



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Transportation Conformity and the Revised 24-hour PM_{2.5} Standard

FROM: Merrylin Zaw-Mon, Director *Merrylin Zaw-Mon*
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TO: EPA Regional Air Directors, Regions I-X

On October 17, 2006, EPA issued a final rule establishing revisions to the 24-hour and annual PM_{2.5} national ambient air quality standards. I am providing guidance, in the attached question and answer document, that in part fulfills EPA's commitment in the October 2006 final rule to address how transportation conformity will be implemented under the revised 24-hour PM_{2.5} standard. Please note that this document pertains only to transportation conformity, and does not address general conformity or the National Environmental Policy Act (NEPA). This document also does not address the October 2006 final rule's revisions to the PM₁₀ standards, which will be addressed in a future transportation conformity Q&A document.

General questions about this guidance can be directed to Meg Patulski of EPA's Office of Transportation and Air Quality at email address: patulski.meg@epa.gov, or phone number: 734-214-4842.

Attachment

Transportation Conformity and the 2006 24-hour PM_{2.5} Standard

1. What are the revised PM_{2.5} standards that EPA published in October 2006?

On October 17, 2006, EPA published a final rule that strengthened the 24-hour PM_{2.5} standard from the 1997 level of 65 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 35 $\mu\text{g}/\text{m}^3$, and retained the 1997 annual PM_{2.5} standard of 15.0 $\mu\text{g}/\text{m}^3$ (71 FR 61144). This final rule was effective on December 18, 2006. EPA selected levels for the final standards after completing an extensive review of thousands of scientific studies on the impact of fine and coarse particles on public health and welfare. The Agency also carefully reviewed and considered public comment on the proposed standards. EPA held three public hearings and received about 120,000 written comments. Scientific studies have found an association between exposure to particulate matter and significant health problems, including: aggravated asthma; chronic bronchitis; reduced lung function; irregular heartbeat; heart attack; and premature death in people with heart or lung disease. For further background, please consult the October 2006 final rule and EPA outreach materials at: <http://www.epa.gov/air/particlepollution/actions.html>.

2. What is transportation conformity?

Transportation conformity is required under Clean Air Act section 176(c) (42 U.S.C. 7506(c)) to ensure that federally supported highway and transit project activities are consistent with (“conform to”) the purpose of the state air quality implementation plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant standards. EPA’s transportation conformity rule (40 CFR Parts 51 and 93) establishes the criteria and procedures for determining whether transportation plans, transportation improvement programs (TIPs), or projects conform to the SIP. Transportation conformity applies to areas that are designated nonattainment, and those redesignated to attainment after 1990 (“maintenance areas” with SIPs developed under Clean Air Act section 175A) for transportation-related criteria pollutants: carbon monoxide, ozone, nitrogen dioxide, PM_{2.5}, and PM₁₀.

3. What PM_{2.5} standards apply for transportation conformity determinations in current PM_{2.5} nonattainment areas?

Because EPA’s nonattainment designations for existing PM_{2.5} nonattainment areas were based on the 1997 PM_{2.5} standards,¹ these 1997 standards apply for transportation conformity in current PM_{2.5} nonattainment areas. The 1997 standards are the 24-hour standard of 65 $\mu\text{g}/\text{m}^3$ and the annual standard of 15.0 $\mu\text{g}/\text{m}^3$. In PM_{2.5} nonattainment areas, a regional emissions analysis for a conformity determination would be based on any adequate or approved motor vehicle emissions budgets (“budgets”) in a SIP for these 1997 standards, or the applicable interim emission test in the absence of

¹ EPA promulgated the 1997 PM_{2.5} standards in an October 23, 1997, final rule (62 FR 55201).

such budget(s) (see 40 CFR 93.109(i), 93.118, and 93.119(e)). Likewise, any hot-spot analysis that is required for a project-level conformity determination would consider the 1997 PM_{2.5} standards, because these are the standards on which the existing PM_{2.5} nonattainment designations are based.

Transportation conformity applies in nonattainment and maintenance areas for a given pollutant and standard. Clean Air Act section 176(c)(5) requires that transportation conformity requirements apply with respect to:

(A) a nonattainment area and each standard for which the area is designated as a nonattainment area; and

(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 7505a of this title with respect to the specific standard for which the area was designated nonattainment.

Transportation conformity determinations in current PM_{2.5} nonattainment areas are not affected by the October 17, 2006, final rule because this final rule did not change those designations.

4. When does the 2006 PM_{2.5} 24-hour standard apply for transportation conformity?

Transportation conformity for the 2006 24-hour PM_{2.5} standard of 35 µg/m³ does not apply until one year after the effective date of nonattainment designations that consider that standard (see 40 CFR 93.102(d), and Clean Air Act section 176(c)(6)). For EPA's current timeline regarding the revised PM_{2.5} standard, please see EPA's website at: <http://epa.gov/pm/naaqsrev2006.html>.

5. Does this guidance create any new requirements?

No, this guidance is based on Clean Air Act requirements and existing associated regulations and does not create any new requirements. This guidance merely explains how to implement transportation conformity in light of the new PM standards that EPA promulgated on October 17, 2006.

The Clean Air Act and EPA's regulations at 40 CFR Parts 51 and 93 contain legally binding requirements. This document is not a substitute for those provisions or regulations, nor is it a regulation itself. Thus, it does not impose legally binding requirements on EPA, the Department of Transportation (DOT), states, or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA retains the discretion to adopt approaches on a case-by-case basis that may differ from this guidance but still comply with the statute and with SIP, transportation

conformity and transportation planning regulations. This guidance may be revised periodically without public notice.