

# California Transportation Conformity Working Group

November 17, 2007

10:30 am - 3:30 pm

Federal Highway Administration  
650 Capitol Mall, Sacramento, CA 95814

## MEETING NOTES

### 10:30 Welcome; introductions; housekeeping; agenda review

### 10:40 Public Comment on matters not otherwise on the agenda

None.

### 10:50 Conformity and Planning

*Conformity Process under NEPA Delegation* – Caltrans Standard Environmental Reference Chapter 38 (<http://www.dot.ca.gov/ser/voll/sec6/ch38nepa/chap38.htm>)

- No significant discussion. Caltrans is now FHWA for highway project NEPA purposes – FHWA doesn't even comment in Interagency Consultation unless it's for conformity related to a "Section 6005" project or one of a small number where FHWA retained full authority..

*RTP Guidelines revisions for SAFETEA-LU*

(<http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/index.html>)

- No significant discussion. Caltrans noted that this revision does not include AB32/climate change material; that will be the subject of a future revision.

*Climate Change*

- Discussion: clarify that the subject must be addressed in environmental documents, but is not part of the conformity process.
- ARB: EMFAC does produce CO2 & CH4 numbers. ARB is fairly confident in the estimates. CO2 not speed corrected but mass is huge so variation would be small. Not part of conformity – but moving on AB32 & inventories.
- EPA: how is ARB involved with RTP Guidelines for climate change analysis? ARB: Jeff Weir & goods movement staff involved.
- FHWA: Clarify that MSATs also not part of conformity but are an issue for environmental documents.

### 11:25 Federal Updates

*SAFETEA-LU air quality implementation – final rule and guidance* (Q&A, TCM substitution, Conformity SIP, etc.)

- At OMB for review; waiver has been requested to allow early publication.
- Final rule will replace 2/5/06 interim guidance.
- 4 guidance documents go with it, to be released in January:
  - TCM substitution/addition (reordered & expanded)
  - Conformity regulations reference document replacing FHWA's
  - OTAQ Conformity FAQ web page consolidating existing FAQs

- New conformity SIP guidance document.
- January 2008 scheduled publication.
- South Coast AQMD: does the Conformity SIP material affect SIP schedules? EPA: no. Guidance is for MPOs – no regulation changes but reorganizes existing guidance.

*Conformity SIPs and Rules* ([handout](#))

- Checklist should be completed and included with Conformity SIP submittal.
- Checklist was used for Bay Area Conformity SIP revision.
- Send comments to Karina; but understand the official deadline is past.
- Question re. Basic areas – reclassification – how would this affect Conformity SIP deadline? EPA: no effect. Reclassification effects are on attainment SIP not conformity SIP.
- EPA reminder: Must have a local conformity rule, even w/signed MOU.
- South Coast: if no action has occurred on old Conformity SIP, should we just submit what's missing/changed? EPA: depends on what's missing.

*EMFAC 2007*

- Target for publication is December. Still working on hot spot issues. There will be effectively no grace period for regional use – FHWA requires it for analyses started since August 1, 2007. Grace period for project-level conformity use based on conformity rule.
- Caltrans District 7: have 2005 analysis year issues been resolved? ARB: No. It's an activity problem; doesn't affect emission rates. Contact ARB if 2005 analysis needed.

*New ozone standard*

- EPA responding to comments. Standard to be promulgated in March 2008 per court ruling. Designations will then be made, followed by 1 year grace period for conformity.
- EPA has no input on background levels. Standard is health-based and does not address how to achieve.
- Global Warming effects will be considered in future review cycles. Ozone just ending its review cycle and starting again.
- Currently starting the next round of PM standard review for a 2011 deadline.

*Area Designations for 2006 PM<sub>2.5</sub> Standard*

- State & Tribal recommendations due in December 2007.
- Nonattainment Area Designations would follow in December 2008 unless date is extended.
- Conformity applies starting in December 2009.
- 120 days prior to December 08 – EPA gives notice of any disagreement with State/Tribal recommendations.
- Question: Is a public comment periods required for the recommendations? EPA: optional though ARB did one for ozone. These are direct comments from the State to EPA. EPA has no formal comment period but did get lots of comments last time and does consider them. Docket is open.

### *Lead (Pb) Standard*

- Proposed revisions to the standard coming out soon (no specific date yet). This is a transportation issue with the proposed revisions not just an industrial one.
- EPA is changing the standards review and setting process starting with this action. No more staff papers, but there will be additional CASAC and NPRM reviews.
- Reentrained lead from roads will be an issue. Recent (03-05) maps show CA exceeding the most aggressive proposed standards in South Coast and Imperial.
- Question: will Lead be based on TSP or PM10? EPA: CASAC wants PM10 but staff wants TSP for this round.
- Could the Lead standard be revoked? Not likely.

### *Litigation Update*

- *Ozone Implementation Rules* ([handout1](#) [handout2](#))
- Memo1:
  - 1hr ozone budgets only apply for 8hr until 8hr budgets in place – no 8hr plus 1hr exposure.
  - Subpart 1 (“Basic”) areas – Subpart 1 areas had no classifications; will be re-designated with classifications under Subpart 2 and new SIP deadlines
  - Court clarified that areas initially designated under Subpart 2 stay that way and the 6/15/2007 submittal deadline applies.
  - Subpart 1 redesignations planned for summer/fall 2008 with a 2-year deadline (2010) for SIPs.
  - Question: will Subpart 2 classifications be provided for all areas? EPA: yes but many may be marginal.
  - Question: will EPA use original or updated data? Response: will use old data & base year.
  - Emission Budgets:
    - For Basic areas with no prior SIP doing conformity – continue using interim test until new budgets are adequate or approved.
    - Areas with 1hr ozone SIP must use budgets from that SIP until new budgets for 8-hour ozone found adequate or approved with SIP.
    - Areas with EMFAC 2002-based existing SIPs need 2007-based budgets (San Diego submitting a SIP to do that).
    - EPA: if a Subpart 1 area SIP is submitted EPA can do budget adequacy finding as a SIP strengthening measure without necessarily approving a whole new SIP.
- Memo2:
  - Moderate or below areas and RFP SIPs formerly could take credit for emission reductions happening outside the nonattainment area. Can’t do that any more.
  - Consider “Early Progress” SIPs to set emission budgets?
    - Option is viable only for areas that have not yet submitted an 8-hour ozone SIP.

- ARB intends to submit to EPA in January 2008 with parallel processing to get rapid turnaround.
  - Question: would that be viable considering EMFAC 2007 budgets typically are higher than EMFAC 2002? Would that be an antibacksliding issue? EPA: not necessarily; updated data and averaging period changes may have an effect..
  - ARB: are early progress SIPs available to areas that haven't submitted anything else yet? EPA: yes.
  - SCAG: what's the process for Ventura and Mohave Desert early progress SIPs? Doing RTP & conformity now; those areas are limiting factors for schedule. Can we see EP budgets in January 2008? ARB: yes. Early Progress SIPs will be reviewed quickly to move budgets.
  - SCAG: should we use submitted (SIP) activity and emissions to start public review for RTP and regional conformity? ARB: still need some data so January date not firm.
  - San Joaquin Valley: what year(s) will budgets be for? SCAG: what attainment year would be expected? (No specific answer) SCAG provided data for multiple years.
- EPA – things to watch regarding the Phase 2 Implementation Rule:
  - The rule was vacated regarding its approach to RFP & reliance on emission reductions outside the nonattainment area. That is also under siege in the PM implementation rule. Some discussion of whether “upwind” = “outside” – no definitive answer but leans toward “yes.”
  - Short-term for RFP – can no longer “cherrypick” source improvements outside nonattainment area. Consider using PM implementation rule approach that doesn't use cherrypicking but still allows consideration of outside reductions.
  - But the PM rule has also been sued and outside-area reductions are in the challenge. Timeframe unknown.
  - Ventura APCD: both ozone and PM or only one affected now? EPA: only ozone for now. No court action has occurred on PM yet. May need bigger nonattainment areas to deal with otherwise outside reductions?
  - Short-term fix: early progress SIPs to do emission budgets for adequacy now then get complete ozone SIPs later.
  - ARB: Is there no RFP in an early progress SIP? EPA: Not like standard RFP but some demonstration needed. Treat as SIP strengthening not regular SIP.
  - San Joaquin Valley: who has early progress budgets now – just Atlanta? EPA: don't know. Don't use Atlanta as a model.
  - Sacramento: Is there a distance limit on out-of-area emission reductions? EPA: for ozone – 200/100km NOx/VOC. Do not need justification regarding upwind contribution.
- Hot Spot Rule
  - Oral arguments were in October; expect decision early 2008.
  - ICC connector decision – include conformity in NEPA documents.

## 11:45 Lunch Break

### 1:15 Project-Level Analysis

*Draft PM hot spot screening procedure – review and discussion, statewide consultation acceptance ([handout](#))*

- More changes wanted so **it's not accepted at this time.**
  - EPA: projects can't be excluded as a group (e.g. traffic signals), and that only lower threshold values (i.e. more stringent) than what are in the EPA Guidance would be accepted.
  - Annual tracking not required – remove. Project-level documentation must still be included prior to project approval regardless of whether IAC done or not.
  - Discussion that procedure might only save 2-4 weeks and that project sponsor might still not get CT and/or FHWA approval without IAC. May not be worth pursuing considering how much effort has been expended setting up and working within existing processes.
  - What does statewide “acceptance” mean? Discussion – SCAG and SJV can incorporate local processes if desired.
- FHWA PM hot spot best practices project proceeding – funded research effort – will be contacting people to see how things are done. May need to incorporate results into procedure.
- Discussed Categorical Exemption vs. Conformity Exemption (CEQA vs. NEPA). They are not the same thing, and have no relationship to conformity exemptions. Example: auxiliary lanes, which may be CE for CEQA/NEPA/both, but are not exempt from conformity.
- Status of interagency consultation (IAC) processes: SCAG, San Joaquin Valley report routine implementation now. Sacramento starting up project-related PM10 work. SJV submitted comments regarding possible “practice notes.”

## 2:30 Status of Transportation and Air Quality Planning in California

### Near Term Air Quality Plans/SIPs

#### **ARB:**

- Acting tomorrow on South Coast plan – approving budgets to forward to EPA for South Coast, Coachella ozone & PM2.5.
- Also looking at a task force plan for San Joaquin Valley ozone following a dual path – Federal SIP & fast-track. Draft posted last week. Additions: cost-effective BACT; new technologies; alternative SIP suggestions; ARB future rulemaking, forum.
- Approved PM10 Maintenance SIP in October – to EPA soon.
- San Joaquin Valley doing its 2008 PM2.5 SIP. 2 workshops scheduled for 12/6 on barebones draft with no RFP, budgets, or RACM – just rollback modeling. Another set of workshops in February 08. Scheduled for action by APCD Board in April 08. Fast-track task force measures considered beyond SIP.

- EPA clarified that it is unlikely to issue non-submittal findings for ozone SIPs. Currently addressing SIP issues with ARB and noted that adequacy findings require a 30-day public comment period.

### ***Questions:***

- Any concurrent/expedited reviews for ozone/PM2.5 SIPs in San Joaquin Valley? EPA: have been reviewing – need more discussions regarding issues – hopefully no remaining issues once submitted. ARB: process continues.
- Any list of issues for South Coast AQMD? EPA: most are with RFP demonstration. Modeling being done by South Coast AQMD; unfortunately there has been some movement in the motor vehicle inventory due to revised SCAG modeling.
- ARB: Ventura on edge for attainment 2012/2019. Don't want to submit a plan requesting a classification that the inventory doesn't support; may do early progress SIP instead.
- N. Sierra: RFP problems – upwind areas affecting Mountain Counties. ARB: situation is not good – transport areas need upwind cleanup to make RFP work.
- Fresno COG: Blueprint process part of draft RTP out for review now. Will lock in at February RTP approval and send to APCD for SIP then.
- SCAG: reentrained dust for PM10 has been a long-term problem. No budgets done; any time for clean data finding or budgets? EPA: thought old unapprovable SIPs were not redone. May be under an old (revoked) form of the standard.

### **RTP/TIP Timelines and Lockdowns ([EPA handout](#))**

- June 2008 for SCAG. EPA budget adequacy finding needed by February. Coachella still to do.

### ***RTP and TIP Updates and Amendments – Area Representatives***

- SANDAG: TIP amendment needed by 11/30/07. 11/19 draft conformity analysis coming to FHWA/EPA for quick turnaround aimed at 12/11/07 final approval.
- SCAG: RTP timeline OK. Draft will go to transportation committee on 12/6 to approve for 45-day public release. Special committee meeting 11/27 to finalize. Will go to Regional Council in 3/08. Question: will recirculation of NOP for RTP EIR affect the schedule? SCAG: no. CEQA document being split – should not affect overall schedule. Main concern is ozone budgets.
- SJV: Reviewed SIP budget and EMFAC status, SAFETEA-LU lockdown and gap closure efforts. 2009 TIP schedule assumes submittal of locally-approved TIPs to Caltrans on June 2 (may be extended). Lockdown assumed from May through October where changes to the 2009 TIP or status of conformity budgets will not be allowed. 2 regionally significant TIP amendments have been submitted to Caltrans for approval. 2009 TIP amendments drafted to address funding issues resulting from current schedule.

### **3:00 Information sharing**

#### **New staff**

- Caltrans: Rodney Tavitas.
- FHWA: Joseph Vaughn – has been doing project review, now moving into regional planning/air quality work. Jean Mazur moving out of AQ back to engineering. Vacancies for 2 more specialists.
- ARB: new executive officer – James Goldstein.

#### **Next meeting**

- Continue with 2 meetings/year for information sharing. Presentations/topical issues needed if more frequent.
- Think about: WHAT IS OR SHOULD NOW BE OUR MISSION STATEMENT?
- Chair for next year – Mike Brady (Caltrans) reconfirmed.
- Next meeting May 14, 2008 in San Diego at SANDAG.

### **3:30 Adjournment**