UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901
MAR 21 2018

Muhaned Aljabiry, Chief
Office of Federal Transportation Management Program
California Department of Transportation
1120 N Street, Rm 4400, MS-82
Sacramento, CA 95814

Dear Mr. Aljabiry:

The U.S. Environmental Protection Agency (EPA) is providing this letter to document that the transportation conformity requirements under Clean Air Action (CAA) section 176(c) for the Carbon Monoxide (CO) maintenance areas included in the table below will end on June 1, 2018. This date marks 20 years from the redesignation of the areas to attainment for the CO National Ambient Air Quality Standard (NAAQS)[1].

California Carbon Monoxide Maintenance Areas

Bakersfield	Chico
Fresno	Modesto
Lake Tahoe North Shore	Lake Tahoe South Shore
Sacramento	San Diego
San Francisco-Oakland-San Jose	Stockton

Under 40 CFR 93.102(b)(4) of the EPA's regulations, transportation conformity applies to maintenance areas through the 20-year maintenance planning period, unless the maintenance plan specifies that the transportation conformity requirements apply for a longer time period. Pursuant to CAA's section 176(c)(5) and as explained in the preamble of the 1993 final rule, conformity applies to areas that are designated nonattainment or are subject to a maintenance plan approved under CAA section 175A. The section 175A maintenance planning period is 20 years, unless the applicable implementation plan specifies a longer maintenance period[2]. The EPA further clarified this conformity provision in its January 24, 2008 final rule[3].

The approved maintenance plan for these areas did not extend the maintenance plan period beyond 20 years from redesignation. Consequently, transportation conformity requirements for CO will cease to apply after June 1, 2018 (i.e., 20 years after the effective date of the EPA's approval of the first 10-year maintenance plan and redesignation of the areas to attainment for the CO NAAQS). As a result, these areas' Metropolitan Planning Organizations may reference this letter to indicate that as of June 1, 2018,

1 *See* 63 FR 15305 (March 31, 1998) (approval of redesignation request and first 10-year maintenance plan) and 70 FR 71776 (November 30, 2005) (approval of second 10-year maintenance plan)
2 *See* 58 FR 62188, 62206 (November 24, 1993)
3 *See* 73 FR 4420, at 4434-5 (January 24, 2008)

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transportation conformity requirements no longer apply for the CO NAAQS for Federal Highway Administration / Federal Transit Association projects as defined in 40 CFR 93.101. Even though the conformity obligation for CO has ended, the terms of the maintenance plans remain in effect and all measures and requirements contained in the plans apply until the state submits, and the EPA approves, a revision to the state plan[4]. Such a State Implementation Plan revision would have to comply with the anti-backsliding requirements of CAA section 110(l), and if applicable, CAA section 193, if the intent of the revision is to remove a control measure or to reduce its stringency.

If you have any questions about the transportation conformity requirements, please contact me at (415) 972-3183 or Karina O'Connor of my staff at (775) 434-8176.

Sincerely,

Elizabeth J. Adams
Acting Director, Air Division

cc: Rodeny Langstaff, Caltrans
Nesamani Kalandiyur, California Air Resources Board
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Tony Boren, Fresno Council of Governments
Rosa De Leon Park, Stanislaus Council of Governments
Andrew Chesley, San Joaquin Council of Governments
Joanne Marchetta, Tahoe Regional Planning Association

4 *See General Motors Corp. v. United States*, 496 U.S. 530 (1990)