Overview

- New National Ambient Air Quality Standards and conformity
- Upcoming transportation conformity rulemaking:
  - “PM$_{2.5}$ and PM$_{10}$ Amendments”
- Upcoming guidance documents
- Information on the web
New Standards and Conformity

- Transportation conformity applies in nonattainment and maintenance areas for:
  - Ozone
  - Particulate matter: $\text{PM}_{2.5}$ and $\text{PM}_{10}$
  - Carbon monoxide (CO)
  - Nitrogen dioxide ($\text{NO}_2$)

- 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
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 PM2.5 Air Quality Standard

- 1997 PM2.5 standards:
  - 24-hour standard is 65 μg/m³
  - annual standard is 15.0 μg/m³

- 2006 revised PM2.5 24-hour standard:
  - 24-hour standard 35 μg/m³
  - 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 PM2.5 standard, including:
   - Areas that have PM2.5 SIPs that address the 1997 standards
   - Newly designated PM2.5 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