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MEETING NOTICE AND AGENDA

SAN DIEGO CONFORMITY WORKING GROUP

The San Diego Conformity Working Group may take action on any item appearing on this agenda.

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Imperial County
 California Department
 of Transportation
 Metropolitan
 Transit System
 North San Diego County
 Transit Development Board
 United States
 Department of Defense
 San Diego
 Unified Port District
 San Diego County
 Water Authority
 Mexico

Wednesday, June 3, 2009

10:30 a.m. to 12 noon

SANDAG, Conference Room 8C
 401 B Street, Suite 800
 San Diego, CA 92101-4231

Staff Contact: Rachel Kennedy
 (619) 699-1929
 rke@sandag.org

AGENDA HIGHLIGHTS

- EMFAC 2010 DEVELOPMENT
- 2035 CALIFORNIA TRANSPORTATION PLAN
- EIGHT-HOUR OZONE STANDARD RE-CLASSIFICATION PROPOSED RULE STATUS UPDATE

Please contact Rachel Kennedy prior to the meeting if you wish to participate by conference call.

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SAN DIEGO CONFORMITY WORKING GROUP (CWG)

Wednesday, June 3, 2009

ITEM #		RECOMMENDATION
1.	INTRODUCTIONS	
+2.	SUMMARY OF MARCH 4, 2009, MEETING	INFORMATION
	The summary for the March 4, 2009, CWG meeting is attached. The CWG is asked to review the meeting summary.	
3.	PUBLIC COMMENTS/COMMUNICATIONS	
	Members of the public will have the opportunity to address the Working Group during this time.	
4.	EMFAC 2010 DEVELOPMENT	DISCUSSION
	California Air Resources Board (ARB) staff will provide the CWG with an update on the development of the next generation of EMFAC software.	
+5.	2035 CALIFORNIA TRANSPORTATION PLAN (CTP)	INFORMATION
	The California Transportation Plan (CTP) is a statewide, long-range transportation plan for meeting statewide mobility needs. The CTP defines goals, policies, and strategies to achieve our collective vision for California's future transportation system. This plan, with a minimum 20-year planning horizon, is prepared in response to federal and state requirements and is updated every five years. The current CTP 2025 was approved in 2006 and updated by an Addendum in October of 2007 to comply with SAFETEA-LU requirements. An update to the plan for the 2035 planning horizon was initiated in September 2008. Caltrans staff will provide an update on the development of this latest planning effort.	
6.	EIGHT-HOUR OZONE STANDARD RECLASSIFICATION UPDATE	DISCUSSION
	On January 16, 2009, the U.S. EPA published a Proposed Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hour Ozone Standard; Proposed Deletion of Obsolete 1-Hour Ozone Standard Provision was published in the Federal Register. The comment period closed on April 1, 2009. Staff from U.S. EPA and the San Diego Air Pollution Control District will provide an update on the rule and its significance to the San Diego region.	
7.	OTHER BUSINESS	

+ next to an item indicates an attachment

The next meeting of the San Diego Region Conformity Working Group is scheduled for Wednesday, July 1, 2009, from 10:30 a.m. to 12 noon at SANDAG.

San Diego Association of Governments
SAN DIEGO CONFORMITY WORKING GROUP

June 3, 2009

AGENDA ITEM NO.: **2**

Action Requested: INFORMATION

SUMMARY OF MARCH 4, 2009, MEETING

File Number 3000400

Item #1: Introductions

Self-introductions were made. See attached attendance list.

Item #2: Summary of December 3, 2008, Meeting

Rachel Kennedy, SANDAG, asked the CWG to review the meeting summary. No corrections or comments were made.

Item #3: Public Comments/Communications

There were none.

Item #4: EMFAC 2010 Development

Ms. Kennedy gave an update to the group on the development process for EMFAC 2010, which was provided by Dennis Wade, California Air Resources Board (CARB), via email. Development of the model continues. The rough schedule is to have a draft model in late 2009 or early 2010. Submission to U.S. EPA will be by the end of 2010 to avoid any issues with the expiration of latest planning assumptions in EMFAC 2007. Decisions as to which updates are to be included in the model are still being made, but updates will include the latest travel data from MPOs, rules adopted after the release of EMFAC 2007, and the latest fleet information from DMV. There was one opportunity provided by CARB for MPOs to provide travel data and there will be another opportunity later this year to provide additional updated travel data. Ms. Kennedy said that any questions that CWG members have for Dennis can be sent to her, and she would forward them to him for a response.

Item #5: Guidance for Implementing the Clean Air Act Section 176(c)(8) Transportation Control Measure Substitution and Addition Provision

Ms. Kennedy stated that on February 12, 2009, the U.S. Environmental Protection Agency (EPA) released new guidance regarding the transportation control measure (TCM) substitution and addition provision contained in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Ms. Kennedy provided a brief overview of the guidance.

The purpose of this document is to provide nonattainment and maintenance areas with guidance on implementing the transportation control measure (TCM) substitution and addition provision contained in SAFETEA-LU. This allows states to substitute or add TCMs into approved State Implementation Plans (SIPs) without the standard SIP revision process. Under this Clean Air Act provision, states are no longer required to include a TCM substitution mechanism in their SIPs in order to expedite the process for making TCM substitutions. The provision also provides a streamlined process for adding TCMs to an approved SIP. Areas are likely to use this statutory process either to make a TCM substitution in an approved SIP or to add a TCM to an approved SIP because the Clean Air Act process will take less time to complete than a standard SIP revision.

Ms. Kennedy stated that the guidance provides a number of questions and answers, and lists actions that are required for different types of substitutions. For example, for a TCM in an approved SIP to be removed and replaced with a substitute TCM, the substitute TCM shall achieve equal or greater reductions and be implemented on a schedule that is consistent with the schedule for the TCM(s) being removed from the SIP or, if the implementation date has passed for the TCM(s) being replaced, the replacement TCM must be implemented as soon as practicable but not later than the date on which emissions reductions from the TCM(s) are necessary to achieve the purpose of the SIP.

John Kelly, U.S. EPA, asked if the San Diego region would avail itself of the TCM substitution process.

Ms. Kennedy said that she did not think there would be a need to substitute TCMs, as the four TCMs used in the RTP are all fully implemented.

Carl Selnick, San Diego Air Pollution Control District (SDAPCD), said that the substitution of TCMs is needed when one is not functioning as it should or is not able to be implemented, but TCMs in San Diego have all been implemented. As he continues to work on the 2010 SIP, he would be reviewing TCMs, but he does not foresee the need to substitute.

Mr. Kelly asked if there would be any TCMs that could be brought up in the future in Reasonable Available Control Measures (RACM) analysis.

Mr. Selnick said that he had made the conclusion in the 2007 RACM analysis that additional or different TCMs would not likely change the analysis substantially, although, he would have to re-do the analysis for the new SIP unless directed otherwise by the U.S. EPA.

Mr. Kelly said that EPA is in litigation with regard to some of the National Ambient Air Quality Standard (NAAQS) settings. The court decided that aspects of the NAAQS for PM 2.5 from 2006 need to be justified. The EPA science advisor recommended that the annual standard be a maximum of 14 micrograms, but EPA kept 15 micrograms for the annual standard. There may be a similar situation with ozone, because the 0.75 standard is a departure from what Clean Air Scientific Advisory Committee (CASAC) recommended, which was 0.70. This could result in a more stringent ozone standard at the federal level, depending on the court decision.

Mr. Selnick said that he checked the 2004, 2005, 2006, and 2007 data along with what was available for 2008 against the PM 2.5 standard and found that San Diego may be attaining a 14 microgram standard. The region came close before and now there is a possibility that San Diego might not attain for PM 2.5 if the standard is lowered, but this remains to be seen. San Diego is already a

nonattainment area for ozone, regardless of a lower standard of 0.70. In either case, the SIP will be difficult to write, especially if there is an earlier attainment date if the San Diego air basin has a lower classification.

Item #6: Guidance for Developing Transportation Conformity State Implementation Plans (SIPs)

Ms. Kennedy stated that on February 11, 2009, the EPA released new guidance on the statutory and regulatory guidance requirements for states to develop conformity SIPs. She asked Mr. Kelly to provide the CWG with an overview of this guidance.

Mr. Kelly said that the new guidance is more concise than the previous guidance, because areas are no longer required to adopt the entire regulation into their transportation conformity SIP. Rather, three specific sections need to go into the SIPs and the bulk of the document should be tailored to reflect each area's specific interagency consultation process.

Ms. Kennedy said that she had discussed with Mr. Kelly the need for the conformity SIP to take the form of a rule. She said that she would consult with SDAPCD regarding a rule for adoption. She referred the group to the draft document and asked if the first few paragraphs could be deleted and replaced with language from the model rule provided as an attachment to the guidance. The model rule does not include paragraphs with the same level of detail as is found in this section.

Elisa Arias, SANDAG, agreed with the deletion, particularly because language in the last paragraph of section 1.2, may change over time and would require revision.

Mr. Kelly asked if there is text in the model rule that contains the same information as that which is included in section 1.2, because the information seems important, especially to someone who is not familiar with transportation conformity.

Mike Brady, Caltrans, said that the difference between a rule and an SIP should be clarified before any decision is made on what portions should be deleted. He asked Ms. Kennedy if she intended to draft a rule for adoption or an SIP. Ms. Kennedy said that, based on conversations with Mr. Kelly earlier in the week, the conformity SIP should be in the form of a rule.

Andrea Hoff, SANDAG, said that page 2, Section 4.2, of the guidance says that a conformity SIP can be developed as a state rule, MOA, or MOU; but it is not completely clear which method is preferred.

Mr. Kelly saw nothing harmful in Section 1.2 of the draft document.

Mr. Brady said that there is confusion between an SIP and a rule. He said that the SIP is not, in and of itself, a rule.

Mr. Kelly suggested that Ms. Kennedy work with him after the meeting to refine the document. Ms. Kennedy said she would send the draft to Mr. Kelly with highlights indicating where SANDAG is proposing deletions and then they can discuss the changes.

Mr. Selnick said that he had not consulted his management with regard to their preference of a rule verses an MOU. He said the guidance specified that the SIP can be a rule or an MOA, and asked if there was a reason why Mr. Kelly suggested that it be a rule. Mr. Kelly asked what process would be used to make the MOU function as a Conformity SIP. Mr. Selnick asked if there were still options to complete an MOU.

Mr. Kelly stated that he did not see much benefit to the MOU approach, because a rule would have to be adopted in any case. It is the decision of the local agencies as to which approach to take. If a rule is completed, the agency would not have to obtain as many signatures.

Ms. Hoff said that the guidance provides some answers on page 13, where it discusses the timing and process of obtaining signatures on an MOU.

Mr. Brady said that an MOU is enforceable and an MOA is similar to a contract. His understanding is that a rule has the advantage of applying to all parties, even if members of the agency may change.

The group agreed that the SIP can be further developed with participation by SANDAG, SDAPCD, and EPA later in the month, and then brought back to the CWG after some of these questions have been answered.

Item #7: Proposed Rule to Implement the 1997 8-Hour Ozone Standard: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions

Ms. Kennedy said that on January 16, 2009, the EPA published a Proposed Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hour Ozone Standard; Proposed Deletion of Obsolete 1-Hour Ozone Standard Provision was published in the Federal Register. Staff from EPA and SDAPCD will discuss the rule and its significance to the San Diego region. Mr. Selnick noted that there was a hearing on Monday in Washington D.C., which extended the comment period to April 1, 2009.

Mr. Kelly stated that the purpose of the rule is to respond to the loss that EPA incurred as a result of the South Coast v. U.S. EPA case. The EPA was sued regarding Phase I of the implementation rule for the 1997 ozone NAAQS. In 2004, the U.S. EPA issued a portion of an implementation rule on the ozone NAAQS, called Phase I (later in 2005, the EPA began Phase II). The Phase I portion explained the method used to classify areas, identified some of the due dates, and explained how the agency would divide areas into Subpart 1 and Subpart 2.

Subpart 1 and Subpart 2 are two distinct sections of the Clean Air Act, which contain provisions relating to nonattainment areas. Subpart 1 basically covers all of the criteria pollutants, including the provision that areas have five years to attain, with up to a five-year extension, along with other general provisions. Several other subparts relate to particular pollutants and will trump Subpart 1 if there is a disagreement between the two. Subpart 2 is the section for ozone, where all of the classifications are spelled out for the one-hour ozone standard.

The EPA lost on the justification used to reclassify areas under Subpart 1. Although the EPA reserves the right to classify for ozone under Subpart 1 in the future, the agency is proposing placing all areas that were in Subpart 1 under Subpart 2. This raises several questions, including what classification areas should have in Subpart 2, and whether the most recent data should be used.

EPA lawyers said that areas being classified under Subpart 2 (e.g., San Diego) must have classifications that occur by operation of law at the time of designation. Classifications for San Diego would be based on 2001-2003 monitoring data that was used when San Diego was designated for nonattainment in 2004. This leads to the conclusion that, based on 2001-2003 data, San Diego would be classified as moderate.

Another section of the rule states that marginal areas have an attainment date of 2007. Because we are already in 2009, there is a treatment of some areas that will cause them to receive a classification of marginal if that is what the 2001-2003 data indicates. If they did not make their attainment date in 2007, then the EPA would propose to bump them up.

Mr. Kelly said that the main issue for San Diego is how to meet the requirements for a moderate area in terms of SIP submittals, when the attainment date is around the corner. We are already into the attainment year ozone season. The season for implementation of ozone is the full calendar year prior to an area's attainment date. Therefore, if San Diego's attainment date is 2010, which is the maximum date and the one selected by the area, then 2009 would be the calendar year ozone season. San Diego would already have to have controls in place showing attainment prior to the season – which is the season that we are in currently. On the other hand, San Diego is not required to submit an SIP until 12 months after the EPA has finalized this rule. The EPA is proposing a 12-month time period to submit the SIP from the final effective date. If the rule has an effective date of September 2009, then San Diego would not need to submit a moderate area SIP until September 2010 - that SIP due date is beyond the maximum statutory attainment date of June 15, 2010, that an area would be required to adhere to as a moderate area.

Mr. Brady asked if areas that were classified as marginal under Subpart 1 with attainment dates of 2007 and did not attain, would be immediately bumped-up.

Mr. Kelly said that, in general, this proposed rule is not going to help California. It would have been ideal to have told all non-attaining Subpart 1 areas to begin a moderate plan if the 2001-2003 data looked moderate and, if it looked higher than that, areas should have been told to start on a serious or severe plan right away. The submittal date of 2010 is not going to be easy for San Diego.

Mr. Selnick said that his intention to start working on what might be a serious area SIP – if the air quality is clean this year, we will see if we can do a moderate area plan that includes a request for extension. If the air quality is not clean this year, we will move forward on a serious area plan and model 2012 for a 2013 attainment year (nine-year time period for attainment for serious areas; designation in 2004).

Ms. Arias asked when the rule is expected to be final. Mr. Kelly stated that September 2009 would be the earliest finalization date; finalization might not occur until early 2010. This rule also deals with provisions for contingency measures for one-hour ozone and deals with taking out obsolete language from the rule.

Mr. Selnick thanked Mr. Kelly for the thorough information and said that the rule basically makes marginal areas a mute point, because they either attain or they become moderate automatically. San Diego will have a SIP due around the end of 2010, unlike most areas in the country.

Item #8: Other Business

Ms. Kennedy said that the next meeting would be held on Wednesday, April 1, at SANDAG and she will provide conference call information and meeting materials in advance.

San Diego Region Conformity Working Group

Meeting Attendance

March 4, 2009

Name	Agency
Carl Selnick	SDAPCD
Mike Brady (phone)	Caltrans
John Kelly (phone)	U.S. EPA
Jose Marquez	Caltrans
Stew Sonnenberg (phone)	FHWA
Elisa Arias	SANDAG
Andrea Hoff	SANDAG
Rachel Kennedy	SANDAG
Carla Walecka (phone)	TCA



Fact Sheet

What? The California Transportation Plan (CTP) is a statewide, long-range transportation plan for meeting our future mobility needs. The CTP defines goals, policies, and strategies to achieve our collective **vision for California's future transportation system**. This plan, with a minimum 20-year planning horizon, is prepared in response to federal and State requirements and is updated every five years. The current California Transportation Plan, the CTP 2030, is now being updated for a 2035 planning horizon.

Why? The purpose of the CTP is to provide a **common policy framework** that will guide transportation investments and decisions by all levels of government and the private sector. This policy plan (which by statute does not include projects) provides strategic direction to the regional transportation plans prepared by California's 44 regional transportation planning agencies (RTPAs), who have responsibility for the planning, prioritizing and funding of transportation projects within their regions. The CTP is supported by the California Transportation Investment System Tool that maps short and long-range projects planned by the State and the regional transportation planning agencies.

When? The California Transportation Plan 2025 was approved in 2006 and updated by an Addendum in October of 2007 to comply with new federal planning requirements governing development of the plan. The 2035 update was initiated with a Futures Symposium in early September 2008 to explore emerging trends and challenges, and will conclude with plan approval by the Secretary of the California Business, Transportation and Housing Agency in September of 2010.

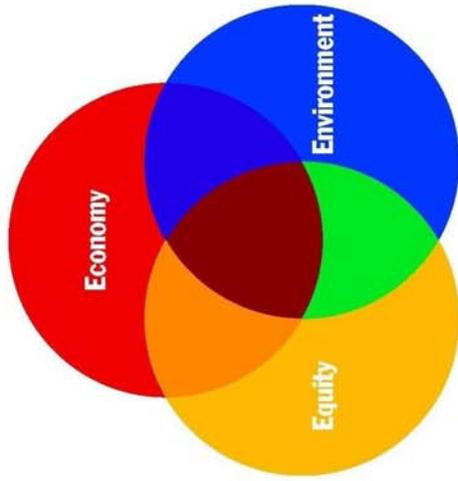
How? The California Transportation Plan 2035 will be developed in collaboration with transportation partners and stakeholders across the State and through ongoing public engagement as outlined in the State's CTP Public Participation Plan. The vision of the CTP 2030 is one of a fully integrated, multimodal, **sustainable transportation system** that supports the three outcomes (3Es) that define quality of life – prosperous economy, quality environment, and social equity.

Beginning with the vision and policy framework of the 2030 plan (see reverse), this update will focus on updating that framework to meet new trends and challenges, such as climate change. In addition, the CTP 2035 will build on the foundation laid in the 2007 Addendum for SAFETEA-LU* compliance to better integrate transportation planning with environmental and natural resource planning.

Contact: Pam Korte, Project Manager, at (916) 653-2593 or Pam.Korte@dot.ca.gov. For more information see our web portal at <http://www.californiatransportationplan2035.org/>.

(continued on reverse)

* *Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users* is the federal legislation authorizing transportation funding through 2009.



THE VISION

Sustainability

THE GOALS

Improve Mobility & Accessibility

Preserve the Transportation System

Support the Economy

Enhance Public Safety & Security

Reflect Community Values

Enhance the Environment

THE POLICIES

Increase System Capacity

Preserve & Maintain System

Enhance Goods Movement

Improve System & System User Safety

Expand Collaboration in Planning & Decision-Making

Conserve Natural Resources

Support Research to Advance Mobility & Accessibility

Provide Viable Transportation Choices

Manage & Operate an Efficient Intermodal System

Provide Additional & Flexible Funding

Provide for System Security

Manage Growth

Commit to Clean & Efficient Energy System