



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF
AIR, WASTE AND TOXICS

JUL 7 2014

Eugene-Springfield Transportation Conformity Interagency Consultation Group
c/o Brenda Wilson, Executive Director
Lane Council of Governments
859 Willamette St., Suite 500
Eugene, Oregon 97401-2910

Dear Members of the Eugene-Springfield Transportation
Conformity Interagency Consultation Group:

The U.S. Environmental Protection Agency (EPA) is providing this letter in its consultative role to document that the transportation conformity requirements, under Clean Air Act (CAA) section 176(c), for the Eugene-Springfield carbon monoxide (CO) area ended on February 4, 2014. This date marks 20 years from the effective date of redesignation of the area to attainment for the CO National Ambient Air Quality Standard (NAAQS). See 58 FR 64161 (December 6, 1993).

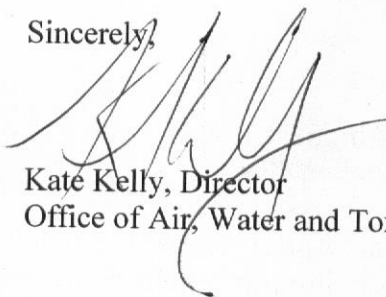
Under 40 CFR 93.102(b)(4) of the EPA's regulations, transportation conformity applies to maintenance areas through the 20-year maintenance planning period, unless the maintenance plan specifies that the transportation conformity requirements apply for a longer time period. Pursuant to CAA section 176(c)(5) and as explained in the preamble of the 1993 final rule, conformity applies to transportation-related pollutants and their precursors for which an area is designated nonattainment or is subject to a maintenance plan approved under CAA section 175A for areas redesignated to attainment. The section 175A maintenance planning period is 20 years, unless the applicable implementation plan specifies a longer maintenance period, see 58 FR 62188, 62206 (November 24, 1993). The EPA further clarified this conformity provision in its January 24, 2008 final rule (73 FR 4434-5).

This letter documents that, because the approved maintenance plan for the Eugene-Springfield CO area did not extend the maintenance period beyond 20 years from redesignation, transportation conformity requirements for CO ceased to apply after February 4, 2014 (i.e., 20 years after the effective date of the EPA's approval of the first 10-year maintenance plan and redesignation of the area to attainment for the CO NAAQS). As a result, the Central Lane Metropolitan Planning Organization may reference this letter to indicate that the transportation conformity requirements of 40 CFR Part 93 no longer apply for the CO NAAQS. In addition, project sponsors can reference this letter to indicate that as of February 4, 2014, transportation conformity requirements also no longer apply for the CO NAAQS for FHWA/FTA projects as defined in 40 CFR 93.101. Even though the conformity obligation for CO has ended, the terms of the maintenance plan remain in effect and all measures and requirements contained in the plan must be complied with until the state submits, and the EPA approves, a revision to the state plan, see *GM Corp. v. United States*, 496 U.S. 530 (June 14, 1990). Such a State Implementation Plan revision would have to comply with the anti-backsliding requirements of CAA section 110(l), and if applicable, CAA section 193, if the intent of the revision is to remove a control measure or to reduce its stringency.

The EPA notes that there is an approved limited maintenance plan in place for the Eugene-Springfield PM₁₀ area, see 78 FR 21547 (April 11, 2013). Although regional emissions analyses are not required for PM₁₀ under the limited maintenance plan provisions in 40 CFR 93.109(e), conformity determinations for the PM₁₀ NAAQS continue to be required for transportation improvement programs, and non-exempt FHWA/FTA projects, and all other transportation conformity requirements apply, see 78 FR 21547 (April 11, 2013).

If you have questions about the transportation conformity requirements in the Eugene-Springfield area, please contact Claudia Vaupel of my staff at 206-553-6121.

Sincerely,



Kate Kelly, Director
Office of Air, Water and Toxics

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