

There currently is no federal guidance for conducting quantitative PM₁₀ hot-spot analyses, although qualitative guidance, developed by FHWA in consultation with EPA, is available.¹¹ Local areas can develop their own procedures that meet the rule's requirements.

EPA is also considering other options that would result in PM₁₀ hot-spot analyses only being required under certain circumstances. For example, it may be appropriate to only require PM₁₀ hot-spot analyses in nonattainment and maintenance areas where the SIP has identified motor vehicle emissions as a localized problem. Alternatively, under this option, hot-spot analyses would not be required in a PM₁₀ area if the SIP has determined that motor vehicle emissions do not create a localized problem.

Another option would be to only require PM₁₀ hot-spot analysis at certain types of project locations (e.g., highly congested intersections) or for certain types of highway and/or transit projects (e.g., large transit stations where significant traffic and engine idling occurs). Such an option would be similar to the alternate option being proposed for hot-spot analyses for projects in PM_{2.5} nonattainment and maintenance areas in Section XII. of today's proposal. EPA is requesting information on any existing PM₁₀ SIPs that identify motor vehicle emissions or specific locations as a hot-spot concern.

We also request comment on an option that would delete PM₁₀ hot-spot requirements from the conformity rule. When the transportation conformity rule was first promulgated in 1993, EPA was primarily concerned about the possibility of localized PM₁₀ exceedances in urban street canyons or near transit terminals (November 24, 1993, 58 FR 3780). However, since other factors affecting PM₁₀ emissions have changed since 1993, as discussed below, it may be appropriate to delete the current PM₁₀ hot-spot requirement entirely and focus limited state and local resources on other air quality concerns.

We are soliciting information on how PM₁₀ hot-spot analyses have been completed to date; whether PM₁₀ hot-spots have been detected from all or certain types of transportation projects; and whether stakeholders believe the current requirements result in environmental benefits. It has been 10 years since the current PM₁₀ hot-spot

analysis requirements were promulgated, and our understanding of PM₁₀ air quality issues has improved over that time.

We also invite commenters to submit the results of recent research, reports or data collection that would provide information on the nature of PM₁₀ hot-spots and on appropriate methods for performing hot-spot analyses. For example, we are aware that the Transportation Center at the University of Tennessee conducted a series of analyses at various types of public transit facilities to determine their impact on nearby PM₁₀ concentrations. None of these analyses showed that there was a significant risk of localized PM₁₀ problems as a result of emissions from these facilities.

Finally, we would also like to receive information on whether any PM₁₀ problems have been identified through PM₁₀ qualitative analyses and how the identified problems were resolved for project level conformity determinations.

B. Why Are We Considering These Options?

EPA believes that it is appropriate to re-evaluate the need for hot-spot analyses for all projects in PM₁₀ nonattainment and maintenance areas at this time. When the conformity rule was promulgated in 1993, we interpreted the Clean Air Act section 176(c)(1)(B) to require PM₁₀ hot-spot analyses because of the requirement to ensure that transportation activities do not worsen air quality (January 11, 1993, 58 FR 3776). Section 93.116 of the current rule states that transportation projects cannot cause or contribute to new violations or increase the frequency or severity of existing ones.

It should be noted that Clean Air Act section 176(c)(3)(B)(ii) only specifically requires hot-spot analyses for projects in CO nonattainment areas. Congress did not specifically require hot-spot analyses for PM₁₀ areas. Therefore, if EPA concludes in this rulemaking that PM₁₀ hot-spots are not an air quality concern or that PM₁₀ hot-spots are only a concern in certain cases, then a rule revision would be consistent with the statute.

In 1993, EPA believed that typically sized bus terminals or transfer points would not create PM₁₀ hot-spots but that it was practical to require a determination to that effect. We also believed at that time that direct PM₁₀ emissions would be capable of causing violations only in conditions of unusually heavy diesel truck/bus traffic and limited dispersion, such as street canyons (January 11, 1993, 58 FR 3780).

We are not aware of any such locations that are currently causing localized PM₁₀ exceedances. As stated previously, the University of Tennessee study did not show a risk of localized PM₁₀ problems as a result of emissions from public transit facilities. We are requesting information on whether other studies on this issue are available.

In addition, EPA's diesel fuel and engine standards (January 18, 2001, 66 FR 5002) will significantly impact the amount of particulate emissions that will be emitted by new diesel vehicles. The fuel standards will be implemented in 2006 and the engine standards in 2004 with more stringent standards starting in 2007. These standards may address EPA's original concern about the potential of localized PM₁₀ hot-spots in certain urban or transit locations where diesel vehicle traffic is significant. Currently, agencies are required to perform such analyses on all projects regardless of their likelihood to produce a localized exceedance. However, areas that were at risk in the past may not be at risk in the future as the new vehicle and fuels standards take effect. Therefore, as vehicles and fuels become cleaner through fleet turnover, the likelihood of a PM₁₀ hot-spot at any given location may be reduced.

However, we are not proposing a preferred option for changing the current PM₁₀ hot-spot requirements. Instead, we are soliciting input to guide our decision on maintaining, amending or eliminating the PM₁₀ hot-spot requirements in the final rule. EPA believes it is appropriate to focus conformity resources where air quality issues are significant and need to be in place to address Clean Air Act section 176(c)(1)(B). A review of recent information may show either that PM₁₀ hot-spot analyses are no longer warranted or that they can be better targeted at projects or locations where these types of problems may occur. We expect that the comments that we receive in response to this portion of the proposal would allow us to make appropriate changes to the existing requirements in the final rule, if necessary.

XIV. Miscellaneous Revisions for New and Existing Areas

A. Definitions

EPA is proposing to clarify the current conformity rule's definitions for "control strategy implementation plan revision" and "milestone" in § 93.101. The current rule defines a control strategy implementation plan revision as an implementation plan which contains specific strategies for

¹¹ Guidance for Qualitative Project-Level "Hot Spot" Analysis in PM₁₀ Nonattainment and Maintenance Areas. Federal Highway Administration. Office of Natural Environment. 2001.