UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

4APT-APB

APR 20 2001

John E. Hornback, Director
Division of Air Quality
Department for Environmental Protection
Kentucky Natural Resources & Environmental
Protection Cabinet
803 Schenkel Lane
Frankfort, KY 40601

Dear Mr. Hornback:

Pursuant to section 93.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the United States Environmental Protection Agency (EPA) has reviewed the adequacy of the motor vehicle emissions budgets (MVEBs) contained in the Louisville Ozone Attainment State Implementation Plan (SIP) submitted on November 15, 1999. EPA has determined that the submitted MVEBs are not adequate for transportation conformity purposes.

The Transportation Conformity Rule spells out limited technical and administrative criteria that EPA must use to determine the adequacy of submitted MVEBs for transportation conformity purposes. Furthermore, EPA described the process for determining the adequacy of submitted MVEBs in a May 14, 1999, memorandum entitled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision." EPA followed the guidance in making this adequacy determination. EPA opened the public comment period on the adequacy of the submitted MVEBs by posting it to the EPA Office of Transportation and Air Quality's adequacy review website (www.epa.gov/otaq/transp/conform/adequacy.htm) on November 29, 1999. The comment period closed on December 29, 1999, and no comments were received.

EPA is finding the MVEBs in the submitted Louisville Attainment SIP inadequate because the associated SIP assumes that regional nitrogen oxides (NO_x) reductions under the NO_x SIP Call will be achieved in adjoining States by May 1, 2003. However, on August 30, 2000, the United States Court of Appeals for the D.C. Circuit issued an order extending the compliance date for the NO_x SIP Call from May 1, 2003, to May 31, 2004. The effect of this ruling is that the regional NO_x emissions reductions cannot be assumed to occur until 2004, and therefore, 40 CFR 93.118(e)(4)(iv)can not be satisfied by the submitted MVEBs.

EPA will publish a notice in the Federal Register announcing this finding. In addition, EPA will continue to work with your agency to define appropriate and adequate MVEBs for the

Louisville area. If you have any questions regarding this finding, please feel free to contact Dr. Robert Goodwin of the EPA Region 4 staff at (404) 562-9044.

Sincerely,

A. Stanley Meiburg
Acting Regional Administrator

cc: Art Williams, APCD