

## Proposed Revisions to the General Conformity Regulations – Fact Sheet

### Action:

- On December 20, 2007, the Environmental Protection Agency (EPA) proposed revisions to the General Conformity Regulations.
- The General Conformity requirements are meant to prevent air quality impacts of federally approved or funded activities from causing or contributing to violations of the national ambient air quality standards (NAAQS) in an area working to attain or maintain the standards. Examples of activities the General Conformity requirements would cover include airport construction or expansion, and dredging channels to new depths.
- The proposed revisions would:
  - clarify and streamline the applicability, conformity determination and review processes,
  - delete outdated or unnecessary requirements,
  - provide transition tools for making conformity determinations for new NAAQS standards,
  - incorporate process improvements requested by Federal agencies, and
  - further explain the general conformity rules and policies.
- This rule proposes:
  - to allow federal facilities expecting to expand or make modifications to negotiate a facility-wide emission budget with the applicable air pollution control agencies. Actions taken that do not exceed these budgets would not need a conformity determination.
  - to allow early emission reduction credits for all agencies similar to the Airport Early Emission Reduction (AERC) program developed jointly by EPA and the FAA. This program encourages emission reduction actions on federal installations by providing emission reduction credits that can be used to demonstrate conformity for subsequent actions on the facility.
  - to allow the emissions of one precursor pollutant to be offset by the reduction of emissions of another precursor pollutant. For example both oxides of nitrogen and volatile organic compounds are ozone precursors – that is they are emitted then can react in the atmosphere to form ground-level ozone. Under this proposal, in an area that does not meet EPA’s ground-level ozone standard, reductions in nitrogen oxide emissions could be offset by reductions of volatile organic compounds.
  - to allow alternative schedules for mitigating emission increases where air quality agencies can accommodate temporary emission increases in exchange for long term or permanent emission reductions.

- to remove requirements for Federal agencies to conduct conformity determinations for regionally significant actions (those actions with emission greater than 10% of the emissions inventory for the nonattainment area). These analyses have been conducted for 12 years and never shown a Federal action to meet this significance criteria.
- to list additional categories of actions that Federal agencies can presume to conform. EPA also is proposing to permit states to establish “presumed to conform” lists for actions in their State.

## **Background**

- These regulations require Federal entities to ensure that emissions from their actions will not exceed emission budgets established in the State implementation plan (SIP) or not otherwise interfere with the State’s ability to attain and maintain the NAAQS.
- EPA issued the General Conformity regulations in 1993. Since then, EPA and other Federal agencies have gained much experience implementing the original rules and identified several areas where changes could streamline and improve implementation.
- The 1997 revision of the ozone NAAQS and establishment of the fine particle standards have raised issues for Federal agencies on how to transition to these new NAAQS when doing general conformity determinations.
- Designations for the 8-hour ozone standards became effective in June 2004. Designations for the fine particle standards were effective in April 2005.
- A nonattainment designation informs the citizens in the area that the local air quality does not meet the national ambient air quality standards.
- Within three years, states are required to develop a state implementation plan, also known as a SIP, outlining the strategies it will implement to reduce emissions in the area in order to attain and maintain the air quality standards as soon as possible. These plans are often referred to as “SIPs”.
- In addition to developing a state implementation plan, newly designated nonattainment areas are required to implement two programs designed to manage growth in emissions. The area will be required to implement stricter controls on new and modified industrial facilities (the "new source review" program), and it will need to ensure that transportation plans and Federal actions do not interfere with efforts to meet air quality goals (the "transportation conformity" and “general conformity” programs). The new source review requirement takes effect

on the effective date of designations, while the transportation conformity and general conformity programs takes effect one year from designations.

**For Further Information**

- C For further information concerning this action, contact Mr. Tom Coda of EPA's Office of Air Quality Planning and Standards at (919) 541-3037.