

**EPA's Reconsideration of  
the Ozone Standard and  
Transportation Implications**

December 1, 2009

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**Federal Ozone Standards**

**Primary standard protects public health**

**Secondary standard protect crops,  
vegetation and environment**

**Primary and secondary standards are  
often set at the same level**

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**2008 Revised Federal Standards for  
Ground-level Ozone**

- The 2008 standard is a design value (DV) of 0.075 parts per million (ppm) or 75 parts per billion (ppb).
- Design value is the 3 year average of the annual 4<sup>th</sup> highest daily 8-hour monitor reading at any single regulatory monitor.
- Readings are truncated at third decimal place
- Primary and secondary standards are the same

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## 2008 Ozone Standards

**EPA initiated the nonattainment designation process**

**The region complies with a 2007-2009 design value of 75 ppb**

**No nonattainment designation**

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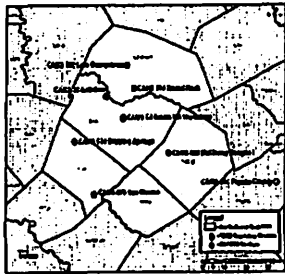
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## Nonattainment Boundaries

**EPA's default nonattainment area is the Metropolitan Statistical Area (MSA).**

**Areas can be smaller or larger than the MSA, based on contributing factors.**

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### **EPA Reconsiders the 2008 Standard**

**September 2009 EPA announces it will reconsider the 2008 standards**

**2008 standards were not as protective as recommended by scientific advisors**

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### **Scientific Advisors Recommendation**

**A primary standard set in a range of 60 to 70 ppb**

**A different form of secondary standard that applies to the growing season**

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### **Reconsideration Timeline**

<b>Dec 21, 2009</b>	<b>EPA ozone standards proposed</b>
<b>March 2010</b>	<b>EPA implementation rule proposed</b>
<b>August 2010</b>	<b>EPA ozone standards finalized</b>
<b>Nov. 2010</b>	<b>EPA implementation rule finalized</b>

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## Reconsideration Timeline

Dec. 2010	State's designation recommendation due to EPA
April 2011	EPA proposes designations
Aug. 2011	EPA finalizes designations
Dec 2013	State implementation plan due

## Opportunities to Comment

**After proposals for standards and the implementation rule**

**Comment periods at least 30 days**

**Prior to the state's designation recommendation**

## Regional Outlook

**It will be difficult to meet a lower primary standard**

**It may be difficult to meet a different secondary standard**

**Must meet both to comply**

**2010 ozone season will determine compliance**

## **Implications for Transportation**

**Transportation Conformity**

**Regionally Significant Projects**

**MTP and TIP**

**Congestion Management Process**

**CMAQ Funding**

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## **Transportation Conformity Basics**

**Estimated emissions from the metropolitan transportation plan (MTP) and the transportation improvement program (TIP) must be less than or equal to specified levels for several analysis years**

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## **Basics**

**If not, a conformity lapse occurs and only exempt projects or those with federal authorization can proceed**

**Lapse also includes regionally significant, non-federally funded projects**

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### **More Basics**

**A conforming MTP and TIP must be in place to receive USDOT approval or funding actions for a project**

**Environmental documents**

**Interstate highway connections or design standard deviations**

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### **Conformity Timeframe**

**Transportation Conformity and other FCAA requirements apply for 20 years after a nonattainment area regains compliance**

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### **Who Makes the Conformity Determination?**

**MPO Policy Board is responsible for determining conformity (state DOT outside the MPO area)**

**FHWA and FTA are responsible for approving conformity determination**

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### **Transportation Conformity Triggers**

At least every 4 years  
New or amended MTP  
New or amended TIP  
Changes to regionally significant projects  
SIP submittal or approval

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### **Regionally Significant Project Changes**

Trigger conformity if:  
Estimated project completion date crosses analysis  
years  
Change in project design concept or scope  
Number of lanes  
Project limits  
Toll vs. no toll

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### **CAMPO RSP Definition**

A project, regardless of funding source,  
which is either a roadway functionally  
classified as minor arterial or higher or a  
transit capital project that serves a regional  
purpose.

TIP Administrative Policies  
Approved August 2009

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## **MTP and TIP Implications**

**The MTP must be updated every 4 years**  
**Content must meet conformity requirements**  
**Must pass conformity emissions tests**  
**May affect project mix**  
**May limit MTP and TIP amendments**

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## **Congestion Management Process (CMP)**

**Nonattainment CMP requirements**  
**All general purpose added-capacity**  
**projects must come from the**  
**Congestion Management Process**

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## **Federal CMAQ Funding**

**Funding for projects and**  
**programs that reduce emissions**  
**General purpose added capacity**  
**projects are not eligible**  
**20% or less local match**

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## Ballpark CMAQ Estimate

Assumes CMAQ program remains as is  
Assumes state uses same allocation  
Uses 2006 data, assumes same proportions  
Assumes 3 new Texas nonattainment areas  
Assumes entire MSA is designated  
\$10.9 million annually

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## Short-Term Next Steps

Ensure 2035 MTP will pass conformity  
Include all RSPs in MTP and TIP  
Define approval point for non-federally  
funded projects  
Revise CMP  
Monitor EPA rulemaking

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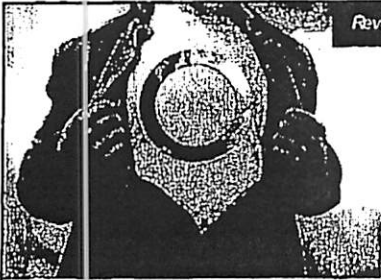
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## **Questions?**

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