

Transportation Conformity Program Update

Laura Berry, EPA

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Overview

- New National Ambient Air Quality Standards and conformity
- Upcoming transportation conformity rulemaking:
 - “PM_{2.5} and PM₁₀ Amendments”
- Upcoming guidance documents
- Information on the web

New Standards and Conformity

- Transportation conformity applies in nonattainment and maintenance areas for:
 - Ozone
 - Particulate matter: $PM_{2.5}$ and PM_{10}
 - Carbon monoxide (CO)
 - Nitrogen dioxide (NO_2)
- The Clean Air Act requires EPA to evaluate the National Ambient Air Quality Standards (NAAQS, or “standards”) every 5 years (CAA section 109(d))
- Transportation conformity applies for a new standard one year after the effective date of EPA’s nonattainment designation

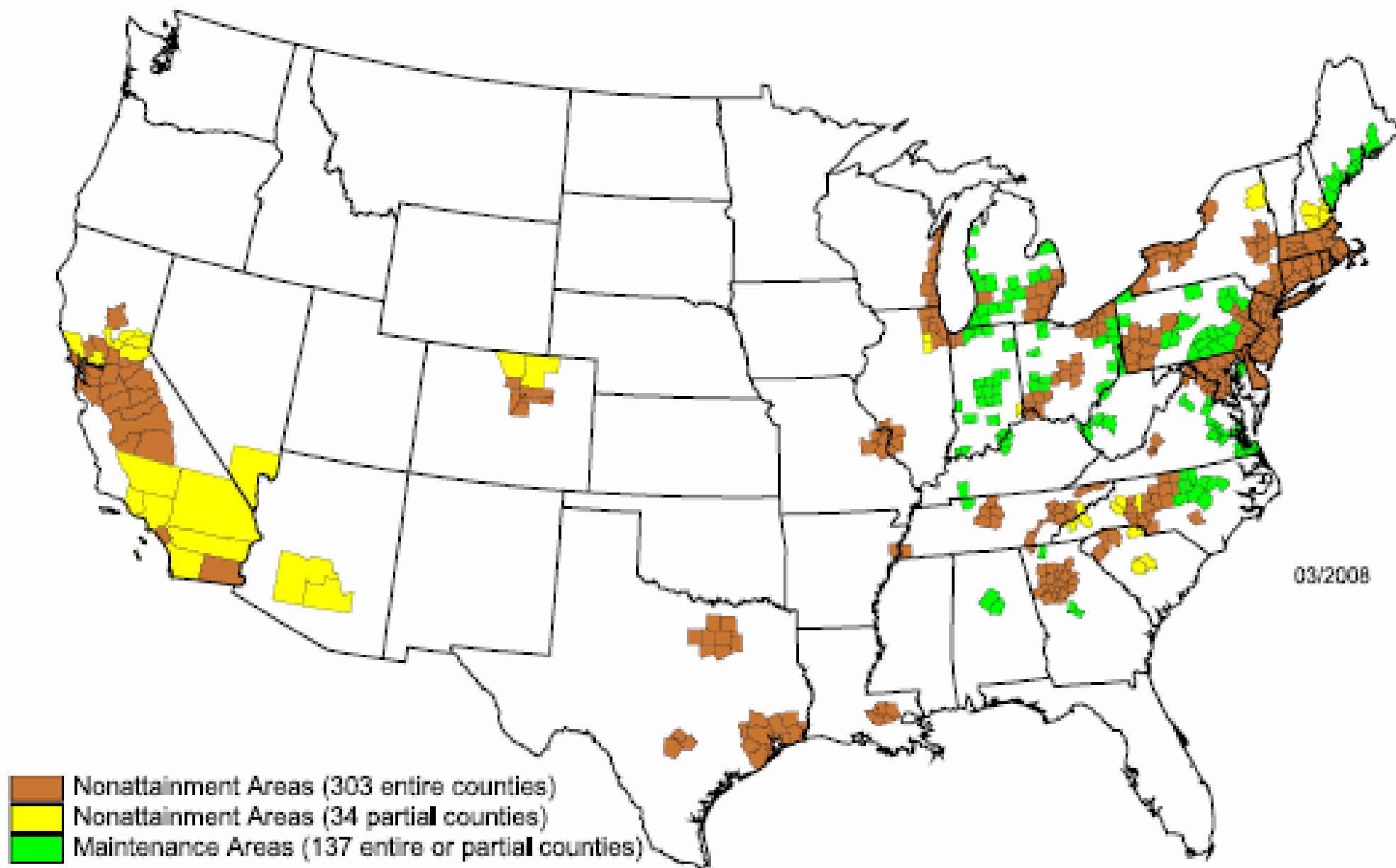
1997 8-hour Ozone Standard: Implementation Schedule

- June 2004: EPA designated 112 areas as nonattainment for the 1997 8-hour standard
- June 2005: Conformity applied for first time for 8-hour standard
 - Most areas met the deadline
- June 2007: 8-hour SIPs were due

1997 8-hour Ozone Standard: Implementation Schedule

- Many SIPs submitted; however, findings of failure submit made in 11 states
 - Findings start sanction and FIP clocks
 - If sanction clock not turned off, conformity would lapse if highway sanctions apply
 - Clocks turned off once SIP submitted and found complete
- Attainment dates range from 2007 to 2024
- 56 areas have attained the standard and been redesignated

Nonattainment and Maintenance Areas in the U. S. 8-hour Ozone Standard



Partial counties, those with part of the county designated nonattainment and part attainment, are shown as full counties on the map.

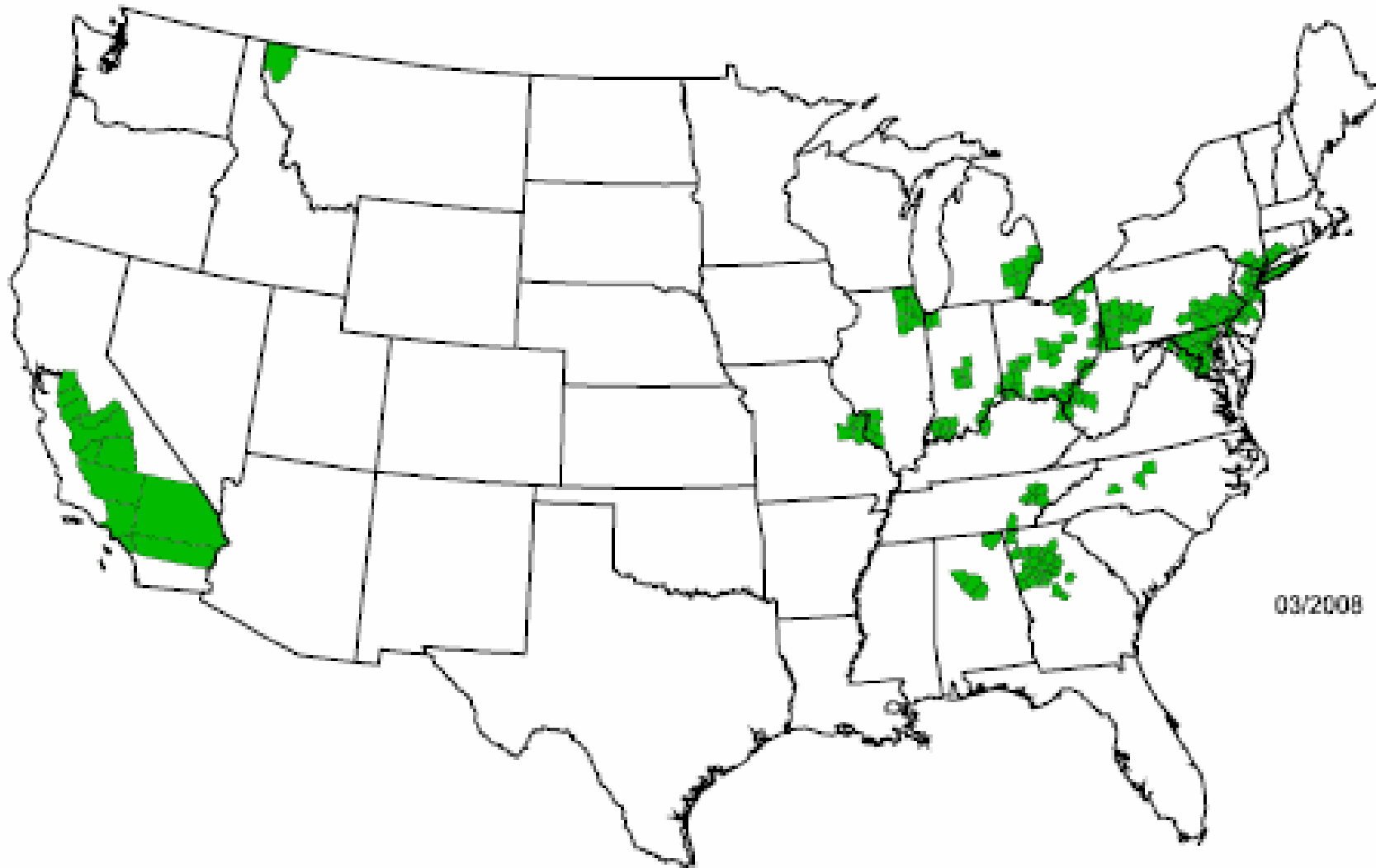
1997 PM_{2.5} Standards: Implementation Schedule

- April 2005: EPA designated 39 nonattainment areas
- April 2006: conformity applied for the first time
 - All areas met the deadline
- April 2008: PM_{2.5} SIPs were due
 - Some submitted and many expected soon

1997 PM_{2.5} Standards: Implementation Schedule

- Areas must attain the standard as expeditiously as practicable but no later than 2010
 - However, areas may receive an extension of up to 5 additional years to 2015, based on severity of the air quality problem and availability and feasibility of controls

Counties Designated Nonattainment for PM-2.5



Partial counties are shown as whole counties

Revisions to PM_{2.5} Air Quality Standard

- 1997 PM_{2.5} standards:
 - 24-hour standard is 65 $\mu\text{g}/\text{m}^3$
 - annual standard is 15.0 $\mu\text{g}/\text{m}^3$
- 2006 revised PM_{2.5} 24-hour standard:
 - 24-hour standard 35 $\mu\text{g}/\text{m}^3$
 - 1997 annual standard retained

2006 PM2.5 Air Quality Standard

- EPA intends to make nonattainment designations for 2006 24-hour PM2.5 standard by December 2008
 - effective date designation: early 2009
- Conformity applies one year after the effective date of designations: early 2010
- EPA revising transportation conformity regulation to address these areas (more later)
- SIPs due early 2012

Revisions to Other Air Quality Standards

- Revised ozone standard -- March 2008
 - March 2010: EPA makes nonattainment designations
 - conformity applies early/mid 2011
 - SIPs due early/mid 2013
 - Future conformity rulemaking will address
- Lead – Court-ordered deadline: October 15, 2008
 - no transportation conformity implications

Upcoming Conformity Rule: PM Amendments

- EPA drafting a proposed rule to address 3 topics:
 1. December 2007 court decision regarding EPA's March 2006 hot-spot final rule
 - Court remanded to EPA: Explain how the CAA requirement that there be “no delay in timely attainment of any air quality standard or required interim emissions reductions or other milestone” applies in a local area, or
 - Explain why this requirement does not apply in a local area

Upcoming Conformity Rule: PM Amendments

2. Conformity for the 2006 24-hour PM_{2.5} standard, including:
 - Areas that have PM_{2.5} SIPs that address the 1997 standards
 - Newly designated PM_{2.5} areas (not covered by 1997 standard)
3. Revocation of the annual PM₁₀ standard
 - PM₁₀ conformity only required for 24-hour PM₁₀ standard
 - Current intent: implement status quo in the field
 - EPA will soon issue interim guidance for PM₁₀ areas

Upcoming Guidance Documents

- EPA intends to issue guidance regarding two Clean Air Act provisions amended by SAFETEA-LU:
 - TCM substitution guidance
 - Conformity SIP guidance
- These guidance documents will compliment January 2008 final rule for SAFETEA-LU
- Meanwhile, EPA-DOT February 2006 “Interim Guidance” still on web
- EPA also intends to revise 2001 guidance regarding the use of “latest planning assumptions”

TCM Substitution and Addition Guidance

- Will replace 2006 “Interim Guidance” for SAFETEA-LU, which replaced EPA’s original 2004 TCM substitution guidance
- Clean Air Act now allows areas to substitute TCMs, or add TCMs, in a SIP without a full SIP revision
- Clean Air Act contains sufficient detail to implement – no regulations needed
- Upcoming guidance will provide examples and cover:
 - Documentation needed for a TCM substitution or addition
 - How the process works (which agencies must concur according to the CAA, etc.)

Conformity SIP Guidance

- Will replace EPA's 2004 conformity SIP guidance
- Clean Air Act now requires conformity SIPs to address just three parts of the conformity rule, instead of entire rule
- Conformity SIP guidance will cover:
 - How to fulfill these three requirements
 - Process for updating existing conformity SIPs
 - Conformity requirements in areas with approved conformity SIPs

Latest Planning Assumptions Guidance

- Will replace EPA and DOT's 2001 guidance
- Guidance update needed to reflect change in regulation:
 - July 2004 final rule requires areas to use the latest planning assumptions in force at the time the analysis begins, instead of at the time of DOT's conformity determination
- Will reflect status quo in the field

Further information

- Check out EPA's website at:
<http://www.epa.gov/otaq/stateresources/transconf/index.htm>
- Website includes:
 - All conformity rulemakings
 - All conformity guidance documents
 - Complete, updated regulation and outreach materials