

# AIR QUALITY CONFORMITY

## 1990 Federal Clean Air Act Amendments

The 1990 Federal Clean Air Act Amendments (CAAA) identified six pollutants for which air quality standards were established: Ozone (O<sub>3</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), “respirable” or breathable particulate matter (PM), and lead (Pb). Each one of these pollutants has benchmark levels that are considered allowable for public exposure. Beyond those benchmark levels, the air quality for that constituent pollutant is considered dangerous. The EPA has termed these national standards as “national ambient air quality standards,” or NAAQS. Transportation contributes to four of the six criteria pollutants: O<sub>3</sub>, CO, PM, and NO<sub>2</sub>. Ozone is formed when volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) combine with sunlight and high temperatures. One way to reduce the amount of Ozone is to reduce the amount of VOC and NO<sub>x</sub> which are produced in the region. VOC and NO<sub>x</sub> emissions originate, in part, from highway motor vehicles and can be reduced by decreasing congestion such as ridesharing and/or providing for alternatives to the automobile, such as public transit.



St. Joseph River, Niles Township

In addition to establishing benchmark levels of exposure to pollutants, the CAAA of 1990 required that transportation plans and TIPs in non-attainment areas demonstrate "conformity" to the State Implementation Plan (SIP), which is intended to ensure that the state meets the National Ambient Air Quality Standards (NAAQS). In other words, transportation projects, such as the construction of highways and transit rail lines cannot be federally funded or approved unless they are consistent with state air quality goals. In addition, transportation projects must not cause or contribute to new violations of the air quality standards, worsen existing violations, or delay attainment of air quality standards<sup>34</sup>.

<sup>34</sup> <http://www.gpo.gov/fdsys/pkg/FR-2012-05-21/html/2012-11605.htm>

## CHANGES TO THE FEDERAL CLEAN AIR ACT

- **1997**, the standard for fine breathable particulate matter (PM) was increased to 2.5 microns (PM<sub>2.5</sub>), and a more rigorous 8-hour ozone testing standard replaced the previous 1-hour ozone testing standard. In 2001, the U.S. Supreme Court upheld the constitutionality of the new EPA standards. Upon implementation of the new standards, Cass County (including parts of the NATS area) was found to be in “non-attainment” for 8-hour ozone, meaning that the benchmark level for ozone was exceeded by the average measurement within the 8-hour testing period.
- **May 16, 2007**, the EPA approved a request from the State of Michigan to redesignate Cass County, among others, to attainment of the 8-hour ozone NAAQS. While the redesignation changes Cass County’s area non-attainment status to attainment-maintenance, air quality conformity procedures were followed in the 2035 LRP.
- **March 12, 2008**, the EPA announced a new primary 8-hour ozone standard of 0.075 parts per million (ppm), down from the previous .085 ppm.
- **May 12, 2012** the United States Environmental Protection Agency (EPA) revoked the 1997 8-hour 0.080 ppm Ozone standard for the purposes of regional transportation conformity. On May 21, 2012, the USEPA issued designations for the new 2008 8-hour 0.075 ppm Ozone standard. NATS MPO is designated attainment under the 2008 standard.
- **May 21, 2012**, Federal Register notice, (77FR 30160), revoked the 1997 ozone standard for transportation conformity purposes only.

Effective July 21, 2013, (as a result of both the partial revocation of the 0.080 Ozone standard, and the designation of NATS MPO as attainment for the 0.075 standard), the NATS MPO attainment/maintenance area is no longer required to demonstrate regional transportation conformity of Long Range Plans or Transportation Improvement Plans (TIPs) until EPA publishes a notice designating the area in nonattainment.

## IMPACT TO STATE OF MICHIGAN AND NATS STUDY AREA

In a letter dated April 30, 2012 from Lisa P. Jackson of the U.S. Environmental Protection Agency to Governor Rick Snyder stated that “I am pleased to inform you that no areas in Michigan violate the 2008 standards or contribute to a violation of the ozone standards in a nearby area. As a result, the EPA is designation all of Michigan ‘unclassifiable/attainment’.” All air quality notices can be found in Appendix G.

According to an MDOT Office Memorandum from Pete Porciello dated June 14, 2012. “After July 2013, conformity analysis will no longer need to be demonstrated unless new designations of nonattainment occur. The next time standards will be revised will be in 2013 or early 2014. Conformity requirements for nonattainment areas would begin within 1 year after the standard is published for any areas that are in nonattainment (sometime before 2015). Michigan is in attainment for the following national ambient air quality standards,”

- Nitrogen Dioxide,
- Carbon Monoxide,
- Particulate Matter less than 10 microns (PM 10),
- Lead (Pb)
- Sulfur Dioxide (SO<sub>2</sub>)

Correspondence from Andy Pickard, FHWA Transportation Planning Team Leader, to Dave Wresinski, MDOT Director stated that the May 21, 2012 Federal Register notice only partially revoked the 1997 ozone standard, and that those areas in nonattainment or maintenance status for the 1997 standard have not changed. However, MPOs, such as NATS, that have long range transportation plans and transportation improvement programs due in 2013 that were previously classified nonattainment are exempt from demonstrating conformity if updated plans are due or approved after July 20, 2013. Therefore, NATS does not need to demonstrate air quality conformity or perform an air quality analysis for this 2013-2040 long range transportation plan update.