

California Transportation Conformity Working Group

May 23, 2007

10:30 am - 3:30 pm

South Coast Air Quality Management District
21865 Copley Dr., Diamond Bar CA 91765

MEETING NOTES

10:30 Welcome; introductions; housekeeping; agenda review

ADD: Conformity SIP checklist discussion

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

None.

10:50 Conformity Rule and Related Issues

Rules

- PM2.5 Implementation (Final Rule)
<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-6347.htm>
 - Final rule – April 25th rule covers RACM, attainment demonstrations/modeling, precursors, and conformity language consistent with 2004 conformity rule. Workshop in Chicago June 20-21.
<http://www.epa.gov/pmdesignations> has all the details.
- Conformity revisions per SAFETEA-LU and court decision (Proposed Rule)
<http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-02/a7770.htm>
 - Comments due June 1.
 - Largely converts SAFETEA-LU guidance to regulation. Also includes fixes related to court cases.
 - Some key options to comment on:
 - Changed definitions of exempt projects
 - FHWA definitions of things like Hazard Elimination Program may change from prior practice – be aware!
 - FHWA wasn't aware of some of the changes especially Hazard Elimination Program; need HQ discussion.

Guidance

- Conformity – 2006 PM2.5 standard
<http://www.epa.gov/oms/stateresources/transconf/generalinfo/rev24hr-pm25.pdf>
 - Clarifies that conformity DOES NOT APPLY for the new (2006) standard until 1 year after area designations
 - Area Designations expected around April 2010 – so conformity 2011 and SIPs 2013. State nonattainment area recommendations due Dec. 2007.

- Not clear whether Subpart 1 will be used again. Could take 1 or 2 years after state recommendations to designate nonattainment areas.
- Might have prolonged effective date to allow extra year of monitoring – could allow areas that are close to demonstrate attainment before initial designations become effective.
- Status of PM_{2.5} fugitive dust guidance?
 - EPA: nothing public yet; just got new AP-42 guidance for internal review.

Other

- New Ozone standard: proposal due out by June 20 [court ordered schedule]; final by March 2008.
 - Expected to be “somewhat below” 0.080 ppm – extend decimal to cut back rounding – could be lower (to 0.060).
 - Doesn’t rescind current standard – just replaces it.
 - Nothing clear yet regarding anti-backsliding, phasing, etc.
 - Timeframes – state recommendations would be due March-April 2009; other designation activities follow at usual pace.
 - 4 hearings planned for ozone standard proposal in the last week of August and 1st week of September – one will be in LA.
 - Overall process similar to PM NAAQS review in 2006 – expect staff papers etc.
- Question: Understanding that new PM_{2.5} standard doesn’t apply for conformity yet – what about NEPA especially with diesels where monitors show new standard is violated but old one is not?
 - EPA: NEPA office wants new standard used regardless of conformity.

11:30 Conformity and Planning

Conformity Process under NEPA Delegation for highway projects (Mike Brady & Cindy Adams, Caltrans, and Jean Mazur, FHWA)

- SAFETEA-LU Section 6004 – conformity delegated with NEPA (CE), so Caltrans will make determinations. Only for selected CE project types.
- SAFETEA-LU Section 6005 – FHWA does conformity ONLY – no further responsibility for NEPA and can’t comment on other aspects of NEPA documents.
 - FHWA previously made conformity determination as part of NEPA document action. In the future, treat FHWA for conformity like a permit or mandatory consultation in the NEPA process. Must get determination before Final NEPA action, as soon as possible after preferred alternative is selected.

- FHWA is revising its Project-Level Conformity checklist – new format! Also preparing Q&As – will send out to group after the meeting – need comments by summer.
- FHWA will send letters announcing Delegation – need to have in place when MOUs kick in (by September).

DOT Metropolitan Planning Rule finalized – discussion – transition issues (FHWA)

- Rule has more specific consultation requirements – it is NOT conformity consultation – alignment between planning & conformity consultation?
 - EPA: not clear – different EPA people to talk to – EPA NEPA and conformity people need to discuss.
 - Arnie Sherwood: also requires 2-step consultation process – consult to develop procedure, then again to implement.
 - FHWA: No single schedule for updates – happening one MPO at a time – some pushing for July 1. Needed for SFTLU-compliant RTP.
 - Cari Anderson/San Joaquin Valley: working on it for 08 RTPs & TIPs; keeping planning and conformity consultation processes separate to avoid conflict.

Conformity, Modeling, and Planning timeline (handout)

- Use XLS file; PDF file at web site unreadable.
- FHWA trying to track all the connecting issues.
- MPOs covering it as well to avoid conflicts ... send updates to FHWA and EPA.
- Cari Anderson/San Joaquin Valley: Add an issue date and due date for changes. There are SJV changes. EPA: have sep page for SCAG due to multiple SIPs.
- CARB adopting San Diego Ozone SIP tomorrow
 - first one for 8-hr ozone
 - timeframe to EPA? (Soon)
 - Drives EMFAC schedule? No comment.
 - SD RTP in October done with both EMFAC 2002 and 2007 to cover timing – final RTP will include whichever is in place at the time

11:45 Lunch Break

1:15 Project-Level Analysis

Draft PM hot spot screening procedure – review and discussion (handout)

- Suggestions:
 - Take a few projects & run through as examples. Provide for next meeting.
 - Adapt tables and studies from older PM10 guidance documents.
- Clarify: 50K AADT screen is in any analysis year – existing or future with project

- Can this be done via statewide IAC only? Need to verify via regional IAC? EPA needs to advise. What's the process difference between this and the CO Protocol?
- San Joaquin Valley: better to maintain flexibility. – add attachment that at statewide meeting (date) the procedure was adopted. What was the PA final action?
- Send cmts/changes to me by July 15 – respond to group end/August.
- Tom Kear – questions to think about:
 - What happens with bond and goods movement causing possible project-specific PM emission increases in nonattainment areas?
 - What are the differences in how this works in the Conformity v. environmental processes?
 - How do you get individual-project PM reductions?
 - How do you deal with possibly worsening an existing localized problem but helping the region – where's the flex? May need rule revisions?
 - Has anybody found a “hot spot” in the field? General answers: Yes, in research projects. Exceedance of 24hr standard is a real problem even for shorter periods.

Regions: status of current interagency consultation processes; issues for discussion?

- CO analysis changes in South Coast?
 - Attainment-maintenance status effective in June.
 - Use attainment area procedures– can now use Level 2 screening in CO Protocol (<http://www.dot.ca.gov/hq/env/air/pages/coprot.htm>)

2:15 EMFAC 2007

Continuing discussions with EPA:

- Conformity vs. other project- or plan-level use
- Latest Planning Assumptions
- Max 3yr update interval

Questions/Comments:

- Tom Kear: 2005 VMT forecasts still a problem? Is there resolution? Is it documented? What areas does the problem affect?
 - ARB: problem is activity-related, fixes don't have to go to EPA, have adjusted in emission inventory system for 05 and 09 budgets and documented in SIP submittals. There is an off-model adjustment for 05 for use in some areas – look to ARB emission inventory. Should have no effect on conformity.
- Arnie Sherwood: ARB made several adjustments since EMFAC 2007 was published on the emission side – for measures not in EMFAC?). Changes are not

- small – 10% for NO_x – where are they documented? SCAG got numbers from AQMD.
- ARB: changes account for rules completed after EMFAC release. So (to group) be aware there are changes – contact APCD or review emission budget.
 - Arnie (continues): how can ARB facilitate that? Communicate post-adjustments made to EMFAC – especially if those who don't know about them can't match APCD numbers using published EMFAC. Document where to find them – put them on the web site.
 - Cari Anderson: Note to group: Latest EMFAC has an April 2007 executable date with WIS correction – DOWNLOAD AGAIN! Don't use November version. ARB needs to note this on the web site.

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

Near Term Air Quality Plans – Area Representatives

- South Coast:
 - State issued SIP Strategy late April
 - Current proposal: SCAG will add 2 new control measures (truck lanes & electrification of goods movement), & AQMD adds fireplaces/charbroilers.
 - trying to close gap between State Strategy & what models say needed.
 - Going to AQMD Board on 6/1/07 with unified O₃ & PM_{2.5} SIP then forward to ARB.
 - Conformity budgets finished late yesterday; tried to include some flex >2020 for road dust.
 - Finally got redesignation to attainment for CO!
 - FHWA: when will SIP be released for release for public review? AQMD: CEQA period closed – but still taking some comments from stakeholders – posting revised document this week @website. Major comments to be at hearing. May need another comment period for revised emission budgets!
 - Previous budgets didn't have RFP years – but those are interpolated from attainment years so shouldn't be huge issue ... not deviating from prior budgets, just adding years & emission reductions
 - Had 100+ public meetings; 5 regional hearings; specific agency discussions; noticed for May carried to June; CEQA doc got 10 comment letters; main plan 40 letters; 100's of comments for planning initiative.
 - Truck lanes & electrification NOT designated as TCMs per se – “control strategies” at this point – 70+ tpd shortfall for PM_{2.5} demo is the target. As mobile sources ARB would “backstop” the emission reductions.
 - State might forward only O₃ part of plan right away & hold PM – PM not required until 4/5/08

- Ventura:
 - Waiting for ARB & South Coast to do an attainment demonstration.
 - Will request bump-up to Severe/2017.
 - Released draft AQMD Feb 2006 – for Serious – prelim modeling says won't attain by 12.
 - Will release another draft soon for 30 day review. Will not make 6/15 submittal deadline – target now Sept Board meeting.
 - Little comment so far on bump-up. Emission budgets around end of year.
- San Diego:
 - APCD adopted 8hO₃ this morning; ARB hearing scheduled tomorrow.
 - Hope w/ARB cooperation to meet 6/15 deadline! Attainment Plan is for 6/15/09 (Subpart 1 deadline).
- SJV:
 - APCD adopted attainment SIP 4/30/06 for Extreme
 - ARB to hear and adopt (?) in Fresno on 6/14/06
 - Starting work on PM_{2.5} – 1st draft in July; 1st workshops in August; to submit March 08 for April deadline.
 - Still working on off-cycle PM₁₀.
- Mojave:
 - Same as Ventura – relying on South Coast modeling
 - Won't make June deadline; earliest August still need data and way to deal with transport issues.
 - Expect request for bump up to 2017 or 21 Severe.
- Imperial:
 - Probably not didn't attain on schedule (2007) for Marginal
 - Will request redesignation to Moderate – which will require SIP.
 - Failure to attain finding will trigger SIP requirement. Not required to submit SIP for Marginal – but can't find failure & reclassify until end of season.
 - PM – court case – failure finding not final yet – rules in place.
- Bay Area:
 - Ozone Marginal – no plan needed
 - Monitoring Data show attainment – haven't decided on maintenance SIP yet. Last few years upward so iffy.
- NSAQMD (for Sac):
 - Draft SIP in March 08 still needs Blueprint reductions to be worked out.
 - NSAQMD needs Sac to work before Nevada County will work.
 - SACOG to adopt RTP in Fall using current ROP budgets and EMFAC 2002.
- ARB doing foothills ... no budgets yet.

- EPA won't be rushing for failure to submit findings.

Conformity (Consultation) SIPs

- SIP checklist
 - EPA wants to post on CT (and possibly other) website
 - Send with consultation SIP submittals to make review easier.
- Deadlines? All passed ...
 - SAFETEA-LU simplified requirements but restarted submittal clocks at 2004. or 2 yr from adoption of SAFTLU.
 - Tied to last revision of conformity rule.
 - EPA not citing for failure to submit but encouraging work.
 - Ventura: Is there a 8/10/07 deadline? EPA required to publish SAFETEA-LU revisions by then? ARB: is EPA planning to reorganize whole the rule by 8/10?
 - EPA: not changing consultation section (93.105). Review current proposed SIP via checklist, then do formal new/replacement SIP submittal. Withdraw old submittal when re-submitting new SIP for each area. Need to withdraw sections that have the old conformity rule in them.
 - San Joaquin Valley: there are outstanding issues with use of MOU vs Rule – and final answer? ARB: EPA's position is that consultation can be managed by MOU but enforceability requires a rule. Arnie Sherwood/SCAG: SCAG's lawyers verified that MOU is enforceable. EPA: Conformity SIP guidance was revised in 2006 by OTAQ – requires a rule.
 - Suggestion do just boilerplate for state. EPA: need to document local procedures; the rest is boilerplate. Call John Kelly (EPA) if there are more questions.

RTP and TIP Updates and Amendments – Area Representatives

- **SCAG**: Local RTIP guidelines for 2008 FTIP in development. Still planning to do draft RTP in October.
- **SANDAG**: Doing 2007 RTP for SAFETEA-LU compliance now. Draft conformity document out for interagency consultation now; draft expected 6/22 for public review. Should adopt in November. Several RTIP amendments in July, but will do a bigger TIP amendment with the RTP.
- **SJV**: All 8 MPOs have adopted a 2007 RTP & TIP; will go to Caltrans this week for SAFETEA-LU compliance approval by June. If there are any problems will fix starting July. Doing RTP gap analysis in June.
- **MTC**: Gap analysis done & submitted to CT and FHWA. Also did 2007 TIP amendment for CMIA bonds & SAFETEA-LU – Board approval done today. Also amended 2005 RTP for bond projects. Updating RTP for 2009 full approval.

3:00 Information sharing

- ARB Diesel Off-Road Fleet Rule – hearing on Friday 5/25 in San Diego
(see: <http://www.arb.ca.gov/regact/2007/ordiesl07/ordiesl07.htm>)

3:30 Adjournment

Next meeting November 14, 2007 in Sacramento.