

January 27, 1999

TO: Mike Brady, Caltrans
FROM: Doug Eisinger
RE: **Conformity Issues for the Northern Sierra AQMD**

Northern Sierra AQMD Conformity Q/A Workshop, February 1, 1999

1. Current Status
 - Attainment
 - No conformity requirements
 - Designation re: transport
2. Projected Status under new NAAQS
 - Nonattainment for 8-hour ozone
3. Expected Conformity Requirements for nonattainment areas
 - Summary: Northern Sierra has to meet a build/no-build or “less than 1990” test between 2000 and 2003, and an emission budget test after 2003.
 - Implications: with no MPO, each project sponsor will have to demonstrate conformity
4. Additional Questions and Answers Addressed

1. CURRENT STATUS

The Northern Sierra AQMD covers three California counties: Plumas, Sierra, and Nevada. All three counties are currently in attainment of the federal air quality standards. There are no applicable conformity requirements.

The highest ozone values in the region are those recorded in Nevada County. ARB considers that for purposes of the 1-hour ozone standard, Nevada County experiences overwhelming transport from the Sacramento region and contributes only inconsequential emissions on its own.

2. PROJECTED STATUS

ARB projects that Nevada County will be an 8-hour ozone nonattainment area under the new NAAQS. ARB staff consider it plausible to assume that the 8-hour ozone violations in Nevada County are dominated by transport from upwind areas. However, until ARB staff evaluate the conditions leading to 8-hour violations, they are not prepared to state that the 8-hour violations are due exclusively to transport.

3. EXPECTED CONFORMITY REQUIREMENTS UNDER THE NEW NAAQS

For ozone nonattainment areas under the new NAAQS, EPA will issue a transitional conformity rule in 1999 (proposal in April, final by end of the year). Until that rule is finalized, the transitional area requirements are not established. Here is what we know so far:

Key Milestones Related to the New NAAQS

July 1999:	Governor submits nonattainment designation to EPA
July 2000:	EPA designates Nevada County nonattainment for 8-hour ozone standard
July 2003:	SIP deadline
May 2005:	Control measure implementation deadline
Dec 2007:	Attainment Deadline

Timeline for Conformity Requirements

Present through June 2000 (before the area is designated nonattainment by EPA):

- no requirements

July 2000 through June 2003 (the nonattainment area has not yet submitted a SIP): Unclassified ozone and particulate nonattainment areas with no emission budget are detailed in 93.109(g):

- build / no build test, per 93.119(c)(1), or
- less than 1990 emissions test, per 93.119(c)(2), and

- the area must meet a variety of “paper tests” that demonstrate they are using the most recent data and tools. These are:
 1. must use the latest planning assumptions, per 93.110
 2. must use the latest emissions model, per 93.111
 3. must follow consultation procedures, per 93.112
 4. cannot interfere with implementing TCMs in the SIP, per 93.113(d)
 5. has to adhere to the hot spot requirements for CO and PM₁₀ per 93.116

July-August 2003 (1st 45 days after the SIP has been submitted)

- Same as above, per 93.109(c)(2)(i)

Late August 2003 and beyond (once the SIP has been submitted); effective 45 days after the SIP was submitted, per 93.109(c)(1)(i).

- must meet consultation and planning requirements per 93.110 through 93.117
- must meet the budget test per 93.118(a) (i.e., less than or equal to the SIP budget)

Implications for Northern Sierra Area Officials

1. Who does what?

Since there is no MPO in rural areas, each project sponsor, such as Caltrans, will have to do a regional analysis using the STIP and the State Transportation Plan as the base condition. Those doing the analyses will also need to follow the conformity “consultation” requirements.

2. Other Considerations

If it turns out that overwhelming transport is responsible for the area’s ozone, then local emissions will not be a large part of the overall emissions budget. However, it is important that local officials work with the upwind areas to establish the maximum legitimate local budget when the emissions budget is put together, otherwise, arbitrary conformity problems will result.

4. ADDITIONAL QUESTIONS AND ANSWERS

Q. Should they apply for transitional status?

A. No. There does not seem to be any benefit, since the calculations to do VMT screens will be just as involved as the calculations to demonstrate meeting an emissions budget test.

Q. Will meeting conformity be time and resource intensive?

A. Moderately so, considering that area officials will not be used to the process. Once budgets are established, and several conformity findings have been issued, the process should become more routine.

- Q. Do we think they will have a problem meeting conformity?
- A. Not in the near term. However, if, for example, the Grass Valley area experiences significant population growth, there could be a rapid rise in locally-generated emissions. This may trigger problems if the local emissions budget is relatively small.
- Q. What info will be needed from upwind areas (Sacto, Bay Area)?
- A. Together with the ARB, there needs to be adequate documentation of the contribution made by overwhelming transport.
- Q. What if they become PM_{2.5} nonattainment?
- A. PM_{2.5} conformity requirements will not be created by EPA until after the PM_{2.5} standards review (i.e., after July 2002).

Background on Transitional Ozone Issues (Areas that meet the 1-hour but exceed the 8-hour standard by 2000)

Note: it is not likely that they would benefit from transitional status. However, this information is provided to summarize what EPA is saying about transitional ozone areas.

EPA Comments on Transitional Conformity from the November 1998 NAAQS Draft Implementation Guidance

From EPA's 11/17/98 draft guidance: "For transportation conformity purposes, transitional area SIPs must explicitly identify the NO_x and VOC motor vehicle emissions budgets and VMT projections from the SIP's attainment inventory. These emissions budgets and VMT projections must be identified in the transitional area SIP, and State and local transportation agencies must be consulted on these emissions budgets and VMT projections before the transitional area SIP is submitted to EPA. Of course, the budgets and projections would not apply for conformity purposes before such areas become subject to conformity for the 8-hour standard... For transitional areas that are not relying exclusively on the NO_x SIP call [OTAG states in the eastern U.S. are relying on the NO_x SIP call], the motor vehicle emissions budgets would be the SIP's post-control NO_x and VOC emissions inventories for on-road mobile sources for the SIP's attainment year... As provided in the existing transportation conformity rule, areas could choose to sum the information from individual counties in order to establish budgets that cover the entire nonattainment area, or they could establish subregional budgets on a multi-county or other basis."

Demonstrating Conformity for Transitional Areas (From EPA's July 1998 Draft White Paper)

Can use one of two tests: VMT screen or emissions test. If area does not pass the VMT screen, then it must pass the emissions test.

- VMT screen, part 1: VMT projections for attainment year are less than or equal to VMT projection in SIP.
- VMT screen, part 2: VMT projections for last year of RTP less than or equal to SIP attainment year VMT, pro-rated to account for fleet turnover and resulting emissions reductions per vehicle.
- Emissions test: RTP/TIP budgets less than or equal to SIP budgets in attainment year; 10th year and last year of RTP must also meet SIP budget. Rural areas can meet 10th year and last year tests by one of several options (not finalized yet):
 - A. Meet SIP budget.
 - B. Build/no-build.
 - C. Less than base year test (e.g., less than 1990; year not identified yet).
 - D. Air quality modeling.

Transitional Area Conformity SIPs [extracted from EPA's 11/17/98 policy]

“The transitional conformity rule will require transitional areas to submit transportation conformity SIPs within 12 months of their designation as nonattainment for the 8-hour standard. Transportation conformity SIPs implement the Federal conformity provisions as a matter of State law.

For many States, EPA may have already approved a conformity SIP under the 1-hour ozone standard. Ordinarily, an approved conformity SIP continues to apply until revisions have been submitted to EPA, and EPA has approved them. However, EPA expects that transitional areas will want to use the flexibilities established in the Federal transitional rule as soon as possible, even before their transitional conformity SIPs have been submitted and approved. In order to ensure that the transitional conformity rule applies instead of any previously approved transportation conformity SIP, the transitional SIP that is submitted prior to designation (i.e., by May 1, 2000) should include language such as the following:

Until EPA has approved a conformity SIP that specifically applies to transitional ozone areas, the Federal transitional conformity rule will apply for conformity determinations in transitional ozone areas in [insert name of area or state], notwithstanding any previously approved conformity SIP.

States whose conformity SIP has not yet been approved by EPA may choose to include this language in the applicability section of the traditional conformity SIP.”

Traditional and International Transport Ozone NAAs

Required to have normal conformity program under the conformity requirements.

PM Requirements

[extracted from EPA's 11/17/98 policy]

As indicated in the Presidential Memorandum, by July 2002, the Agency will determine, based on data available from its review, whether to revise or maintain the PM_{2.5} standards. This determination will occur before areas are designated nonattainment under the PM_{2.5} standards, and before new controls related to the PM_{2.5} standards are imposed. Any guidance provided in this document related to the PM_{2.5} standards is preliminary thinking intended to inform States of what provisions of the Act will govern PM_{2.5} implementation (i.e., subpart 1 of part D of title I), and of what principles EPA believes will guide PM_{2.5} SIP development. The guidance is not intended to suggest in any way that control measures will be required prior to the timeframes laid out in the memorandum.

Conformity SIP Requirements

Conformity SIPs due 12 months after an area is designated nonattainment.