

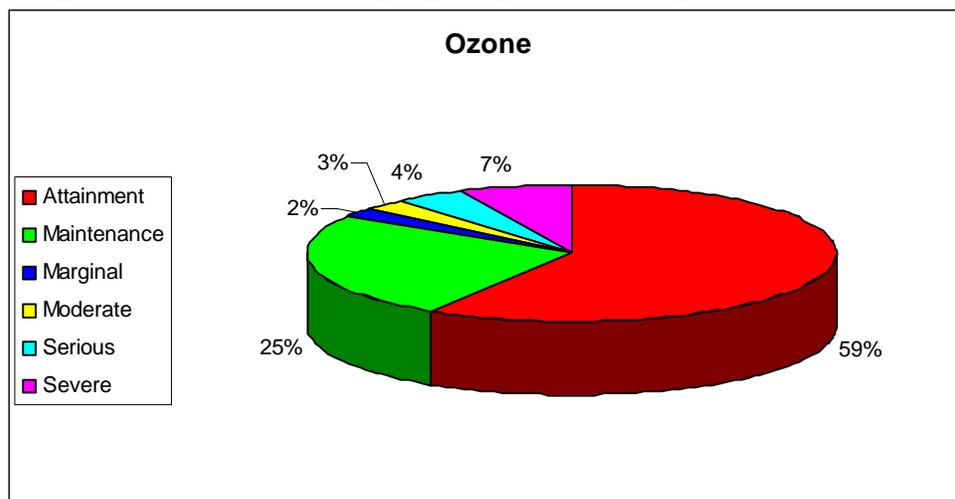
AMPO Air Quality Survey

This survey was sent to all MPOs on May 7, 2003, and received 97 responses. It was intended to collect information on MPO air quality status, as well as on issues they have faced while dealing with conformity.

The first section asked for the MPO's status for each pollutant:

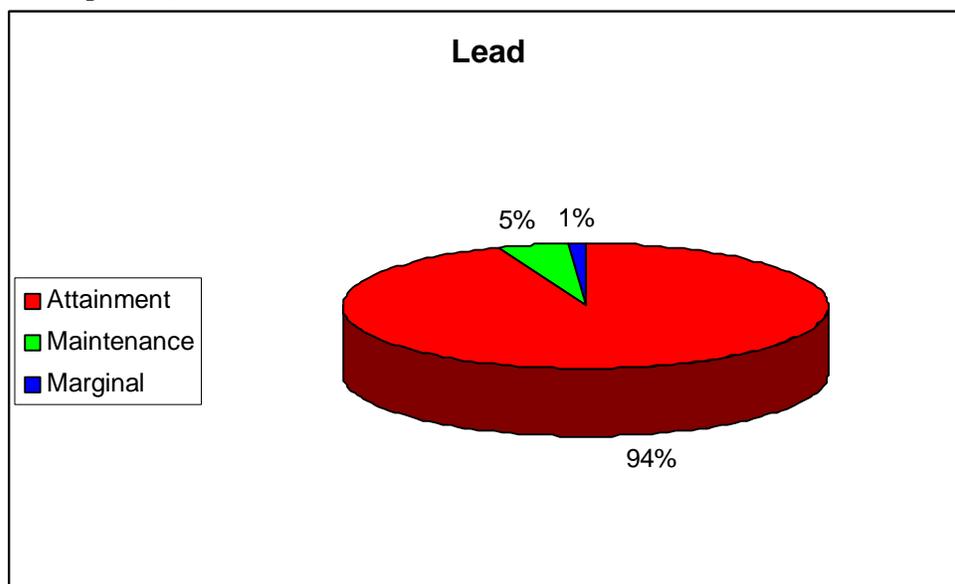
1. Ozone

(100 responses. There seems to be no explanation for how there are more responses to this question than to the survey – perhaps a software glitch)



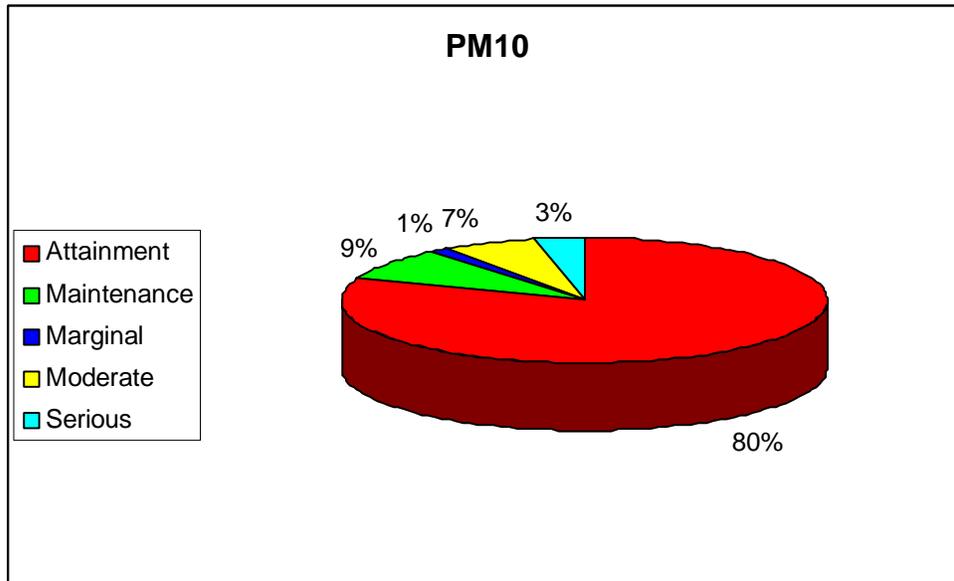
2. Lead

(87 responses)



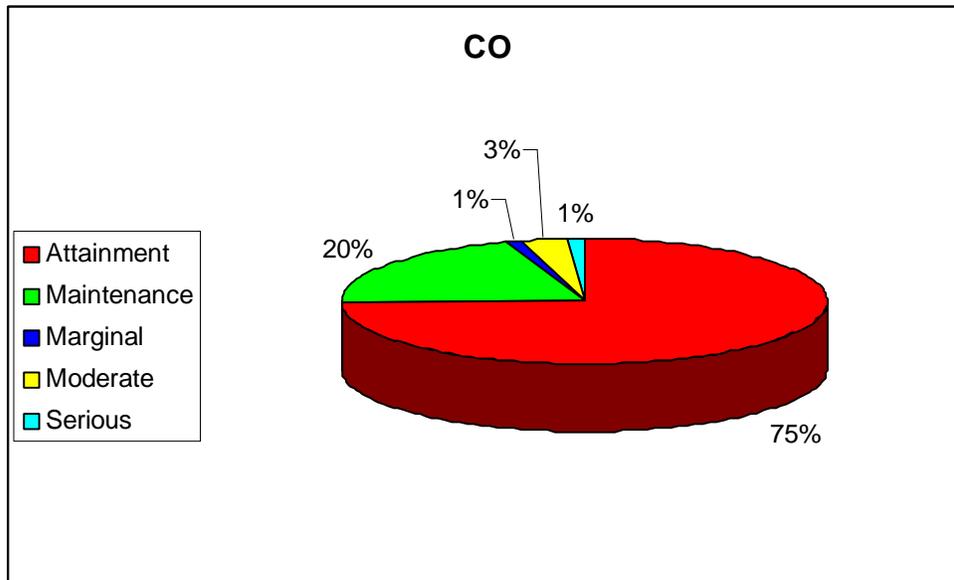
3. PM10

(92 responses)



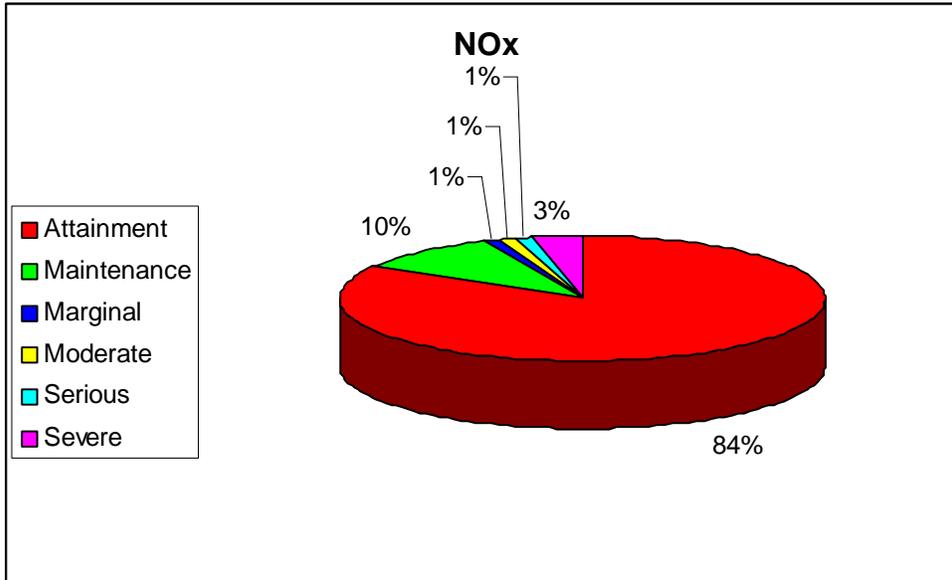
4. CO

(94 responses)



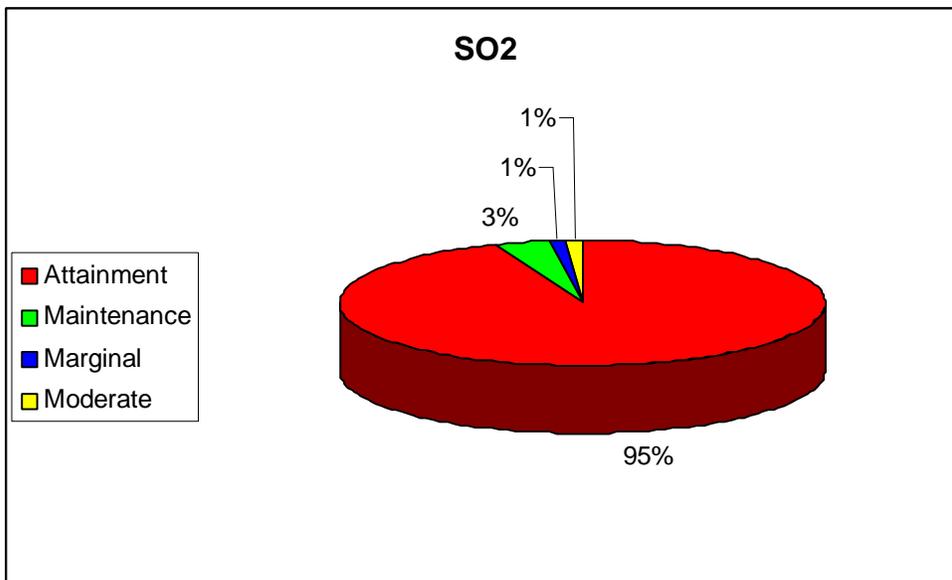
5. Nox

(90 responses)



6. SO2

(86 responses)



7-10

(Note: Respondent number is automatically generated by survey software – it is only used to associate responses from the same individual)

Respondent #	Year of Last Conformity Analysis	Year of Conformity Analysis Before That	Ever had a Conformity Lapse (82% No, 18% Yes)	Length of Conformity Lapse
451	2001	2000	No	
458	2003	2000	Yes	6 months
459	2002	2000	No	
461	2003	2002	No	
462	early 1980s (?)	n/a	No	
463	2002	2001	No	
465	2002	2001	Yes	4 months
466	2002	1999	Yes	
467	2001	1998	No	
468	2002	2002	Yes	6 months
471	1994	1990	No	
472	2002	2002	No	
473	2002	2001	No	
474	2003	2000	No	
477	2003	1999	No	
480	2001	1999	No	
481	2002	2001	No	
482	2003	2000	Yes	30 months
483	2002	1999	Yes	2 weeks
485	2001	2000	No	
488	2002	2001	No	
489	2001	2000	No	
492	2002	2002	No	
494	1994	n/a	No	
495	1995	n/a	No	
496	1970's	n/a	No	
497	2002	2001	Yes	10 months
508	2002	1998	Yes	Currently in lapse
509	2002	2001	No	
510	2003	2002	No	
511	2001	2000	Yes	3 weeks
514	2002	2001	No	
516	2001	2000	No	
517	2002	2002	Yes	9 months
519	2001	n/a	No	
520	1999	N/A	No	
521	2001	2000	No	
522	2002	2001	Yes	?
523	2003	2002	No	
524	2002	2001	No	

527	2003	2003	No	
530	2002	2001	No	
536	2001	1999	Yes	6 months
537	2003	2002	No	
539	2003	2002	No	
540	2002	2002	No	
544	2000	1997	No	
553	2002	n/a	Yes	8 years
554	early 1980's	mid 1970's	No	
558	2002	1999	Yes	6 months
562	1993	n/a	No	
563	2002	2001	Yes	3 days
565	2002	2001	No	
566	2003	2001	No	
568	2002	2000	Yes	18 months
570	2002	1999	No	
572	2002	n/a	No	
573	2002	2000	No	
574	2003	2002	No	
575	2002	2001	Yes	8 weeks

11. Description of Lapse

Respondent	Description
508	Completed urban area transportation plan in 2000. FHWA guidance requires an update in 3 years. Funding, staff time, practicality, reasonability all have led to lapse. Currently spending time updating plan to conform. Due to funding and cost of projects, the MPO has only moved 3 projects from the plan in the last 3 years. MPO feels that the plan and plan conformity don't need updating. The urban area is in compliance, no air quality issues at all and still are forced to jump through the same hoops as much larger metro areas.
465	During the early years of ISTEA our Plan lapsed, triggering our TIP to lapse. Several months later we adopted a new Plan, which was well underway at the time, with a new conformity determination. This was a timing issue, not a conformity issue.
483	had missed the every-three-year requirement for performing a conformity analysis because we had not had any new regionally significant or non-exempt projects added to the TIP
568	It happened early in the 1990's. We were unable to demonstrate NOx conformity associated with ozone and PM10. It was resolved through the interagency review process. The air pollution agencies adjusted the cut

	points on the I&M program to gain the small amount of NOx necessary to meet the target.
458	Lapse due to "stale" plan and need to wait until EPA had approved budgets for locally adopted plan. EPA took longer than anticipated and made mistakes which lengthened the amount of time which elapsed before the budgets were approved and FHWA could formally approve the conformity analysis for the Plan.
466	Misunderstanding between MPO staff and FHWA division office as to when the next Long Range Plan/conformity determination was due. Once that was agreed, Long Range Transportation Plan/conformity update was initiated, but could not be completed in time to meet the deadline. Interim TIP was adopted to allow exempt and grandfathered projects to proceed.
497	Our model enhancements were not completed before the deadline in the conformity rule.
482	Our PM 10 SIP was written in the late 80s and approved in 92, before the conformity rule amendment (97) The mobile source "budget" was dreadfully under estimated. We had to do a SIP revision which finally got approved 23rd January, 2003 which enabled FHWA to concur with our analysis and put us back in conformity on 7th April, 2003
468	Several years ago the Court ruled EPA could not find Conformity by inaction. Our request had been in more than 45 days and under the old policy was considered conforming. Due to the new legal interpretation, we went into lapse and EPA had to act on our prior submission to end the lapse, which they did.
536	The conformity lapsed on 9/2001 and all the agencies agreed with KYOVA to revise the SIP and to keep the neutral projects in the area. The following two elements were amended; Reallocation of the existing emission budget to increase the highway Nox and VOC emission budgets. The formal incorporation of an existing VOC control regulation (control of gasoline barge loading emissions) as an explicit contingency measure and ozone maintenance requirement Final Steps 11/16/2001, KYOVA held a public hearing for the SIP revision Final SIP revision approval was on 2/2002, while EPA issued a concurrence letter for the conformity approval The conformity determination is based on the most recent available planning assumptions. It includes all the projects, current and future population, employment, travel, and congestion most recently developed by KYOVA. Because the local data is not available, national default registration data, developed in 1996 for use with MOBILE6, were used in the analysis. There are no TCMs in WV. Therefore, this is not applicable. The public coordination was all done in cooperation with the

	Environmental Protection Agency (EPA), the Federal Highways Administration (FHWA), the Federal Transit Administration (FTA), the West Virginia Division of Air Quality, the West Virginia Department of Transportation, the Ohio Department of Transportation and The Transit Authority Conclusion& General Remarks, Cont., Interagency coordination between KYOVA, DAQ, EPA, WVDOH, and FHWA took place throughout the conformity process .
558	The lapse was caused by a turnover in staff at the MPO. There were no impacts to transportation projects during the lapse.
511	The previous regional transportation plan expired January 21, 2002 before EPA was able to make an adequacy finding on the motor vehicle emission budgets contained in the 2001 Bay Area Ozone Attainment Plan. The adequacy finding for those emission budgets was made February 14, 2002.
517	The Sacramento Area Council of Governments (SACOG) Board of Directors elected to let conformity lapse in November 1995 rather than accelerate the development and adoption of the 1996 Metropolitan Transportation Plan in order to meet the conformity timeline.
563	To demonstrate conformity we had to amend the SIP budget for NOx which took longer than just a normal conformity effort. Design work stopped on some major widening projects for three days.
575	We went over the three year interval for a long-range plan update.

Questions 12 and 13

Three MPOs report having faced legal action related to air quality:

- ? DRCOG was sued by various environmental non-profit agencies in the early 1980's. The suit was ultimately settled through administrative action.
- ? Several plaintiffs sued the U.S. Environmental Protection Agency (EPA) after it approved a key component of the 2001 Bay Area Ozone Attainment Plan, namely the motor vehicle emissions budget. While the plan called for major reductions in both nitrogen oxides and hydrocarbons by 2006, the plaintiffs argued that all emissions must be cut even further, and that money designated for highway projects should be shifted to public transit. The U.S. Court of Appeals for the Ninth Circuit in July 2002 issued a temporary stay against the EPA's approval of the plan's vehicle emissions budget, and a hearing was scheduled for October 2002. On December 24th, 2002 the Court lifted the stay against the EPA's budget approval sighting the plaintiffs had no standing. MTC adopted the original 2003 Transportation Improvement Program at its Commission meeting on January

22nd, 2003. On November 9th, 2001 the U.S. District Court ruled that MTC was not in compliance with a specific transportation control measure (TCM). This TCM, known as TCM 2, was put in a San Francisco Bay Area SIP in 1982, with a target to increase transit ridership by 15 percent above the 1983 level in 5 years. The Court ruled that although MTC implemented many elements of the TCM, since they failed to achieve the 15 percent target increase in transit ridership, they are in violation of the SIP. The court indicated that it was sympathetic to defendants arguments that outside forces might prevent the region from achieving the 15% increase in transit ridership. Nevertheless, the court held that "States have an unwavering obligation to carry out federally mandated SIPs; thus where a SIP is violated, liability attaches, regardless of the reasons for the violation." In July 2002, the Federal District Court issued an Order Granting Injunctive Relief relative to the implementation of TCM 2. The principal requirement in the Order is that "MTC is to increase regional transit ridership by 15% over the baseline (1983 level) number of regional boarding by November 9th, 2006." While MTC has decided to appeal the TCM 2 decision, MTC will meet the requirements of the Order in a timely manner during the pendency of an appeal. MTC is required to file quarterly progress reports on progress made in complying with the Order. MTC's first report was filed prior to the due date of November 9th, 2002 and included regional ridership statistics for Fiscal Year 2001/2002. Also, as required by the Order, MTC prepared and adopted an Amendment to the 2001 RTP in November 2002 describing how full implementation of TCM 2 will be achieved. This Amendment describes how the programs and projects in the RTP will achieve the TCM 2 transit ridership target for 2006 and does not add or delete projects, change the project scope, or alter the timing of any project in the 2001 RTP. A third lawsuit involves litigation at the state level. Plaintiffs charged that the Bay Area Air Quality Management District (BAAQMD) violated the California Environmental Quality Act (CEQA) by failing to prepare an Environmental Impact Report (EIR) for the 2001 Bay Area Ozone Attainment Plan on the grounds that an EIR is required whenever there is a fair argument that the project may have a significant adverse environmental impact. In the state of California, an EIR is utilized to analyze potential significant impacts of projects and plans. Plaintiffs also charged that MTC and BAAQMD violated the Health & Safety Code by failing to develop a TCM Plan (to be included as part of the 2001 Bay Area Ozone Attainment Plan) which is required by this statute. On April 24th, 2003, the San Francisco Superior Court ordered MTC and BAAQMD to submit a plan within 60 days to reduce hydrocarbon emissions by 26 tons a day. The 26 tons of hydrocarbons a day is a figure taken from the 2001 Bay Area Ozone Attainment Plan and the Court has declared that the failure to achieve this federal benchmark violates California environmental law. An appeal from MTC and BAAQMD on this lawsuit is likely.

- ? The SACOG Board of Directors was sued over the 1999 Metropolitan Transportation Plan (MTP) conformity determination. The SACOG Board eventually prevailed in the courts after 18 months of litigation.

14. Additional Comments

- ? A less frequent plan update cycle might be helpful. Not much changes in three years. The 8 hour standard will kick us back into nonattainment for O-3.
- ? Currently engaged in Early Action Compact process in an attempt to meet 8-hour ozone standard by 2007. Our region is very concerned about whether participating in the Compact will disqualify us for CMAQ funds, and how we could implement some of the control measures without them.
- ? Have AMPO focus on bringing the timetables together for SIP and TIP/RSTP development
- ? MPO feels a 5 year update cycle for plans in conforming metro areas is PLENTY!
- ? Our region is one of the 50-60 areas nationwide (and the majority were in Michigan) which were reclassified by EPA from a transitional non-attainment area (insufficient data area) for ozone to an attainment area. EPA essentially admitted in the federal register that they had erred in making our original classification after the State submitted several years of monitoring data which showed there had been no violations. This essentially relieved us from any further conformity or maintenance planning requirements and pushed the Long Range Plan update cycle from every three to every five years. Our future status with the new 8 hour standard and PM 2.5 is presently unknown. Recent monitoring data has shown some exceedances which were greater than permissible under the new eight hour standard, however the fourth highest value still did not constitute a violation although it was close to our equal to the maximum allowable concentrations. Hence our future status is basically on the fence, since a couple of bad days this summer or days where wind direction results in transport of ozone from either Chicago/Gary areas across Lake Michigan or from Southeast Michigan could potentially result in a violation, and of course EPA will make their new designations based on the most recent three years of monitoring data. So even though we are presently not subject to conformity or maintenance planning requirements, in some respects, it is not a so much a matter of IF we will ever become non-attainment again, but WHEN will this happen. Accordingly, we are trying to continue to move to best practices for air quality planning purposes on an ongoing basis since at some point down the road we may again become subject to conformity requirements for ozone. Like many other areas, our status in regard to the new PM 2.5 standard is unknown due to lack of monitoring data. However, if there were 2.5 monitors available, the general feeling here is similar to that for ozone in that we may be just on the bubble one way or another and could again basically find us with future exceedances or possible violations dependent on wind strength or direction which also could result in transfer related PM 2.5 violations.

- ? The El Paso MPO, Texas Dept. of Transportation and FHWA spend more than \$300,000 over a 3 year period on tasks associated with developing Long and Short Range Plans and Air Quality reports. If you multiplied this figure on a national level the government is spending millions on this paperwaste exercise. Congress must change the three/two periods for these documents to 5-years.
- ? The new standards will result in TMACOG area being redesignated to marginal nonattainment status. We are, like everyone else, unsure as to what impact this will have and are very concerned that it will negatively affect redevelopment efforts.
- ? The paper exercise called conformity analysis has little or nothing to do with actual air quality analysis or assuring that areas meet the NAAQS.
- ? The Quad Cities - Davenport-Moline-Rock Island, IA/IL is nearing the 8-hour standard for ozone. The Transportation Policy Committee submitted an Ozone Flex Plan to U.S.EPA Region VI to proactive promote voluntary measures to reduce ozone-forming emissions. The MPO is conducting public education efforts to raise awareness and serves a subcommittee of the Policy Committee, called the Quad Cities Air Quality Task Force to address issues related to ozone and possibly fine particulates. We have developed several pages of our MPO website to "Aware of Air" issues - www.bistateonline.org.
- ? The San Antonio metropolitan area has exceeded the threshold for ozone but has not yet been designated "non-attainment" for ozone. Major political entities in the San Antonio MSA have signed an "Early Action Compact" to allow us to clean our air up faster without the non-attainment designation unless milestones are not met or monitor readings fail to show attainment by 2007.
- ? Watch out for PM2.5. It will cripple the planning process because there are no established SIPs or SIP budgets and sources are generally regional in character. Lots of new areas and few ideas on appropriate controls. No CMAQ money left to deal with it after ozone areas expand. Not a pretty picture.
- ? We are not presently, being monitored by the State DAQ. So legally, there is no determination one way or the other. However, we are interested in preventing or prolonging air quality determination. We think there should be funding available to stay out of air quality problems rather than waiting for 'determination' to then get funding to deal with attainment, non attainment status!
- ? We have been dealing with some projects that we treat as exempt through the consultation process, yet they don't appear on the exempt lists in the rule. These include freeway incident response vehicles, and truck stop electrification to reduce long term diesel idling (an area source), among others. Our rule of thumb is that everything is exempt except for SOV lane additions and new roads. It would be helpful if the conformity rule would simplify and clarify that everything

is exempt except SOV lane additions and new roads. Also the delay of the CTPP is causing great concern and may cause another lapse in our case.

- ? What a quagmire of point counter point actions and debate. Where is the local community consensus in the process?