

# The Basics of Air Quality Transportation Conformity



# ***EPA Proposed Revision of the Current Ozone Standard***

**The 2010 Ozone Standard will be between 0.060-0.070 ppm;**

- EPA is expected to announce final standards by August 31, 2010
- EPA will “classify” areas that do not meet the standards, as Marginal, Moderate, Serious, Severe, or Extreme. Certain programs are required based on an area’s classification.
- Non-attainment designations will take place under the new primary standard in 2011 with Transportation Conformity due in 2012
- Designations under the secondary standard will be made in 2012 with Transportation Conformity due in 2013
- SIP revisions due to EPA by December 31, 2013
- Attainment deadlines for nonattainment areas will be August 2014-August 2031

# ***How designation and classification affect an area***

- State Implementation Plans
- New Source Review
- Transportation Conformity
- Additional mandated controls for classified areas
- Must attain by attainment date or bumped up to next higher classification

# ***When is conformity required?***

## **If designated as non-attainment for ozone;**

- The MPO has one year to complete transportation conformity.

## **Then conformity would be required;**

- Every time a new or amended MTP or TIP is adopted .
- Currently, the TIP is updated every two years and amended quarterly. If designated non-attainment, such amendments would trigger conformity determinations - Making it very difficult to continue amending the TIP on a quarterly basis.

# ***The SIP and Transportation Conformity***

- Clean Air Act requires a general plan to attain air quality standards in all areas of the country and a specific plan for each nonattainment area.
- Each state is responsible for developing and submitting “plans” to demonstrate how standards will be achieved, maintained, and enforced.
- In our state these “plans” are developed by the Texas Commission on Environmental Quality (TCEQ) and are referred to as State Implementation Plans (SIPs).
- These SIPs show allowable levels of pollutants.

# ***Transportation Conformity***

- The portion of the SIP we are interested in, deals with the on-road mobile sources emitted in our region also known as the Motor Vehicle Emission Budget (MVEB), or “the Budget”.
- The MPO adoption of the Metropolitan Transportation Plan (MTP) or Transportation Improvement Program (TIP), must include a conformity analysis showing that projects do not worsen the air quality.
- To be found in conformity with the SIP, an area's MTP and TIP must be found to result in emissions that are within the SIP's MVEB.

# *Transportation Conformity*

If no MVEB is available, the MPO uses “Interim Test’s” These tests are not directly linked to the SIP.

There are two types:

- Action/Baseline also known as “Build/No-build”
- Not greater than Baseline

In an Action/Baseline test, the MPO must demonstrate that by building only the TIP projects, you emit more than building out the entire MTP.

In a Not Greater Than Baseline test, the MPO must show that if the MTP is built out, you will show emissions not greater than are contained in the Base-year Emissions Inventory.

# ***Transportation Conformity***

## **Each test requires:**

- MPO Base-year (contained in the Implementation Rule)
- An Emissions Inventory (EI) Baseline number
- Analysis years (Base Year, Attainment date, two Analysis Years, and the Horizon year)
- Input for the MOVES model must be the same as those for the development of the EI Baseline number



# ***Conformity Lapse***

## **If conformity is not demonstrated:**

- Federal funds for highway and transit improvements can be delayed, diverted or in extreme cases even lost.
- Only a few projects can move forward in a lapse; SIP Transportation Control Measures, Safety projects, rehabilitation projects and those projects that do not have a negative impact on the air quality.

# ***MPO Boundary and Air Quality***

- It is likely that the designated non-attainment area could exceed our current MPO boundary.
- Transportation conformity must also be determined for transportation projects outside the MPO boundary but inside the non-attainment area.
- This is fairly common and is known as a “Donut area” requiring a Memorandum of Understanding (MOU) between the affected County, the MPO, TxDOT and TCEQ.

# ***MPO Boundary and Air Quality***

9 factors in recommending boundaries:

- AQ data
- Emissions data (locations of sources and contribution to ozone concentrations)
- Pop density and degree of urbanization
- Traffic and commuting patterns
- Meteorology (weather/transport patterns)
- Geography/topography
- Jurisdictional boundaries
- Level of control of emission sources

# ***Interagency Consultation and Responsibilities***

- For this process to be completed, it requires interagency consultation. This includes: EPA, FHWA, FTA, TXDOT, TCEQ, MPO, VIA, the Alamo Area Council of Governments (AACOG), local governments and the general public.
- The MPO and TCEQ are responsible to meet legal public consultation requirements. Public review will follow the MPO's Policy 5 outlining the Public Participation Plan.
- The MPO has principal responsibility for demonstrating transportation conformity.
- FHWA and FTA are responsible for issuing a final conformity determination.