



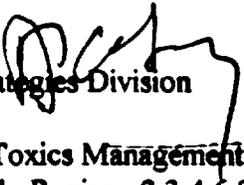
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OFFICE OF
AIR AND RADIATION

APR 05 1995

MEMORANDUM

SUBJECT: Transportation Conformity: Assumptions Regarding Implementation of Committed Measures

FROM: Philip A. Lorang, Director 
Emission Planning and Strategies Division

TO: Chief, Air, Pesticides and Toxics Management, Region 1
Chief, Air Programs Branch, Regions 2,3,4,6,8,9,10
Chief, Air Programs Branch, Region 7
Chief, Air Enforcement Branch, Region 5
Chief, Air, Toxics and Radiation Branch, Region 5
Chief, Regulations Development Branch, Region 5

I understand that there is concern among state air agencies and the transportation community regarding the conformity implications of suspension and other delays in I/M implementation. In particular, there is concern that the motor vehicle emissions budget in the 15% SIP assumes implementation of I/M by a certain date, and transportation plans and programs will not be able to demonstrate consistency with this budget if the conformity determination cannot also assume credit for I/M implementation by that date.

Section 51.452 (93.130), "Procedures for determining regional transportation-related emissions," establishes requirements regarding which projects and activities may be included in regional analysis for emission reduction credit. Section 51.452(a)(4) states that "during the transitional period, control measures or programs which are committed to in an implementation plan submission...which has not received final EPA action...may be assumed for emission reduction credit for the purpose of demonstrating that the requirements of §§51.428 through 51.432 [budget tests] are satisfied."¹

¹ Despite §51.452(a)(4)'s reference to incompleteness as an EPA final action, areas with incompleteness findings are also permitted to take credit for the committed measures in the submitted SIP when making the comparison to the submitted SIP's budget (see memorandum from Philip Lorang to Regional Air Branch Chiefs, "Transportation Conformity Q&A's," May 2, 1994).

Therefore, according to section 51.452(a)(4), when conformity must be demonstrated to a control strategy SIP submission (i.e., 15% or attainment SIP submission) which has not been approved (i.e., during the transitional period), control measures such as I/M and reformulated gasoline may be assumed to be implemented according to the schedule committed to in the control strategy SIP. Because conformity must be demonstrated to the submitted control strategy SIP and its motor vehicle emissions budget, it is the assumptions in the control strategy SIP which may be used in conformity determinations.

I/M SIPs are not control strategy SIPs as defined in the conformity rule, so the provisions of section 51.452(a)(4), which allow assumption of committed measures, apply whether or not the I/M SIP has been approved, provided that the control strategy SIP (i.e., 15% or attainment SIP) has not yet been approved or disapproved by EPA.

If an area submits another 15% SIP which changes its I/M commitments, the next conformity determination must demonstrate consistency with the motor vehicle emissions budget in the new 15% SIP and assume implementation of control measures such as I/M on the schedule committed to in that SIP (see section 51.448(a) regarding applicability of new control strategy SIP submissions). Even if the new 15% SIP has scaled back its I/M program, this SIP must still achieve 15% emission reductions as required by the Clean Air Act in order to be approved.

The conformity rule's only specific prohibition on assuming credit for delayed measures applies to transportation control measures (TCMs), which as defined in the conformity rule do not include technology measures such as I/M and reformulated gasoline. According to section 51.452(a)(2), the emissions analysis may not include for emissions reduction credit any TCMs which have been delayed beyond the scheduled date(s) until such time as implementation has been assured. As a result, suspension or other delays in the Employee Commute Options (ECO) program must be reflected in the conformity demonstration's assumptions.

In general, EPA would interpret section 51.412, "Criteria and Procedures: Latest planning assumptions," to mean that the conformity analysis must reflect the latest information regarding the implementation schedule of any project, regardless of whether it is a SIP control measure or a highway capacity project. However, EPA has made specific provisions for the special case of demonstrating consistency with a submitted SIP's motor vehicle emissions budget.

The conformity rule makes a submitted SIP's motor vehicle emissions budget binding on the transportation community even though the SIP's overall set of control measures has not been approved by EPA. As a result, the transportation plan and TIP should not be responsible for making up the emissions shortfall when control measures

which are outside the transportation community's control are not implemented on schedule, and an overall strategy has not yet been approved. Until EPA approves an overall 15% (or attainment) strategy which identifies how the 15% emission reductions (or attainment) will be achieved, assumptions about these emission reductions must be made for conformity purposes.

SUMMARY Q & A's

Q: What are the conformity implications of delays in I/M program implementation or the suspension of I/M?

A: There are no conformity implications from delays in I/M program implementation until a revised 15% SIP reflecting the I/M changes has been submitted to EPA. When conformity must be demonstrated to a 15% SIP submission which has not been approved, control measures such as I/M may be assumed to be implemented according to the schedule committed to in the 15% SIP. Conformity determinations are not required to reflect changes in I/M program implementation until a revised 15% SIP has been submitted to EPA. This policy is expressed in the existing conformity rule and applies immediately. It applies whether or not the I/M SIP has been approved, provided that the 15% SIP has not yet been approved or disapproved.