

REVISIONS TO THE STATE IMPLEMENTATION PLAN (SIP)
FOR THE DEMONSTRATION OF CONFORMITY WITH SIPS
FOR NONATTAINMENT OR MAINTENANCE AREAS
REGARDING THE NATIONAL AMBIENT AIR QUALITY STANDARDS

TRANSPORTATION CONFORMITY SIP FOR
TEXAS NONATTAINMENT AND MAINTENANCE AREAS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
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- B Texas Natural Resource Conservation Commission (commission) rules (Title 30 Texas Administrative Code Chapter 114), Control of Air Pollution From Motor Vehicles, Revised Dec. 8, 1993 and subsequent amendments.
- C Federal Register Part II, U.S. Department of Transportation, Federal Highway Administration, 23 CFR Part 450, Metropolitan Planning; dated Oct. 28, 1993; “Metropolitan Transportation Planning and Programming.”

H. CONFORMITY WITH NATIONAL AMBIENT AIR QUALITY STANDARDS

1. - 2. (No change.)

3. TRANSPORTATION CONFORMITY (Revised)

a. Introduction

The Federal Clean Air Act (FCAA) Amendments of 1990 require each state to submit a revision to the State Implementation Plan (SIP) no later than November 25, 1994 establishing enforceable criteria and procedures for making conformity determinations for metropolitan transportation plans, transportation improvement programs, and projects funded by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA). Plans, programs, and projects must be found to conform with the SIP before they are approved or funded by the U.S. Department of Transportation or the Metropolitan Planning Organizations (MPOs) in nonattainment and maintenance areas. Final rules for this action were published by the U.S. Environmental Protection Agency (EPA) on November 24, 1993. The Texas SIP revision was adopted on October 19, 1994 and approved by EPA on November 8, 1995. EPA has amended the federal transportation conformity rule three times; on August 7, 1995, November 14, 1995 and August 15, 1997. Texas is required to amend the SIP to incorporate the federal amendments by August 15, 1998.

The provisions of the EPA's final rule on transportation conformity apply to transportation related pollutants for which an area is designated nonattainment or is subject to a maintenance plan. The pollutants include ozone, carbon monoxide, nitrogen dioxide (NO₂), and particles with an aerodynamic diameter of less than or equal to ten micrometers (PM₁₀). The provisions of this rule also apply to the precursors of those pollutants: volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in ozone areas; NO_x in NO₂ areas; and VOC and NO_x in PM₁₀ areas. The affected Texas nonattainment and maintenance areas are specified in 30 Texas Administrative Code (TAC) §101.1.

b. General

All conformity determinations made after the effective date of EPA approval of this SIP will be made according to the applicable portions of the final EPA rule on transportation conformity, as amended on August 15, 1997. Transportation conformity determinations will be based on a regional emission analysis that takes into account the appropriate emissions budgets, emissions reduction tests and time periods.

c. Criteria and Procedures

1) The 1990 FCAA Amendments require states to ensure that criteria and procedures for transportation conformity are enforceable by rule. The Texas Natural Resource Conservation Commission (commission) 30 TAC Chapter 114, Control of Air Pollution From Motor Vehicles (Appendix B), has been revised to include enforceable criteria and procedures for determining that transportation plans, programs, and projects in nonattainment and maintenance areas conform with the SIP. The rule incorporates by reference the relevant sections of the final EPA rule on transportation conformity, as amended on August 15, 1997.

2) In addition to the criteria and procedures which were adopted by reference, consultation procedures are established pursuant to 40 CFR, Part 93, §93.105 of the final EPA rule on transportation conformity, as amended on August 15, 1997. The procedures establish a cooperative, interagency consultation process that provides, among other items, for the following:

a) Identification of affected air quality and transportation agencies in the nonattainment and maintenance areas, and the organizational level of participation;

b) roles and responsibilities of affected agencies;

c) activities requiring consultation;

d) a process for circulating draft and final materials;

e) a process for responding to comments according to the locally adopted public involvement process pursuant to 23 CFR 450 (see Appendix C); and

f) a conflict resolution process.

APPENDIX A

Federal Register Part II, U.S. Environmental Protection Agency, 40 CFR Part 51, Subpart T and Part 93, Subpart A, Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws; dated August 15, 1997; “Transportation Conformity Rule Amendments: Flexibility and Streamlining Final Rule.”

APPENDIX B

Texas Natural Resource Conservation Commission (commission) rules (Title 30 Texas Administrative Code Chapter 114), Control of Air Pollution From Motor Vehicles, Revised December 8, 1993 and subsequent amendments.

APPENDIX C

Federal Register Part II, U. S. Department of Transportation, Federal Highway Administration, 23 CFR Part 450, Metropolitan Planning; dated October 28, 1993; “Metropolitan Transportation Planning and Programming.”