UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

November 23, 1999

Michael P. Kenny, Excutive Officer
California Air Resources Board
P.O. Box 2815
Sacramento ,CA 95812

Dear Mr.Kenny:

On March 2, the United States Court of Appeals for the District of Columbia Circuit issued a decision on EPA's and DOT's 1997 transportation conformity regulatory amendments (62 FR 43780 [August 15, 1997]) in response to a Lawsuit brought by the Environmental Defense Fund. The U.S. EPA and the Department of Transportation (DOT) released guidance on May 14 and June 18 on administrative approaches to implementing the regulations consistent with the court's ruling. In response to the court decision, EPA has committed to determine adequacy/inadequacy of previously submitted control strategy sips on a rapid schedule and to provide for public notice and comment. This letter serves to notify you of our decision on the Moderate PM_{10} SIP submittal for the Mojave Desert planning area of San Bernardino County.

EPA posted notification of this SIP submission on June 7, 1999 at our web site (www.epa.gov/oms/transp/adequacy.htm). The 30-day comment period on the emission budget adequacy review ended on July 7, 1999. EPA did not receive any comments.

In 1997, the California Air Resources Board (CARB) submitted a Moderate Mojave Desert Planning Area PM_{10} attainment plan to EPA. We have reviewed the plan and determined that the documentation that was provided with the PM_{10} submittal does not allow us to find it adequate for use in conformity analyses. This does not mean that we necessarily find any problem with the SIP submittal with respect to approvability or even the emissions specified for different motor vehicle categories. The difficulty is that the different motor vehicle emissions elements were not combined into clearly defined budgets consistent with the federal conformity regulations. In addition, the submittal states that "mobile sources are not a significant contributor to PM_{10} violations in the nonattainment area, and that the district will propose to ARB and U.S. EPA that the MPO is not required to apply the federal transportation conformity requirement to transportation plans, program or projects within the PM_{10} nonattainment area". EPA finds that PM_{10} from motor vehicles is a significant contributor to the air quality problem because it is responsible for approximately one-half of the total inventory. Because of these two problems, we have determined that the PM_{10} plan for the Mojave Desert planning area of San Bernardino County cannot be used in conformity determinations at this time. New documentation is needed which defines the motor vehicle emissions budgets consistent with the federal conformity regulations (40 CFR 93.118(e)(4) and 58 FR 62194, column 3) and acknowledges that motor vehicle emissions in the nonattainment area are significant.

We are working with your staff, the Mojave Desert Air Quality Management District and the Southern California Association of Governments (SCAG) and are confident that the necessary clarification has been agreed upon and will be submitted to EPA. Once we receive this new submittal, we will reevaluate this determination.

If you have any questions regarding this decision, please contact Charnjit Bhullar at 415-744-1153 or Mark Brucker at 415-744-1231.

Sincerely,

David P. Howekamp
Director, Air Division

cc: Bob O'Loughlin, FHWA
Jean Mazur, FHWA
Leslie Rogers, FTA
Mike Brady, Caltrans