

# **Transportation Conformity Program Update**

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# Overview

- New National Ambient Air Quality Standards and conformity
- Upcoming transportation conformity rulemaking:
  - “PM<sub>2.5</sub> and PM<sub>10</sub> 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

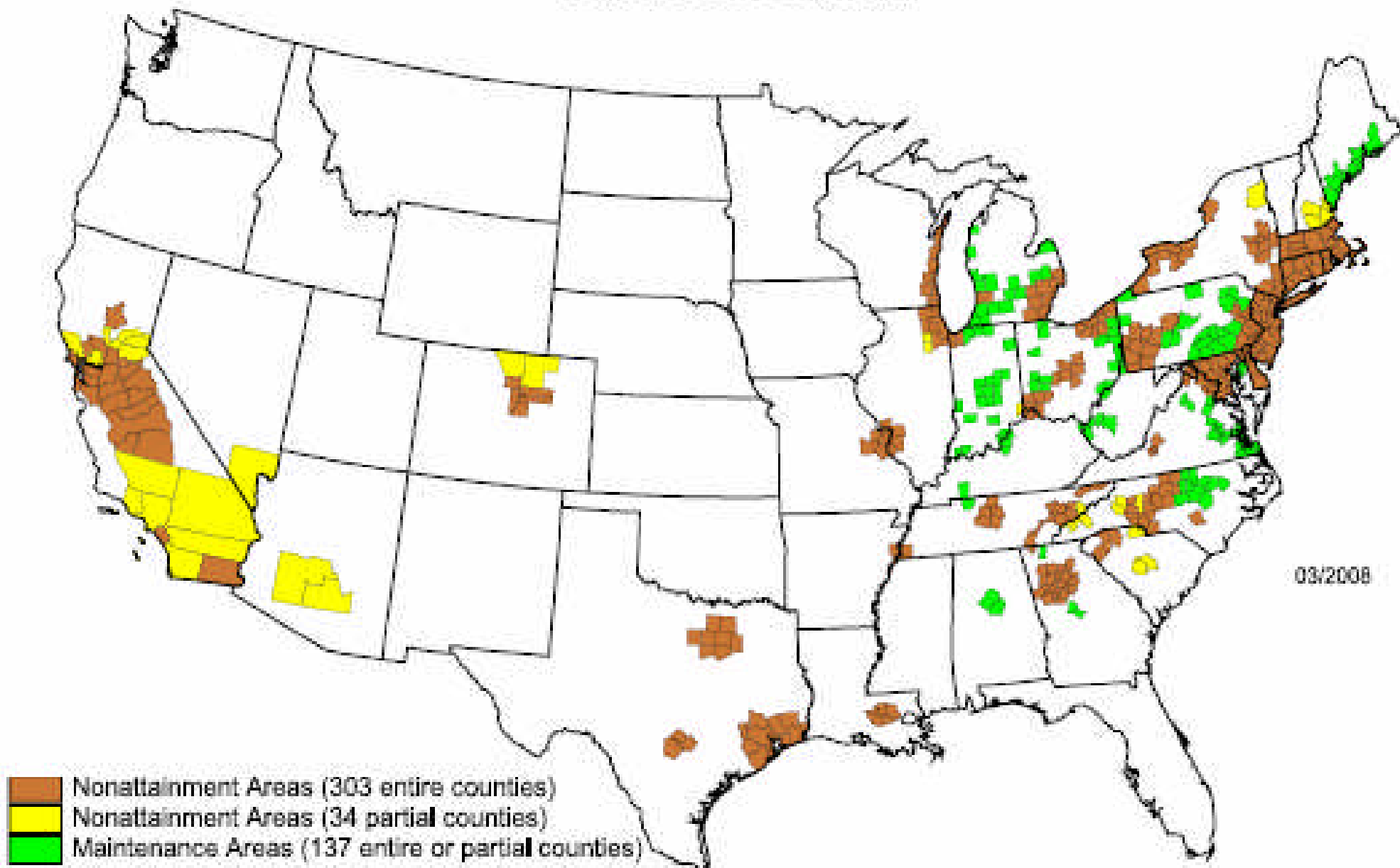
# 1997 8-hour Ozone Standard: Implementation Schedule

- 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 to 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<sub>2.5</sub> 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<sub>2.5</sub> SIPs were due
  - Some submitted and many expected soon

# 1997 PM<sub>2.5</sub> 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<sub>2.5</sub> Air Quality Standard

- 1997 PM<sub>2.5</sub> 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<sub>2.5</sub> 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<sub>2.5</sub> standard, including:

- Areas that have PM<sub>2.5</sub> SIPs that address the 1997 standards
- Newly designated PM<sub>2.5</sub> areas (not covered by 1997 standard)

## 3. Revocation of the annual PM<sub>10</sub> standard

- PM<sub>10</sub> conformity only required for 24-hour PM<sub>10</sub> standard
- Current intent: implement status quo in the field
- EPA will soon issue interim guidance for PM<sub>10</sub> 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