

INTER AGENCY CONSULTATION GROUP
Tuesday, October 29, 2013
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
Brad McMahon - Federal Highway Administration, Missouri
Betsy Tracy - Federal Highway Administration, Illinois
Mike Rogers - Illinois Environmental Protection Agency
Steven (Cody) Brown - U.S. Environmental Protection Agency Region 7 (telephone)
Mark Leath - Missouri Department of Natural Resources (telephone)

Staff:

Lubna Shoab Carol Lawrence Sang Gu Lee

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. Draft Motor Vehicle Emissions Budgets from Maintenance Plan for 1997 Annual PM_{2.5} Standard
 - Mark Leath, Missouri Department of Natural Resources

Based on 2007-2009 clean monitor data, Missouri and Illinois have attained the 1997 annual PM_{2.5} standard. For the Missouri Maintenance Plan, the Missouri Department of Natural Resources (MoDNR) will use 2008 as the base year. In the Maintenance Plan, have to demonstrate that the total emissions inventory for a future year (at least ten years out) is less than the 2008 emissions inventory. MoDNR decided to establish 2025 as the future year. When 2008 emissions are compared to projected 2025 emissions, air pollutant levels from point, area, on-road mobile and off-road mobile are projected to be going down. As long as the state can demonstrate that emissions are continuing to decline, will maintain the standard.

For transportation air quality conformity, Motor Vehicle Emissions Budgets (MVEBs) are required to be established for direct PM_{2.5} and oxides of nitrogen (as a precursor). The MOVES model was used to project the 2025 emissions inventory and develop draft 2025 MVEBs. The draft 2025 MVEBs were discussed at the September IACG meeting.

A State is allowed to overestimate future mobile source emissions in their Maintenance Plan demonstration as long as emissions are below the 2008 emissions level. This is a

conservative approach and should not be causing any problems with transportation conformity. Missouri is showing that it can easily meet Maintenance Plan demonstration for their portion of PM_{2.5} non-attainment area and have what is called a safety margin. How much lower could the 2025 aggregate emissions be than the 2008 emissions. The safety margin is a little smaller but are still protecting air quality, still meeting maintenance demonstration SIP requirements.

MoDNR has been talking with EWG, Illinois Environmental Protection Agency (Illinois EPA) and U.S. Environmental Protection Agency (USEPA) about the September draft 2025 MVEBs. It was pointed out that there is a lot of uncertainty with these MVEBs because of the inputs used in MOVES model including the vehicle age distribution used (if cars are not purchased, vehicle fleet is older); and fleet mix (more trucks purchased than cars, affecting projected emissions in the future). Another uncertainty, is that 2025 MVEBs would have be used for analysis years identified in updates to EWG long range transportation plan which are beyond 2025. The 2025 MVEBs presented in September did not take into account these uncertainties. MoDNR is now proposing to increase their draft 2025 MVEBs by 20 percent. These MVEBs are well within the safety margin and will still be able to meet SIP requirements for 2025 and beyond.

Draft Motor Vehicle Emission Budgets for Missouri Portion of St. Louis Annual PM_{2.5} Non-Attainment Area - October 2013	
Pollutants	2025 Budget (US Tons per Year)
Oxides of Nitrogen (as a precursor)	19882
Direct PM _{2.5}	640

MoDNR has reviewed SIPs from other states and they have used exact approach due to the uncertainty of the MOVES model with Transportation Air Quality Conformity Determinations. Want to make sure will not be causing any un-necessary problems for transportation conformity. Especially when have a safety margin that can be used to overestimate mobile emissions and still be protective of air quality in the Missouri Maintenance Plan. MoDNR will continue to coordinate with USEPA on all approvability issues with our plan. As of now, MoDNR will move forward with 20 percent increase in the 2025 MVEBs.

It is anticipated that the Missouri Air Conservation Commission (MACC) will hold a public hearing on the Maintenance Plan at their January 2014 meeting. The Plan needs to be posted on the MoDNR website by end of December. After the Plan is adopted by the MACC in March 2014, it will be submitted to USEPA. It is expected that USEPA will approve the Maintenance Plan in 2015. For Conformity purposes, USEPA could issue an adequacy finding for the MVEBs prior to a decision on the Plan itself. MoDNR will coordinate with Conformity partners on the best timing for submitting. If hear there are questions about

budgets or other aspects of plan, then there could potentially be a delay. Before Missouri would change what was discussed today, there would be discussions with IACG and Conformity partners.

Mr. Winkelmann, MoDNR, complemented Mr. Leath on his presentation and pointed out that the September MVEBs were based on straight model output and did not account for uncertainty. This adjustment is appropriate use of safety margin. Ms. Shoaib, EWG, observed that there are so many variables that go into MOVES that today this is the best that we can achieve. The cushion will be helpful. During 2014 EWG will be working on an update of its long range transportation plan and the horizon year will be further out. In terms of emission rates, the maximum gain achieved occurs in the earlier analysis years of the MOVES model as result of current cleaner engines, better fuels. As go out further, see a tremendous difference in emission levels. Mr. Rogers, IEPA, said that Illinois has used safety margins in the Maintenance Plans for Chicago and Metro East. The law allows it and does provide some latitude as long as meets standard. Have cushion and it is good planning procedure.

Mr. Leath, MoDNR, said that once MVEBs are deemed adequate by USEPA, they have to be used in Conformity Determination. USEPA will work with Missouri to time when adequacy finding is released. Adequacy review takes about 60-65 days. Mr. Rogers, Illinois EEPA, observed that USEPA did not act expeditiously to find adequate the MVEBs from the Chicago PM_{2.5} Maintenance Plan. Finally, in September 2013 USEPA proposed approval and adequacy. USEPA was not as aggressive in finding adequacy for PM_{2.5} MVEBs as they have been with MVEBs from ozone SIPs. Sixty days may be optimistic.

Mr. Brown, USEPA Region 7, said that Region 7 would work with MoDNR to make such that MVEBs from Maintenance Plan would go through adequacy review in a timely manner. USEPA is willing to work with partner's planning needs. The adequacy review for the MVEBs from ozone Early Progress Plan took around 60-65 days. Need to add in time for announcement to be published in the Federal Register. The MVEBs become active 15 days after they are published.

3. South County Connector Project
- Mike Henderson, Missouri Department of Transportation

Mr. Henderson, MoDOT, said that he was asked by the South County Connector (SCC) project sponsor to review the environmental section of their Environmental Impact Statement (EIS). He put the March 2013 CO or PM_{2.5} "Hot-Spot" Analysis Considerations for Project Sponsors document (Considerations) into practice. Two items came up. The first was about the questions a project sponsor is to consider for projects in PM_{2.5} non-attainment areas, in particular Question 2 (page E-4). In his review, found that the SCC diesel truck percentage of the total average annual daily traffic (AADT) is estimated to be 11.7 percent which is more than the 10 percent specified in the Considerations document. However, the

actual SCC total truck AADT is projected to be approximately 5,000 (less than 10,000 AADT noted in Considerations document). It was Mr. Henderson's interpretation that since the project is over the AADT truck percentage but under the truck AADT, the project sponsor would need to consult with IACG. Mr. Henderson spoke with project sponsor and informed them that he could talk with the IACG and get agreement that the 5,000 truck AADT would not constitute a need for consultation about a possible Hot-Spot Analysis. IACG, with all of its background and knowledge of Hot-Spot Analysis, would understand that 11.7 percent of AADT is not as big an issue as 5,000 truck AADT.

Ms. Shoaib, EWG, observed that if such a project would come to IACG for discussion about need for a Hot-Spot Analysis, the low number of trucks would throw it out. The project would be vetted through IACG.

Mr. McMahon, Federal Highway Administration (FHWA) MO, asked if the SCC was considered to be a new project or expansion since building a new interchange on I-44 and how much of 11.7 percent is new truck traffic. Mr. Henderson, MoDOT, said that it is a mix of new and expansion. Mr. Coulson, EWG, pointed out that there is already industry in the area. Mr. Winkelmann, MoDNR, added that trucks will travel more smoothly and efficiently, project is beneficial. Mr. McMahon, FHWA MO, pointed that this is an example of the kind of discussion IACG would have.

Ms. Tracy, FHWA IL, asked if the IACG as a group will see the SCC project. Mr. Henderson, MoDOT, said that it was discussed at September meeting. In his opinion, the project does not meet the threshold required to conduct HSA. He informed the sponsor that he felt comfortable that when this project was discussed with IACG, they would determine same thing. Mr. Coulson, EWG, said there was an informal discussion September and subsequent discussion on language in the Considerations document was form of vetting project. He asked for the consensus of the group.

Mr. Henderson, MoDOT, made motion that IACG should find that the South County Connector project as not requiring a PM_{2.5} Hot-Spot Analysis. Ms. Tracy, FHWA IL, seconded the motion. Motion was approved.

4. Conformity Determination Users Guide - Revisions to March 2013 CO or PM_{2.5} "Hot-Spot" Analysis Considerations for Project Sponsors document

A. PM_{2.5} Section

1. Question 2

Mr. Henderson, MoDOT, said that in his review of the EIS for the SCC he put the March 2013 CO or PM_{2.5} "Hot-Spot" Analysis Considerations for Project Sponsors document (Considerations) into practice and two items came up. Two items came up. The first was

from the PM_{2.5} section and is focused on Question 2 for projects in PM_{2.5} non-attainment /maintenance areas, on page E-4.

What is percentage and AADT of diesel truck traffic of the affected roadway?
If AADT constitutes greater than 10 percent or at least 10,000 trucks, consult with IACG.

As part of the SCC discussion in September, the IACG decided to look at the language of this question at the October IACG meeting.

Mr. McMahon, FHWA MO, said that right now the question focuses on percentage or specific number triggering need for sponsor to talk with IACG. He suggested changing "or" to "and" or "and/or". Mr. Coulson, EWG, observed that if use "and", a project sponsor would have to satisfy both parts of that question and the SCC project would not.

Mr. Rogers, Illinois EPA, pointed out that by substituting "and" for "or", the IACG would make this consideration more stringent. Mr. Brown, USEPA Region 7, agreed and asked if answering yes to any of these questions would that automatically trigger a HSA or would it trigger further discussion/analysis. Mr. Henderson, MoDOT, said that answering yes would trigger consulting with IACG. Mr. Brown, USEPA Region 7, observed that this was reasonable and that there are a number of different variables are involved and significance can be hard to define.

2. PM_{2.5} Section - Questions 1 and 2

It was the opinion of Mr. McMahon, FHWA MO, that numbers in Questions 1 and 2 need to be consistent. In Question 2, if 10 percent AADT is trucks or at least 10,000 trucks, than total AADT in question 1 should be 100,000 or the total trucks delineated in question 2 should be 12,500.

Mr. Henderson, MoDOT, said that revising the Question 1 AADT to 100,000 would make that questions more stringent and very few projects would be affected. Mr. Winkelmann, MoDNR, said that if these changes were made, then there would be no difference between the questions.

Mr. McMahon, FHWA MO, suggested combining Questions 1 and 2 and have a single question. Mr. Henderson, MoDOT, observed that the Federal Rule included percentage for a reason. The higher the AADT is, the more significance the diesel truck percentage of total AADT becomes.

The group then discussed hypothetical scenarios where it would be beneficial to the IACG to have both these questions. Mr. Rogers, Illinois EPA, said that with using 100,000 total AADT, if project does not approach 100,000 AADT, then sponsor does not have to do anything. But what if the total AADT is 90,000 and 20 percent is from diesel truck traffic. Maybe

Question 2 is there for a reason. After this discussion, it was decided to leave Question 1 and Question 2 separate. Mr. Winkelmann, MoDNR, said that right now Question 1 is a starting point and refers to an absolute number and Question 2 is concerned with the percentage of diesel truck traffic AADT and actual diesel truck AADT.

Ms. Tracy, FHWA IL, said that the way Question 1 is worded is okay and if "and" is substituted for "or" in Question 2, then bringing criteria down to a lower level. She asked what would happen if answer no to Questions 1 and 2 but yes to Question 3. Mr. Henderson, MoDOT, said that a sponsor needs to consider all the questions. A yes answer would bring a project back to IACG to ask the question: "Is a HSA necessary?" He added that the questions do not have to be a progression. Mr. Brown, USEPA Region 7, said that the increases in AADT are key.

3. Sidebar discussion on numbers used in Questions 1 and 2

Mr. McMahon, FHWA MO, observed that numbers presented in Considerations document are not in the CFR, these are numbers that IACG had to come up with. He asked what does this group consider to be significant. Mr. Henderson, MoDOT, said that these numbers came from the March 2006 USEPA Final Rule: PM_{2.5} and PM₁₀ Hot-Spot Analyses in Project-Level Transportation Conformity Determination for the PM_{2.5} and PM₁₀ National Ambient Air Quality Standards (71 FR 12491), Projects of Air Quality Concern Examples Section. These numbers are to be considered examples, and the IACG can decide to use them. Mr. Rogers, Illinois EPA, pointed out that when PM_{2.5} HSA guidelines/requirements were originally set out, USEPA and Federal Highways were not saying these numbers have to be used but that for a HSA a good place to start would be 125,000 AADT and eight percent of AADT being diesel trucks (or 10,000 AADT). What the IACG is examining right now, is what the criteria should be. Mr. Henderson, MoDOT, added that when the Considerations document was developed, IACG decided to use ten percent diesel truck AADT.

Mr. Coulson, EWG, asked what the direction of group is. Mr. Henderson, MoDOT, said that the language in the Considerations document can always be revisited.

Mr. McMahon, FHWA MO, made a motion to leave the language in Question 2 of PM_{2.5} Section of March 2013 CO or PM_{2.5} "Hot-Spot" Analysis Considerations for Project Sponsors document unchanged. Mr. Henderson, MoDOT, seconded the motion. Motion was approved.

B. CO Section

Mr. Henderson, MoDOT, said that the other item of interest found during his review of the SCC EIS document was on page E-5 in the CO section of the March 2013 CO or PM_{2.5} "Hot-Spot" Analysis Considerations for Project Sponsors document. After the four questions, the next paragraph after the four questions contains the following:

If no, a qualitative CO hot-spot analysis is required (under 40 CFR 93.123 (a)(2).^{Footnote} If yes, consult EPA's MOVES Project-level CO Modeling Guidance and other applicable guidance for performing the analysis.

Footnote - A quantitative CO hot-spot analysis can also be done to satisfy this requirement for applicable projects.

It is Mr. Henderson's understanding that a qualitative analysis was required before the new quantitative requirements so maybe that footnote should be removed. The SCC project sponsor was planning on doing a qualitative analysis but was waiting for decision if needed or not. SCC project does not require a quantitative analysis.

Ms. Lawrence, EWG, said that according to April 2012 HSA webinar, CO HSA required in CO non-attainment and maintenance areas. Section 93.123 requires that all projects in CO areas have a HSA and certain project must have quantitative analysis and other projects either a quantitative or qualitative analysis. Mr. Henderson, MoDOT, suggested that everyone consider how it is stated. One option is to place footnote language at the beginning of the CO section.

Mr. McMahon, FHWA MO, said that he has talked with FHWA headquarters and preliminary response is that if a project sponsor answers no to all four questions, then do not have to do a qualitative analysis. Mr. Brown, USEPA Region 7, said that is his understanding also. Mr. McMahon and Mr. Brown agreed to continue to research this item. Should have an answer in a short time and can inform SCC project sponsor and IACG as a whole.

Mr. Winkelmann, MoDNR, suggested directing project sponsors to go to the federal rule, 40 CFR 93.123(a)(2). With the controls in place, the CO problem is going away. Mr. Henderson, MoDOT, said that this kind of document is good for weeding out some of the gray areas. The IACG has ability to make rules/policy for region. IACG put documents together to take out redundancies and make process run smoother and take care of things know going to see all the time. It is not supposed to be black/white. Mr. Coulson, EWG, added that need to have language in document to make it simple/understandable for project sponsors

Mr. Coulson, EWG, said that it was consensus of group to leave the wording as is and wait for feedback from FHWA and USEPA.

C. Discussion on Use of Considerations Document

Mr. McMahon, FHWA MO, said that the questions in the Considerations document do not trigger a HSA. They trigger sending project to IACG for consultation. He asked if sponsor used document and brings a project to IACG, what criteria does the IACG look at and are

there criteria that could help this group measure significance or what is critical. How does the IACG make the call.

Mr. Coulson, EWG, said that the Considerations document is checklist/criteria as is the collective knowledge of the group. Ms. Shoaib, EWG, added that criteria could be to involve/inform FHWA. Mr. Henderson, MoDOT, said that it was his opinion that the IACG will vote on a project and it will either be a clear cut decision or there will be a need for discussion /review by IACG. Using the SCC as an example, the IACG with all of our background knowledge of HSA understood that 11.7 percent is not as big an issue as 5,000 trucks. Project was vetted through IACG. Mr. Rogers, Illinois EPA, added that the group is setting up criteria for a sponsor to come in and talk to the IACG. IACG can be thinking about what is the next bar that the sponsor has to pass.

Mr. McMahon, FHWA MO, said that to get to this point a sponsor would have taken project through FHWA Environmental people who would have vetted project through USEPA. This would occur prior to coming to IACG. It is one thing to document what triggers a HSA but this Considerations document triggers sending project back to IACG. Criteria has already been set further up, so why come back?

Mr. Henderson, MoDOT, said that Mr. McMahon is interested in a clear cut sign. Mr. Brown, USEPA Region 7, said that Mr. McMahon is right, but a project should go back to IACG because no matter what you do here, you are never going to exactly narrow it down to an exact number. It is so hard to define what number would be. For example, answering yes to Question 1 would kick it back to the IACG. If there was an area with greater than 125,000 AADT and a proposed project coming in there, that does not necessarily mean that would automatically need to do HSA for that project if it did not increase the existing traffic. Idea is that answering yes would spark a conversation at the IACG. IACG pretty much the way it is going to go. The guidance is vague and does not narrow it down too far. Significance is hard to define. Will come to a point where the group feels comfortable. Are supposed to go back to consultation group to decide how much of an increase in AADT to an area will project do. Then decide if HSA needed. That is when get experts in modeling and top-level screening involved to look at area, use common sense and experience of IACG. If not going to be significant increase in truck traffic and not going to be significant, IACG makes decision.

Mr. Henderson, MoDOT, added that most new projections are meant to alleviate air quality problems by improving congestion or reducing bottlenecks. Mr. Winkelmann, MoDOT, added that is why so few of these projects come up.

D. General Discussion about Considerations Document and HSA

Mr. Henderson, MoDOT, said that FHWA/USEPA have the final call on whether a HSA is needed. Worst case would be for a sponsor to submit an EIS to FHWA for review and FHWA

not sign off on the EIS because there is no discussion about HSA/no HSA. Project sponsor needs to have something in the document. FHWA can direct sponsor back to IACG Mr. McMahon, FHWA MO, said that FHWA engages in consultation with USEPA on National Environmental Policy Act (NEPA) actions and that FHWA makes call.

Mr. Brown, USEPA Region 7, asked if answering yes to any of these questions automatically trigger HSA or does it trigger further discussion/analysis. Ms. Shoaib, EWG, said that a yes response to these questions only means that project sponsor needs to come in for a consultation with the IACG. Not saying that a HSA has to be done.

Ms. Tracy, FHWA IL, observed that do not want to have every project sponsor come to IACG and do not want sponsors to do it wrong or have policy that could be challenged. Need some flexibility as believe intent is to not have a lot of projects come through.

Mr. Rogers, Illinois EPA, said that there have been six HSAs in the Chicago area and only one, for Illiana Expressway, is underway now. Mr. Henderson, MoDOT, asked if any of these HSAs caused a problem for the project sponsor. Mr. Rogers, Illinois EPA, said that the first HSA consisted of a qualitative analysis but the quantitative analysis is completely different.

Mr. Henderson, MoDOT, said that the IACG interaction would consist of recommendation to do/not do a HSA. His research on HSAs around the country shows that few have come back with negative impact on projects. It is his expectation that very few projects will come before the IACG. He wants to make it easier on project sponsors. Mr. Coulson, EWG, pointed out that mega projects would still come before IACG.

5. Other Business

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