</sub>). The word SIP in this document refers to the State Implementation Plan revisions submitted to satisfy the requirements for attainment of the 1-hour ozone standard.

On April 24, 1998, we received Phase II Ozone Attainment SIPs for the Baltimore area and the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment areas from the Maryland Department of the Environment. The April 24, 1998 submittals contained motor vehicle emissions budgets for NO<sub>x</sub> and VOC for the Baltimore area and for Cecil County. On March 2, 1999, the D.C. Circuit Court ruled that budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. In accordance with that ruling, on August 2, 1999, we posted a notice on our web site at: <http://www.epa.gov/oms/traq> stating that we were taking comments on the adequacy of motor vehicle emissions budget found in the April 24, 1998 submittals. The comment period closed on August 31, 1999. We received no comments.

Today's document is simply an announcement of a finding that we have already made. On October 26, 1999, EPA Region III sent letters to the Maryland Department of the Environment stating that the motor vehicle emissions budgets found in the April 24, 1998 submittals for the Baltimore area and for Cecil County are not adequate for transportation conformity purposes. The essential information in this document will also be posted on EPA's conformity website: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button, then look for "Adequacy Review of Submissions for Conformity").

Transportation conformity is required by section 176 (c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes

the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The criteria by which we determine whether a SIP's budgets are adequate for conformity purposes are outlined in 40 CFR 93.118 (e) (4). Please note that an adequacy review is separate from EPA's completeness review, and EPA's review to determine if the SIP is approvable. Even if we find a budget adequate, the SIP could later be disapproved. We have described our process for determining the adequacy of submitted SIP budgets in guidance memorandum dated May 14, 1999 and titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision". We have followed this guidance in making this adequacy determination for the budgets contained in the Phase II Ozone Attainment SIPs for the Baltimore area and for Cecil County submitted on April 24, 1998. You may obtain a copy of this guidance from EPA's conformity web site: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button) or by calling the contact name listed in **FOR FURTHER INFORMATION CONTACT** section of this document.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: November 4, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

[Region II Docket No. NJ 38-199; FRL-6474-5]

### Adequacy Status of New Jersey State Implementation Plan (SIP) for Attainment and Maintenance of the Ozone National Ambient Air Quality Standards for Transportation Conformity Purposes

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of inadequacy.

**SUMMARY:** In this document, EPA is notifying the public that we have found that the motor vehicle emissions budgets for the New Jersey counties in the Philadelphia-Wilmington-Trenton nonattainment area, and the New Jersey counties in the New York-Northern New Jersey-Long Island nonattainment area submitted in the New Jersey State

Implementation Plan (SIP) for Attainment and Maintenance of the Ozone National Ambient Air Quality Standards for Transportation Conformity Purposes inadequate for conformity purposes. On March 2, 1999, the DC Circuit Court ruled that submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New Jersey counties in the Philadelphia-Wilmington-Trenton nonattainment area, and the New Jersey counties in the New York-Northern New Jersey-Long Island nonattainment area cannot use the motor vehicle emissions budgets from the submitted State of New Jersey State Implementation Plan (SIP) for Attainment and Maintenance of the Ozone National Ambient Air Quality Standards for Transportation Conformity Purposes for future conformity determinations.

**FOR FURTHER INFORMATION CONTACT:** The finding and the response to comments will be available at EPA's conformity website: <http://www.epa.gov/oms/traq>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity"). The regional contact is: Rudolph Kapichak, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637-3804.

**SUPPLEMENTARY INFORMATION:**

### Background

Today's notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to the New Jersey Department of Environmental Protection on October 25, 1999, stating that the motor vehicle emissions budgets for the New Jersey counties in the Philadelphia-Wilmington-Trenton nonattainment area for budget year 2005, and the New Jersey counties in the New York-Northern New Jersey-Long Island nonattainment area for budget year 2007 submitted in the New Jersey State Implementation Plan (SIP) for Attainment and Maintenance of the Ozone National Ambient Air Quality Standards for Transportation Conformity Purposes are inadequate because the submittal does not contain clearly identified and quantified budgets. This finding will also be announced on EPA's conformity website: <http://www.epa.gov/oms/traq>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

Transportation conformity is required by section 176(c) of the Clean Air Act.