
Federal Panel Current Regulatory Priorities and Activities

MTAQS

October 27, 2009

Gary Dolce

EPA Office of Transportation and Air Quality

Topics

- Background on transportation conformity
- Conformity for the 2006 PM_{2.5} NAAQS
- MOVES release and guidance documents, including PM_{2.5} and PM₁₀ hot-spot modeling guidance
- Upcoming proposal to restructure conformity rule
- Other NAAQS updates on the horizon

Transportation Conformity

- CAA section 176(c) requires federal actions to conform to the SIP's purpose
- Applies in ozone, PM_{2.5}, PM₁₀, CO, and NO₂ nonattainment and maintenance areas for a given NAAQS
- In these areas, transportation plans, programs, and federally supported highway and transit projects must not:
 - » produce new air quality violations
 - » worsen existing violations
 - » delay timely attainment of the NAAQS or interim milestones

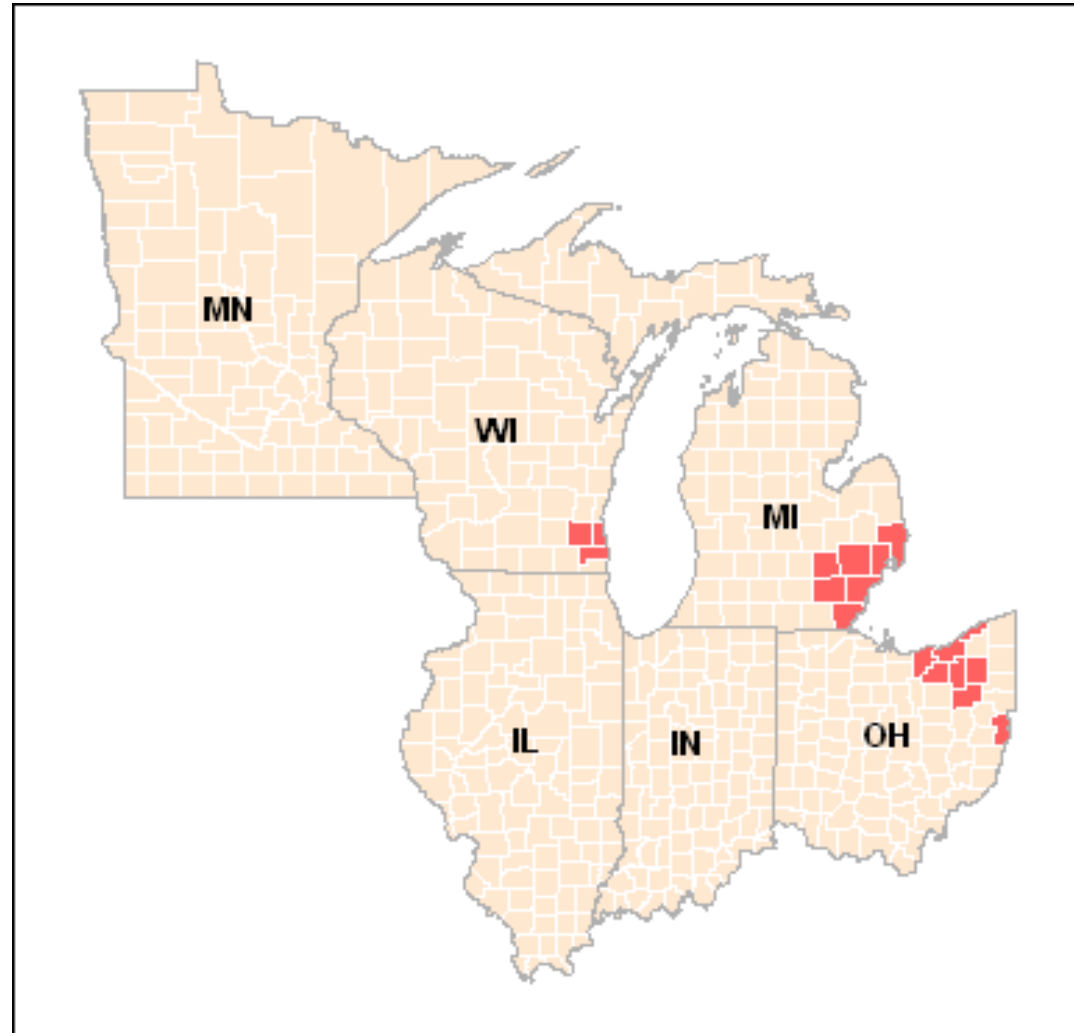
Background: PM_{2.5} NAAQS

- 1997 PM_{2.5} NAAQS final rule
 - » 24-hour 65 µg/m³
 - » Annual 15.0 µg/m³
 - » 39 areas designated nonattainment (effective 2005)
- 2006 PM_{2.5} NAAQS final rule (effective December 18, 2006)
 - » 24-hour 35 µg/m³
 - » Annual 15.0 µg/m³ (unchanged from 1997)
 - » 31 areas designated nonattainment for new 24-hour PM_{2.5} NAAQS only (signed October 8, 2009)

Timeline for Implementing the 2006 PM_{2.5} NAAQS

- Federal Register for 2006 PM_{2.5} NAAQS designations:
 - » Likely Nov/Dec 2009
- Effective Date of Designations – 30 days after Federal Register publication:
 - » Likely Dec 2010/Jan 2011
- First Conformity Determination – 1 year after effective date of designations
 - » Likely Dec 2010/Jan 2011
- SIPs Due
 - » Likely Dec 2012/Jan 2013

2006 24-Hour PM_{2.5} NAAQS Region 5 Designations



2006 24-Hour PM_{2.5} NAAQS Region 5 Designations

- Illinois – Entire State unclassifiable/attainment
- Indiana – Entire State unclassifiable/attainment
- Michigan
 - Detroit-Ann Arbor, MI (7 counties, existing 1997 PM_{2.5} area)
- Minnesota – Entire State unclassifiable/attainment
- Ohio
 - Canton-Massillon, OH (1 county, existing 1997 PM_{2.5} area)
 - Cleveland-Akron-Lorain, OH (6 counties, existing 1997 PM_{2.5} area)
 - Steubenville-Weirton, OH-WV (1 county, existing 1997 PM_{2.5} area)
- Wisconsin
 - Milwaukee-Racine, WI (3 counties, brand new 2006 PM_{2.5} area)

2006 24-Hour PM_{2.5} NAAQS Region 7 Designations

- Iowa – Entire State is unclassifiable/attainment
- Kansas – Entire State is unclassifiable/attainment
- Missouri – Entire State is unclassifiable/attainment
- Nebraska – Entire State is unclassifiable/attainment

Implementation of Both PM_{2.5} NAAQS

- 1997 PM_{2.5} NAAQS designations and applicable requirements are not affected by the 2006 PM_{2.5} designations
 - » 1997 and 2006 PM_{2.5} NAAQS are different designations with separate SIP requirements, different attainment dates
- Some areas are newly nonattainment for PM_{2.5} – these areas have to meet conformity for 2006 PM_{2.5} only as these areas aren't designated for 1997 PM_{2.5} NAAQS
 - » Other areas are nonattainment for both the 1997 and 2006 PM_{2.5} NAAQS (and have the same boundaries for both NAAQS)
 - Have to meet the conformity requirements for both NAAQS
- EPA is amending the conformity rule to address the 2006 PM_{2.5} NAAQS and providing interim guidance

2006 PM NAAQS Conformity Rule

- Updates rule for 2006 PM_{2.5} NAAQS:
 - » Regional emissions test(s) that would apply before and after SIP budgets are established for the 2006 24-hour PM_{2.5} NAAQS
 - » Proposed updated baseline year for 2006 24-hour PM_{2.5} baseline year interim emissions test
- Clarifies which budgets to use in PM₁₀ areas since annual PM₁₀ NAAQS is revoked (consistent with existing EPA memo and current practice)
- Responds to 2007 court remand:
 - » Clarifies that CAA requirement to ensure no delay in timely attainment applies to projects in PM_{2.5}, PM₁₀, and CO nonattainment and maintenance areas
- Proposed rule on May 15, 2009
 - » Final rule in early 2010

PM_{2.5} Interim Transportation Conformity Guidance

- The final conformity rule is not expected to be signed before the 2006 PM_{2.5} designations are effective (and conformity grace period starts)
- Therefore, EPA will release Interim Transportation Conformity Guidance
- Will address how 2006 PM_{2.5} areas can start new conformity determinations, including details on conformity tests
- EPA will be working with DOT to assist 2006 PM_{2.5} areas in meeting conformity requirements in time

MOVES Guidance Documents

- Plan for final MOVES release is end of 2009
- Three guidance documents need to be released with final MOVES:
 - » Technical MOVES guidance for SIPs and regional conformity analyses
 - » Policy guidance for SIPs and conformity
 - Including MOVES grace period for regional/project conformity analyses
 - » PM_{2.5} and PM₁₀ hot-spot modeling guidance

Conformity and PM Hot-spots

- The transportation conformity rule requires PM_{2.5} and PM₁₀ hot-spot analyses for certain highway or transit projects in nonattainment and maintenance areas, e.g.:
 - » New or expanded highways with significant diesel truck traffic
 - » Highways and intersections for freight terminals
 - » New or expanded major bus terminals
- All other projects in PM_{2.5} and PM₁₀ nonattainment/maintenance areas are presumed to meet the CAA's requirements without a hot-spot analysis
- The hot-spot analysis requirement is currently met using the 2006 EPA/FHWA qualitative guidance

Timing of Quantitative PM Hot-Spot Analyses

- Quantitative PM hot-spot analyses will be required once:
 - » The PM hot-spot modeling guidance is released;
 - » MOVES is approved
 - » EPA announces in the FR that quantitative analyses are now in effect; and
 - » The conformity grace period for MOVES ends.
- EPA is working with DOT and stakeholders in developing this guidance
 - » In addition to stakeholder outreach to date, EPA will provide a 30-day public comment period on full draft of guidance in near future (announced through FR notice)

Purpose of PM Hot-spot Guidance

- Describes how to do a PM hot-spot analysis to determine if a project negatively impacts the PM NAAQS in the project area in some future year
- Describes components in completing a “build/no-build” analysis
 - » Characterizing project emissions from vehicles, road/construction dust, transit locomotives
 - » Selecting the appropriate air quality model
 - » Characterizing “background” contributions including nearby sources of PM
 - » Comparison to PM NAAQS

Transportation Conformity Restructuring Proposal

- EPA is currently working on a proposal to restructure several sections of the transportation conformity rule so that they would apply for any new or revised NAAQS that are established
- This proposal should reduce the need to amend the rule in the future merely to reference specific new or revised NAAQS
- EPA held conference calls in Spring 2009 to discuss several ideas that will be considered in proposal's development

Transportation Conformity Restructuring Proposal

- EPA's proposal would reorganize the existing rule requirements so that they clearly apply to areas designated for future new or revised NAAQS
 - » restructure 40 CFR 93.109 (testing requirements)
 - » restructure 40 CFR 93.119 (baseline years), and
 - » minor changes 40 CFR 93.101 (definitions)
- Reorganization proposals would be administrative, and would not change the substantive requirements of the current conformity rule
- NPRM possibly by May 2010

Future NAAQS Updates

- NO₂:
 - » Final NAAQS January 2010
- Ozone: EPA is reconsidering the 2008 ozone NAAQS
 - » Final NAAQS August 2010
- CO:
 - » Final NAAQS May 2011
- PM:
 - » Final NAAQS July 2011

For Further Information

- EPA website: www.epa.gov/otaq/stateresources/transconf/index.htm
 - » All conformity rulemakings
 - » All conformity guidance documents
 - » Guidance on quantifying reductions from control measures
 - » Complete, updated regulation and outreach materials
 - » Research and training
- DOT (FHWA) website: www.fhwa.dot.gov/environment/conform.htm
 - » Basic Guide, Reference Guide, and Frequently Asked Questions
 - » Research and training
 - » Examples of Transportation Conformity Practice
- Nonattainment/maintenance areas:
 - » EPA's Greenbook: <http://www.epa.gov/oar/oaqps/greenbk/>