



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

June 19, 2001

Ann Marie DeBiase, Director  
Air & Radiation Management Administration  
Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, Maryland 21224

Dear Ms. DeBiase: *Ann Marie*

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 (EPA), No. 97-1637, that the EPA must make an affirmative determination that the submitted Motor Vehicle Emission Budgets (the budgets) contained in State Implementation Plans (SIPs) are consistent with applicable requirements for attainment of the National Ambient Air Quality Standards (NAAQS) before they are used to test the conformity of Transportation Improvement Programs (TIPs) or Long Range Transportation Plans. In addition, EPA agreed to make these submitted budgets available for public comment and respond to those comments when announcing our determination of their adequacy.

On December 28, 2000, State of Maryland submitted a proposed SIP Revision, "Modification to Phase II Attainment Plan for the Baltimore Region Revising the Mobile Source Emission Budget, Adding Tier 2 Standards" to EPA. The revised Phase II submittal contains budgets for the ozone attainment demonstration for the year 2005. On January 17, 2001, we posted the availability of the budgets in the Baltimore Ozone Nonattainment Area on EPA's conformity website for the purpose of soliciting public comment. The comment period closed on February 16, 2001. We received comments from University of Maryland School of Law's Environmental Law Clinic behalf of its client, the 1000 Friends of Maryland.

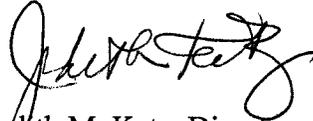
We have reviewed the budgets the Phase II SIP in accordance with the procedures and criteria for review in the following sections of the Conformity Rule: 40 CFR Part 93, Sections 93.118(e)(4)(i) through (e)(4)(vi) and Section 93.118(e)(5). The Technical Support Document (TSD) entitled, "Adequacy Findings for the Motor Vehicle Emissions Budgets in the Revised One-Hour Ozone Attainment Demonstration Plan Submitted on 12/28/00 by the Maryland Department of the Environment for the Baltimore Ozone Nonattainment Area: Revised to Reflect the Benefits of the Tier 2/Sulfur- in-Fuel Rule " is an enclosure to this letter. This TSD details our review of the budgets and provides a summary of the public comments we received and our responses. Based upon that review and after consideration of the comments received, EPA finds the budgets in this revised Phase II submittal for the Baltimore Ozone Nonattainment Area adequate for transportation conformity purposes.

*Customer Service Hotline: 1-800-438-2474*

We will be posting today's findings on EPA's website at, <http://www.epa.gov/oms/traq> and we will also announce today's findings on the motor vehicle budgets in the Federal Register. That announcement will be published in approximately two weeks. The findings of adequacy of the budgets of the Baltimore Ozone Nonattainment Area will be effective 15 days after publication of the announcement in the Federal Register.

If you or your staff have any questions please feel free to contact Marcia L. Spink, Associate Director for Air Programs at (215) 814-2104 or Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch at (215) 814-2704.

Sincerely,



Judith M. Katz, Director  
Air Protection Division

Enclosure

cc: Marsha Kaiser (MDOT)  
Howard Simons (MDOT)  
Steve Rapley (FHWA,MD)  
Harvey Bloom (BMC)  
Dianne Franks (MDE)