



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

MAR 22 2011

Mr. Hassan Raza  
Federal Highway Administration  
Delaware Division Administrator  
300 South New Street, Suite 2101  
Dover, Delaware 19904

Dear Mr. Raza:

The United States Environmental Protection Agency (EPA) has reviewed the 1997 8-Hour Ozone Conformity Determination for the Cecil County, Maryland Portion of the Wilmington Area Planning Council (WILMAPCO) 2040 Regional Transportation Plan. EPA reviewed the conformity determination in accordance with the procedures and criteria of the Transportation Conformity Rule contained in 40 CFR part 93.

Enclosed, please find EPA's detailed evaluation titled, "Technical Support Document for the Review of the 1997 8-Hour Ozone Conformity Determination for the Cecil County, Maryland Portion of the Wilmington Area Planning Council (WILMAPCO) 2040 Regional Transportation Plan Update."

If you have any questions, please contact Ms. Cristina Fernandez, Associate Director, Office of Air Programs Planning, at 215-814-2178 or Mr. Martin Kotsch at 215-814-3335.

Sincerely,

A handwritten signature in black ink that reads "Diana Esher".

Diana Esher, Director  
Air Protection Division


Enclosure

cc: Anna Price (FHWA)  
Kwame Ahrin (FHWA)  
Jim Wilkinson (MDE)  
Howard Simons (MDOT)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

February 23, 2011

**SUBJECT:** Technical Support Document for the Review of the 1997 8-Hour Ozone Conformity Determination for the Cecil County, Maryland Portion of the Wilmington Area Planning Council (WILMAPCO) 2040 Regional Transportation Plan Update

**FROM:**   
Martin Kotsch,  
Office of Air Program Planning (3AP30)

**TO:** Administrative Record of EPA's Review of the 1997 8-Hour Ozone Conformity Determination for the Cecil County, Maryland Portion of the WILMAPCO 2040 Regional Transportation Plan Update

**THRU:** Cristina Fernandez, Associate Director  
Office of Air Program Planning (3AP30)

The purpose of this document is to review the 1997 8-hour ozone conformity determination for the Cecil County, Maryland portion of the WILMAPCO 2040 Regional Transportation Plan Update (Plan) to determine whether or not the conformity determination meet the requirements of the Clean Air Act and the applicable regulations promulgated thereunder at 40 CFR part 93. EPA Region III received the WILMAPCO conformity determination for the Plan and a request on February 16, 2011 from the Delaware Division Office of the Federal Highway Administration (FHWA). The conformity determination was prepared by the WILMAPCO Metropolitan Planning Organization (MPO).

The Cecil County area is part of the larger Philadelphia-Wilmington-Atlantic City, PA-DE-NJ-MD nonattainment area a moderate nonattainment area for the 1997 8 ozone standard. For the 1997 ozone standard, under section 93.109 of the Federal conformity rule, the existing 2008 Reasonable Further Progress (RFP) State Implementation Plan (SIP) with Volatile Organic Compounds (VOCs) and Nitrogen Oxides (NOx) mobile emissions budgets are applicable for the ozone conformity determinations.

We have reviewed the conformity determination in accordance with the procedures and criteria of the Transportation Conformity Rule contained in 40 CFR part 93, sections 93.102(b)(1), 93.102 (b)(2)(iv), 93.102(b)(2)(v), 93.102(b)(3), 93.106, 93.108, 93.110, 93.111, 93.112, 93.113(b), 93.113(c), and 93.118.

**EVALUATION OF CONFORMITY DETERMINATION FOR THE CECIL COUNTY  
PORTION OF THE WILMAPCO PLAN SUBMITTED TO EPA BY FHWA ON  
FEBRUARY 16, 2011**

**GENERAL CRITERIA APPLICABLE TO THE PLAN**

| SECTION<br>of 40 CFR<br>Part 93 | CRITERIA  | Y/N                        | COMMENTS  |
|---------------------------------|---|----------------------------|---|
| 93.110                          | <p>Are the conformity determinations based upon the latest planning assumptions?</p> <p>(a) Are the conformity determinations, with respect to all other applicable criteria in §§93.111 - 93.119, based upon the most recent planning assumptions in force at the time of the conformity determinations?</p> <p>(b) Are the assumptions derived from the estimates of current and future population, employment, travel, and congestion the most recently developed by the MPO or other designated agency? Are the conformity determinations based upon the latest assumptions about current and future background concentrations?</p> | <p>Y</p> <p>Y</p> <p>Y</p> | <p>(a, b) The conformity determination are based upon the latest planning assumptions in force and approved by the MPO at the time of the determinations. The travel demand model was updated in 2008. Year 2008 vehicle registration data was used in the analysis. The analyses utilized socio-economic data based upon the year 2000 U.S. Census demographic data and projected to each of the analysis years and adopted in May 2010 by the WILMAPCO council.</p> |
|                                 | <p>(c) Are any changes in the transit operating policies (including fares and service levels) and</p>   | Y                          | <p>There have been no changes in any operating policies or assumptions for ridership since the last conformity determination.</p>   |

|        |  |   |  |
|--------|--|---|--|
|        | assumed transit ridership since the previous conformity determination discussed?   |   |  |
|        | (d) The conformity determinations must include reasonable assumptions about transit service and increases in transit fares and road and bridge tolls over time.  | Y | The conformity determination included reasonable transit service and fare assumptions as well as assumptions about tolls associated with bridges and roadways. There are no regionally significant transit projects in the planning area.  |
|        | (e) The conformity determinations must use the latest existing information regarding the effectiveness of the Transportation Control Measures (TCMs) and other implementation plan measures which have already been implemented. | Y | There are no TCMs in the SIP for this nonattainment area. However, the following implementation plan control measures were accounted for in the conformity analyses: the Federal Motor Vehicle Control Program, On-Board Diagnostics, reformulated gasoline, Phase I and II, Tier 1, the National Low Emissions Vehicle Program and the Heavy Duty Diesel Engine Rule, and the Tier 2/Sulfur-in-Fuel Rule. |
|        | (f) Key assumptions will be specified and included in the draft documents and supporting materials used for the interagency and public consultation required by §93.105  | Y | Key assumptions have been included in the documents and supporting materials used for interagency and public consultation. They were included in the materials made available during the public review period.   |
| 93.112 | Did the MPO make the conformity determinations according to the consultation procedures of the conformity rule or the state's conformity SIP?  | Y | Consultation has occurred among all appropriate agencies in accordance with the Federal Conformity Rule. The MPO provided a public comment period from November 5, 2010 until January 6, 2011 on the Plan. One public hearing was held on November 17, 2010 during the public comment period. There were no public comments received on the Plan conformity determination.                                 |

**SPECIFIC CRITERIA APPLICABLE TO THE PLAN**

| SECTION<br>of 40 CFR<br>PART 93 | CRITERIA  | Y/N                   | COMMENTS   |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
|---------------------------------|---|-----------------------|--|-------------|------------|-----------------------|------|------------|------------|------|------------|------------|------|------------|------------|------|------------|------------|
| 93.106(a) (1)                   | Are the horizon years correct?  | Y                     | The years 2015, 2020, 2030, and 2040 are appropriate horizon years for the 1997 8-hour ozone standard.   |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 93.106(a)<br>(2)(i)             | Does the plan quantify and document the demographic and employment factors influencing transportation demand?   | Y                     | Appendix D of the Plan discusses demographic and employment forecasts for the region.  |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 93.106(a)<br>(2)(ii)            | Is the highway and transit system adequately described in terms of the regionally significant additions or modifications to the existing transportation network which is envisioned to be operational in the horizon years? | Y                     | The highway and transit system is adequately described in terms of regionally significant additions or modifications to the existing transportation network, which the transportation plan envisions to be operational in the horizon years.   |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 93.108                          | Is the Transportation Plan fiscally constrained?  | Y                     | The MPO and FHWA have found the Plan to be fiscally constrained.   |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 93.113(b)                       | Are TCMs being implemented in a timely manner?  | N/A                   | There are no TCMs in the SIP.  |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 93.118                          | For areas with SIP budgets:<br>Is the Transportation Plan, TIP or Project consistent with the motor vehicle emissions budget(s) in the applicable SIP?  | Y                     | <p>For Cecil County, projected emissions for 2015, 2020, 2030, and 2040 are less than the 2008 RFP SIP emission budgets (in parentheses, tons per day) as shown below:</p> <table border="1" data-bbox="958 1549 1425 1860"> <thead> <tr> <th><u>Year</u></th> <th><u>VOC</u></th> <th><u>NO<sub>x</sub></u></th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>1.76 (2.3)</td> <td>4.10 (7.9)</td> </tr> <tr> <td>2020</td> <td>1.42 (2.3)</td> <td>2.21 (7.9)</td> </tr> <tr> <td>2030</td> <td>1.23 (2.3)</td> <td>1.28 (7.9)</td> </tr> <tr> <td>2030</td> <td>1.36 (2.3)</td> <td>1.36 (7.9)</td> </tr> </tbody> </table> | <u>Year</u> | <u>VOC</u> | <u>NO<sub>x</sub></u> | 2015 | 1.76 (2.3) | 4.10 (7.9) | 2020 | 1.42 (2.3) | 2.21 (7.9) | 2030 | 1.23 (2.3) | 1.28 (7.9) | 2030 | 1.36 (2.3) | 1.36 (7.9) |
| <u>Year</u>                     | <u>VOC</u>  | <u>NO<sub>x</sub></u> |  |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 2015                            | 1.76 (2.3)  | 4.10 (7.9)            |  |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 2020                            | 1.42 (2.3)  | 2.21 (7.9)            |  |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 2030                            | 1.23 (2.3)  | 1.28 (7.9)            |  |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |
| 2030                            | 1.36 (2.3)  | 1.36 (7.9)            |  |             |            |                       |      |            |            |      |            |            |      |            |            |      |            |            |

## **CONCLUSION**

Pursuant to FHWA's February 16, 2011 request, we have reviewed the Cecil County, Maryland Portion of the WILMAPCO 2040 Regional Transportation Plan Update. EPA has determined that the Plan meets the requirements of the Clean Air Act and the applicable regulations promulgated thereunder at 40 CFR part 93.