

**FINAL TRANSPORTATION CONFORMITY RULE**  
**Comparison Table for Provisions for Conformity under the New Ozone and PM<sub>2.5</sub> Standards**  
 June 2004

Issue	Proposed Rule	Final Rule
Timing of conformity under the new standards	Conformity would apply for a given pollutant and standard one year after the effective date of EPA's nonattainment designation. The current Clean Air Act and conformity rule provide this grace period as a matter of law. The proposal simply added PM <sub>2.5</sub> nonattainment areas to this rule provision.	No change from proposal.
Timing of conformity under the 1-hour ozone standard	Conformity would no longer apply for the 1-hour ozone standard once EPA revokes this standard.	No change from proposal.
<p>General changes in interim emissions tests</p> <p>Note: These tests are generally used for conformity determinations that occur before a new state air quality implementation plan (SIP) is established for a given pollutant and standard.</p>	<p>Establish 2002 for the baseline year conformity test, which is consistent with EPA's requirement that 8-hour and PM<sub>2.5</sub> areas submit 2002 SIP inventories. The existing conformity rule's 1990 baseline year test is out-of-date for new standard areas.</p> <p>Change the form of the build/no-build test to provide flexibility to areas with less severe air quality problems and fewer Clean Air Act (CAA) requirements.</p> <p>Waive the build/no-build regional emissions analysis requirement when areas with less severe air quality problems and fewer CAA requirements are not adding new transportation projects or changing planning assumptions.</p>	No changes from proposal.

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Regional conformity tests in 8-hour ozone areas without a 1-hour ozone SIP	Once an 8-hour SIP budget is adequate or approved, the budget test would be used.	No change from proposal.
	<p>Prior to adequate or approved 8-hour SIP budgets:</p> <p>Marginal areas and areas designated under CAA subpart 1 can choose <u>between</u> the:</p> <ul style="list-style-type: none"> <li>▶ no-greater-than-2002 emissions test; or</li> <li>▶ build-no-greater-than-no-build test.</li> </ul> <p>We proposed three options for moderate and above areas to complete:</p> <p><u>Option 1:</u> <u>Both</u> the build/no-build test <u>and</u> less-than-baseline year test (existing conformity rule)</p> <p><u>Option 2:</u> <u>Either</u> the build/no-build test <u>or</u> the less-than-baseline year test</p> <p><u>Option 3:</u> Require that only one test be met and eliminate the other test altogether</p>	<p>No change from proposal.</p> <p>Finalize Option 1.</p>

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Regional conformity tests for 8-hour areas with 1-hour SIP budgets	Once an 8-hour ozone SIP budget is adequate or approved, the budget test would be used.	No change from proposal.
	Prior to adequate or approved 8-hour SIP budgets, in general, these 8-hour areas could select <u>one</u> test from the following menu: <ul style="list-style-type: none"> <li>▶ interim emissions tests for the entire 8-hour area;</li> <li>▶ budget test with 1-hour SIP budgets (where the 8-hour area is the same or smaller than the 1-hour area); or</li> <li>▶ budget test with 1-hour SIP budgets plus the interim emissions tests (where the 8-hour area is larger than or overlapping with the 1-hour area).</li> </ul>	Prior to adequate or approved 8-hour SIP budgets, in general, these 8-hour areas will use: <ul style="list-style-type: none"> <li>▶ budget test with 1-hour SIP budgets (where the 8-hour area is the same or smaller than the 1-hour area); or</li> <li>▶ budget test with 1-hour SIP budgets plus the interim emissions tests (where the 8-hour area is larger than or overlapping with the 1-hour area).</li> </ul> The interim emission tests can be used in limited cases where it is determined through the interagency consultation process such tests are more appropriate to meeting Clean Air Act requirements.
Regional conformity tests in PM <sub>2.5</sub> areas	Once a PM <sub>2.5</sub> SIP budget is adequate or approved, the budget test would be used.	No change from proposal.
	Prior to adequate or approved SIP budgets, all PM <sub>2.5</sub> areas can choose <u>between</u> : <ul style="list-style-type: none"> <li>▶ no-greater-than-2002 emissions test; or</li> <li>▶ build-no-greater-than-no-build test.</li> </ul>	No change from proposal.

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Including direct PM <sub>2.5</sub> emissions in PM <sub>2.5</sub> regional conformity analyses	All areas would include direct PM <sub>2.5</sub> emissions from vehicle exhaust, brake and tire wear in conformity analyses.	No change from proposal.
	<p>Proposed two options for road dust in the time period before PM<sub>2.5</sub> SIPs:</p> <p><u>Option 1</u>: Only require that road dust be included in PM<sub>2.5</sub> conformity analyses if EPA or the state air agency finds road dust significant to the local air quality problem.</p> <p><u>Option 2</u>: Require that road dust be included in all PM<sub>2.5</sub> conformity analyses unless EPA or the state finds it not significant to the local air quality problem.</p>	Finalize Option 1.
	Highway and transit construction dust emissions would only be included in conformity analyses if the PM <sub>2.5</sub> SIP identifies such emissions as a significant contributor to the local air quality problem.	No change from proposal.
Compliance with SIP PM <sub>2.5</sub> control measures	Projects in PM <sub>2.5</sub> areas would need to comply with any applicable SIP control measures in the PM <sub>2.5</sub> SIP.	No change from proposal.

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<p>Including PM2.5 precursors in PM2.5 regional conformity analyses</p>	<p>Prior to adequate PM2.5 SIP budgets:</p> <p><u>Option 1:</u> Require NOx and VOC analyses in all PM2.5 areas, unless <u>either</u> EPA <u>or</u> the state air agency find a precursor <u>insignificant</u> to local air quality.</p> <p><u>Option 2:</u> Only require NOx or VOC analyses in PM2.5 areas where <u>either</u> EPA <u>or</u> the state air agency finds a precursor <u>significant</u> to local air quality.</p> <p>Under both options, SOx and ammonia precursors would only be included in conformity analyses if EPA or the state air agency finds either precursor significant to local air quality.</p>	<p>Not addressed in this final rule. EPA is deferring this portion of the rule until later this year, after EPA takes comment on when precursors are considered for regulatory purposes in the broader PM2.5 implementation rule.</p> <p>EPA will finalize this issue before PM2.5 nonattainment designations are effective.</p>
<p>Hot-spot reviews for projects in PM2.5 nonattainment and maintenance areas</p>	<p><u>Option 1:</u> Do not require any PM2.5 hot-spot reviews now; change rule in future if conclusive evidence on hot-spots appears.</p> <p><u>Option 2:</u> Require PM2.5 hot-spot analyses only at certain types of locations if the PM2.5 SIP identifies localized emissions increases as an air quality concern.</p>	<p>Not addressed in this final rule. EPA will soon be issuing a supplemental proposal to request comment on additional options for PM2.5 hot-spots.</p> <p>EPA will finalize this issue before PM2.5 nonattainment designations are effective.</p>

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<p>Hot-spot reviews for projects in PM10 nonattainment and maintenance areas</p>	<p><u>Option 1:</u> Retain existing conformity rule, which requires a hot-spot review for all projects in PM10 areas. More streamlined reviews are required for projects of less concern.</p> <p><u>Option 2:</u> Require PM10 hot-spot reviews only at certain types of locations if the PM10 SIP identifies localized emissions increases as an air quality concern.</p> <p><u>Option 3:</u> Require PM10 hot-spot reviews only for certain types of project locations (e.g., highly congested intersections) or for certain types of projects (e.g., large transit stations where significant traffic and idling occurs).</p> <p><u>Option 4:</u> Delete PM10 hot-spot requirements altogether.</p>	<p>Not addressed in this final rule. EPA will soon be issuing a supplemental proposal to request comment on additional options for PM10 hot-spots. EPA will assess the PM10 hot-spot requirements in parallel with the PM2.5 hot-spot issue.</p> <p>EPA will finalize this issue before PM2.5 nonattainment designations are effective.</p>