

Air Quality Subcommittee (AQS) Meeting Notes

March 10, 2016

Attendees

Greg Becoat, EPA (teleconference)
Alex Brun, MDE (teleconference)
Deanna Cuccinello, DNREC (teleconference)
Marc Dixon, FHWA (teleconference)
Heather Dunigan, WILMAPCO
Jay Gerner, DelDOT
Randi Novakoff, WILMAPCO
Jolyon Shelton, DNREC
Cathy Smith, DTC
Bill Swiatek, WILMAPCO
Jacob Thompson, WILMAPCO
Colleen Turner, MDOT (teleconference)
Tigist Zegeye, WILMAPCO

Acceptance of the Notes from the December 17 Meeting

- See packet, pages 2 – 10: www.wilmapco.org/aqs
- The notes were accepted without corrections or clarifications.

Air Quality Portion of the Project Prioritization Process

- See packet, pages 11 – 22: www.wilmapco.org/aqs
- Mr. Swiatek reviewed the elements of the project prioritization process. Found below is the existing air quality scoring criteria:

Air Quality – Project expected to improve air quality by:

- reducing emissions
- reducing VMT (Vehicle Miles Traveled)
- not adding capacity
- increasing access to non-auto modes

3	Project expected to substantially improve air quality (all four bullets apply)
1	Project expected to slightly improve air quality (2-3 bullets)
0	No expected air quality impact (does not add capacity)
-3	Negative air quality impact expected

- Mr. Swiatek said that there was a discussion at the August AQS meeting about revising this scoring system because it has proven to be too subjective. The group agreed to a revised system which scores projects by their type. It is found below:

AIR QUALITY Expected to impact air quality, based on project types:	
3	<p>Project expected to moderately or significantly improve air quality. Project types include:</p> <ul style="list-style-type: none"> a. fixed-route bus and train service expansions b. public transit technology improvements c. major non-recreational nonmotorized system expansion (not tied to a roadway project which would increase vehicle capacity) d. diesel engine replacements e. alternative fueling stations f. park-and-ride lot expansions g. carpooling schemes
1	<p>Project expected to slightly improve air quality. Project types include:</p> <ul style="list-style-type: none"> a. fixed-route bus and train service replacements b. minor non-recreational nonmotorized system expansions (not tied to a roadway project which would increase vehicle capacity) c. major non-recreational nonmotorized system maintenance (not tied to a roadway project which would increase vehicle capacity)
0	<p>Project not expected to impact air quality. Project types include:</p> <ul style="list-style-type: none"> a. roadway projects which do not add capacity b. park-and-ride lot maintenance c. rail preservation d. paratransit expansion and maintenance e. recreational nonmotorized system expansion/maintenance f. minor non-recreational nonmotorized system maintenance (not tied to a roadway project which would increase vehicle capacity)
-1	<p>Project expected to slightly worsen air quality. Project types include:</p> <ul style="list-style-type: none"> a. roadway projects which add capacity but are non-regionally significant, including those with a non-recreational nonmotorized system expansion component
-3	<p>Project expected to moderately or significantly worsen air quality. Project types include:</p> <ul style="list-style-type: none"> a. roadway projects which add capacity and are regionally significant, including those with a non-recreational nonmotorized system expansion component

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- Mr. Swiatek said that DelDOT expressed concerns about this new system following the last AQS meeting. One concern was that road capacity projects with a nonmotorized element would receive a negative score. DelDOT felt that nonmotorized projects should receive points somewhere in the overall prioritization system. To address this WILMAPCO added a separate scoring criteria that awards points to nonmotorized projects that fall along high-scoring stretches of the prioritized pedestrian network.
- Mr. Swiatek reviewed the new scores projects received in the draft FY 2018 TIP. Generally capacity projects are more likely to receive lower scores in the new system. Public transit projects, on the other hand, are more likely to receive higher scores in the proposed system.
- Mr. Gerner said that DelDOT has ongoing concerns about the proposed system. Ms. Zegeye replied that discussions have taken place with Drew Boyce and Mark Tudor. While they are still not 100% behind the new system, they are leaning towards it with the scoring just for nonmotorized projects being added. In addition, Ms. Zegeye noted that all of the -3 projects are in the model and are regionally significant based on our information. She stated that the description for projects provided by DelDOT are often lacking. So, some regionally significant projects may not be if a better description were provided. Ms. Dunigan clarified that regionally significant projects, even if they have a multimodal element, would still receive a -3.

- Ms. Smith said that the proposed air quality scoring criteria was a definite improvement that she supports.
- Mr. Swiatek said that a pair of projects needed to be scored using the current scoring system, as the proposed system is not yet adopted. These projects include US 40: US 40/SR 7 and US 40: US 40, Salem Church Road to Walther Road. The first project was given a draft score of 1, the second a draft score of -3. The AQS was in agreement with these scores.

FAST Act Update

- See packet, pages 23 – 25: www.wilmapco.org/aqs
- Mr. Dixon reviewed changes to the CMAQ program within the "Fixing America's Surface Transportation Act" (FAST). For the most part, MAP-21 policies were continued. A few changes include adding CMAQ eligibility for:
 - Verified technologies for non-road vehicles and engines used in port-related freight operations;
 - Vehicle to infrastructure communications equipment;
 - Adds priority for electric vehicle and natural gas infrastructure located in designated corridors;

The FAST Act also amended the use of CMAQ in PM2.5 areas for:

- Diesel retrofits;
 - Installation of diesel emission control technology on nonroad diesel equipment or on road diesel equipment that is operated on a highway construction project;
 - The most cost-effective projects to reduce emissions from port related landside non-road or on road equipment
- Mr. Swiatek asked how FHWA tracks PM2.5 set aside funds in nonattainment and maintenance areas. Mr. Dixon replied that there is a special coding for the project.
 - Ms. Zegeye questioned if private entities were eligible for submitting diesel retrofit projects for CMAQ funding. Mr. Dixon will get back to the group with a firm answer.

- Ms. Zegeye asked if showing the emissions benefits for proposed CMAQ funded projects were required. Mr. Dixon said that this was part of the performance measure requirements. The proposed rulemaking has not yet been released. Ms. Zegeye asked if the performance measure requirements applied for MPOs with a population exceeding 1 million people, or TMA's. Mr. Dixon replied that it was for MPOs within TMAs. This would be better defined when the notice for proposed rulemaking is released.
- Mr. Shelton wondered what the definition of “significant” in terms of contribution to air quality pollution as defined in the FAST Act informational sheet. Mr. Dixon said he would follow-up.

- Following the meeting, Mr. Dixon clarified a few points in an e-mail to the AQS on March 18.

Question 1: In the PM 2.5 set-aside provision, can **private entities** use CMAQ for diesel retrofit projects? Or, is it limited to public entities?

Answer 1: Private entities may use CMAQ funds for diesel retrofit projects through the use of a public private partnership (P3) agreement. CMAQ funds should be devoted to P3s that benefit the general public by clearly reducing emissions, not for financing marginal projects.

Question 2: In the ‘exemption from PM 2.5 set-aside for States with low population density’ provision, the second criteria says “*if...emissions are an insignificant contributor...*” **How is insignificant contributor defined? Has that or will that be defined in the near future?**

Answer 2: This part of the criteria is based on an area having an insignificance finding from EPA. As explained in the transportation conformity rule at 40 CFR 93.109(f), EPA makes this finding through the State Implementation Plan (SIP) adequacy or approval process. The finding is based on a SIP demonstration that regional motor vehicle emissions are an insignificant contributor to the air quality problem for the pollutant/precursor and NAAQS. This is a link to the insignificant finding for Libby, MT, the only area that met all three criteria for the PM2.5 set-aside exemption: <https://www.gpo.gov/fdsys/pkg/FR-2011-03-17/pdf/2011-5969.pdf>.

Question 3: There was a question about CMAQ Performance Plans and if the requirement applies to all MPOs within a TMA with populations greater than 1 million or just the MPOs with populations over 1 million.

Answer 3: 23 USC 149(l) says, “...*each MPO serving a TMA with a population over 1 million people representing a nonattainment or maintenance area shall develop a performance plan...*” Therefore, WILMAPCO will have to comply with this requirement. As I mentioned, the performance measure rule that includes the CMAQ measures will touch on the CMAQ performance plan reporting requirements. But, FHWA HQ plans to issue separate guidance in coordination with issuance of a final rule.

Ozone Standard

- Mr. Becoat provided in updates on new and upcoming federal standards.
- Mr. Becoat said that EPA reviewed the criteria for ozone and revised the primary and secondary standards to a level of 0.07 ppm from 0.075 ppm. The revised standards are expected to produce public health benefits and long-term economic savings.
- In terms of the Region 3, Mr. Becoat said that some new areas (especially West Virginia and Pennsylvania) will have to demonstrate conformity.
- EPA anticipates making the designations by late 2017, based on data from 2014-16. By October 2016, states will make recommendations for nonattainment area boundaries. By June 2017 EPA will respond to the state recommendations, and give states a chance to respond. By October 2017 the final designations will be made.

Presentation: Air Quality Outreach

- Ms. Novakoff provided the presentation.
- <http://www.wilmapco.org/Aq/files/2016/Other/WILMAPCOAirQualityOutreach2016.pdf>

Other

- Mr. Swiatek noted that the Northern Transportation and Air Quality (NTAQS) conference is being planned for August 30 and 31st at the Baltimore Metropolitan Council.