

## Proposed Rule: Transportation Conformity Rule: PM2.5 and PM10 Amendments

The U.S. Environmental Protection Agency (EPA) is proposing changes to the transportation conformity rule that primarily concern conformity's implementation in PM2.5 and PM10 nonattainment and maintenance areas.

- EPA is proposing to update the transportation conformity regulation in light of the October 17, 2006, final rule that strengthened the 24-hour PM2.5 standard and revoked the annual PM10 standard.
- EPA is also proposing to clarify the regulations concerning project-level air quality analyses to address a court's remand of the transportation conformity hot-spot requirements for further explanation.

This proposed rule would ensure that air quality is protected and would clarify requirements for implementers.

EPA has worked closely with the U.S. Department of Transportation in the development of this proposed rule.

### Background

Transportation conformity is a Clean Air Act requirement that ensures that federally supported highway and transit projects are consistent with state air quality implementation plans. Conformity helps protect public health through early consideration of the air quality impacts of transportation decisions in places where air quality does not currently meet federal standards or has not met them in the past.

## Key Elements of the Proposed Rule

The proposed rule directly supports EPA's broader strategy for implementing the revised 2006 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). Providing clear guidance on how to implement transportation conformity under this NAAQS would ensure that transportation and air quality planning is coordinated and that clean air is achieved.

The proposed rule describes when conformity first applies in 2006 PM<sub>2.5</sub> nonattainment areas. The Clean Air Act and transportation conformity rule allow a one-year grace period before conformity applies for the revised NAAQS. This grace period begins upon the effective date of EPA's nonattainment designation.

The proposed rule also describes the general requirements for demonstrating conformity for the 2006 PM<sub>2.5</sub> NAAQS, including the regional emissions test(s) that would apply before and after SIP motor vehicle emissions budgets are established for the revised NAAQS. A motor vehicle emissions budget (or "budget") is the level of emissions from cars and trucks that the state has determined to be consistent with local air quality goals. EPA is proposing that all 2006 PM<sub>2.5</sub> nonattainment areas without SIP budgets would have a choice of conformity emissions tests for ensuring that transportation decisions are consistent with clean air. Under the proposal, SIP budgets for the existing 1997 PM<sub>2.5</sub> NAAQS would be used for conformity prior to establishing 2006 PM<sub>2.5</sub> SIPs. Using existing 1997 PM<sub>2.5</sub> SIP budgets in the interim would ensure that progress continues towards achieving the 2006 PM<sub>2.5</sub> NAAQS.

The proposed rule would update the baseline year for the interim emissions test in 2006 PM<sub>2.5</sub> nonattainment areas. EPA is seeking comment on several proposed options.

The proposed rule would clarify which budgets PM<sub>10</sub> nonattainment and maintenance areas would use for transportation conformity determinations, now that the annual PM<sub>10</sub> standard has been revoked.

The proposed rule would clarify that federally funded or approved highway and transit projects in PM<sub>2.5</sub>, PM<sub>10</sub> and CO nonattainment and maintenance areas must not delay timely attainment or achievement of other interim milestones.

## Health and Environmental Benefits

The proposed rule would improve the health and environmental benefits of the existing transportation conformity program. The proposed rule would ensure that new PM<sub>2.5</sub> nonattainment areas and existing PM<sub>10</sub> nonattainment and maintenance areas use conformity tests that ensure that air quality progress continues in areas that need to attain or maintain federal air quality standards. The proposed rule would also clarify that hot-spot analyses are performed in a manner consistent with the Clean Air Act's public health and environmental requirements.

## Public Participation Opportunities

We welcome your comments on this proposed rule. Comments will be accepted for 30 days beginning when this proposal is published in the *Federal Register*.

All comments should be identified by Docket ID No. EPA-HQ-OAR-2008-0540 and submitted by one of the following methods:

- Internet: [www.regulations.gov](http://www.regulations.gov)
- E-mail: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)
- Fax: (202) 566-9744
- Mail:  
Air Docket, Environmental Protection Agency  
Mail Code: 2822T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460
- Hand Delivery:  
EPA West Building  
EPA Docket Center (Room 3334)  
1301 Constitution Avenue NW  
Washington, D.C.

If a public hearing is requested within ten days after publication of the proposed rule in the *Federal Register*, it will be held in Ann Arbor, Michigan approximately 20 days after publication of the proposed rule in the *Federal Register*. Additional information about the hearing will be printed in the *Federal Register*. Please see the proposed rule for additional information about the hearing.

## For More Information

You can access documents on transportation conformity on EPA's Office of Transportation and Air Quality Web site at: [www.epa.gov/otaq/stateresources/transconf](http://www.epa.gov/otaq/stateresources/transconf)

For further information on this proposed rule, please contact

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