

## **Air Quality Subcommittee (AQS) Meeting Notes**

March 12, 2015

### **Attendees (via teleconference)**

Kevin Black, FHWA  
Deanna Cuccinello, DNREC  
Marc Dixon, FHWA  
Heather Dunigan, WILMAPCO  
Mike DuRoss, DelDOT  
Jim Galvin, D/KC MPO  
Jay Gerner, DelDOT  
Tamika Graham, WILMAPCO  
Valerie Gray, DNREC  
Alex Krempasanka, MDE  
Howard Simons, MDOT  
Bill Swiatek, WILMAPCO  
Tigist Zegeye, WILMAPCO

### **Acceptance of the Notes from the January 8 Meeting**

- The notes were accepted without corrections or clarifications.

### **Air Quality Conformity Approval**

- Packet: [www.wilmapco.org/aqs](http://www.wilmapco.org/aqs)
- Mr. Swiatek noted that there is a delay in FHWA's approval of the 2040 RTP: 2015 Update and the FY 2016 TIP Conformity Determination. He asked Mr. Dixon to review the implications of a December 23, 2014 court decision which has brought this about.
- Mr. Dixon said that the Court of Appeals for the DC Circuit issued a ruling on a challenge brought by the National Resources Defense Council to EPA's 2008 ozone standard. In the decision, they removed part of the regulation which had revoked transportation conformity requirements for the 1997 ozone standard. Therefore, conformity determinations must account for the 1997 standard. Unfortunately, the submitted WILMAPCO conformity determinations do not.
- Mr. Dixon continued, stating that on February 13, 2015 EPA signed the final implementation rule for the 2008 ozone standard. When this goes into effect, it will revoke the 1997 standard, in effect reverse the court decision, and put us back to where we were prior to December 23. This rule was published in the Federal Register on March 6, 2015. It will become effective 30 days after that publication.

- Since the new conformity rule will not go into effect until April, FHWA cannot issue an approval letter until the April timeframe. Mr. Dixon said that the current RTP expires on March 30, placing us in a one-year grace period prior to a conformity lapse, beginning on March 31.
- The group was okay with this timeline, and recommended simply waiting for the new EPA ruling to go into effect.

**Other**

- Mr. Simons asked when the next conformity determination was due. Mr. Swiatek replied that amendments to the TIP may trigger a revised determination this summer. A new RTP will not be due for another four years, a new TIP will be adopted next March. Mr. Simons asked if we were in good standing with the budgets to test against. Ms. Gray and Ms. Krempasanka said that we were.