

INTER AGENCY CONSULTATION GROUP  
Tuesday, January 28, 2014  
East-West Gateway Board Room

Members Present:

Michael Coulson, Chair - East-West Gateway Council of Governments  
Joe Winkelmann - Missouri Department of Natural Resources  
Mike Henderson - Missouri Department of Transportation  
Joe Gray - Illinois Department of Transportation, District 8  
Brad McMahon - Federal Highway Administration, MO  
Cody Brown - U.S. Environmental Protection Agency Region 7 (Telephone)  
Mike Rogers - Illinois Environmental Protection Agency (Telephone)

Others Present:

Bob Randolph - Missouri Department of Natural Resources  
Angie Hoecker - Missouri Department of Transportation

Staff:

Lubna Shoaib            Jason Lange            Carol Lawrence            Johnnie Smith

1.     Call to Order

The meeting of the Inter Agency Consultation Group (IACG) was called to order by Mike Coulson, East-West Gateway Council of Governments (EWG) .

2.     FY 2015 - 2018 Transportation Improvement Program (TIP) Schedule  
       - Jason Lange, East-West Gateway Council of Governments

The process to develop the FY 2015 - 2018 Transportation Improvement Program (TIP) has begun. EWG submitted a request to their partner agencies (Missouri Department of Transportation or MoDOT, Illinois Department of Transportation or IDOT, METRO and Madison County Transit or MCT) for their programs for the next four years so they can be included in the TIP. These programs should be received by the beginning of April. EWG is also requesting project applications from local agencies for Surface Transportation (STP), Congestion Mitigation Air Quality Improvement (CMAQ) and Missouri-only On System Bridge projects. Local project applications are due in mid-March.

It will take Transportation staff a couple of weeks to process these programs and identify carry over or reprogrammed projects and to evaluate local project proposals. Staff will review each project to determine whether it is regionally significant, not regionally significant but not exempt or exempt from Conformity Determination's regional emissions analysis. Generally, most of the projects are exempt, like road resurfacing or bridge replacement and safety projects. Once in-house review is done, staff will provide project classification list to the IACG by mid-April for review and concurrence or comments. This list will include all projects received, if possible. IDOT can not publically release their program until the Governor's office

formally does so. This typically occurs in late April. It might be necessary to send the IACG a separate project classification list just for the IDOT program. Feedback will be needed as soon as possible.

Staff will make recommendations to Transportation Planning Committee (TPC) on which projects should be funded. Once TPC makes their determination, that project list is passed on to the EWG modeling group. The modelers run travel demand model and emissions model for Conformity Determination purposes.

Draft Conformity Determination would be available for preview by the IACG at the beginning of May. Draft TIP document along with Draft Conformity Determination will be presented to the Executive Advisory Committee and Board of Directors at the end of May. These documents will go out for public comment during June. The Board is to approve the Conformity Determination and the TIP at their July meeting. These documents then can be submitted to state and federal agencies for review and approval before October 1, 2014.

Ms. Shoaib, EWG, expressed concern that a two week time period between IACG review of project list and preview of draft Conformity Determination is very tight. Want to make sure there is enough time for the modelers to run both models for several analysis years and prepare documentation. Three weeks would be better.

Mr. Coulson, EWG, distributed the Conformity Determination schedule. He added that the schedule was keyed to suggestions from the federal Baseline Assessment Review. The project classification list could be emailed to IACG around April 15. The cover memo would contain directions and time frame for review and comment. If needed, there could be discussion at the April 29 IACG meeting. Before then, IACG should have reviewed list and identified any problems. There are two separate two-week review periods. The other is the preview of the draft Conformity Determination document by the IACG.

Mr. Henderson, MoDOT, asked if there were no regionally significant projects would a Conformity Determination be needed. Mr. Coulson, EWG, said that a regional emissions analysis might not need to be performed but there would be some type of Conformity documentation.

Mr. McMahon, Federal Highway Administration (FHWA) MO, suggested that there be a quicker turn-around period, like seven days to give EWG staff additional time for modeling and documentation. **Consensus was reached that the IACG will have seven days to review and comment on the list of draft classification of projects which could be included in the FY 2015-2018 TIP.** Projects can be classified as: regionally significant (part of regional emissions analysis); not regionally significant (non-exempt) (included in regional emissions analysis); or exempt (does not have to be included in regional emissions analysis).

3. Conformity Determination for the FY 2015 - 2018 TIP
  - A. Regional Emissions Analysis Planning Assumptions  
- Carol Lawrence, East-West Gateway Council of Governments

Regional emissions analysis assumptions and tables were reviewed. The tables were also emailed to the IACG on Monday. For ozone, the action/budget test will be used. For Missouri, EWG will use the 2015 volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) motor vehicle emissions budgets from Early Progress Plan for 2008 eight-hour ozone standard. In letter dated October 28, 2013, USEPA found these budgets adequate for use in conformity determination. For Illinois, EWG will use the 2008 and 2015 VOC and NO<sub>x</sub> budgets from the Maintenance Plan for the Metro-East St. Louis Ozone Nonattainment Area for the 1997 eight-hour ozone standard. USEPA approved this plan in June 2012. The analysis years will be 2015, 2025, 2030 and 2040. The 2015 Missouri budgets will be used for all analysis years. For Illinois, the 2008 budget will be used for any analysis years before 2025 and the 2015 budget for all analysis years after that.

For the fine particulate matter (PM<sub>2.5</sub>) regional emissions analysis, the action/2002 baseline emissions test will be used. As budgets have not been established by the states, federal guidance set out an interim conformity process to follow. The regional emissions analysis is to be performed for the bi-state PM<sub>2.5</sub> non-attainment area. Missouri and Illinois action emissions for direct PM<sub>2.5</sub> and NO<sub>x</sub> (as precursor) are summed and compared to the EWG-developed 2002 baseline emissions.

Planning assumptions are reviewed by EWG Research staff and Systems Evaluation staff and models are updated on an as-needed basis. Discussions about these assumptions can be found in the Conformity Determination Appendix B - Population and Employment Forecasts and Appendix C - Travel Demand Modeling Procedures, Assumptions and Forecasts. Appendix C has information about congestion, transit and road/bridge tolls. MOVES files are reviewed with the Missouri Department of Natural Resources (MoDNR) and the Illinois Environmental Protection Agency (Illinois EPA) and updated on an as-needed basis. Information on emissions modeling can be found in Conformity Determination Appendix D - MOVES Mobile Source Emissions Modeling and Forecasting and Appendix H - MOVES Documentation.

Mr. Rogers, Illinois EPA, said that he concurred with the Illinois budgets proposed to be used for the ozone tests. He asked if there had been any formal approval by U.S. Environmental Protection Agency (USEPA) of the 2002 direct PM<sub>2.5</sub> and NO<sub>x</sub> baseline emissions developed by EWG with MOVES model. Mr. Coulson, EWG, said that the original 2002 baseline emissions for PM<sub>2.5</sub> had been developed with Mobile model and EWG used MOVES to update 2002 baseline emissions for the PM<sub>2.5</sub> action/baseline test so that MOVES was used consistently throughout the conformity process. This change was talked about at one of the IACG meetings and had received a verbal okay from USEPA. Mr. Brown, USEPA Region 7, concurred and said no official approval was needed for that.

B. Date Conformity Determination Begins  
- Mike Coulson, East-West Gateway Council of Governments

EWG staff is recommending that this meeting be considered the official start date for the Conformity Determination for the FY 2015 - 2018 TIP. This action puts all of our assumptions in place so that over the next few months do not have to deal with new assumptions/data for this Conformity. Systems Evaluation staff have begun to review travel demand model networks and to research emissions model inputs. **Mr. Winkelmann, MoDNR, made a motion that the IACG identify January 28, 2014 as the date that the Conformity Determination for the FY 2015 - 2018 TIP begins. Mr. McMahon, FHWA MO, seconded the motion. The motion carried.**

4. Motor Vehicle Emission Budgets for the Revised Maintenance Plan and Redesignation Request for 1997 Eight-Hour Ozone Standard  
- Joe Winkelmann, Missouri Department of Natural Resources

This information was also presented at the Air Quality Advisory Committee (AQAC) meeting earlier today. This discussion is to officially alert the IACG direction Missouri is taking. MoDNR is looking to have their counties in the St. Louis area be redesignated by USEPA to attainment under the 1997 ozone national ambient air quality standard. MoDNR has been working with USEPA Region 7. The aim is to have USEPA approve the request and Maintenance Plan by August 2014. The 2011 Maintenance Plan is being revised so the end year of the Plan is 2025 (ten year after expected 2015 approval date). USEPA did not find the motor vehicle emissions budgets in the August 2011 Maintenance Plan adequate because they were tied to the Clean Air Interstate Rule (CAIR). Since in July 2012 USEPA revoked the 1997 standard for transportation conformity purposes, Missouri did not establish motor vehicle emissions budgets in the Maintenance Plan revision.

USEPA guidance (July 2012) for 2008 ozone standard required that a Conformity Determination using the 2008 standard be done within a year (by July 2013) of the area's non-attainment designation. On January 30, 2013, the EWG Board of Directors adopted a Conformity Determination which addressed the 2008 ozone standard. This Conformity was subsequently approved by OneDOT. Missouri has already established 2015 budgets in their 2008 standard Early Progress Plan. These budgets were found adequate by USEPA in October 2013.

Mr. Brown, USEPA Region 7, reported that, on behalf of MoDNR, he asked USEPA Office of Transportation and Air Quality (OTAQ) if Missouri had to create budgets based on the 1997 standard. The response of OTAQ was that if the area did not have budgets it could put the area in an awkward position if USEPA loses pending litigation. USEPA is being sued over the revocation of the 1997 standard for transportation conformity purposes.

Mr. Winkelmann, MoDNR, described the reasons Missouri did not establish budgets. First, Missouri is not party to this lawsuit. Secondly, lawyers have always told him that you do not consider litigation when moving forward, only the outcome of litigation. A former USEPA

attorney told Mr. Winkelmann that: "It is the law of the land, until it isn't." Guidance from upper MoDNR management was to assume that the standard had been revoked. Finally, the resolution of this litigation is likely to occur after August 2014. So, in consultation with USEPA Region 7, Missouri decided to move forward with Maintenance Plan revision as is.

Mr. Brown, USEPA Region 7, said that other areas are doing the same as Missouri. If USEPA lost this case, it would put Missouri portion of St. Louis area in an awkward position regarding conformity. But the area still has to do a Conformity Determination. Mr. Winkelmann, MoDNR, said Missouri would use the 2015 eight-hour budgets found adequate at the end of October. Unsure when a decision on this litigation would happen. Mr. McMahon, FHWA MO, observed that under the circumstances, there is little risk with Missouri going ahead without budgets. Mr. Brown, USEPA Region 7, said that the worse case scenario would be that someone would call the area out on that issue and some additional work would have to be done. In his opinion, Missouri is taking the correct approach.

Mr. Winkelmann, MoDNR, said that Missouri is presenting what it knows to be facts for redesignation and maintenance plan. If someone wants to say that is not environmentally sound, they can. From a SIP stand point, the idea is to continue moving forward with maintenance plan and redesignation and break connection to the 1997 ozone standard. Want to give USEPA enough time to finalize redesignation by August 2014.

It is anticipated that USEPA will release the final implementation rule for the 2008 ozone standard in August 2014. At that time USEPA would revoke the 1997 standard for all purposes. Once a standard is revoked, area can not be redesignated to attainment. It brings up all kinds of legal ramifications for Missouri as state has not fulfilled all of its obligations. The Maintenance Plan fulfills anti-backsliding obligations. The 1997 standard is going to be virtually irrelevant by 2008 standard being higher, stricter form.

Mr. Coulson, EWG, observed that it would be prudent for Missouri to move ahead as they are proposing. Mr. McMahon, FHWA MO asked if the IACG needed to do anything. Mr. Winkelmann, MoDNR, said that item needed to be presented and discussed with the IACG. If there are any concerns, talk with him or can comment to the Missouri Air Conservation Commission.

## 5. Other Business

- A. Adequacy Finding for 2015 Budgets from Missouri's Early Progress Plan  
- Cody Brown, U.S. Environmental Protection Agency Region 7

In a letter to MoDNR dated October 28, 2013, USEPA Region 7 found the 2015 motor vehicle emissions budgets in the Early Progress Plan for the 2008 eight-hour ozone standard adequate for conformity purposes. Letter was sent to Missouri and EWG. USEPA experienced an internal delay in processing the adequacy finding for publication in the Federal Register. It is anticipated that the notice of the adequacy finding should be published some time in February. Mr. Coulson, EWG, observed that Gateway has always used the adequacy letter

in Conformity Determinations. He added that EWG would e-mail the October adequacy letter to the IACG.

B. Discussion about Project Analysis  
Mike Henderson, Missouri Department of Transportation

Last week, MoDOT environmental people asked Mr. Henderson to review the air quality write-up for the final CE2 (categorical exclusion) document for 2 projects on US 40/I-64 between State 141 and I-270 in St. Louis County. These projects are to be let in May 2014. Projects are from the FY 2014-2017 TIP and are located in the PM<sub>2.5</sub> non-attainment area. One project is the addition of one lane in each direction (capacity adding), and the other is a resurfacing project.

The estimated increase in annual average daily traffic (AADT) for this project is 31,000 vehicles. Mr. Henderson described the process he used to interpolate what would be the diesel truck traffic portion of this AADT or 2,900 ADT (or 9.1 percent). This increase is not sufficient to classify project as a "project of air quality concern". Adding a lane in each direction is not going to attract a lot of truck traffic there. Mr. Winkelmann, MoDNR, added that this section of interstate does not have a truckport or warehouses to attract more diesel truck traffic. For project hot-spot analysis, something has to be built which would create special circumstance, like additional access for trucks.

Mr. Henderson, MoDOT, said that he only looked at the increase in AADT for this project, not the existing AADT. High AADTs are associated with I-270, I-170 and I-64. These areas already have all that traffic and there will not be problem on these roads. Only place would be an issue would be like the new Stan Musial Veterans Memorial Bridge where a new alignment is creating new traffic. He observed that going to run into very few projects needing hot-spot analysis. Mr. Henderson informed the MoDOT environmental staff that he would present information about the project(s) to the IACG and that he was confident that the IACG would concur with his findings that a project-level hot-spot analysis is not needed. He asked for input/comments and there was no disagreement.

Mr. McMahon, FHWA MO, suggested that, moving forward, should inform project sponsors to also include in their engineering study an estimate of what percentage diesel truck traffic is of total AADT. There could be a big economic development happening in the future with need to improve freight movement. Mr. Henderson, MoDOT, agreed that need to tell project sponsors that every time they anticipate an increase in AADT, they need to delineate what proportion of AADT, diesel truck traffic is. Mr. Coulson, EWG, observed that despite all our efforts at IACG level, word still has not gotten down to the project sponsor level. Mr. Henderson, MoDOT, said that he is trying to work with MoDOT environmental people. Wanted to vet his decision-making process through IACG.

Mr. McMahon, FHWA MO, said that FHWA and USEPA and MoDOT were looking at how process/procedure was working with project level conformity determination. One of things noted was a requirement for consultation between FHWA (issues NEPA document), EPA and

state DOT or FHWA and state DOT. He asked if there is supposed to be consultation, then is Mr. Brown of USEPA Region 7 involved or is it someone else that FHWA environmental folks would be consulting with? He also asked if consultation is occurring between FHWA environmental people and someone at USEPA. Mr. McMahon will check with FHWA environmental staff.

Mr. Brown, USEPA Region 7, replied that if directly associated with NEPA, that would be through the Region's NEPA group. Typically they will ask for input from the Air Branch. He added that he and Mr. McMahon may be talking at cross purposes concerning consultation. In general, if there is an area that needs to be looked at for hot-spot analysis, the requirements are that consultation be done with the IACG. USEPA is included in consultation.

Mr. Henderson, MoDOT, asked if FHWA in partnership with project sponsor can make call that there is no reason to do hot-spot analysis and to consult on this decision. It may be dependent on how comfortable FHWA is with decision. Most situations are fairly easy.

C. CMAQ Project Evaluation  
Lubna Shoaib, East-West Gateway Council of Governments

Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) requires more detailed CMAQ evaluation criteria be used to evaluate and prioritize projects. EWG staff have begun working on these criteria. The MOVES model will be used to develop emission rates. As separate MOVES runs are performed for Missouri and Illinois, there will be two different emission factors for project evaluation. For education and outreach projects will probably use emissions estimates.

Mr. McMahon, FHWA MO, asked if EWG was going to put a cap on how much money can be used for diesel retrofits. Ms. Shoaib, EWG, said that was a question for the Transportation Planning and Programming Section. Mr. Henderson, MoDOT, said that according to the MoDOT financial section, it would be helpful to delineate in the project documentation if a project is part of the 25 percent setaside. Ms. Shoaib, EWG, said that could be done.

Mr. Henderson, MoDOT, said there is a performance measure on emissions and it will probably relate back to the CMAQ annual report. The CMAQ report has columns for VOC, NO x, carbon monoxide (CO) and PM2.5. Right now, only VOC and NO x columns are filled out. He asked about CO and PM2.5. Ms. Shoaib, EWG, said that this time VOC, NO x and PM2.5 will be included but was unsure about CO.

There being no other business, the meeting of the Inter Agency Consulting Group was adjourned.