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Memorandum

TO: Planning Committee

DATE: March 5, 2010

FR: Executive Director

W. I.

RE: Draft Bay Area Interagency Consultation Procedures for Fine Particulate Matter (PM_{2.5}) Hot-Spot Analyses, MTC Resolution No. 3946

Overview

Particle pollution, also called particulate matter or PM, is a complex mixture of extremely small particles and liquid droplets in the air. Fine particles (PM_{2.5}) describes particulate matter that is 2.5 micrometers in diameter and smaller. When breathed in, these particles can reach the deepest regions of the lungs. Exposure to particle pollution poses significant health problems, ranging from aggravated asthma to premature death in people with heart and lung disease. Sources of fine particles include all types of combustion activities (motor vehicles, power plants, wood burning, etc.) and certain industrial processes.

On December 14, 2009, the Environmental Protection Agency (EPA) designated the Bay Area as nonattainment for the national 24-hour fine particle (PM_{2.5}) standards based upon violations of the standard over the three-year period from 2007 through 2009. Pursuant to the Clean Air Act, the Bay Area is subject to the following requirements:

- Beginning on December 14, 2010, MTC must demonstrate that the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) conforms to the State Implementation Plan (or SIP, which outlines procedures a state will use to meet federal attainment standards as required by the Clean Air Act). For our purposes conformity with the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the standard.
- Beginning on December 14, 2010, certain roadway and transit projects that involve significant levels of diesel vehicle traffic must prepare PM_{2.5} hot-spot analyses.
- By December 14, 2012, the Bay Area Air Quality Management District (BAAQMD) must prepare a SIP outlining how the region will attain and maintain the standard by reducing air pollutant emissions contributing to fine particle concentrations.

This memo addresses only the Bay Area's interagency consultation procedures for PM_{2.5} hot-spot analyses.

PM_{2.5} Hot-Spot Analyses & Interagency Consultation Requirements

Because of the Bay Area's PM_{2.5} nonattainment status, sponsors of certain roadway or transit projects that involve significant levels of diesel vehicle traffic are required to complete a PM_{2.5} hot-spot analysis. The hot-spot analysis assesses the air quality impacts of the congested roadway intersection, highway or transit terminal and shows whether the project meets federal conformity requirements. If a hot-spot analysis is required, it is included within the project-level conformity determination that is

made by the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA). FHWA or FTA must make a project-level conformity determination prior to the first action to adopt, accept, approve or fund a phase of a project.

Sponsors are required to engage in interagency consultation prior to and during the preparation of the PM_{2.5} hot-spot analysis. The purpose of the interagency consultation is twofold: (1) to determine whether the project meets the definition of a “project of air quality concern” as defined in 40 CFR 93.123(b)(1) and therefore a hot-spot analysis is required, and (2) to evaluate the methods, assumptions and analyses contained in the hot-spot analysis. The interagency consultation process allows the sponsor to confer with EPA, FHWA, FTA and state and local transportation and air quality agencies and to discuss how the hot-spot analysis meets federal conformity requirements.

Bay Area Interagency Consultation Procedures

Under 40 CFR 93.105, MTC must be involved in the establishment of interagency consultation procedures for project-level conformity determinations. As such, in December 2008 and January 2010, MTC staff consulted with the regional Air Quality Conformity Task Force (as listed below) on the interagency consultation procedures for PM_{2.5} hot-spot analyses for the Bay Area. MTC staff proposed to facilitate the interagency consultation through the Air Quality Conformity Task Force, and we outlined the new consultation procedures, including details as to the roles and responsibilities of the project sponsor and local, state and federal agencies, and the steps in the consultation process.

The key components of the new Bay Area interagency consultation procedures for PM_{2.5} hot-spot analyses are summarized below. See Attachment A of MTC Resolution No. 3946 for the complete interagency consultation procedures.

- The Air Quality Conformity Task Force meetings serve as the forum for interagency consultation on PM_{2.5} hot-spot analyses. The Task Force agencies involved in the consultation process include the project sponsor, EPA, FHWA, FTA, Caltrans, MTC, Air District, and other local agencies that participate in the Conformity Task Force.
- The project sponsor submits sufficient information to MTC via our existing online Fund Management System. Based on information submitted, the Conformity Task Force makes a recommendation as to whether the project is of air quality concern and therefore requires a hot-spot analysis. EPA and FHWA or FTA must concur with this recommendation.
- If a hot-spot analysis is required, the sponsor submits the assumptions, methods and analysis of the PM_{2.5} hot-spot analyses to the Conformity Task Force for review. The Conformity Task Force reviews and comments on the hot-spot analysis.
- After consultation, the sponsor is responsible for responding to the comments from the Conformity Task Force as they complete the hot-spot analysis. FHWA or FTA approves the hot-spot analysis and project-level conformity determination, often done as part of the environmental document approval.

Recommendation

MTC staff recommends that this Committee approve and refer MTC Resolution No. 3946, which outlines the Bay Area interagency consultation procedures for PM_{2.5} hot-spot analyses, to the Commission for final action.

Steve Heminger

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