

Appendix A

Supporting Correspondence



U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration
The Oregon Division
530 Center Street, Suite 100
Salem, Oregon 97301
503-399-5749

Federal Transit Administration
Region 10
915 Second Avenue, Room 3142
Seattle, Washington 98174-1002
206-220-7954

January 16, 2008
IN REPLY REFER TO
90.230, 724.421
724.422

Mr. Byron Vanderpool
Interim Transportation Manager
Central Lane Metropolitan Planning Organization
99 East Broadway, Suite 400
Eugene, OR 97401-3111

RE: United States Department of Transportation (USDOT)
Air Quality Conformity Determination
2031 Regional Transportation Plan (RTP)
Fiscal Year (FY) 2008-2011 Transportation Improvement Program (TIP)

Dear Mr. Vanderpool:

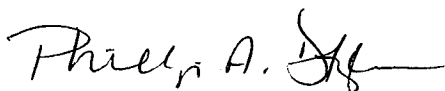
The Eugene-Springfield urbanized area is currently designated maintenance for carbon monoxide and non-attainment for particulate matter of less than 10 microns (PM₁₀). The Clean Air Act of 1990 as amended requires that transportation plans, programs and projects cannot create new National Ambient Air Quality Standards (NAAQS) violations, increase the frequency or severity of existing NAAQS or delay attainment of the NAAQS. The Metropolitan Planning Organization (MPO) and the U.S. Department of Transportation (Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)) are required to make a transportation conformity determination in non-attainment and maintenance areas as outlined in *40 CFR Part 93.104*, Frequency of Conformity Determinations for the RTP and for the TIP. Transportation conformity ensures that Federal funding and approval are given to those transportation activities that are consistent with air quality goals, and do not worsen air quality or interfere with the purpose of the State Implementation Plan (SIP).

FHWA and FTA have completed our review of the Central Lane Metropolitan Planning Organization (CLMPO) conformity determination for the FY 2008-2011 TIP. A joint FHWA/FTA air quality conformity determination is required by Section 93.104 of the Environmental Protection Agency's (EPA) *Transportation Conformity Rule*, 23 C.F.R. Parts 51 and 93, and the FHWA/FTA *Metropolitan Planning Rule*, 23 C.F.R. Part 450, as well as Oregon Administrative Rule (OAR) 340-252-0050. Our USDOT conformity determination is based upon the CLMPO conformity determination analysis and documentation submitted to our offices by your November 12, 2007 letter and attachments.

The CLMPO Policy Board adopted the air quality conformity determination, and the FY 2008-2011 TIP on November 8, 2007. Governor Kulongoski approved the CLMPO FY 2008-2011 TIP on January 3, 2008. The conformity determination provided by CLMPO indicates that all air quality conformity requirements have been met. Based on our review, we find that the 2031 RTP and the FY 2008-2011 TIP conforms to the SIP in accordance with the *Transportation Conformity Rule* and the Oregon conformity SIP. This federal conformity determination was made after consultation with EPA Region 10, pursuant to the *Transportation Conformity Rule*.

This letter constitutes the joint FHWA and FTA air quality conformity determination for the CLMPO 2031 RTP and the FY 2008-2011 TIP. If you have questions regarding this conformity determination, please contact Michelle Eraut, FHWA, at (503) 587-4716 or Ned Conroy, FTA, at (206) 220-4318.

Sincerely,



Phillip A. Ditzler
FHWA Division Administrator



R. F. Krochalis
FTA Regional Administrator

cc:

EPA (Wayne Elson)

FTA (Ned Conroy)

ODOT (Jeff Scheick, Region 2 Manager)

(Erik Havig, Region 2 Planning Manager)

(Steve Leep, Program and Funding Services Manager)

(Marina Orlando, Environmental Services)

LRAPA (Ralph Johnston)

ODEQ (Dave Nordberg)

ME/ig



AMERICAN
ECONOMY



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Seattle, Washington 98174-1002
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November 17, 2010

In Reply Refer To:
90.230
724.421
724.422

Ms. Andrea G. Riner
Transportation Program Manager
Central Lane Metropolitan Planning Organization
859 Willamette Street, Suite 500
Eugene, OR 97401 - 2910

RE: USDOT Air Quality Conformity Determination
2010-2013 Metropolitan Transportation Improvement Program (MTIP)

Dear Ms. Riner:

Thank you for your continued quality work in cooperation with state and local government partners and other stakeholders in the Central Lane Metropolitan Planning Area in developing transportation plans and programs that meet community needs and improve quality of life to make the area a desired place to live, work and raise families.

The Eugene-Springfield urbanized area is currently designated maintenance for carbon monoxide (CO) and non-attainment for particulate matter of less than 10 microns (PM₁₀), however, the U.S. Environmental Protection Agency (EPA) in their letter October 3, 1994 concurred with the Lane Regional Air Pollution Authority (LRAPA) that the conformity determination is not required to satisfy the PM₁₀ criteria for regional emissions analysis. The U.S. Environmental Protection Agency (EPA) also published a Federal Register Notice approving the CO maintenance plan for Eugene-Springfield, effective February 4, 1994.

The Clean Air Act of 1990, as amended, requires that transportation plans, programs and projects cannot create new National Ambient Air Quality Standards (NAAQS) violations, increase the frequency or severity of existing NAAQS violations, or delay the attainment of NAAQS. The Metropolitan Planning Organization (MPO), the U.S. Department of Transportation (Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)) are required to make a transportation conformity determination in non-attainment and maintenance areas as outlined in 40 CFR Part 93.104. Frequency of Conformity Determinations is outlined in 23 CFR 450, the FHWA and FTA Metropolitan Planning Rule, as well as Oregon Administrative Rule (OAR) 340-252-0050. Transportation conformity ensures that federal funding and approval are



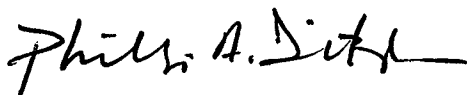
given for those transportation activities that are consistent with air quality goals, and do not worsen air quality or interfere with the purpose of the State Implementation Plan (SIP).

FHWA and FTA have completed review of the Central Lane Metropolitan Planning Organization (CLMPO) conformity determination for the 2010-2013 MTIP. Our USDOT determination is based upon the CLMPO conformity determination analysis and documentation submitted to our offices by CLMPO in their September 16, 2010 letter and attachments, and interagency consultation.

The CLMPO Policy Board adopted the 2010-2013 MTIP and associated air quality conformity determination on August 12, 2010 and October 14, 2010, through Resolutions 2010-06 and 2010-07. The conformity analysis provided by CLMPO indicates that air quality conformity requirements have been met. Based on our review we find that the 2010-2013 MTIP conforms the SIP in accordance with the *Transportation Conformity Rule* and the Oregon Conformity SIP. The federal conformity determination was made after consultation with EPA Region 10, pursuant to the *Transportation Conformity Rule*.

This letter constitutes the joint FHWA and FTA air quality conformity determination for the CLMPO 2010-2013 MTIP. If you have any questions regarding this conformity determination, please contact Satvinder Sandhu, FHWA, at (503) 587-4723 or Ned Conroy, FTA at (206) 220-4318.

Sincerely,



Phillip A. Ditzler
FHWA Division Administrator



R. F. Krochalis
FTA Regional Administrator

cc:

EPA (Wayne Elson)
(Claudia Vaupel)
FTA (Ned Conroy)
ODOT (Jane Lee, Region 2 Manager)
(Lisa Nell, Region 2 interim Planning Manager)
(Steve Leep, Program and Funding Services Manager)
(Marino Orlando, Environmental Services)
LRAPA (Ralph Johnston)
ODEQ (Dave Nordberg, Transportation Planning Coordinator)

SS/rm



From: Elson.Wayne@epamail.epa.gov
Sent: Wednesday, May 05, 2004 8:03 AM
To: PAYNE Susan G (LCOG)
Cc: REIFF Bud H; Bowman, Jennifer (TRO-10); Hoovestol, Kim; Ralph Johnston; Eraut, Michelle; *LCOG TPC; SCHWETZ Tom B; CARROW Vince S (OR)
Subject: Question on which MVEB to use in Eugene CO MA

I was asked my opinion on this issue as there are two potential MVEBs in the Eugene's EPA approved attainment/maintenance plan. The approval (58 FR 64163, December 6, 1993) includes mobile source emission estimates of 6,021 tons/year in 1990 and 2,164 tons/year in 2007.

Logically the 6,021 tons/year of 1990 as a MVEB is consistent with the attainment demonstration since this estimate is well before the official attainment year of 1994. (The date that EPA's approval took effect.) What can be confusing is that often attainment plans are being prepared and submitted during a period when the standards are currently not being met. In Eugene the standards were already being met by the time the SIP was submitted.

I believe this view is also consistent with the preamble to the 1993 Conformity Rule (58 FR 62195, November 24, 1993) in a section called, "Locating the MVEB in the SIP." It states: "If the attainment demonstration includes projections of emissions beyond the attainment year, these projections are not considered emissions budgets . . ."

Wayne Elson
U.S. EPA, OAQ-107
Office of Air Quality
1200 6th Avenue
Seattle, WA 98101
206-553-1463 (voice)
206-553-0110 (fax)
elson.wayne@epa.gov
<http://www.epa.gov/r10earth/>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101



Reply To
Attn Of: AT-082

OCT 03 1994

Mr. Don Arkell, Director
Lane Regional Air Pollution Authority
225 North 5th, Suite 501
Springfield, OR 97477-4671

Dear Mr. Arkell:

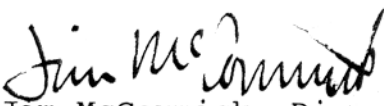
This is in response to your letter to Chuck Clarke regarding the "Memorandum of Understanding - Transportation Conformity Analysis for the Eugene-Springfield MPO", dated September 9, 1994. The letter was also signed by George Kloeppel, the LCOG Executive Director.

The final federal conformity rule does allow for exempting areas from the regional emissions analysis of the conformity rule if certain criteria are met. I believe your letter demonstrates that the Eugene-Springfield area meets the PM₁₀ conformity criteria and therefore, I concur with your conclusion that the conformity determination is not required to satisfy the PM₁₀ criteria for regional emissions analysis. The preamble for the federal rule, however, does not allow for relief from project level analysis. The projects within the PM₁₀ nonattainment area must comply with the project level conformity requirements as specified in the federal conformity regulation.

I also concur with your findings regarding analysis for conformity findings with regard to meeting the carbon monoxide criteria. Regional emission test will apply only in the Central Area Transportation Study (CATS) boundary, consistent with the approved redesignation. Regional emission analysis will not apply outside the CATS boundary. Again, project level conformity requirements are not affected by this finding and continue to apply throughout the nonattainment area, consistent with the federal regulation.

Thank you for requesting our concurrence with this conformity proposal. Questions regarding our concurrence can be directed to Mike Lidgard at (206)553-4233.

Sincerely,


Jim McCormick, Director
Air and Toxics Division

cc: George Kloeppel, LCOG



September 9, 1994

Mr. Chuck Clarke
Region 10 Administrator
Environmental Protection Agency
1200 6th Avenue
Seattle, WA 98101

Re: Memorandum of Understanding - Transportation Conformity
Analysis for the Eugene-Springfield MPO

Dear Mr. Clarke:

The preamble for the final Federal Conformity Rule states:

..in some nonattainment and maintenance areas, the SIP may demonstrate that highway and transit vehicle emissions are an insignificant contributor to the nonattainment problem, for example, CO or PM₁₀ violations near industrial sources. For areas with control strategy SIPs which have already been submitted and which demonstrate that motor vehicle emissions (including exhaust, evaporative, and reentrained dust emissions) are insignificant and reductions are not necessary for attainment, the conformity determination is not required to satisfy the criteria for regional emissions analysis of that pollutant. 58 Fed. Reg. 62194 (November 24, 1993).

The Eugene-Springfield PM₁₀ SIP, which has been submitted to EPA for approval, establishes that emissions from motor vehicles is not significant and concludes that control of emissions from motor vehicles is not necessary to demonstrate attainment with the PM₁₀ standards. There has not been an exceedance of the PM₁₀ standards in this area since 1987. Currently, the Lane Regional Air Pollution Authority (LRAPA) is developing a maintenance plan as part of a request for redesignation to attainment status for PM₁₀. On the basis of these facts, we conclude that conformity determinations for PM₁₀ are not required by federal regulation.

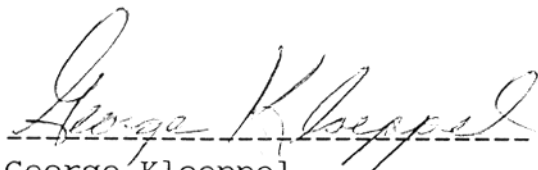
Effective February 4, 1994, the Eugene-Springfield area was redesignated to attainment status for CO. As noted in the December 6, 1993, Federal Register notice of Approval and Promulgation of Redesignation, a study performed by LRAPA during 1985 concluded that there were two hot spot locations near downtown Eugene which were isolated microscale problem areas. The Federal Register notice states the following (page 64163):

Due to the nature of Eugene's CO violations, (i.e., hot spots only) LRAPA's emission inventory contains only on-road mobile and home wood heating emissions within the Central Area Transportation Study boundary. All point sources within the Eugene AQMA are located at a sufficient distance away as to not contribute significantly to the violations.


Since the approved SIP and redesignation only contains an emissions budget for the Central Area Transportation Study (CATS) boundary, we conclude that except for projects within the CATS boundary, regional emissions tests do not apply for purposes of conformity. As specified in the final rule on conformity, regionally significant projects within the Eugene-Springfield AQMA boundary and outside of the CATS boundary would be subject to project-level conformity analysis. Following guidance contained in the final rule, we would, at a minimum, conduct project level analysis for facilities that serve regional needs and are normally accounted for in our modeling.

These findings and conclusions will be jointly reviewed and reaffirmed or modified no less frequently than five-year intervals. This review will occur as necessary when pollutant concentrations of either CO, Ozone or PM₁₀ approach NAAQS and motor vehicle emissions are a significant cause.

We are requesting your concurrence with the findings and conclusions stated above. Questions regarding this proposal can be directed to Tom Schwetz (LCOG) at (503) 687-4044 or Ralph Johnston (LRAPA) at (503) 726-2514. It is our intention to use this memo as the basis for our conformity determination of the region's recently adopted TIP. This determination must be established in time for FHWA to make its conformity determination for Oregon's STIP (October 1). Your quick reply on this matter would be greatly appreciated.



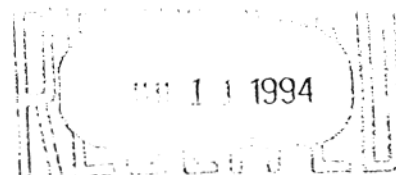
George Kloeppel
LCOG Executive Director



Don Arkell
LRAPA Director

cc: ODOT Environmental Services Section
ODOT Region 2
DEQ
FHWA
FTA

State of Oregon
Department of Environmental Quality



Memorandum

Date: July 7, 1994

To: Don Arkell, LRAPA
From: John Kowalczyk
Subject: CO and PM-10 regional emissions analysis for transportation conformity.

We have reviewed your draft letter to Chuck Clarke, Regional Administrator, EPA Region X, requesting an exemption from the CO and PM-10 regional emissions criteria contained in the Federal rules governing conformity of transportation plans and improvement programs. While we do not agree that motor vehicle emissions of CO and PM-10 are insignificant, we feel that your exemption request for CO and PM-10 should be granted because there is no need to control these sources, as reflected in your attainment SIPs.

The basis for these exemptions is found in the preamble to the final Federal conformity rule. The preamble states:

in some nonattainment and maintenance areas, the SIP may demonstrate that highway and transit vehicle emissions are an insignificant contributor to the nonattainment problem, for example, CO or PM-10 violations near industrial sources. For areas with control strategy SIPs which have already been submitted and which demonstrate that motor vehicle emissions (including exhaust, evaporative, and reentrained dust emissions) are insignificant and reductions are not necessary for attainment, the conformity determination is not required to satisfy the criteria for regional emissions analysis of that pollutant. 58 Fed. Reg. 62194 (November 24, 1993).

In order to determine which CO or PM-10 nonattainment areas in the state should be exempt from regional emissions analysis, we assessed whether motor vehicle emissions are significant in each area and reviewed control strategies contained in each area's SIP. To assess whether motor vehicle CO or PM-10 emissions (including exhaust, evaporative and re-entrained dust emissions) are "significant" we looked to EPA's rules establishing significance levels for major stationary sources found in 40 C.F.R. section 51.165(b)(2). Pursuant to EPA's rules

[A] major modification will be considered to cause or

Memo To: Don Arkell, LRAPA
July 7, 1994
Page 2

contribute to a violation of a national ambient air quality standard when such source or modification would, at a minimum, exceed the following significance levels at any locality that does not or would not meet the applicable standard.

For PM-10, EPA's rules establish a significance level of 3% of the 24 hour standard and 2% for the annual standard. For CO, EPA's rules establish a significance level of approximately 5% for both the one and eight hour standards. The CO and PM-10 emission inventories for the Eugene-Springfield AQMA indicate that emissions from motor vehicle exhaust, evaporation and re-entrained road dust exceed the "significance" levels established in EPA's rules. However, since the SIPs for the Eugene-Springfield area do not contain re-entrained dust control strategies for PM-10, or any areawide CO control strategies, this area should be exempt from PM-10 and CO regional emissions analysis.

Therefore, in accordance with the results of the CATS study and your letter, PM-10 and CO regional emissions analyses of the plan and TIP may be conducted only for projects contained in the CATS area. Nonetheless, all projects within the AQMA will still be required to comply with the project level conformity requirements.

cc: Mike Lidgard, EPA Region X
Steve Lindland, ODOT
Tom Schwetz, LCOG