



Regulatory Announcement

Transportation Conformity Notice of Proposed Rulemaking: Conformity Amendments for the New 8-hour Ozone and PM_{2.5} National Ambient Air Quality Standards

The U.S. Environmental Protection Agency (EPA) is proposing to revise the transportation conformity rule to include criteria and procedures for conducting conformity determinations for the new 8-hour ozone and fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). Transportation conformity is a Clean Air Act requirement that ensures that federally supported highway and transit project activities are consistent with ("conform to") the purpose of a state air quality implementation plan (SIP). EPA is conducting this rulemaking to revise the conformity regulation in the context of EPA's broader strategies for implementing the new ozone and PM_{2.5} NAAQS. EPA plans to issue a final rule for this proposal by 8-hour ozone area designations in April 2004.

Key Elements of the Proposed Rule

- The proposal provides guidance on how the statutory one-year conformity grace period applies to newly designated 8-hour ozone and PM_{2.5} nonattainment areas.
- The proposal also describes the general requirements for conducting conformity determinations for the new NAAQS, such as the

conformity test(s) that would apply before and after applicable 8-hour ozone or PM_{2.5} SIP motor vehicle emissions budgets are established. A motor vehicle emissions budget (or “budget”) is the level of emissions from cars and trucks that the State has determined to be consistent with local air quality goals.

- In addition, the proposal would amend the conformity regulations to include PM_{2.5} as a criteria pollutant subject to transportation conformity and specify the conformity requirements that would apply in PM_{2.5} areas. Of particular interest are proposed options for: (1) considering emissions of PM_{2.5} precursors (e.g., nitrogen oxides and volatile organic compounds) and fugitive road dust produced by travel on paved and unpaved roads in conformity determinations; and (2) evaluating localized PM_{2.5} emissions (or PM_{2.5} “hot-spots”) for individual transportation projects.
- This rulemaking also includes proposed options and minor clarifications that would affect nonattainment and maintenance areas covered by the existing conformity rule. These proposed amendments would provide flexibility in the conformity process and streamline the current rule’s text for these existing areas, as well as for areas designated nonattainment for the new NAAQS.

Health and Environmental Impacts

The proposed rule would not result in any change in the health and environmental benefits of the conformity program. The proposed rule would ensure that conformity is practicably implemented for the new 8-hour ozone and PM_{2.5} NAAQS in a manner consistent with the Clean Air Act’s public health and environmental goals.

Public Participation Opportunities

We welcome your comments on this proposed rule. For instructions on submitting written comments, please see the *Federal Register* notice. You may submit written comments to EPA up to 45 days after the proposed rule is published in the *Federal Register*. It is available from the EPA Air Docket by calling (202) 566-1742; please refer to Docket No. OAR-2003-0049.

In addition, EPA is conducting one public hearing on this proposal beginning at 9:30 a.m. on Thursday, December 4, 2003 in Washington,

D.C. If you want to present testimony about this proposal at the public hearing, notify one of the contact persons listed below.

You can access the proposed rules and related documents on the Office of Transportation and Air Quality Web site at:

<http://www.epa.gov/otaq/transp/traqconf.htm>

For More Information

For more information, please contact:

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