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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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 Santee  
 Solana Beach  
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 and  
 County of San Diego

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 Unified Port District  
 San Diego County  
 Water Authority  
 Mexico

Wednesday, March 3, 2010

**10:30 a.m. to 12 noon**

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

Staff Contact: Elisa Arias  
 (619) 699-1936  
[ear@sandag.org](mailto:ear@sandag.org)

## AGENDA HIGHLIGHT

- **2010 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP): CONFORMITY CRITERIA AND PROCEDURES**

***Please contact Elisa Arias prior to the meeting if you wish to participate by conference call.***

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# SAN DIEGO CONFORMITY WORKING GROUP (CWG)

Wednesday, March 3, 2010

ITEM #	RECOMMENDATION
1. INTRODUCTIONS	
+2. MEETING SUMMARY OF JANUARY 6, 2010	INFORMATION
The summary for the January 6, 2010, 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. 2008 RTIP: AMENDMENT NO. 16	INFORMATION
The SANDAG Board of Directors approved Amendment No. 16 to the 2008 RTIP on January 22, 2010.	
+5. 2010 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP): CONFORMITY CRITERIA AND PROCEDURES	DISCUSSION
The CWG will discuss the conformity criteria and procedures to be followed to determine conformity of the 2010 RTIP and redetermine conformity of the 2030 Regional Transportation Plan. SANDAG staff will make brief presentations on the following topics:	
<ul style="list-style-type: none"><li>a. Revenue-Constrained Program Assumptions</li><li>b. Regional Growth Forecast</li><li>c. Travel Demand Model</li><li>d. Latest emissions model, emissions budgets</li><li>e. Transportation Control Measures</li><li>f. Public Involvement and Outreach</li></ul>	
6. 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.	
7. 8-HOUR OZONE STANDARD RE-CLASSIFICATION UPDATE	DISCUSSION
Staff from U.S. EPA and the San Diego Air Pollution Control District will provide an update on the proposed rule to implement the 1997 8-Hour Ozone standard.	

**ITEM #**

**RECOMMENDATION**

+8. PROPOSED OZONE STANDARDS

INFORMATION

On January 19, 2010, the U.S. Environmental Protection Agency (EPA) published in the Federal Register a proposal to set the 8-Hour primary ozone standard within a range of 0.060 to 0.070 parts per million (ppm). EPA also proposes a secondary standard for ozone. EPA staff will provide a briefing on the proposed rule and timeline for implementation.

9. OTHER BUSINESS

INFORMATION

10. UPCOMING MEETINGS

INFORMATION

The next meeting of the San Diego Region Conformity Working Group is scheduled for Wednesday, April 7, 2010, from 10:30 a.m. to 12 noon at SANDAG.

+ next to an item indicates an attachment

**San Diego Association of Governments**  
**SAN DIEGO CONFORMITY WORKING GROUP**

March 3, 2010

AGENDA ITEM NO.: **2**

**Action Requested: INFORMATION**

MEETING SUMMARY OF JANUARY 6, 2010

File Number 3100600

**Item #1: Introductions**

Self-introductions were made. See attached attendance list.

**Item #2: Summary of November 4, 2010, Meeting**

Andrea Hoff, SANDAG, asked the CWG to review the meeting summary. No corrections were made.

**Item #3: Public Comments/Communications**

No public comments were made.

**Item #4: Schedule for Development of the 2010 Regional Transportation Improvement Program (RTIP)**

Ms. Hoff stated that SANDAG will begin the development of the 2010 RTIP in January 2010. The SANDAG Board of Directors will be asked to approve the 2010 RTIP, including its air quality conformity analysis in September 2010. She asked Sookyung Kim, SANDAG, to provide the CWG with an overview of the proposed schedule for development of the 2010 RTIP and its air quality analysis.

Ms. Kim stated that a statewide determination was made to update the Federal Statewide Transportation Improvement Program (FSTIP) by this calendar year. All MPOs in the state are required to submit their RTIPs to the state by October 2010. The SANDAG Board of Directors will be asked to approve the 2010 San Diego RTIP in September.

Referring to attachment 4 to the agenda, Ms. Kim highlighted dates on the schedule that pertain to the CWG, including the following:

January 6 (today's meeting): Review of the 2010 RTIP development schedule.

March 3: Consultation on conformity criteria and procedures including revenue-constrained program assumptions, latest planning assumptions, transportation control measures, emissions model, emissions budgets, exempt projects, consultation, and public involvement.

May 18: Issue 2010 RTIP Draft Conformity Analysis for 30-day CWG review and comment.

June 17: 30-day CWG comment period for draft Conformity Analysis ends.

July 16: Transportation Committee asked to release draft 2010 RTIP including its air quality conformity determination for public comment; set September 3, 2010, Transportation Committee meeting to hold public hearing and asked to approve Quarterly Amendment to 2008 RTIP, if necessary.

September 3: Transportation Committee holds public hearing to review the draft 2010 RTIP including its air quality conformity analysis and is asked to recommend Final 2010 RTIP to the SANDAG Board for approval.

September 24: SANDAG Board is asked to adopt Final 2010 RTIP including its air quality conformity analysis.

December 15: Federal approval for FSTIP.

John Kelly, U.S. EPA, asked if SANDAG was anticipating needing new budgets during the upcoming year.

Carl Selnick, APCD, stated that the region would not be submitting a SIP this year in advance of the anticipated ruling by EPA on the requirements, and therefore would not need new budgets.

Elisa Arias, SANDAG, asked if the next SIP would be due one year from the final ruling from EPA.

Mr. Kelly stated that there would not be any SIP due during the upcoming year, because the rule will not be finalized.

Mike Brady, Caltrans, asked what the horizon year of a 2010 moderate plan for San Diego would be.

Mr. Kelly stated that the attainment date for the plan would be June 2010. If the monitoring data for San Diego does not show attainment by 2010, it is unclear why a moderate plan would be needed. He asked APCD to confirm that they will be submitting a moderate plan.

Mr. Selnick stated that once the requirements are released, APCD will submit either a serious or moderate SIP with a bump up request, depending on the requirements.

Mr. Kelly stated that action on the part of EPA could be delayed until monitoring data is certified.

#### **Item #5: EMFAC 2010 Development**

Denis Wade, ARB, stated that there have been discussions regarding the differing horizon years of the EMFAC 2010 model and SANDAG Regional Transportation Plan (RTP). He is reviewing the Conformity Rule to determine if there are ways to address the issue and will attend a meeting internally this afternoon to further discuss the issue. He asked if SANDAG staff could look in the Transportation Rule for flexibility in terms of setting the horizon year for the RTP.

Ms. Arias stated that the metropolitan planning rule requires that an RTP extend 20 years beyond the year of the Plan, but does not provide further direction regarding horizon years. The SANDAG Board of Directors approved a 2050 horizon year and the planning law does not provide direction as to how to meet conformity requirements using the 2050 horizon year. She stated that the Conformity Rule would provide more specific information regarding transportation conformity.

Mr. Wade stated that he would like to schedule a time to discuss with SANDAG the findings in the Conformity Rule regarding this issue. A follow-up conference call will be held with SANDAG and ARB.

Mike Brady, Caltrans, stated that a previous version of EMFAC (EMFAC 7F) faced a similar issue and ARB resolved the issue by assuming technology would not change after the life of the model.

Mr. Wade stated that the assumption is outdated, particularly given new transportation conformity requirements, and not one that ARB could support at this time.

#### **Item #6: Eight-Hour Ozone Standard Reclassification Update**

Mr. Kelly stated that there is no new information regarding the signing of the rule to reclassify areas for the eight hour ozone standard. Staff transitions have delayed the signature process. Mr. Kelly will ask the newly assigned staff for an estimate when upper management would be asked to sign the rule.

Mr. Selnick asked if the package is being held up because of the possibility that some areas addressed in the rule are attaining.

Mr. Kelly stated that some areas are attaining, but this is not the reason that the signature is delayed.

Mr. Selnick asked if EPA anticipates issuance of a rulemaking before or after accounting for 2009 data; this would impact the timing of the San Diego area SIP submittal.

Mr. Kelly asked if APCD plans to do modeling to show attainment.

Mr. Selnick stated that APCD is working on modeling capabilities. One option is being looked at that would use all of the data submitted in for 2007, but replace the model run for the year 2008 with a model run for 2012. If this method were found acceptable, the modeling would be significantly streamlined. If not, the extra work to show attainment will

require more time. APCD hopes to be able to add the 2012 attainment demonstration to the modeling that has already been done.

Ms. Arias stated that APCD would be working together with SANDAG to complete the vehicle emissions modeling. She asked Mr. Kelly if May is the timeframe for certification of monitoring data.

Mr. Kelly stated that the previous year's data (2009) is certified in May of the following year (2010) by the State (it used to be July). Design values are expected in August.

**Item #7: Other Business**

Ms. Arias asked when the next Statewide Conformity Working Group meeting is scheduled.

Mr. Brady stated that the next Statewide Conformity Working Group meeting will be a conference call held March 24.

Mr. Selnick asked if the ozone standard reconsideration was signed and released today.

Mr. Kelly stated that the reconsideration had been signed.

Ms. Hoff stated that Attachment Number 4 in the agenda package has one date that will be changed: Item number 9 on the schedule should contain the dates April 2-May 11 (rather than April 2-April 30). This is an internally significant date dealing with SANDAG modeling schedule, but does not affect the CWG or outside agencies.

**Item #8: Upcoming Meeting**

Ms. Hoff stated that the next meeting of the CWG is scheduled for February 3, 2010, from 10:30 a.m. to 12:00 p.m. Meeting materials will be sent to the group in advance.

## San Diego Region Conformity Working Group

Meeting Attendance

January 6, 2010

<b>Name</b>	<b>Agency</b>
Dennis Wade (phone)	ARB
Jose Marquez (phone)	Caltrans
Mike Brady (phone)	Caltrans
Andrea Hoff	SANDAG
Elisa Arias	SANDAG
Carla Walecka (phone)	TCA
John Kelly (phone)	U.S. EPA
Stew Sonnenberg (phone)	FHWA
Carl Selnick	SDAPCD
Sookyung Kim	SANDAG
Limeng Yu	SANDAG

## 2010 RTIP Financial chapter highlights

### **FINANCIAL CAPACITY**

As a nonattainment area, the SANDAG RTIP is required to be a revenue-constrained document with programmed projects based upon committed funding for the first two fiscal years of the RTIP period and/or reasonably available for the outyears. Funding assumptions are generally based upon: (1) authorized or appropriated levels of federal and state funding from current legislation; (2) reasonable projections of future federal and state funding assuming a continuation of current funding levels; (3) the most current revenue forecasts for *TransNet*, the local transportation sales tax program; and (4) the planning and programming documents of the local transportation providers.

### **INFLATION ASSUMPTIONS**

The projects to be programmed in the 2010 RTIP, covering fiscal years 2011 to 2015 are expressed in future dollars. That is, they have been escalated based upon anticipated inflation and other factors to the expected year of obligation or expenditure. For the State Transportation Improvement Program (STIP) and State Highway Operations, Protection Program (SHOPP), the revenues and program are based on the 2010 Fund Estimate scheduled to be adopted by the California Transportation Commission (CTC) in May 2010. Based on Department of Finance Budget Letter, the FE assumes no escalation from the baseline budget from 2009-10 to 2010-11 and displays a 1.3 percent annual escalation for State Operations expenditures for 2011-12 through 2014-15. For the major *TransNet*-funded projects, the SANDAG rate takes into account the recent trend in low-bid construction environment and gradually increases over the five year period. The rates used for FY 2011 starts at (-)4% and gradually increases over the next five fiscal years. This rate is also consistent with the current update to the long range plan as well as the Plan of Finance.

### **PROGRAM REVENUES**

RTIP revenue sources have been grouped into different categories and are described below:

#### **Federal Revenues**

Federal funds programmed are based on the federal authorizing legislation, Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) which expired September 30, 2009. Although the federal government is operating under a Continuing Resolution, the assumption is that the current federal funding programs will continue.

- **American Recovery and Reinvestment Act (ARRA):** This act, which was signed into law on February 17, 2009, includes appropriations and tax law changes totaling approximately \$787 billion to support government wide efforts to stimulate the economy. Goals of the statute include the preservation or creation of jobs and the promotion of an economic recovery, as well as the investment in transportation, environmental protection and other infrastructure providing long-term economic benefits. The region received funds through the following programs: Federal Transit Administration Section 5307, 5309, 5311, and Transit Investment for Greenhouse Gas Reduction (TIGGER); Federal Highway Administration Transportation Enhancement (TE), Regional Surface Transportation Program (RSTP), State Highway Operations Protection Program

(SHOPP); Federal Railroad Administration Track 1 Intercity Rail and Transportation Investment Generating Economic Recovery (TIGER).

- **Border Infrastructure Program:** SAFETEA-LU changed the distribution of this program to a formula based program at the national level but administered at the state level. For San Diego, the state legislation identified funding for the SR 905 project and a smaller amount for the San Ysidro Main line project. No additional funding beyond SAFETEA-LU is assumed.
- **Congestion Mitigation Air Quality (CMAQ)/Regional Surface Transportation Program (RSTP):** Both of these formula programs are estimated and apportioned by Caltrans for the San Diego region. By SANDAG Board policy, 94 percent of these programs are allocated to the 'Early Action Program' which seeks to advance regionally significant projects in order to provide increased mobility in the region.
- **Demonstration/High-Priority Projects:** SAFETEA-LU includes several San Diego region projects under the High-Priority Project Authorizations program. No additional funding beyond SAFETEA-LU is assumed.
- **FTA (Section 5309) Capital Program:** The FTA Section 5309 program includes both a discretionary program for major bus and new starts capital projects and formula program for fixed guideway rail modernization. The revenues for the formula program (5309 fixed guideway) are based on apportionment published in the latest Federal Register (FR) for the current year, future years are escalated by 4 percent to 2015 which is based on the average growth over the SAFETEA-LU period. Discretionary funding is programmed upon award or based on the published FR.
- **FTA Urbanized Area Formula (Section 5307) Capital Program:** The FTA Section 5307 program is a formula program to fund ongoing preventive maintenance, bus acquisition programs, the regional vanpool program, office and shop equipment, and other transit capital projects. The revenues are based on apportionment published in the latest Federal Register for the current year, future years are escalated by 4 percent to 2015 which is the average increase over SAFETEA-LU.
- **FTA Formula (Section 5310) Capital Program:** This program is administered by Caltrans and the funds are allocated each year by the CTC. Recipients are nonprofit organizations serving the elderly and the disabled community in need of vehicles and other capital items in order to provide services. The funds are programmed annually after approval by CTC.
- **FTA Formula (Section 5311) Program:** Section 5311 includes both a formula program (5311) as well as discretionary program (5311f) to support transit services in the non-urbanized areas of the region. Caltrans provides the estimates of revenues for the formula program and announces the award under the discretionary program on an annual basis.
- **FTA Formula (Section 5316) Jobs Access Reverse Commute Program:** This program can fund operating, capital, and mobility management projects providing transportation services to jobs and employment-related activities for persons with limited means. No new funding is assumed after FY 2009 until a new federal legislation is in place or annual apportionment is published.

- **FTA Formula (Section 5317) New Freedom Program:** This program can fund operating, capital, and mobility management projects providing new or expanded transportation services and facilities for persons with disabilities. No new funding is assumed after FY 2009 until a new federal legislation is in place or annual apportionment is published.
- **Highway Bridge Program (HBP)/Hazard Elimination (HES)/Safe Routes to Schools (SR2S), High-Risk Rural Roads (HRRR)/Highway Safety Improvement Program (HSIP):** These programs are administered by Caltrans at the statewide level. All funding are provided by Caltrans and programmed as a lump sum.
- **Transportation Enhancement (TE):** Although this is a federal program, the fund administration was transferred from the regional agencies to CTC. The SANDAG Board determines the projects to be funded under this program and no new projects have been selected; therefore, the current lump sum is a carryover from prior RTIP and does not reflect any new projects.
- **Transportation, Community and Systems Preservation (TCSP):** Researches relationships between transportation, community preservation and the environment; funds projects to address transportation efficiency and community system preservation. Projects are programmed upon award.

## State Revenues

The state highway projects programmed are based on the 2010 STIP adoption.

- **Freeway Service Patrol (FSP):** Funds are provided through the state legislature. The FSP program costs and revenue estimates have been developed jointly by SANDAG, Caltrans, and the California Highway Patrol based upon the most current statewide FSP Act funding levels.
- **Prop 1A:** The Safe, Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century approved by the voters as Proposition 1A on November 4, 2008 authorizes the CTC upon appropriation by the Legislature to allocate funds for capital improvement to intercity rail, commuter rail and urban rail systems. The CTC is scheduled to adopt the program of projects under this program at its May 2010 meeting. Upon approval, these projects will be reflected in the RTIP.
- **Prop 1B:** The CTC is the responsible agency for administering the transportation component of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B on November 7, 2006. CTC has approved or allocated funding for some programs including STIP/SHOPP Augmentation, Public Transportation Modernization, Improvement and Service Enhancement (PTMISEA), Congestion Mobility Improvement Account (CMIA), and the Trade Corridors Improvement Fund (TCIF). The funding received under these programs is included in the RTIP. As the other programs are allocated, to the extent that San Diego region is the recipient; those will be programmed as they are approved.
- **STIP and SHOPP:** The CTC programs the STIP and SHOPP on a statewide basis. The program funding is based upon reasonably expected state and federal revenues, as identified in the 2010 STIP Fund Estimate.
- **Traffic Congestion Relief Program (TCRP):** In FY 2001, the Governor of California initiated a new funding program (TCRP) in an effort to relieve congestion statewide. The TCRP was created

as a result of a budget surplus; however, with the subsequent and continuing budget deficit, TCRP allocations have been sporadic. TCRP funds are based on the priority list of TCRP allocations.

## Local Revenues

- **TransNet Local Transportation Sales Tax Program:** *TransNet* revenues are estimated based upon taxable retail sales forecasts derived from SANDAG's short-term forecasting model.

The *TransNet* Ordinance specifies several sub-programs that augment the major transportation projects in the region including Major Corridors, Smart Growth Incentive Program, and an innovative program for early mitigation for projects – Environmental Mitigation Program – the first in the state to purchase right-of-way early in order to reduce the cost of projects in the future while preserving the ecology of the region.

- **Local Agency Funding:** The local agency revenues programmed are based on reasonably expected revenues as submitted by local agencies. Included are city and county local gas tax subventions, developer fees, local public funds, Prop. 42 funds and developer funds administered by local agencies.
- **Local Privatization/Toll Revenues:** There are two local privatization/toll revenue funding: (1) the SR 125 private toll road project from SR 905 to SR 54 and (2) the SR 241 Foothill Corridor toll road.
- **Transportation Development Act (TDA):** Although this is a state program, TDA is administered locally. Funds are based on a ¼ percent state sales tax, with revenues made available primarily for transit operating and capital purposes. The San Diego County Auditor's office estimates the apportionment for the upcoming fiscal year. SANDAG prepares forecasts of TDA based on a forecast of sales tax revenues estimated for the San Diego County using SANDAG's short-term forecasting model, which takes into consideration numerous variables, including population growth, jobs, inflation, and real income growth.

## Other Transportation Program Revenues

- **Other Funds:** These funds include contributions from various state funding sources, local agency contributions, private sector funding, advertising income, investment earnings, passenger fare revenue, and other miscellaneous income. Revenues from these sources are generally consistent with established historical trends or are based upon funding commitments from local agencies.
- **Innovative Financing:** One project funded through federally funded Grant Anticipation Revenue Vehicle (GARVEE) continues in the RTIP, I-15 Managed Lanes. The intent of the program is to provide a financing mechanism to accelerate the funding and construction of critical transportation projects in order to provide the congestion relief benefits to the public significantly sooner than under traditional financial techniques. Based on the same concept of advancing projects, SANDAG Board approved the issuance of \$600 million in long term debt backed by *TransNet* in order to complete major transportation projects early.

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 50 and 58**

[EPA-HQ-OAR-2005-0172; FRL-9102-1]

RIN 2060-AP98

**National Ambient Air Quality Standards for Ozone****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** Based on its reconsideration of the primary and secondary national ambient air quality standards (NAAQS) for ozone (O<sub>3</sub>) set in March 2008, EPA proposes to set different primary and secondary standards than those set in 2008 to provide requisite protection of public health and welfare, respectively. With regard to the primary standard for O<sub>3</sub>, EPA proposes that the level of the 8-hour primary standard, which was set at 0.075 ppm in the 2008 final rule, should instead be set at a lower level within the range of 0.060 to 0.070 parts per million (ppm), to provide increased protection for children and other “at risk” populations against an array of O<sub>3</sub>-related adverse health effects that range from decreased lung function and increased respiratory symptoms to serious indicators of respiratory morbidity including emergency department visits and hospital admissions for respiratory causes, and possibly cardiovascular-related morbidity as well as total non-accidental and cardiopulmonary mortality. With regard to the secondary standard for O<sub>3</sub>, EPA proposes that the secondary O<sub>3</sub> standard, which was set identical to the revised primary standard in the 2008 final rule, should instead be a new cumulative, seasonal standard expressed as an annual index of the sum of weighted hourly concentrations, cumulated over 12 hours per day (8 am to 8 pm) during the consecutive 3-month period within the O<sub>3</sub> season with the maximum index value, set at a level within the range of 7 to 15 ppm-hours, to provide increased protection against O<sub>3</sub>-related adverse impacts on vegetation and forested ecosystems.

**DATES:** Written comments on this proposed rule must be received by March 22, 2010.

**Public Hearings:** Three public hearings are scheduled for this proposed rule. Two of the public hearings will be held on February 2, 2010 in Arlington, Virginia, and Houston, Texas. The third public hearing will be held on February 4, 2010 in Sacramento, California.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2005-0172, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov).

- *Fax:* 202-566-9744.

- *Mail:* Docket No. EPA-HQ-OAR-2005-0172, Environmental Protection Agency, Mail code 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.

- *Hand Delivery:* Docket No. EPA-HQ-OAR-2005-0172, Environmental Protection Agency, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Public Hearings:** Three public hearings are scheduled for this proposed rule. Two of the public hearings will be held on February 2, 2010 in Arlington, Virginia and Houston, Texas. The third public hearing will be held on February 4, 2010 in Sacramento, California. The hearings will be held at the following locations:

*Arlington, Virginia—February 2, 2010*

Hyatt Regency Crystal City @ Reagan National Airport, Washington Room (located on the Ballroom Level), 2799 Jefferson Davis Highway, Arlington, Virginia 22202, Telephone: 703-418-1234.

*Houston, Texas—February 2, 2010*

Hilton Houston Hobby Airport, Moody Ballroom (located on the ground floor), 8181 Airport Boulevard, Houston, Texas 77061, Telephone: 713-645-3000.

*Sacramento, California—February 4, 2010*

Four Points by Sheraton Sacramento International Airport, Natomas Ballroom, 4900 Duckhorn Drive, Sacramento, California 95834, Telephone: 916-263-9000.

See the **SUPPLEMENTARY INFORMATION** under “Public Hearings” for further information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2005-0172. The EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business

Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Lyon Stone, Health and Environmental Impacts Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C504-06, Research Triangle Park, NC 27711; telephone: 919-541-1146; fax: 919-541-0237; e-mail: [stone.susan@epa.gov](mailto:stone.susan@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**FACT SHEET**  
**PROPOSAL TO REVISE THE NATIONAL AMBIENT AIR QUALITY STANDARDS**  
**FOR OZONE**

**SUMMARY OF ACTION**

*Proposed ozone standards*

- On January 6, 2010, EPA proposed to strengthen the national ambient air quality standards (NAAQS) for ground-level ozone, the main component of smog. The proposed revisions are based on scientific evidence about ozone and its effects on people and the environment.
- EPA is proposing to strengthen the 8-hour “primary” ozone standard, designed to protect public health, to a level within the range of 0.060-0.070 parts per million (ppm).
- EPA is also proposing to establish a distinct cumulative, seasonal “secondary” standard, designed to protect sensitive vegetation and ecosystems, including forests, parks, wildlife refuges and wilderness areas. EPA is proposing to set the level of the secondary standard within the range of 7-15 ppm-hours.
- The proposed revisions result from a reconsideration of the identical primary and secondary ozone standards set at 0.075 ppm in 2008.
- EPA is reconsidering the ozone standards to ensure that two of the nation’s most important air quality standards are clearly grounded in science, protect public health with an adequate margin of safety, and protect the environment. The ozone standards set in 2008 were not as protective as recommended by EPA’s panel of science advisors, the Clean Air Scientific Advisory Committee (CASAC). The proposed standards are consistent with CASAC’s recommendations.
- The proposal to strengthen the primary standard places more weight on key scientific and technical information, including epidemiological studies, human clinical studies showing effects in healthy adults at 0.060 ppm, and results of EPA’s exposure and risk assessment.
- The proposal to set a distinct secondary standard places more weight on the importance of a biologically relevant standard by recognizing that cumulative, seasonal exposure to ozone harms sensitive vegetation.
- EPA will take public comment for 60 days following publication of the proposal in the Federal Register. The agency also will hold public hearings on the proposal in the following three locations:
  - February 2, 2010
    - Arlington, Va.
    - Houston, Texas
  - February 4, 2010
    - Sacramento, Calif.
- EPA will issue final standards by August 31, 2010.

#### *Review of Science: Public Health*

- Scientific evidence indicates that adverse public health effects occur following exposure to ozone, particularly in children and adults with lung disease.
- Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases. Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use, doctor visits, and emergency department visits and hospital admissions for individuals with lung disease.
- Ozone exposure also increases the risk of premature death from heart or lung disease.
- Children are at increased risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors, which increases their exposure.

#### *Review of Science: Public Welfare*

- Scientific evidence shows that repeated exposure to ozone during the growing season damages sensitive vegetation. Cumulative ozone exposure can lead to reduced tree growth; visibly injured leaves; and increased susceptibility to disease, damage from insects and harsh weather.
- Sensitive plant species that are potentially at increased risk from ozone exposure include trees such as black cherry, quaking aspen, ponderosa pine and cottonwood. These trees are found across the United States, including in protected parks and wilderness areas.

#### *Review of Science: Technical Record*

- The reconsideration is based on the scientific and technical record used in the March 2008 review, which included more than 1,700 scientific studies.
- In this reconsideration, EPA is not relying on studies about the health and ecological effects of ozone that have been published since the science assessment to support the 2008 review was completed. However, EPA conducted a provisional assessment of these newer studies and found they do not materially change the conclusions of the Agency's earlier science assessment. More information on the provisional assessment is available at: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=214003>

### **DETERMINING COMPLIANCE: THE FORM OF THE STANDARDS**

- When EPA sets air quality standards, it also must specify the measurement unit, or “form” of each standard, which is used to determine whether an area is meeting the standards.
- For the primary standard, ozone concentrations are averaged over 8-hour periods. The fourth-highest 8-hour value at a particular monitor in the most recent year is averaged with the fourth-highest 8-hour values from the previous two years. This produces a three-year average. To meet the standard, the three-year average must be less than or equal to the level of the standard. EPA did not reconsider the form of the primary standard.

- The proposed secondary standard is designed to protect sensitive vegetation from adverse effects associated with cumulative ozone exposures during the three months when daytime ozone concentrations are the highest. Specifically, the form of this new proposed secondary standard is a “cumulative peak-weighted index,” called W126. The W126 index is calculated by:
  - “Weighting” each hourly ozone measurement occurring during the 12 daylight hours (8:00 am to 8:00 pm) each day, with more weight given to higher concentrations. This “peak weighting” emphasizes higher concentrations more than lower concentrations, because higher concentrations are disproportionately more damaging to sensitive trees and plants;
  - Adding these 12 weighted hourly ozone measurements for each day, to get a cumulative daily value;
  - Summing the daily values for each month, to get a cumulative monthly value;
  - Identifying the three consecutive months during the ozone season with the highest index value, to get the cumulative seasonal index value, and;
  - Averaging these maximum seasonal index values over three years.
- An area would meet the proposed secondary standard if the three-year average of the cumulative seasonal index values is less than or equal to the level of the standard (i.e., 7-15 ppm-hours).

#### **ESTIMATED TIMELINE FOR IMPLEMENTING THE PROPOSED STANDARDS**

- EPA, states and tribes will work together to implement the ozone standards that result from the reconsideration.
- EPA is proposing an accelerated schedule for designating areas for the primary ozone standard. Also, EPA is taking comment on whether to designate areas for a seasonal secondary standard on an accelerated schedule or a 2-year schedule.
- The accelerated schedule would be:
  - **By January 2011:** States make recommendations for areas to be designated attainment, nonattainment or unclassifiable.
  - **By July 2011:** EPA makes final area designations.
  - **August 2011** Designations become effective.
  - **December 2013:** State Implementation Plans, outlining how states will reduce pollution to meet the standards, are due to EPA.
  - **2014 to 2031:** States are required to meet the primary standard, with deadlines depending on the severity of the problem.

## MONITORING FOR OZONE

- In a separate rule, EPA proposed in July 2009 to modify the ozone air quality monitoring network design requirements. The proposed modifications would better support alternative ozone standards, including the 2008 ozone standards and the ozone standards proposed in this reconsideration.
- EPA is not proposing in this reconsideration to further modify the minimum monitoring requirements for ozone.
- The already proposed monitoring revisions would change minimum monitoring requirements in urban areas, add new minimum monitoring requirements in non-urban areas, and extend the length of the required ozone monitoring season in many states.
  - EPA proposed that urban areas with populations between 50,000 and 350,000 people operate at least one ozone monitor.
  - EPA proposed that states be required to operate at least three ozone monitors in non-urban areas.
- There are approximately 1,200 ozone monitors operating in the United States, with about 1,000 sited to represent urban areas and 200 to represent non-urban areas.
  - EPA estimates that about 270 new ozone monitors could be required to satisfy the proposed monitoring requirement. We expect the number of new monitors to be considerably less because of the flexibility including in the proposal.
- EPA is considering comments received on the proposed monitoring requirements and plans to issue a final rule in coordination with the final ozone standards in August 2010.

## BACKGROUND

### *What is Ozone?*

- Ozone is found in two regions of the Earth's atmosphere – at ground level and in the upper regions of the atmosphere. Both types of ozone have the same chemical composition (O<sub>3</sub>). While upper atmospheric ozone forms a protective layer from the sun's harmful rays, ground level ozone is the main component of smog.
- Ground-level ozone is not emitted directly into the air, but forms through a reaction of nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), carbon monoxide (CO) and methane (CH<sub>4</sub>) in the presence of sunlight.
- Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are the major man-made sources of NO<sub>x</sub> and VOCs.
- Because sunlight and hot weather accelerate its formation, ozone is mainly a summertime air pollutant. Both urban and rural areas can have high ozone levels, often due to transport of ozone or its precursors from hundreds of miles away.

### *Ozone and Public Health*

- Exposures to ozone can:
  - Reduce lung function, making it more difficult for people to breathe as deeply and vigorously as normal,
  - Irritate the airways, causing coughing, sore or scratchy throat, pain when taking a deep breath and shortness of breath,
  - Inflammation and damage the airways,
  - Increase frequency of asthma attacks,
  - Increase susceptibility to respiratory infection, and
  - Aggravate chronic lung diseases such as asthma, emphysema and bronchitis.
- In some people, these effects can lead to:
  - Increased medication use among asthmatics,
  - More frequent doctors visits,
  - School absences,
  - Increased emergency room visits and hospital admissions, and
  - Increased risk of premature death in people with heart and lung disease.
- Groups that are at greater risk from ozone include:
  - People with lung disease, especially children with asthma.
  - Children and older adults.
  - People who are active outside, especially children and people who work outdoors.

### *Ozone and the Environment*

- Ground-level ozone can have harmful effects on sensitive vegetation and ecosystems. When sufficient ozone enters the leaves of a plant, it can:
  - Interfere with the ability of sensitive plants to produce and store food, leading to reduced growth, making them more susceptible to certain diseases, insects, other pollutants, competition and harsh weather.
  - Visibly damage the leaves of trees and other plants, harming the appearance of vegetation in urban areas, national parks, and recreation areas.
- These effects can have adverse impacts on ecosystems, including loss of species and changes to habitat quality, and water and nutrient cycles.

### *About the NAAQS Process*

- The Clean Air Act requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. National standards exist for six pollutants: ozone, particulate matter, nitrogen oxides, carbon monoxide, sulfur dioxide, and lead.
- For each of these pollutants, the Clean Air Act requires EPA to set the health-based or “primary” standards at a level judged to be “requisite to protect the public health with an adequate margin of safety” and establish secondary standards that are “requisite” to protect

public welfare from “any known or anticipated adverse effects associated with the pollutant in the ambient air” including effects on vegetation, soils, water, wildlife, buildings and national monuments, and visibility.

- The law also requires EPA to review the standards and their scientific basis every five years to determine whether revisions are appropriate.
- The Clean Air Scientific Advisory Committee (CASAC) provides independent advice to the EPA Administrator on the relevant scientific and technical information and on the standards.

## **HOW TO COMMENT**

- EPA will accept public comments for 60 days after the proposed revisions to the ozone standards are published in the Federal Register.
- Comments should be identified by Docket ID No. EPA-HQ-OAR-2005 -0172 and submitted by one of the following methods:
  - Federal eRulemaking Portal (<http://www.regulations.gov>),
  - e-mail ([a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)),
  - Mail (EPA Docket Center, Environmental Protection Agency, Mail code 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460), or
  - Hand delivery (EPA Docket Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC).

## **FOR MORE INFORMATION**

- To download the Federal Register notice about the proposed revisions to the ozone standards, visit [www.epa.gov/ozonepollution](http://www.epa.gov/ozonepollution).
- Today’s proposal and other background information are also available either electronically at <http://www.regulations.gov>, EPA’s electronic public docket and comment system, or in hardcopy at the EPA Docket Center’s Public Reading Room.
  - The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
  - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
  - Materials for this action can be accessed using Docket ID No. EPA-HQ-OAR- 2005-0172.