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# Transportation Conformity Guidance on the Revocation of the 1997 Primary Annual PM<sub>2.5</sub> NAAQS

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Transportation and Climate Division  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency

## ***Q1. What is the purpose of this guidance?***

This guidance describes how the revocation of the 1997 primary annual PM<sub>2.5</sub> national ambient air quality standard (NAAQS) will be implemented and when transportation conformity stops applying for this NAAQS.<sup>1</sup> It fulfills a commitment EPA made in November 2015 to provide additional information once EPA finalized the PM<sub>2.5</sub> state implementation plan (SIP) requirements rule. This guidance provides the additional information related to the revocation of the 1997 primary annual PM<sub>2.5</sub> NAAQS that EPA committed to provide in questions 2.2 and 2.3 in its November 2015 guidance concerning transportation conformity requirements for the 2012 primary annual PM<sub>2.5</sub> NAAQS. Questions 2.2 and 2.3 in that guidance are now outdated and no longer apply; however, the remainder of the November 2015 guidance continues to apply.

### ***Background:***

In 1997, EPA established an annual PM<sub>2.5</sub> NAAQS of 15.0 µg/m<sup>3</sup>. That NAAQS served as both a primary NAAQS to protect public health and a secondary NAAQS to protect against certain welfare effects such as material damage or soiling of building or other materials. In December 2012, EPA completed a review of the suite of particulate matter NAAQS and concluded that due to recent studies concerning the health impacts of PM<sub>2.5</sub>, it was necessary to revise the *primary* annual PM<sub>2.5</sub> NAAQS to 12.0 µg/m<sup>3</sup>. At that time, EPA also concluded that the available scientific research did not warrant revising the *secondary* annual PM<sub>2.5</sub> NAAQS. Therefore, the secondary annual PM<sub>2.5</sub> NAAQS remains 15.0 µg/m<sup>3</sup>.

In November 2015, EPA released a guidance document titled “*Transportation Conformity Guidance for 2012 PM<sub>2.5</sub> Nonattainment Areas.*”<sup>2</sup> At the time, the guidance was released, EPA had separately proposed two options for revoking the 1997 primary annual PM<sub>2.5</sub> NAAQS. *See* 80 FR 15339 (March 23, 2015). The first option was to revoke the 1997 primary annual PM<sub>2.5</sub> NAAQS in attainment areas including those that have been redesignated to attainment (maintenance areas). The second option was to revoke the 1997 primary annual PM<sub>2.5</sub> NAAQS in all nonattainment and attainment areas including all maintenance areas. Because options had only been proposed and no final action had been taken at that time, EPA could not provide details on how or when the 1997 primary annual PM<sub>2.5</sub> NAAQS would be revoked. EPA indicated in the November 2015 guidance that we would provide additional information concerning the revocation when we took final action on the proposal.

EPA took final action on the proposal when it published the “*Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements*” final rule (final PM<sub>2.5</sub> SIP requirements rule) on August 24, 2016, *see* 81 FR 58010 (effective on October 24, 2016). In that rulemaking, EPA finalized the option that revokes the 1997 primary annual PM<sub>2.5</sub> NAAQS in areas that have always been designated as attainment and in maintenance or that NAAQS. Additionally, under the finalized option, EPA will continue to redesignate areas to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS, and the 1997 primary annual PM<sub>2.5</sub> NAAQS will be revoked in those areas on the effective date of their redesignation.

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<sup>1</sup> In general terms, PM<sub>2.5</sub> is particulate matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers (*see* 81 FR 58010).

<sup>2</sup> The guidance is available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100NN92.pdf>.

As explained in the preamble to the final rule, EPA believes that revoking the 1997 primary annual PM<sub>2.5</sub> NAAQS is logical because an area that is attaining the more health-protective 2012 primary annual PM<sub>2.5</sub> NAAQS is necessarily attaining the less stringent 1997 annual PM<sub>2.5</sub> NAAQS by a wide margin. After revocation, areas would no longer have to expend resources on either Clean Air Act (CAA) air quality planning requirements associated with the 1997 annual PM<sub>2.5</sub> NAAQS or on conformity determinations for that NAAQS. Leaving the 1997 primary annual PM<sub>2.5</sub> NAAQS in place for areas that remain designated nonattainment for that NAAQS ensures that areas that continue to violate the 1997 annual NAAQS continue to make progress toward attaining that NAAQS as required by subpart 4 of Title I of the CAA (*see* 81 FR 58143).

The remainder of this guidance describes in detail how the revocation is implemented and when transportation conformity no longer applies for the 1997 annual PM<sub>2.5</sub> NAAQS.

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), EPA's federal partners in implementing the conformity rule, assisted in the development of this guidance and concurred on its content.

***Q2. Who can I contact for more information?***

For questions concerning a particular 1997 annual PM<sub>2.5</sub> NAAQS area, please contact the transportation conformity staff person responsible for this area at the appropriate EPA Regional Office. Contact information for EPA Regional Offices can be found on EPA's website at: <https://www.epa.gov/state-and-local-transportation/epa-regional-contacts-regarding-state-and-local-transportation>. General questions about this guidance can be directed to EPA's Office of Transportation and Air Quality: Rudy Kapichak, [kapichak.rudolph@epa.gov](mailto:kapichak.rudolph@epa.gov).

Additional information regarding the transportation conformity rule and associated guidance can be found on EPA's website at: <https://www.epa.gov/state-and-local-transportation>.

Additional information about areas that are nonattainment or have been redesignated to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS can be found at EPA's Green Book web page: <https://www.epa.gov/green-book>.

***Q3. Does this guidance create any new requirements?***

No, this guidance is based on CAA requirements and existing associated regulations and does not create any new requirements. This guidance explains how to implement current transportation conformity requirements in areas that are designated nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS and in those areas that have been redesignated to attainment or will be redesignated to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS.

The CAA and EPA's regulations at 40 CFR Parts 51 and 93 contain legally binding requirements. This document is not a substitute for those provisions or regulations, nor is this document a regulation itself. Thus, it does not impose legally binding requirements on EPA, the

U.S. Department of Transportation (DOT), states, or the regulated community, and may not apply to a particular situation based upon the circumstances. This guidance may be revised periodically without public notice.

***Q4. Which option to revoke the 1997 primary annual PM<sub>2.5</sub> NAAQS did EPA finalize?***

As noted in Q1, EPA finalized the proposed option that revokes the 1997 primary annual PM<sub>2.5</sub> NAAQS in areas that have always been in attainment for that NAAQS, and in maintenance areas for the 1997 annual PM<sub>2.5</sub> NAAQS. The revocation of the 1997 primary annual PM<sub>2.5</sub> NAAQS in these areas occurs on October 24, 2016, which is the effective date of the final PM<sub>2.5</sub> SIP requirements rule (*see* 81 FR 58010). As a result, the 1997 annual PM<sub>2.5</sub> NAAQS remains in place for current nonattainment areas, it allows the 1997 primary annual PM<sub>2.5</sub> NAAQS to be revoked in the future for a particular nonattainment area, at the point when such an area attains this NAAQS and is redesignated to attainment.

See EPA's final rule for a detailed discussion on EPA's rationale for finalizing this option (*see* 81 FR 58141).

***Q5. When does transportation conformity no longer apply for the 1997 annual PM<sub>2.5</sub> NAAQS?***

For areas that have already been redesignated to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS, transportation conformity no longer applies on the effective date of the final PM<sub>2.5</sub> SIP requirements rule, October 24, 2016. After that date, conformity determinations for the 1997 annual PM<sub>2.5</sub> NAAQS for metropolitan transportation plans, metropolitan transportation improvement programs (TIPs), or transportation projects are no longer required in these areas for this NAAQS.<sup>3</sup>

For areas that remain designated nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS as of the effective date of the final PM<sub>2.5</sub> SIP requirements rule, transportation conformity requirements continue to apply for the 1997 annual PM<sub>2.5</sub> NAAQS. However, these areas can be redesignated to attainment in the future. Such future redesignations will apply to both the 1997 primary and secondary annual PM<sub>2.5</sub> NAAQS as has been the case with all past redesignations for this NAAQS. When such an area is redesignated to attainment, transportation conformity for the 1997 annual PM<sub>2.5</sub> NAAQS will cease to apply on the effective date of such an area's redesignation to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS. After that date, conformity determinations for the 1997 annual PM<sub>2.5</sub> NAAQS for metropolitan transportation plans, metropolitan TIPs, or transportation projects are no longer required in these areas for this NAAQS.

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<sup>3</sup> As explained in the final PM<sub>2.5</sub> SIP requirements rule transportation conformity does not apply in areas that have been redesignated to attainment for a secondary NAAQS. This is because conformity is only required in areas that have been redesignated to attainment if a CAA section 175A maintenance plan is required in order for the area to be redesignated. (*See* CAA section 176(c)(5)(B)). A CAA section 175A maintenance plan is not required in order for an area to be redesignated to attainment for a secondary NAAQS. (*See* CAA section 175A(a) and (b)). Therefore, conformity does not apply in maintenance areas for a secondary NAAQS.

Note that in all of the above-described areas, conformity requirements for any other applicable PM<sub>2.5</sub> NAAQS for the areas would continue to apply.

***Q6. How many of the 1997 annual PM<sub>2.5</sub> NAAQS nonattainment areas have already been redesignated to attainment?***

As of the date of this guidance, 32 of the 39 areas that had been designated nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS have been redesignated to attainment and will have the 1997 primary annual PM<sub>2.5</sub> NAAQS revoked on October 24, 2016, the effective date of the final PM<sub>2.5</sub> SIP requirements rule. Additionally, the Indiana portion of the Louisville, KY-IN area has been redesignated to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS. That NAAQS will be revoked in the Indiana portion of that area on October 24, 2016. Additional information is included at the end of this guidance document on the status of areas – Table 1 lists areas that have been redesignated to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS. Transportation conformity for the 1997 annual PM<sub>2.5</sub> NAAQS ceases to apply in these areas on the effective date of the final PM<sub>2.5</sub> SIP requirements rule. Table 2 lists the remaining nonattainment areas for this NAAQS. Transportation conformity for the 1997 annual PM<sub>2.5</sub> NAAQS continues to apply in these areas until the effective date of their redesignation to attainment.

***Q7. Will any area have to make a transportation conformity determination for the 1997 secondary annual PM<sub>2.5</sub> NAAQS?***

No, there will not be any area that is required to demonstrate conformity solely for the 1997 secondary annual PM<sub>2.5</sub> NAAQS.

Under the revocation option that has been finalized, transportation conformity for the 1997 annual PM<sub>2.5</sub> NAAQS ceases to apply in areas that have been redesignated to attainment for that NAAQS as described above.

Areas that remain designated nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS, after the final PM<sub>2.5</sub> SIP requirements rule becomes effective on October 24, 2016, will continue to demonstrate conformity for the 1997 annual PM<sub>2.5</sub> NAAQS as they have in the past until the effective of such an area's redesignation to attainment for that NAAQS.

As each remaining nonattainment area is redesignated to attainment, transportation conformity ceases to apply for the 1997 primary annual PM<sub>2.5</sub> NAAQS due to the revocation of that NAAQS and because conformity does not apply in areas that have been redesignated to attainment for the secondary NAAQS because a CAA section 175A maintenance plan is not required in order for an area to be redesignated to attainment for the secondary NAAQS.<sup>4</sup> Therefore, on the effective date of such an area's redesignation to attainment, transportation conformity requirements for the 1997 annual PM<sub>2.5</sub> NAAQS will no longer apply.

Areas that are designated nonattainment or are maintenance areas for any other PM<sub>2.5</sub> NAAQS will continue to determine conformity as they have been doing.

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<sup>4</sup> Transportation conformity only applies to areas that have been redesignated to attainment if they are required to have an approved CAA section 175A maintenance plan in order to be redesignated (*see* CAA section 176(c)(5)(B)).

***Q8. What PM<sub>2.5</sub> NAAQS continue to apply for transportation conformity purposes?***

Transportation conformity will continue to apply for the following PM<sub>2.5</sub> NAAQS:

PM <sub>2.5</sub> NAAQS*	Level of the NAAQS (µg/m <sup>3</sup> )	Notes
1997 24-hour	65	Conformity applies in the two areas that are designated nonattainment for this NAAQS.**
1997 annual	15.0	After the effective date of the final PM <sub>2.5</sub> SIP requirements rule conformity for this NAAQS will continue to apply in areas that remain designated nonattainment. The NAAQS will no longer apply for conformity purposes in the remaining nonattainment areas on the effective date of such an area's redesignation to attainment.
2006 24-hour	35	Conformity applies in 32 areas.**
2012 primary annual	12.0	Conformity applies in 9 areas.**

\* Unless stated below each PM<sub>2.5</sub> NAAQS serves as a primary and secondary with the level and form of the primary and secondary NAAQS being identical.

\*\* Current as of the date of this guidance release.

Information on nonattainment and maintenance areas for the other PM<sub>2.5</sub> NAAQS can be found on EPA's Green Book web page (<https://www.epa.gov/green-book>).

**Table 1: Areas that Have Been Redesignated to Attainment (Maintenance Areas) for the 1997 Annual PM<sub>2.5</sub> NAAQS as of the Release of this Guidance**

Areas Listed Alphabetically	Classification	Number of Counties
Atlanta, GA	Moderate	22
Baltimore, MD	Moderate	6
Birmingham, AL	Former Subpart 1	3
Canton-Massillon, OH	Former Subpart 1	1
Charleston, WV	Former Subpart 1	2
Chattanooga, TN-GA-AL	Moderate	4
Chicago-Gary-Lake County, IL-IN	Former Subpart 1	10
Cincinnati-Hamilton, OH-KY-IN	Former Subpart 1	8
Cleveland-Akron-Lorain, OH	Former Subpart 1	7
Columbus, OH	Former Subpart 1	5
Dayton-Springfield, OH	Former Subpart 1	3
Detroit-Ann Arbor, MI	Former Subpart 1	7
Evansville, IN	Former Subpart 1	6
Greensboro-Winston Salem-High Point, NC	Former Subpart 1	2
Harrisburg-Lebanon-Carlisle, PA	Moderate	3
Hickory-Morganton-Lenoir, NC	Former Subpart 1	1
Huntington-Ashland, WV-KY-OH	Former Subpart 1	9
Indianapolis, IN	Former Subpart 1	5
Johnstown, PA	Moderate	2
Lancaster, PA	Moderate	1
Louisville, IN <sup>5</sup>	Moderate	3
Macon, GA	Former Subpart 1	2
Martinsburg, WV-Hagerstown, MD	Moderate	2
New York-N. New Jersey-Long Island, NY-NJ-CT	Former Subpart 1	22
Parkersburg-Marietta, WV-OH	Former Subpart 1	3
Philadelphia-Wilmington, PA-NJ-DE	Moderate	9
Pittsburgh-Beaver Valley, PA	Moderate	8
Reading, PA	Moderate	1
Rome, GA	Former Subpart 1	1
Steubenville-Weirton, OH-WV	Former Subpart 1	3
Washington, DC-MD-VA	Moderate	14
Wheeling, WV-OH	Former Subpart 1	3
York, PA	Moderate	1

<sup>5</sup> On September 9, 2016 (81 FR 62390) EPA redesignated the Indiana portion of the Louisville area as attainment for the 1997 annual PM<sub>2.5</sub> NAAQS. The redesignation was effective on the date of publication.

**Table 2: Nonattainment Areas for the 1997 Annual PM<sub>2.5</sub> NAAQS as of the Release of this Guidance**

<b>Areas Listed Alphabetically</b>	<b>Classification</b>	<b>Number of Counties</b>
Knoxville, TN	Moderate	5
Libby, MT	Moderate	1
Liberty-Clairton, PA	Moderate	1
Los Angeles-South Coast Air Basin, CA	Moderate	4
Louisville, KY	Moderate	2
San Joaquin Valley, CA	Serious	8
St. Louis, MO-IL	Moderate	9