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### MEMORANDUM

January 12, 2001

TO: Mike Brady (Caltrans)  
FROM: Doug Eisinger  
SUBJECT: MTC Update

As we all know, Bay Area conformity has been a “messy” situation over the past few years. Given the announcement earlier this week about environmental group litigation against EPA for failure to act on the Bay Area’s air quality plan, I did some work to help us assess what the conformity concerns are. I spoke with Dave Marshall at the Bay Area Air Quality Management District (BAAQMD), and David Tannehill at MTC. In brief, Bay Area agencies have time to work with EPA and avoid serious conformity problems, but there is a lot to be accomplished in the next year if a lapse is to be avoided by January of 2002.

#### **Background: Bay Area SIP Status and the FHWA October 6, 2000 Conformity Determination for the FTIP**

The Bay Area’s SIP process has been “muddled” ever since EPA reclassified the Bay Area as attainment in May 1995, and then revoked that status in July 1998. In its July 1998 action, EPA required the Bay Area to submit a new SIP, but allowed only one year for its creation. EPA required three things in the new SIP: (a) a 1995 emission inventory, (b) an attainment “assessment” (not an attainment demonstration; the term “assessment” was new and had no regulatory precedent), and (c) a control strategy to attain the standard by 2000. In June of 1999 the Bay Area created a new Ozone Attainment Plan. ARB submitted the new plan to EPA in August 1999.

In October 1999, EPA proposed to find the emissions budgets included in the 1999 SIP adequate for conformity purposes. Environmental groups strongly opposed this action however, since it was obvious that the Bay Area would not attain the ozone standard by the 2000 deadline. Because of the adverse public comments, EPA delayed any final action to approve the 1999 plan or find its emissions budgets adequate.

Last fall there was a lot discussion among the agencies as to whether and how to approve the conformity finding for MTC's FTIP. EPA had concerns about which emission budgets to use. Ultimately, however, all agencies agreed that because EPA has not acted on the 1999 SIP submittal, the official conformity emission budgets in effect in the Bay Area are the 1990 budgets included in the 1994 Bay Area Ozone Maintenance Plan. The 1990 budgets are relatively easy to meet, and are less stringent than the 2005 budget included in the maintenance plan, or the budgets in the 1999 SIP. To provide EPA with some assurance, however, MTC also did an analysis (not required) showing that the 2005 inventories included in the maintenance plan would not be exceeded by the FTIP. FHWA and FTA approved the conformity determination on October 6, 2000. *With the conformity approval, all parties agreed that the Bay Area would work quickly to establish new budgets.*

### **January 2002 Deadline for Next Conformity Finding**

The next big conformity hurdle for MTC comes in January 2002, when FHWA has to make a conformity determination on a new RTP.

### **Air District Planning to Prepare a Two-Phase SIP during 2001**

MTC and air district staff have been developing a strategy to replace the 1999 plan and to create new emission budgets. One of the confusing questions they have to grapple with is what attainment year to select as part of their plan. The current thinking is to move forward in two-phases:

Phase I: Prepare a "2001 Ozone Attainment Plan." The agencies would create a SIP with emissions budgets through the year 2005. The plan would have some sort of attainment analysis, but it is not likely to be called an attainment "demonstration." The air district isn't sure yet how the attainment analysis would be done; they might use some sort of rollback analysis, or perhaps even complete some UAM model runs. ***Right now, air district staff think the key to conformity is a plan that shows attainment by 2005 so EPA can make an adequacy determination on the emission budgets.*** It is not clear whether EPA will require a demonstration of attainment for an earlier date, or what other criteria EPA will use to determine whether the budgets are adequate.

Phase II: Prepare a "2003 Ozone Attainment Plan." The air district's thinking is to use the scientific results of the Central California Ozone Study (CCOS). CCOS findings will probably be available around mid-2002, so the district is planning a 2003 SIP submittal with a complete attainment demonstration.

The litigation this week creates additional uncertainty however. One scenario is EPA could be forced by the litigation to disapprove the 1999 SIP. That would trigger an 18-month clock for the area to prepare a new SIP. Practically speaking, however, it would take months for EPA to issue proposed and final disapproval actions. Such actions would probably not substantially affect the rough SIP schedule that the air district is thinking about currently.

## Potential Conformity Problems

If EPA disapproves the 1999 SIP, a conformity “freeze” would result following the published disapproval. As an example, if EPA proposed disapproving the 1999 SIP in May 2001, and then took final action in August 2001, a freeze would result and only projects from the first three years of the TIP could then move forward.

MTC is also concerned that if EPA disapproves the 1999 SIP, a conformity lapse could begin January 2002 when a new RTP conformity determination is needed.

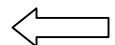
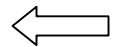
## Issues to Resolve

1. MTC needs to work with EPA and the other agencies to identify what is needed to find the emission budgets adequate in a Phase I 2001 SIP submittal. This is the most important near-term conformity issue.
2. MTC needs to work with the BAAQMD to develop the Phase I SIP. As part of that effort, MTC will have to evaluate how using EMFAC 2000 will change the emission and conformity analyses for the Bay Area.
3. MTC needs to address BAAQMD concerns about the VMT and speed assumptions used by MTC in their modeling.
4. MTC has long-standing concerns about the implementation status of various TCMs. They would like to substitute a number of out-dated (or fully implemented) TCMs in the SIP with other measures. They need to explore that with EPA during the SIP development process.

## Emission Budgets

Below is a table with a snapshot view of the budget issue.

	<b>ROG</b>	<b>NO<sub>x</sub></b>
	On-Road Emissions (tpd)	On-Road Emissions (tpd)
Existing Mobile Source Budgets.	299.59	251.14
1990 Emissions from Maintenance Plan (based on “draft” EMFAC-7F)		
1995 (from the 1999 SIP)	273.7	326.3
2000 attainment goal (1999 SIP; EMFAC-7G; these would have become the new budgets had EPA found them adequate)	175.2	<b>247.1</b>
<b>From the 2000 FTIP Conformity Analysis</b>		
2000 based on EMFAC-7F	124.43	206.35
2000 based on EMFAC-7G	155.37	<b>244.43</b>
2010 based on EMFAC-7F	57.28	164.37
2010 based on EMFAC-7G	58.11	145.36



Looking over the modeled emissions, it appears that in the near term (based on EMFAC-7G) the Bay Area has to be most concerned with meeting NO<sub>x</sub> budgets (see arrows next to table).