

California Transportation Conformity Working Group

06/13/2009, 10:30

Teleconference

MEETING NOTES

9:00 AM Welcome; introductions; housekeeping; agenda review

9:10 AM Public Comment on matters not otherwise on the agenda

None.

9:20 AM Federal Updates

EPA

2008 ozone standard – summary and status

State Recommendations submitted 3/09. Several potential new nonattainment areas. [[ARB web posting](#)] *March 2010 target for final designations*

- *On March 12, 2009, ARB submitted its recommendations for area designations for the revised federal 8-hour ozone standard.*
- *EPA is reviewing their recommendations and will consult with ARB over the summer*
- *In November EPA will issue our 120 day letters which will open a 60 day periods for states to comment on our proposal, within that 60 day period we will also be publishing a FR asking for (late November) a 30 day public comment*
- *March 2010 – final designations*

Subpart 1 ozone area reclassifications

Conformity implications of reclassification to Moderate.

Proposal published in January. Responding to comments and running through agency review. Should be final around the end of the year. NOTE: “Basic” areas will be Marginal or Moderate, but some areas may need to bump up. Modeling issues depending on initial classification. Probably Moderate for SD, Mountain Counties, E. Kern.

- *The proposal was published on 1/16/09*
- *There are several issues that EPA is seeking senior agency advice (e.g. new appointees) based on comments we received on the 1/16/09 proposal, including the use of 2001-2003 data for reclassification of the former subpart 1 areas, and RACM for marginal areas.*
- *Note that some area reclassifications may impact conformity requirements. For example, moderate and above ozone areas must do both interim emission tests. If any area chooses to bump up further, they could be subject to the full modeling requirements in 93.106.*

2006 PM2.5 Standard – summary and status

EPA released nonattainment designations 12/2008. Not yet published in Federal Register as of 6/1/09. [[EPA web page](#)]

December 2008 version did not get published in Federal Register. Back in agency review. Got some comments; some areas now clean, other areas started violating. Not clear when final to be again released and published. Question: will areas be repropose? EPA: may be different because Final was already signed; did get letters recommending changes but no comments on boundaries. Internal review continuing. Question: final area for Imperial? (No direct response.) Question about status of reclassification for areas requesting bump-up for ozone; no response.

Update: On October 8, 2009, EPA released final nonattainment designations for the 2006 PM2.5 24-hour standard; the designations notice was published on November 13, 2009 and designations are effective on December 14, 2009. Information is available at <http://www.epa.gov/pmdesignations/>

The South Coast and the San Joaquin NA areas are already nonattainment based on the 1997 annual and 24-hour PM2.5 standard, and will also be nonattainment for the 2006 24-hour standard. Additional nonattainment areas include the Bay Area, Butte Co., **Sacramento Co. and surrounding counties (Yolo, Solano, Placer and El Dorado Cos.)**, and part of Imperial County.

Maps will be posted on EPA and state (Caltrans, ARB) web sites for detailed boundary information. The affected MPOs will have one year (**until December 2010**) to make new regional conformity determinations **for** the 2006 PM2.5 standard

Transportation Conformity Rule Proposal for PM2.5 and PM10

Comment period reopened 6/5/09. [[Original Proposal](#)]

Proposed in May; received hearing request; extended cmts to 6/29; envgroups participated in Ann Arbor hearing. Concerns expressed about hot spot proposals & how they would cover potential delay of attainment. Sets up procedures for new PM2.5 areas. Older PM2.5 budgets continue until new ones are found adequate. Question: does Section 8 of proposed rule cancel old budgets? No clear answer: COMMENT! Question: status of hot spot analysis lawsuit? EPA: it's a generic implementation lawsuit not addressing a specific area. In summary, the proposal

- *updates rule for 2006 PM2.5 standard,*
- *updates the baseline year for the interim emissions test in 2006 PM2.5 nonattainment areas. (includes options: 2005/2008/generic)*
- *clarified how project level conformity findings meet the requirement for not delay timely attainment or achievement of other interim milestones.*

EPA Endangerment Finding re. GHGs and other Federal actions/proposed legislation

[[Federal Register Notice](#)] Potential and timing for further actions? Conformity effect?

Endangerment finding proposed in April based on 4/07 court decision. Are GHGs pollutants per CAA? Proposed finding says yes. 6 gases as a mix are the pollutants. Comment period ends 6/23 – lots of comments already. NOT a regulation in itself; anticipate regulations will actually be from Congress – Waxman/Markley bill is leading candidate – has provisions for MPO planning requirements & grant program. In summary, the proposal was:

- *Proposed on April 24th, 2009 – Stems from April 2, 2007, in Massachusetts v. EPA, the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act & that EPA must determine*
 - *whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution*
 - *which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.*
- *The Administrator is proposing to find that the current and projected concentrations of the mix of six key greenhouse gases in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the endangerment finding.*
- *Specifically, the Administrator is proposing to define the "air pollution" referred to in section 202(a) of the CAA to be the mix of six key directly emitted and long-lived greenhouse gases: Carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).*
- *In addition to finding the six GHGs as air pollutants, under section 202(a) of the CAA, EPA must determine whether emissions of any air pollutant from new motor vehicles and their engines cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.*
- *60-day comment period ends on June 23, 2009*

Question: how many of the 6 GHGs are on-road sourced? EPA: Proposal said 4 were motor vehicle related. ARB: There are no plans to add more GHGs to EMFAC at this time. What are the 4 mobile source compounds? EPA: CO₂, CH₄, HCFCs, N₂O. Side comment: Transportation Reauthorization may or may not include GHG-oriented programs/requirements; watch as it develops.

PM Hot Spot Guidance Revisions with Quantitative Analysis

Still scheduled for release by end of the calendar year.

EPA is responding to litigation with these revisions. Scheduled to release along with MOVES at end of 2009. Working w/HQ & DOT re issues – writing chapters now. EPA is working w/ARB and CT on EMFAC use. EPA plans to release a draft around the end of August after stakeholder review in July. EPA asks for preferences about how to do the review – whitepaper(s), conference call? ARB is working with Caltrans on the EMFAC chapter: how to, depending on which dispersion model(s) will be specified. Technical call needed about models to frame how-to chapter. Question: includes EMFAC 2010? ARB: No, but will write to be as version-neutral as possible to avoid need for major changes per EMFAC version.

SIP Status and Emission Budgets

- *Recent Emission Budget Adequacy Findings & SIP actions: [San Joaquin Valley 8hr ozone](#) (2/6/09), Sacramento (pending), [South Coast NO₂ & 1-hr ozone](#) (3/10/09)*

South Coast emission budget error has been corrected – comment period ends 7/1; expect Final around the end of July?

Sacramento – drafts in review – may be signed next week.

SIP/Air Quality Litigation Update

South Coast adequacy lawsuit still in holding pattern; briefs submitted waiting court date. Regarding whether near-road issues are covered.

FHWA

Climate Change Web Site Updates

[\[FHWA Environmental web site\]](#)

[\[FHWA Climate Change Clearinghouse\]](#)

Sites provide access to studies by DOT, Volpe, etc. FHWA agency climate change website should be running by next week.

Other Issues/Questions:

Change to CMAQ formula for 100% Federal funding? FHWA: HQ is looking into it; no word yet.

FHWA: news conference scheduled for release of Reauthorization white paper review on 6/18/09 1100 EDT with live feed <http://transportation.house.gov>

Question: told by CT that white paper will be only an outline – correct? FHWA: Division staff haven't seen the paper yet.

FHWA Division has gotten calls re Sustainable Communities Initiative – has asked HQ for information & contacts.

10:15 AM Break

10:30 AM Project-Level Conformity

PM hot spot screening procedure

No further information at this time. Recommend postponing further work until EPA comes out with new guidance later in 2009.

Group agrees that we should hold off pending EPA quantitative hot spot guidance.

CO Protocol

Are agencies other than Caltrans using this for environmental analysis or conformity? Would rebuilding the quantitative screening procedure to use a current EMFAC version be helpful, or should we just leave it as modeling if qualitative screening fails? Is EPA planning anything that would require changes to the Protocol? [\[CO Protocol\]](#)

EPA will not address CO in the PM guidance.. Consensus is that it can wait; revise when new EMFAC comes out. Consider coordinating with new PM guidance.

General Conformity

Has EPA changed policy regarding General Conformity when Transportation Conformity applies? How do agencies other than primary project approvers handle conformity when Transportation Conformity applies? [[40 CFR 93.153\(a\)-\(b\)](#)]

Section 93.153(a) within our General Conformity rule explains that conformity for transportation projects is covered by Transportation Conformity. Since the rule is currently outdated (it hasn't been updated since 1993) instead of referencing 40 CFR Part 93, subpart A, the outdated reference in the General Conformity rule to 40 CFR part 51 subpart T. (conformity SIP). The general conformity rule was written a long time ago when the entire transportation conformity rule was included in both part 51 and part 93. OAQPS (Tom Coda) is about to finalize the first comprehensive revisions to the general conformity rule since 1993. In that revision the reference to 40 CFR part 51 subpart T will be changed to 40 CFR part 93 subpart A.

To the best of my knowledge there have not been any changes with regard to when transportation conformity applies to a project versus when general conformity might apply. In general, transportation conformity applies if FHWA or FTA funding or approval is involved and general conformity would apply if there is no FHWA or FTA involvement but some other federal approval or funding is involved such as a Section 404 permit from the Army Corps of Engineers.

EPA regional staff can help with Corps of Engineers consultation to straighten things out. EPA HQ is doing a full revision to General Conformity; will fix Transportation Conformity section references.

General project-level analysis question: *for hotspot analysis, we always analyze the project opening year; do we also need to analyze the design year (+20 years)? EPA: need to look for expected highest emission year; may be opening or design or some other year – explain how it is identified.*

11:15 AM Status of Air Quality and Transportation Planning in California

EMFAC Status

Confirm continuing use of EMFAC rather than MOVES. Schedule for EMFAC 2010 and any available information about expected changes.

Confirmed – keep using EMFAC. Question: EMFAC 2010 release? ARB: Draft in late 2009, submit to EPA by end of 10.

Burning Issues

Which areas are having problems? What kind? Area-by-area reporting not needed, but please provide highlights of recent actions or important things coming up.

[[Caltrans Status Chart](#)] [EPA Status Chart – if available]

EPA will provide its chart for distribution later.

ARB: 2008 ozone standard recommendations may be confusing if you just look at the letter. Looks like areas expanding. The only area actually expanding is East Kern Co. (adding Indian Wells Valley area). The illustration was not clear; other areas NOT recommended for expansion.

11:45 AM General Information Sharing

Next meeting – suggest September 23 2009, North State.

(Note: due to current and expected travel restrictions, this and future meetings will likely be limited to teleconferencing. Caltrans will investigate the potential for webcast or videoconferencing.)

Next meeting date confirmed: September 23.

South Coast AQMD question: status of conformity SIP submittals? EPA: no news. Quantitative hot spot guidance development is the current highest priority for staff. Conformity SIP deadlines all past but no findings to be made, and no real consequences because it's not a control strategy SIP.

Regional haze – report requested for next call.

12:00 Noon Adjournment