



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

June 06, 2007

Ms. Janice W. Brown
Division Administrator - Texas
Federal Highway Administration
300 East 8th Street, Room 826
Austin, TX 78701

Dear Ms. Brown:

The U.S. Environmental Protection Agency (EPA) received conformity determination documents for the North Central Texas Council of Governments from the Texas Department of Transportation on February 22, 2007. A new conformity determination is necessary for the Dallas-Fort Worth (DFW) nonattainment area due to the development of a new Metropolitan Transportation Plan (MTP), Mobility 2030.

Based on the information submitted to EPA and discussed during the interagency consultation process, the estimated emissions for the MTP Mobility 2030 and the corresponding Transportation Improvement Program will be below the Motor Vehicle Emissions Budgets established in the 5% Increment-of-Progress State Implementation Plan submitted to EPA on May 17, 2005.

The criteria for our review and the interagency consultation process have been established by 40 CFR Part 93, Subpart A and guidance memoranda issued by the FHWA and EPA for transportation conformity determinations.

Please note, however, that the DC Circuit recently vacated certain aspects of EPA's phase 1 rule implementing the 8-hour ozone NAAQS. South Coast Air Quality Management District v. EPA, 472 F.3d 882 (D.C. Cir. 2006). EPA and other parties are seeking rehearing from the court on several aspects of the decision, including conformity. The final position adopted by the DC Circuit could have implications for any action taken with respect to conformity programs in areas, such as the DFW area, that were 1-hour nonattainment or maintenance at the time of revocation of the 1-hour standard.

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TRANSPORTATION

I appreciate your cooperation in consulting with us and ensuring all provisions of the transportation conformity rules have been properly addressed. If you have any questions, please feel free to contact me or Peggy Wade of my staff at (214) 665-7247.

Sincerely yours,

A handwritten signature in black ink that reads "Carl Young". The signature is written in a cursive, flowing style.

Carl Young
Acting Chief
Air Planning Section

cc: Margie McAllister, TCEQ
Jackie Ploch, TxDOT
Jenny Danieau, NCTCOG