

demonstration for this ozone nonattainment area are inadequate for conformity purposes. The 2007 budgets associated with the attainment demonstration are inadequate because when they are considered with all other emission sources they are not consistent with the applicable requirements for attainment. 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. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. 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 motor vehicle emission 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 it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision"). We followed this guidance in making our adequacy determination.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: November 1, 1999.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6475-4]

### Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: The Phase II Attainment Demonstration for the Delaware Portion of the Philadelphia-Wilmington-Trenton 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 Attainment Demonstration for the Delaware portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area are not adequate for transportation conformity purposes. This State Implementation Plan (SIP) revision was submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). As a result of our finding, these budgets may not be used for future conformity determinations in Kent and New Castle Counties, Delaware.

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

**FOR FURTHER INFORMATION CONTACT:** Larry Budney, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA. 19103 at (215) 814-2184 or by e-mail at: [budney.larry@epa.gov](mailto:budney.larry@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 Phase II State Implementation Plan submitted by DNREC to demonstrate attainment of the 1-hour National Ambient Air Quality Standard for ozone.

On May 28, 1998, DNREC submitted the Phase II Attainment Demonstration SIP for its portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area, namely for Kent and New Castle Counties, as a SIP revision. The motor vehicle emission budgets were not clearly identified and quantified as required as required in 40 CFR part 93, section 93.118(e)(4)(iii) of the federal conformity rule. Therefore, these budgets cannot be found adequate and cannot be used for conformity determinations.

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 Attainment Demonstration for the Delaware Portion of the Philadelphia-Wilmington-Trenton Ozone 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 a letter to DNREC stating that the motor vehicle emissions budgets found in the Phase II Attainment Demonstration for the Delaware Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area are not adequate. 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 determination for the budgets contained in the Phase II Attainment Demonstration for the Delaware Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area submitted

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]

**BILLING CODE 6560-50-P**

## 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.*

[FR Doc. 99-29892 Filed 11-15-99; 8:45 am]

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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