

data relevant to the existence of transportation-related hot-spots to submit their data during the comment period for this rulemaking.

C. Why Are We Proposing These Options?

Section 176(c)(3)(B)(ii) only specifically requires a hot-spot analysis for projects in CO nonattainment areas. Since Congress only specifically required hot-spot analyses in CO areas, EPA has discretion to decide if hot-spot analyses are necessary to protect air quality in particulate matter nonattainment and maintenance areas. If EPA determines that analyses are necessary for a given particulate matter standard, EPA also has discretion to target such analyses toward certain locations or certain types of projects. Given the uncertainty found in the literature on the existence of PM_{2.5} hot-spots, we are proposing two options which are described below.

If PM_{2.5} hot-spots are not expected to occur, the Clean Air Act's conformity provisions are met without performing hot-spot analyses in PM_{2.5} areas. Section 176(c)(1)(B) of the Clean Air Act requires that activities funded or approved by the federal government must not "cause or contribute to any new violation of any standard in any area; increase the frequency or severity of any of any existing violation of any standard in any area; or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area." For projects in ozone areas, we have previously determined that the requirements of section 176(c)(1)(B) are met if the project meets the requirements of section 176(c)(2)(C) of the Clean Air Act, since ozone impacts occur at a regional level. Section 176(c)(2)(C) indicates that a project may be adopted or approved if it is included in a conforming plan and TIP, the design concept and scope of the project has not changed significantly since the conformity finding for the plan and TIP, and the design concept and scope of the project was adequate to determine emissions when the conformity determination was made.

Because projects in PM_{2.5} nonattainment and maintenance areas would be included in the area's regional emission analysis, as discussed in Section VII. of this proposal, they would also conform without a hot-spot analysis, if hot-spots are not expected to occur. Available air quality data indicate that PM_{2.5} air quality problems are similar to ozone in that they are both primarily regional in nature.

EPA's January 2001 draft SIP guidance entitled "Guidance for Demonstrating Attainment of Air Quality Goals for PM_{2.5} and Regional Haze" indicates that, due to the nature of the PM_{2.5} NAAQS, sharp concentration gradients that lead to hot-spots are unlikely because: individual air quality samples are collected over a 24-hour period; compliance with the annual PM_{2.5} standard is determined over a 3-year period; and, secondary formation of particles plays a significant role in determining PM_{2.5} concentrations in a given area.

Therefore, we are proposing the first option (that would not require hot-spot analyses) because we are not certain that hot-spots will occur, and in that case hot-spot analyses would not be needed to protect air quality. If evidence clearly indicates that transportation-related PM_{2.5} hot-spots exist, we would revise the conformity rule in the future to require PM_{2.5} hot-spot analyses at locations that are most likely to experience hot-spot problems.

The second option would require hot-spot analyses at certain types of locations if the PM_{2.5} SIP identified locations susceptible to PM_{2.5} hot-spots. As discussed above, the results of research on transportation-related PM_{2.5} hot-spots is inconclusive as to whether or not PM_{2.5} hot-spots exist or would exist in the future. However, most of the research we have reviewed indicates that concentrations of some components of PM_{2.5} increase near heavily traveled roadways. If a state identified types of locations in its SIP where it had evidence that a PM_{2.5} hot-spot exists or is likely to exist, a quantitative PM_{2.5} hot-spot analysis would be required for FHWA and FTA projects at these locations.

This option would be consistent with the purpose of conformity, which is to ensure that federally funded or approved transportation projects are consistent with the SIP for the area. Requiring a hot-spot analysis for projects at these locations would also be environmentally protective because, if the planned project would cause a new violation or increase the frequency or severity of an existing violation, a project-level conformity determination would ensure that the estimated air quality impacts of the project would be mitigated. Also, the requirement for a hot-spot analysis would only result in an increased resource burden for conformity if the SIP for the area identified locations where the analyses would be required, and then only if a project was planned for one of these locations. This option would be an environmentally protective way of

responding to the scientific uncertainty surrounding PM_{2.5} hot-spots, because it retains a mechanism to address PM_{2.5} hot-spots if states ultimately determine there could be potential problems. At the same time, it would impose no conformity resource burden prior to PM_{2.5} SIPs in any area; additional conformity resources would be required only in the case where an individual area identifies PM_{2.5} hot-spots as a local air quality issue in the SIP.

In the event that the existence of PM_{2.5} hot-spots is confirmed, we do not believe that performing a qualitative hot-spot analysis for every FHWA and FTA project in PM_{2.5} nonattainment and maintenance areas would provide an environmental benefit due to the regional nature of PM_{2.5} and the significant role of secondary formation of these fine particles. In addition, we recognize that performing a hot-spot analysis for every project in a PM_{2.5} nonattainment or maintenance area would require a significant amount of resources, which may not result in environmental benefits. Therefore, we are proposing that hot-spot analyses not be required for PM_{2.5}, or in the second option that quantitative hot-spot analyses only be required for project locations if identified as a concern in the PM_{2.5} SIP.

XIII. PM₁₀ Hot-spot Analyses

A. What Are We Proposing?

EPA is requesting comment on whether to retain the current conformity rule's requirement that hot-spot emissions analyses be conducted for FHWA and FTA projects in all PM₁₀ nonattainment and maintenance areas. A PM₁₀ hot-spot analysis is required to examine the localized impacts of an individual highway or transit project as required in §§ 93.116 and 93.123, including all direct emissions from vehicle and re-entrained road dust.

We are considering a wide range of options for modifying the current PM₁₀ hot-spot analysis requirements, and no regulatory text is being proposed for any option. However, based on this proposal and any comments submitted, we may finalize any of the options discussed in this proposal. We also invite commenters to suggest additional options.

One option is to maintain the current conformity rule requirements. These provisions require a hot-spot analysis for FHWA/FTA projects in PM₁₀ nonattainment and maintenance areas to ensure that the project does not cause or contribute to any new localized PM₁₀ violation or increase the frequency or severity of any existing PM₁₀ violation.