

or precursors for which EPA has not made a finding of insignificance.

Second, EPA is proposing a new § 93.121(c) to address the conformity requirements for regionally significant non-federal projects in areas with insignificant motor vehicle emissions. The current rule's § 93.121(a) and (b) require that the emissions impacts of such projects be considered prior to project approval. However, a regional analysis would not be required for a pollutant or precursor for a given standard that EPA has found insignificant. Consistent with proposed § 93.109(k) for federal projects, this proposal would not require a regional emissions analysis per §§ 93.118 and/or 93.119 for an insignificant pollutant or precursor for new regionally significant non-federal projects. However, the requirements in either § 93.121(a) or (b) would be required for any remaining pollutants or precursors for a given standard that are still considered significant (*i.e.*, EPA has not determined such remaining pollutants or precursors to be insignificant). Therefore, § 93.121(c) is proposed to allow non-federal project approvals in the limited cases of an EPA finding of insignificant emissions.

Since EPA promulgated the original conformity rule (November 24, 1993, 58 FR 62188), we have not required areas with insignificant motor vehicle emissions to conduct a regional emissions analysis for a pollutant or precursor that EPA has determined is insignificant to an area's air quality problem. In the preamble to the 1993 rule we explained that if a control strategy SIP demonstrates "that motor vehicle emissions (including exhaust, evaporative and re-entrained road dust emissions) are insignificant and reductions are not necessary for attainment, the conformity determination is not required to satisfy the criteria for regional emissions analysis of that pollutant. If the control strategy SIP demonstrates that motor vehicle emissions of a precursor are insignificant and reductions are not necessary for attainment, the conformity determination is not required to satisfy the criteria for a regional emissions analysis of the precursor" (58 FR 62194).

In the proposal to the 1997 rule (July 9, 1996, 61 FR 36118), we provided additional guidance to areas on what is necessary to demonstrate that motor vehicle emissions are insignificant contributors to an area's air quality problem. Specifically, the 1996 proposal states: "the SIP would have to demonstrate that it would be unreasonable to expect that such an area

would experience enough motor vehicle growth for a violation to occur. Such a demonstration would have to be based on a number of factors, including the percentage of the inventory comprised by motor vehicle-related emissions currently and in the future, how close the monitoring data is to the standard, the absence of SIP motor vehicle control measures, historical trends in growth of motor vehicle emissions and VMT, and projections of motor vehicle emissions and VMT." EPA's existing policy and guidance for insignificance serves as the basis for today's proposal and would apply when determining whether regional or hot-spot emissions are insignificant, and we are proposing to incorporate these criteria into the conformity rule.

The proposed § 93.109(k) is also consistent with other existing and proposed provisions of the rule in §§ 93.102 and 93.119 that address insignificance of pollutants and precursors before and after a SIP is submitted. See Sections VIII. and IX. for proposals for when PM<sub>2.5</sub> precursors and re-entrained road dust would be considered significant for PM<sub>2.5</sub> analyses.

The July 1996 conformity proposal also indicates that EPA would conduct an adequacy review of initial SIPs that claim that motor vehicle emissions are insignificant. The adequacy review process would provide the public with an opportunity to comment on the adequacy of these SIPs and on whether or not the insignificance criteria have been met. EPA's adequacy finding for such SIPs would signify that we agree that the area has satisfactorily demonstrated insignificance based on the list of factors described above from the July 1996 proposal. EPA will determine significance of regional and hot-spot motor vehicle emissions in a given area on a case-by-case basis, and we will consider the impact of individual precursors, as well as the overall impact of all motor vehicle emissions in our insignificance finding. For more information on EPA's adequacy review of SIPs that claim insignificant motor vehicle emissions, see the preamble to the June 30, 2003 conformity proposal that addresses the March 2, 1999 conformity court decision (68 FR 38983).

Section 93.105(b) describes when the interagency consultation process is used in SIP development. The interagency consultation process can be used to consider the insignificance criteria reflected in today's proposed § 93.109(k), and any other relevant local information. If the interagency consultation group for an area agrees

that regional and/or hot-spot motor vehicle emissions are insignificant, such a finding should be clearly stated and well supported in a SIP that is subsequently submitted to EPA for adequacy review and/or approval.

EPA developed the insignificance policy to provide flexibility for areas where motor vehicle emissions had little to no impact on an area's air quality problem. We believe that requiring these areas to perform a regional emissions analysis is not necessary to meet Clean Air Act section 176(c) requirements that transportation actions not worsen air quality, since the overall contribution of motor vehicle emissions in these areas is small and any significant change in such emissions over time would be unlikely. In addition, regional analyses may drain limited State and local resources from targeting the most important sources of air pollution in these areas. To date, approximately a dozen areas have taken advantage of the insignificance policy, consisting mainly of PM<sub>10</sub> areas with air quality problems caused primarily by stationary or area sources. This current universe of areas has not changed significantly since 1993, and we do not anticipate the number of areas that could demonstrate insignificance of motor vehicle emissions to substantially increase in the future. Therefore, the proposal would waive regional emissions analyses in these areas without compromising air quality, since state and local resources could then be directed toward reducing emissions from those sources that contribute the most to an area's air quality problem.

#### *C. Limited Maintenance Plans*

EPA currently has limited maintenance plan policies for the 1-hour ozone, CO, and PM<sub>10</sub> standards. If a nonattainment area attains one of these standards and requests to be redesignated, it can choose to submit a more streamlined maintenance plan provided certain criteria are met. Although the three limited maintenance plan policies vary slightly, in general, an area would have to provide air quality data that shows with certainty that the area is attaining the standard and assurance that future violations of that standard are unlikely. In addition, an area would need to demonstrate that only limited growth in transportation emissions in the area is expected.

EPA is proposing three rule revisions that would make the conformity rule consistent with EPA's existing limited maintenance plan policies. Today's proposal would also allow for any future limited maintenance plan