

## Fact Sheet

### Direct Final Fine Particle Pollution De Minimis Emission Levels for General Conformity Applicability

#### Action

- On March 31, 2006, the Environmental Protection Agency (EPA) established “de minimis” emission levels for fine particle pollution. These emissions thresholds will be used to determine whether requirements would apply under EPA’s General Conformity rules.
- EPA’s General Conformity requirements are meant to prevent air quality impacts of federal actions such as airport construction or expansion, dredging shipping channels to new depths or other 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.
- “De minimis” emissions levels are thresholds for air emissions caused by federally sponsored, approved or funded activities in areas that do not meet the NAAQS. If these activities are expected to produce emissions greater than the de minimis level, the responsible federal Agency would be required to show that emissions would not interfere with the goals of the state implementation plan (SIP) or the state’s ability to attain and maintain the NAAQS.
- The General Conformity Regulations include a table of de minimis emission levels for existing NAAQS pollutants (ozone, carbon monoxide, nitrogen dioxide, particulate matter-10, and lead). After establishing national air quality standards for fine particles with a diameter of 2.5 or less (PM<sub>2.5</sub>) in 1997, EPA did not amend the General Conformity requirements to include de minimis emissions levels for PM<sub>2.5</sub>.
- This direct final rule establishes 100 tons per year (TPY) as the de minimis emission level for directly emitted PM<sub>2.5</sub> and each of the precursors that form it (sulfur dioxide, nitrogen oxide, volatile organic compounds and ammonia). The 100 TPY threshold applies separately to each precursor.
- EPA expects this to be a noncontroversial action and is establishing these thresholds through a direct final rule with a parallel proposal. If EPA does not receive any adverse comment on this action for 30 days after publication in the *Federal Register*, these de minimis emissions thresholds will immediately become effective.

#### Background

- Designations for the PM<sub>2.5</sub> standards became effective on April 5, 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 that outlines 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.
- 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 take effect one year from designations.
- The General Conformity regulations requires federal entities to ensure that emissions from their actions, or actions they approve or fund, will not exceed emission budgets established in the SIPs or not otherwise interfere with the state's ability to attain and maintain the NAAQS.
- If EPA does not finalize this rule by April 5, 2006, federal agencies planning activities in a PM<sub>2.5</sub> nonattainment area will need to do a conformity determination (including mitigation and offsets if needed) before they can start the action -- even those with zero or very low levels of emissions. Mitigation entails reducing emission of a pollutant at the location of the action. Offsets entail either purchasing emission allowances if available or obtaining emission reductions from another location in the actual or adjacent nonattainment area.

### **For Further Information**

- For further information concerning this action, contact Mr. Tom Coda of EPA's Office of Air Quality Planning and Standards at (919) 541-3037. For more information visit <http://www.epa.gov/air/genconform/index.htm>.