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OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Transportation Conformity; Regional Analysis of PM₁₀
Emissions from Highway and Transit Project Construction

FROM: Gay MacGregor, Director, *Gay MacGregor*
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TO: Director, Air, Pesticides and Toxics Management
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This memorandum is intended to respond to recent questions regarding the transportation conformity requirements to include PM₁₀ emissions from construction activities in conformity analyses for PM₁₀ nonattainment and maintenance areas. This memorandum has been coordinated with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) and supersedes previous memos regarding this issue.

The transportation conformity rule requires all nonattainment and maintenance areas to analyze the regional emissions impacts from their transportation system so that air quality and transportation planning is coordinated and Clean Air



Act goals are achieved and maintained. Section 51.452/93.130, "Procedures for determining regional transportation-related emissions," establishes the requirements for quantifying regional emissions impacts from highway and transit activities. Section 51.452(e)/93.130(e) defines which PM₁₀ areas must include construction activities in their emissions modeling, and what factors that modeling should consider.

According to section 51.452(e)/93.130(e), PM₁₀ areas are required to include highway and transit construction-related PM₁₀ emissions in their regional analysis if their PM₁₀ state implementation plan (SIP) identifies construction as a general contributor to the PM₁₀ problem. If this is not the case, the area is not required to consider these emissions in its regional analysis for conformity purposes. Section 51.452(e)/93.130(e) applies to both submitted and approved PM₁₀ SIPs.

Some questions have been raised regarding whether a PM₁₀ SIP must specifically identify highway and transit project construction before emissions from these activities are required to be included in the PM₁₀ regional emissions analysis. Section 51.452(e)(2)/93.130(e)(2) states that this conformity requirement applies to PM₁₀ areas "with implementation plans which identify construction-related fugitive PM₁₀ as a contributor to the nonattainment problem." The conformity rule does not require areas to specifically identify highway and transit project construction as a source of PM₁₀ in their PM₁₀ SIP; areas only need to identify construction in general. When construction in general is identified as an issue for a PM₁₀ area, all types of construction are assumed to be included. Furthermore, the requirement to include highway and transit construction emissions in conformity analyses does not depend on whether the SIP includes specific control measures related to highway and transit construction.

According to §51.452(e)/§93.130(e) of the conformity rule, if the PM₁₀ SIP identifies construction as a contributor to the PM₁₀ air quality problem, conformity's PM₁₀ regional emissions analysis must account for the level of construction activity, the fugitive PM₁₀ control measures in the SIP (if there are any), and the dust-producing capacity of the proposed construction activities.

EPA understands that highway and transit construction emissions are not a problem in all PM_{10} areas, and EPA recognizes that transportation network models do not routinely quantify emissions of construction-related dust. However, fugitive dust from construction activities such as highway and transit project construction could be a significant issue in some areas.

Where the submitted or approved PM_{10} SIP is ambiguous, agencies involved in the conformity process are encouraged to use the interagency consultation process to determine whether the PM_{10} SIP identifies construction as a contributor to the PM_{10} air quality problem. Where PM_{10} SIPs are still being developed, the PM_{10} inventory should clarify the role of construction emissions in the air quality problem. EPA regional staff should take care when reviewing PM_{10} SIPs so that construction-related PM_{10} emissions are appropriately addressed in SIP emissions inventories. In addition, metropolitan planning organizations (MPOs) and state departments of transportation (DOTs) should be encouraged to work closely with their local and state air quality agencies in the development of PM_{10} SIPs. If construction-related fugitive PM_{10} emissions are to be addressed in the SIP, agencies should agree on how the MPOs and state DOTs are to analyze such emissions with respect to the transportation plan and transportation improvement program (TIP).

The implementation of section 51.452(e)/93.130(e) may vary for different PM_{10} areas. EPA does not intend to require areas to estimate the construction-related fugitive dust emissions from each project in the transportation plan/TIP or to generate estimates of construction-related fugitive dust emissions that are sensitive to small changes in the transportation network. Reasonable methods to consider PM_{10} emissions from construction in conformity analyses should be determined on a case-by-case basis through the interagency consultation process and should depend upon a given area's analytical capabilities.

EPA recognizes that some transportation and air quality agencies have limited modeling capabilities, and in such cases, approximations based on extrapolations and default values are acceptable. An extensive, detailed quantitative analysis is not necessarily required. Another approach to meeting this conformity requirement could include models capable of assessing

PM₁₀ construction impacts; and, a process for establishing the construction timeframe for each project in the transportation plan and TIP.

EPA encourages all PM₁₀ areas to consider ways to minimize PM₁₀ construction impacts and avoid exceptional PM₁₀ events, whether or not they are required to address construction-related dust for conformity purposes. Other processes, such as the National Environmental Policy Act (NEPA) process, could be used to address potentially adverse air quality impacts from highway and transit construction. Areas could also accomplish this by establishing construction-related PM₁₀ control measures in their SIPs, or by working with state/local highway and transit authorities to include special mitigation instructions in project contracts, when appropriate.

EPA is committed to working with air quality and transportation agencies in meeting this conformity requirement. Through the interagency consultation process, EPA can provide case-by-case assistance to these agencies, and as new models become available in the future, improved PM₁₀ emissions modeling of highway and transit construction impacts will be encouraged where appropriate.

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