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# Transportation Conformity Rule Update

Northern Transportation and  
Air Quality Summit  
Cambridge, MA  
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# Topics

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- Transportation conformity overview
- Transportation conformity rulemakings
- MOVES conformity policy guidance
- PM hot-spot guidance

# Transportation Conformity Overview

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- CAA section 176(c) requires federal actions to conform to the state implementation plan's (SIP's) purpose
- Transportation plans, transportation improvement programs (TIPs), and projects must not:
  - » produce new air quality violations
  - » worsen existing violations
  - » delay timely attainment of the NAAQS, or interim milestones
- Transportation conformity applies in ozone, PM<sub>2.5</sub>, PM<sub>10</sub>, CO, and NO<sub>2</sub> nonattainment and maintenance areas
  - » More details on conformity and new NAAQS in later NTAQS session
- Conformity demonstrated at regional level by comparing future transportation emissions to either a SIP “budget” or interim emission test(s)

# Recent Conformity Rulemakings

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- PM amendments final rule
- Restructuring proposal

# PM Amendments Final Rule

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- PM amendments final rule dated March 24, 2010:
  - » Explains conformity requirements for the 2006 PM<sub>2.5</sub> NAAQS , including:
    - Baseline year (2008) for the interim emissions test in these areas
    - Updating PM<sub>10</sub> requirements now that the annual PM<sub>10</sub> NAAQS has been revoked
    - Clarifies PM and CO hot-spot provisions
- Final rule supersedes EPA's interim conformity guidance for the 2006 PM NAAQS
- Designated nonattainment areas must meet conformity requirements by December 14, 2010 (one year after EPA's designations)
  - » EPA and DOT working with affected areas

# Restructuring Proposal

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- Proposal published August 13, 2010
- Would reduce the number of future rulemakings needed to accommodate new or revised NAAQS
  - » Conformity rule has been amended several times over past few years to address a new or revised NAAQS
    - 2006 PM<sub>2.5</sub> NAAQS (2010)
    - 1997 ozone and 1997 PM<sub>2.5</sub> NAAQS (2004, 2005, 2006)
  - » Transportation-related NAAQS slated for review in the next few years include: ozone, PM<sub>2.5</sub>, PM<sub>10</sub>, CO, NO<sub>2</sub>
- Would allow transportation planners to know conformity requirements for new NAAQS sooner
- Would ensure conformity analyses protect clean air in all cases
- Would expand flexibilities for future NAAQS

# Summary of Proposals

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## Key Proposals:

1. Generalize conformity test requirements to apply for any new or revised NAAQS
  - To reduce the need to update the rule merely to reference or incorporate a new or revised NAAQS
2. Areas to analyze a near-term year in all cases
  - To ensure progress toward air quality goals in near-term years
3. Expand conformity flexibility for areas with clean data determinations

# 1. Generalize Conformity Tests

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## Proposal:

- Generalize conformity test requirements to apply for any new or revised NAAQS
- Would not change underlying requirements
  - » Use budget test when you have SIP budgets
  - » Use interim emissions test(s) when you don't
- Would accommodate future transportation-related NAAQS, including secondary NAAQS

# Generalize Baseline Year

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## Current Rule:

- Before areas have budgets, areas can use the baseline year test: emissions from transportation plan  $\leq$  emissions in baseline year
- Baseline year has been specified for each NAAQS; e.g., 1990, 2002
- In the past, conformity rule has been amended for each new NAAQS

## Proposal:

- Generalize baseline year definition for any new NAAQS to be the most recent year for which EPA requires submission of an inventory, as of effective date of nonattainment designations
  - » EPA requires inventories for every third year, e.g., 2008, 2011, 2014, etc. (AERR, 40 CFR 51.30(b) – Three-year cycle inventories)
  - » Same approach as baseline year definition finalized for 2006 PM<sub>2.5</sub> areas (2008), but would apply to all pollutants
- Ensures baseline year for any new NAAQS is always fairly recent

## 2. Ensure a Near-term Year Analyzed in All Cases

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### Current rule:

- When budget test is used, areas must analyze emissions in certain years:
  - » attainment year;
  - » last year of transportation plan; and,
  - » intermediate years as needed, so that analysis years are no more than 10 years apart.
- Once the attainment year has passed, areas do not analyze a near term year
  - » First year analyzed could be as distant as 10 years into the future

### Proposal:

- Analyze a near-term year (not more than five years in the future) when the attainment year has passed, or has not been established
  - » For example – 1997 moderate ozone nonattainment area with adequate SIP budget:
    - attainment year: 2009; conformity demonstrated in 2010
    - transportation plan horizon: 2010-2030
    - required analysis years: 2030, 2020
    - If proposal adopted: new near term year to analyze: no more than five years beyond 2010
- Would ensure clean air in near-term, not just the future

# 3. Extend Flexibility for Areas with Clean Data Determinations

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## Current rule:

- Moderate and above ozone areas with “clean air” have an additional conformity test option
  - » i.e., those that meet criteria of EPA’s existing “clean data” SIP policy
- These areas can use the level of actual emissions in the most recent year of clean air as the budget if the state requests and EPA approves in a rulemaking that determines that the area has clean data for that NAAQS

## Proposal:

- Extend flexibility to all NAAQS for which EPA has a Clean Data SIP Policy in the future
- Offers flexibility while protecting air quality

# MOVES and SIP/Conformity Policy Guidance

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- Motor Vehicle Emissions Simulator model (MOVES2010) released in December 2009
- EPA has released guidance on MOVES:
  - » SIP and transportation conformity policy guidance
  - » Technical guidance for SIPs and regional transportation conformity analyses
- EPA approved MOVES for SIPs and regional analyses on March 2, 2010, and conformity grace period will end March 2, 2012
- EPA developing:
  - » PM hot-spot guidance (includes MOVES guidance (more later))
  - » CO project-level MOVES guidance
    - Once guidance finalized, EPA plans to approve MOVES for project-level analyses and start new 2-year conformity grace period
- More details in later NTAQS session

# PM Hot-spot Analyses

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- Conformity rule requires a hot-spot analysis for projects of local air quality concern in PM<sub>2.5</sub> and PM<sub>10</sub> nonattainment and maintenance areas
  - » e.g., new or expanded projects with a significant number of diesel vehicles (40 CFR 93.123(b)(1))
- Assesses air quality impacts on a scale smaller than an entire nonattainment or maintenance area
- **Qualitative** PM hot-spot analyses are currently required
- Final modeling guidance required by the conformity rule before **quantitative** PM hot-spot analyses apply

# Status of PM Hot-Spot Guidance

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- EPA released the draft PM hot-spot guidance on May 26, 2010 and the public comment period closed on July 19, 2010
- Draft technical guidance describes how to complete a quantitative PM hot-spot analysis
  - » Includes emissions and air quality modeling
- Addresses hot-spot analyses for the annual PM<sub>2.5</sub> NAAQS, the 24-hour PM<sub>2.5</sub> NAAQS, and the 24-hour PM<sub>10</sub> NAAQS
- More details provided in later NTAQS session

# For Further Information

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- EPA website: [www.epa.gov/otaq/stateresources/transconf/index.htm](http://www.epa.gov/otaq/stateresources/transconf/index.htm)
  - » Transportation conformity rulemakings and guidance
  - » Guidance on emissions models and quantifying reductions from control measures
  - » Complete, updated regulation and outreach materials
  - » Research and training
- FHWA website: [www.fhwa.dot.gov/environment/conform.htm](http://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/>
- MOVES webpage: <http://www.epa.gov/otaq/models/moves/index.htm>
  - » MOVES2010 technical and policy guidance
  - » Instructions for downloading and installing MOVES2010
  - » Information on training sessions