

Final Revisions to the General Conformity Regulations – Fact Sheet

Action:

- On March 24, 2010, the U.S. Environmental Protection Agency (EPA) revised the General Conformity regulations. These rules implement Clean Air Act provisions prohibiting federal agencies from taking actions that may cause or contribute to violations of the national ambient air quality standards (NAAQS). Examples of covered actions include airport construction or expansion, and dredging shipping channels.
- This revised rule improves the process federal entities use to demonstrate that their actions will not contribute to a NAAQS violation, provides tools to encourage better communication and air quality planning between states and federal agencies, and encourages both the federal agencies and the states to take early actions to ensure projects will conform to the state's plans to implement the NAAQS. These plans are known as state implementation plans or SIPs.
- To meet General Conformity requirements, federal entities must demonstrate that emissions from their actions will not exceed emission budgets established in a state's plan to attain or maintain the NAAQS.
- The final rule:
 - ◆ establishes requirements that will allow federal facilities expecting future expansion or modifications to negotiate a facility-wide emission budget with the applicable state air quality agencies. Actions taken that do not exceed these budgets conform to the SIP and not need a conformity determination.
 - ◆ incorporates an early emission reduction credit program for all agencies that follow the Airport Early Emission Reduction guidance developed jointly by EPA and the Federal Aviation Administration. This program encourages emission reduction actions on federal installations by providing emission reduction credits that can be used to demonstrate conformity for subsequent actions on the facility.
 - ◆ allows emissions of one precursor pollutant to be offset by the reduction of emissions of another precursor pollutant. For example both oxides of nitrogen and volatile organic compounds are ozone precursors – they are emitted and then react in the atmosphere to form ground-level ozone. In an area that does not meet EPA's ground-level ozone standard, reductions in nitrogen oxide emissions could be offset by reductions of volatile organic compounds.
 - ◆ allows alternative schedules for mitigating emission increases where state air quality agencies can accommodate temporary emission increases in exchange for long-term or permanent emission reductions.

- ◆ removes requirements for federal agencies to conduct conformity determinations for “regionally significant” actions. Such actions have emissions greater than 10 percent of the emissions inventory for a nonattainment area. These analyses have been conducted for 16 years and have never shown an action to interfere with attainment or maintenance of a NAAQS.
- ◆ lists categories of actions that federal agencies can presume to conform. The final rule also allows states to establish “presumed to conform” lists for actions in their state.

Background

- General Conformity regulations implement the Section 176(c) of the Clean Air Act which prohibits federal agencies from taking actions that may cause or contribute to violations of the national ambient air quality standards (NAAQS) in an area working to attain or maintain the standards.
- EPA issued the General Conformity regulations in 1993. Since then, Section 176 (c) of the Clean Air Act has been amended three times and EPA has promulgated several new national ambient air quality standards. However, the regulations have not been substantially revised since they were originally established.
- EPA and other federal agencies have gained much experience implementing the original rules and identified several areas where changes can streamline and improve implementation.
- The revisions of the ozone NAAQS and establishment of the fine particulate NAAQS have raised issues for federal agencies on how to transition to these new NAAQS when doing general conformity determinations.
- Designations for the 8-hour ozone standards became effective in June 2004. Designations for the fine particle standards were effective in April 2005 and December 2009.
- A nonattainment designation informs the citizens in the area that the local air quality does not meet the national ambient air quality standards.
- Within three years, states are required to develop a state implementation plan, also known as a SIP, outlining the strategies it will implement to reduce emissions in the area in order to attain and maintain the air quality standards as soon as possible.

- In addition to developing a state implementation plan, newly designated nonattainment areas are required to implement two programs designed to manage growth in emissions. The area will be required to implement stricter controls on new and modified industrial facilities (the "new source review" program), and it will need to ensure that transportation plans and Federal actions do not interfere with efforts to meet air quality goals (the "transportation conformity" and "general conformity" programs). The new source review requirement takes effect on the effective date of designations, while the transportation conformity and general conformity programs takes effect one year from designations.
- On January 8, 2008, the Environmental Protection Agency (EPA) proposed revisions to the General Conformity Regulations.

For Further Information

- For general information about this final rule, please contact Mr. H. Lynn Dail, (919) 541-2363, dail.lynn@epa.gov, or Mr. Tom Coda (919) 51-3037, coda.tom@epa.gov, both of EPA's Office of Air Quality Planning and Standards.