

PM<sub>2.5</sub> areas, and § 93.119(e) for a description of the interim emissions tests for PM<sub>2.5</sub> nonattainment areas.

#### *B. Why Are We Proposing These Options?*

We believe that the proposal addresses the concerns of many stakeholders by providing flexibility before adequate or approved PM<sub>2.5</sub> SIP budgets are established. While many PM<sub>2.5</sub> areas will have prior conformity experience with different pollutants, others will be doing conformity for the first time. In either case, the conformity process provides an important opportunity to begin addressing transportation-related PM<sub>2.5</sub> emissions early to ensure that air quality is not worsened before SIPs are submitted. Proposing a choice of interim emissions tests before SIPs are submitted addresses the desire for flexibility and environmental protection.

EPA has previously determined that only ozone and CO areas of higher classifications are required to satisfy both statutory requirements that transportation planning activities not cause or contribute to violations of the standards (Clean Air Act section 176(c)(1)(B)) and that such activities contribute to annual emissions reductions (Clean Air Act section 176(c)(3)(A)(iii)) (January 11, 1993 proposed rule, 58 FR 3782–3783). EPA continues to believe that Clean Air Act section 176(c)(3)(A)(iii) does not apply to any other areas, including PM<sub>2.5</sub> areas; only Clean Air Act section 176(c)(1)(B) applies to these areas.

To that end, the current conformity rule already allows many areas to conform based on only one interim emissions test if transportation emissions are consistent with current air quality expectations, rather than having to complete two tests and contribute further reductions towards attainment. Today's proposal continues to apply this same test structure and rationale to PM<sub>2.5</sub> areas.

### **VIII. Consideration of Direct PM<sub>2.5</sub> and PM<sub>2.5</sub> Precursors in Regional Emissions Analyses**

#### *A. What Are We Proposing?*

We are proposing to require that all regional emissions analyses in PM<sub>2.5</sub> nonattainment and maintenance areas consider all sources of directly emitted PM<sub>2.5</sub> motor vehicle emissions from the tailpipe, brake wear, and tire wear. Proposed regulatory text can be found in § 93.102(b)(1). See Sections IX. and X. for the proposed options for including direct PM<sub>2.5</sub> from re-entrained road dust

and construction-related dust in conformity analyses.

This proposal would also add potential transportation-related PM<sub>2.5</sub> precursors—NO<sub>x</sub>, VOCs, sulfur oxides (SO<sub>x</sub>), and ammonia (NH<sub>3</sub>)—for consideration in the conformity process. Once a PM<sub>2.5</sub> SIP is submitted, a regional emissions analysis would be required for a given precursor if the SIP establishes an adequate or approved budget for that particular precursor.

The following two options address how the various PM<sub>2.5</sub> precursors would be considered in conformity determinations conducted before adequate or approved PM<sub>2.5</sub> SIP budgets are established, for the reasons explained below. EPA is proposing regulatory text in §§ 93.102(b)(2) and 93.119(f) for both of these options. We are providing the regulatory text for both options to maximize the public's opportunity to provide meaningful comments.

The first proposed option would require regional emissions analyses for NO<sub>x</sub> and VOC precursors in all areas, unless the State air agency or the EPA Regional Administrator makes a finding that one or both of these specific precursors *are not a significant contributor* to the PM<sub>2.5</sub> air quality problem in a given area. Regional emissions analyses would not be required for SO<sub>x</sub> and NH<sub>3</sub> before an adequate or approved SIP budget for such precursors is established, unless the State or EPA makes a finding that on-road emissions of one or both of these precursors *is a significant contributor*. Under the first option, the MPO and DOT would document in their conformity determinations when regional emissions analyses are not being conducted when EPA or the State has determined NO<sub>x</sub> or VOCs to be insignificant.<sup>3</sup>

EPA's second option would only require regional emissions analyses for one or more PM<sub>2.5</sub> precursors (*i.e.*, NO<sub>x</sub>, VOC, SO<sub>x</sub> and NH<sub>3</sub>) before adequate or approved PM<sub>2.5</sub> SIPs have been established if the State or EPA makes a finding that one or more of these precursors *are significant contributors* to the PM<sub>2.5</sub> air quality problem in a given area.

A State air agency or EPA finding of significance or insignificance (a "significance finding") would be based on criteria similar to the general criteria currently used by EPA to evaluate SIPs that claim on-road emissions are

insignificant for a given pollutant or precursor. EPA's existing policy for insignificance serves as the basis for today's proposal, as described in Section XIV.B. of this notice. The following criteria should be considered in making significance findings for PM<sub>2.5</sub> precursors under either proposed option: the contribution of on-road emissions of the precursor to the total 2002 baseline SIP inventory; the current state of air quality for the area; the results of speciation monitoring for the area; the likelihood of future motor vehicle control measures for a given precursor; and projections of future on-road emissions of the precursor. The State air agency or EPA Regional Administrator would determine significance or insignificance of motor vehicle emissions in a given area on a case-by-case basis.

Under either option, a significance finding should be made only after discussions with the interagency consultation group for the PM<sub>2.5</sub> nonattainment area. These discussions should include a review of the available data being considered to support the significance finding. Interagency consultation also ensures that all of the relevant agencies are aware that such a finding is being considered. It is important to provide transportation agencies with adequate notice of which, if any, precursors they may need to address in conformity analyses. A significance finding would be made through a letter to the relevant State and local air quality and transportation agencies, MPO(s), DOT and EPA (in the case of a State air agency finding).

EPA notes that any significance finding made prior to the SIP should not be viewed as the ultimate determination of the significance of precursor emissions in a given area. State and local agencies may find through the SIP development process that emissions of one or more precursors are significant, even if a precursor had previously been considered insignificant. In such a case, the PM<sub>2.5</sub> SIP would establish motor vehicle emissions budgets and significant precursors would be included in subsequent conformity analyses.

To calculate emission factors for direct PM<sub>2.5</sub> from motor vehicles and PM<sub>2.5</sub> precursors areas in all states except California would use the latest EPA-approved motor vehicle emissions factor model (currently MOBILE6). PM<sub>2.5</sub> nonattainment and maintenance areas in California should use EMFAC2002 or a more recently EPA-approved model. It should be noted that EMFAC2002 currently does not calculate emissions factors for NH<sub>3</sub>.

<sup>3</sup> The public would be notified of when NO<sub>x</sub> or VOC is considered insignificant through the documentation in a conformity determination under the first option.