

Indiana Field Guide to Air Quality Conformity Compliance for the STIP Amendment Process

Requirement: Any STIP amendment for a project that falls within (and sometimes near*) an area that has been designated by the Environmental Protection Agency (EPA) as a non-attainment or maintenance for the National Ambient Air Quality Standards – (commonly referred to as an air quality area) shall require an air quality complete date.

To affectively amend a project into the STIP that falls within an air quality area, the Program Manager must include one of these two approved phrases in the STIP comment section for any project in an air quality area:

- AQC Exempt Date 00/00/00 or,
- AQ Finding Date 00/00/00 – A copy of the FHWA Air Quality Conformity Letter is required if the is the selection.

When to use the phrase AQC Exempt Date 00/00/00 and when to use the phrase AQ Finding Date 00/00/00.

AQC Exempt Date 00/00/00 – This is the phrase that will be used most often by Program Managers for STIP amendments in air quality areas. It is to be used whenever MPO TIP amendments or INDOT Greene and Jackson County amendments contain **only air quality exempt** projects. Exempt projects are generally those projects that do not add capacity to the roadway such as resurfacing, reconstruction, bridge deck replacements. The AQC date is determined to be the date on the 7th day after the MPO or INDOT initiates air quality consultation with the ICG. ICG stands for Interagency Consultation Group, which is made up of representatives from EPA, IDEM, FHWA, FTA and INDOT. The MPO is responsible for and initiates the air quality conformity process. The MPO should provide the AQC exempt date to the Program Managers to include in the STIP amendment notes on the STIP tab.

AQ Finding Date 00/00/00 - This phrase and accompanying letter are to be used in two circumstances:

1. Whenever an MPO amends a non-exempt (Regionally Significant) air quality project into its TIP, this phrase must be used. The date is the date on the air quality conformity letter that is issued by FHWA/FTA for the amendment. Please note that this process takes considerably longer than the 7-day process for exempt projects. FHWA/FTA cannot issue the letter until the MPO has completed the TIP amendment, prepared proper documentation, and requested a formal air quality determination from FHWA/FTA. This process can take as much as 45-days to complete. However, in most cases it takes far less time.
2. Whenever an MPO completes a TIP administrative modification under its rules that later becomes a STIP amendment under INDOT rules, this phrase and the accompanying letter must be included in the STIP amendment. What INDOT is doing in these cases is documenting that the air quality conformity for the MPO's TIP has properly taken place in the past, at the time that the project was initially added to the MPO's TIP.

The following table lists the *current* MPO TIP Air Quality Conformity Finding Dates for the FY22-26 MPO TIPs. Copies of the conformity letters may be obtained from Michael McNeil.

Current MPO TIP Air Quality Conformity Finding Dates for FY20-24 TIPs	
MPO	AQ Conformity Finding Date
Anderson MCOG	June 12, 2021
Cincinnati OKI	February 16, 2022
Evansville EMPO	May 24, 2022
Fort Wayne NIRCC	May 18, 2021
Indianapolis IMPO	July 7, 2022
Louisville KIPDA	December 1, 2021
Muncie DMMPC	August 21, 2019
Northwest Indiana NIRPC	June 16, 2021
South Bend MACOG	May 5, 2021
Terre Haute THAMPO	July 14, 2019

Instructions: Use this table when an MPO TIP modification becomes a STIP amendment for INDOT. You will need to provide the Air Quality Conformity Finding Date from the table and a copy of the Air Quality Conformity Finding Letter associated with the MPO.

The dates on this table will be updated every time an MPO is issued a new air quality conformity letter from FHWA.

What are the areas in Indiana that are subject to the air quality conformity requirements?

The following table lists the counties that are subject to air quality conformity and the associated MPOs. When an air quality area is located within an MPO, as most of them are, it is the MPO’s responsibility to complete the air quality conformity requirements. Greene and Jackson Counties are not part of any MPO. Air quality conformity for Greene and Jackson Counties is performed by INDOT.

Counties Subject to Air Quality	MPO
Lake	NIRPC
Porter	
LaPorte	
St Joseph	MACOG
Elkhart	
Allen	NIRCC
Delaware	DMMPC
Madison and a notch in western Delaware and a notch in northern Hancock	MCCOG

Table Continued

Counties Subject to Air Quality	MPO
Boone	IMPO
Hamilton	
Hancock	
Hendrick	
Marion	
Morgan	
Johnson	
Shelby	
Vigo	THAMPO
Greene	NO MPO - INDOT
Jackson	NO MPO - INDOT
Dearborn	OKI
Vanderburgh	EMPO
Warrick	
Floyd	KIPDA
Clark	

Donut Areas - What are “donut” areas and what does that mean?

“Donut areas” are geographic areas outside of an MPO’s metropolitan planning area boundary, but inside the boundary of a nonattainment or maintenance area that contains any part of a metropolitan area. Most non-attainment and maintenance air quality conformity area boundaries coincide with an MPO’s Metropolitan Planning Area (MPA), while others are larger than the MPA. That portion of a conformity area that is located outside of the MPA is called the “Donut Area”.

There are two geographic “**Donut**” areas in Indiana to be aware of.

1. Allan County: The Fort Wayne MPO (NIRCC’s) planning area does not encompass all of Allen County. Any project that is located within or touches the Allen County line must first be forwarded to NIRCC who will complete the air quality conformity checks and requirements.
2. The 7 counties surrounding the Indianapolis MPO’s planning area: Hamilton, Boone, Hendricks, Morgan, Johnson, Shelby and parts of Hancock. Any projects that are located within or touches the “donut area” for these counties must first be forwarded to the Indianapolis MPO (IMPO) who will complete the air quality conformity checks and requirements.

*** What is meant by... “and sometimes near” and why might it matter?**

What does this mean? There are a few instances when a major expansion project (such as a new terrain roadway or an added travel lanes project) is not located within an MPO’s air quality planning area, but the project is close enough that it would have a significant impact to travel patterns within the air quality area. The project is thus determined to be considered as

“Regionally Significant” to the MPO’s transportation network. That is, its construction would have a measurable impact on the travel patterns within the MPO’s area. In these cases, the project may require inclusion in the MPO’s Metropolitan Transportation Plan and possibly the TIP. The project would also require an air quality conformity determination before it could be programmed into the STIP.

Who is responsible for completing the air quality conformity requirements?

MPOs are responsible for completing the air quality conformity for projects located within their counties.

INDOT is responsible for completing the air quality conformity for projects in rural counties that have been designated as non-attainment or maintenance for air quality (Greene and Jackson Counties).

Background Information – What is Air Quality Conformity?

Air quality conformity is a process intended to ensure that Federal FHWA funding goes to transportation activities that are consistent with the air quality goals set forth in the Clean Air Act. FHWA must demonstrate that every action that it undertakes, approves, permits or supports will conform to the appropriate state implementation plan for air quality.

The U.S. Environmental Protection Agency (EPA) is the Federal Agency that is responsible for enforcing the Clean Air Act. It works in tandem with other Federal agencies such as the U.S. Department of Transportation’s Federal Highway Administration and the Federal Transit Administration.

EPA is the Federal agency that Congress has charged with the duty to establish and enforce the National Ambient Air Quality Standards (NAAQS) for certain air pollutants that if present in larger quantities in ambient air are known to cause health problems in human beings, thus harming the environment. To accomplish this duty, EPA routinely measures the ambient air quality of an area to determine if a defined unit of air contains greater numbers than are acceptable for the identified NAAQS pollutants. If an area exceeds the acceptable levels of ambient air pollutants over an identified period of time, the EPA will then formally designate the area as being in **non-attainment** for the identified pollutant.

The NAAQS pollutants are: Carbon Monoxide (CO); Lead (Pb); Nitrogen Oxide (NOx); Ozone (O3); Particle Pollution (PM) and; Sulfur Dioxide (SO2).

It is that EPA **non-attainment designation** that starts the whole process where the MPOs and INDOT then become responsible for completing the air quality conformity determination process for MPO Long-Range Transportation Plans, TIPs and the INDOT STIP.

Essentially, Transportation Conformity is a process whereby the MPOs and State DOTs demonstrate (**Prove**) that planned and programmed transportation projects will not increase the existing frequency or severity of the identified (non-attainment or maintenance) violations of the NAAQS. Transportation Conformity ensures that planned and programmed projects conform to the requirements (budgets) of the State’s Air Quality Implementation Plan (SIP). Transportation

Conformity is required by the EPA and FWHA as a condition for Federal funding for projects located in and sometimes near, geographic areas that have been designated by the EPA as non-attainment or maintenance for the NAAQS.

Glossary of Terms:

Air quality area - An air quality area is a geographic area that the EPA has designated as non-attainment for one or more of the National Ambient Air Quality Standards. The geographic areas designated area generally entire counties or specific townships within a county.

Attainment – A term used for those geographic areas that **have not exceeded** one or more of the NAAQS.

Conformity- The documented process whereby an MPO or INDOT had demonstrated (proved) that planned and programmed transportation projects will not increase the existing frequency or severity of the identified (non-attainment or maintenance) violations of the NAAQS.

EPA – Environmental Protection Agency

FHWA – Federal Highway Administration

FTA – Federal Transit Administration

ICG - Interagency Consultation Group. The ICG shall include at a minimum, the following agencies: The MPO in question; the FHWA; the FTA; the EPA; the IDEM and INDOT. The ICG may include local air agencies, where appropriate.

ICG Consultation – The formal process where the ICG makes a determination as to whether or not a transportation project is “Regionally Significant” (non-exempt) and therefor, subject to an air quality conformity analysis and determination.

IDEM – Indiana Department of Environmental Management

Maintenance – A term applied by the EPA for a designated nonattainment area that now meets the standards and additional redesignation requirements in the CAA [Section 107(d)(3)(E)], EPA will designate the area as a "maintenance area." After a non-attainment area has been designated as “maintenance” it mut continue to conduct air quality conformity determinations for an additional period of twenty years.

NAAQS – National Ambient Air Quality Standards

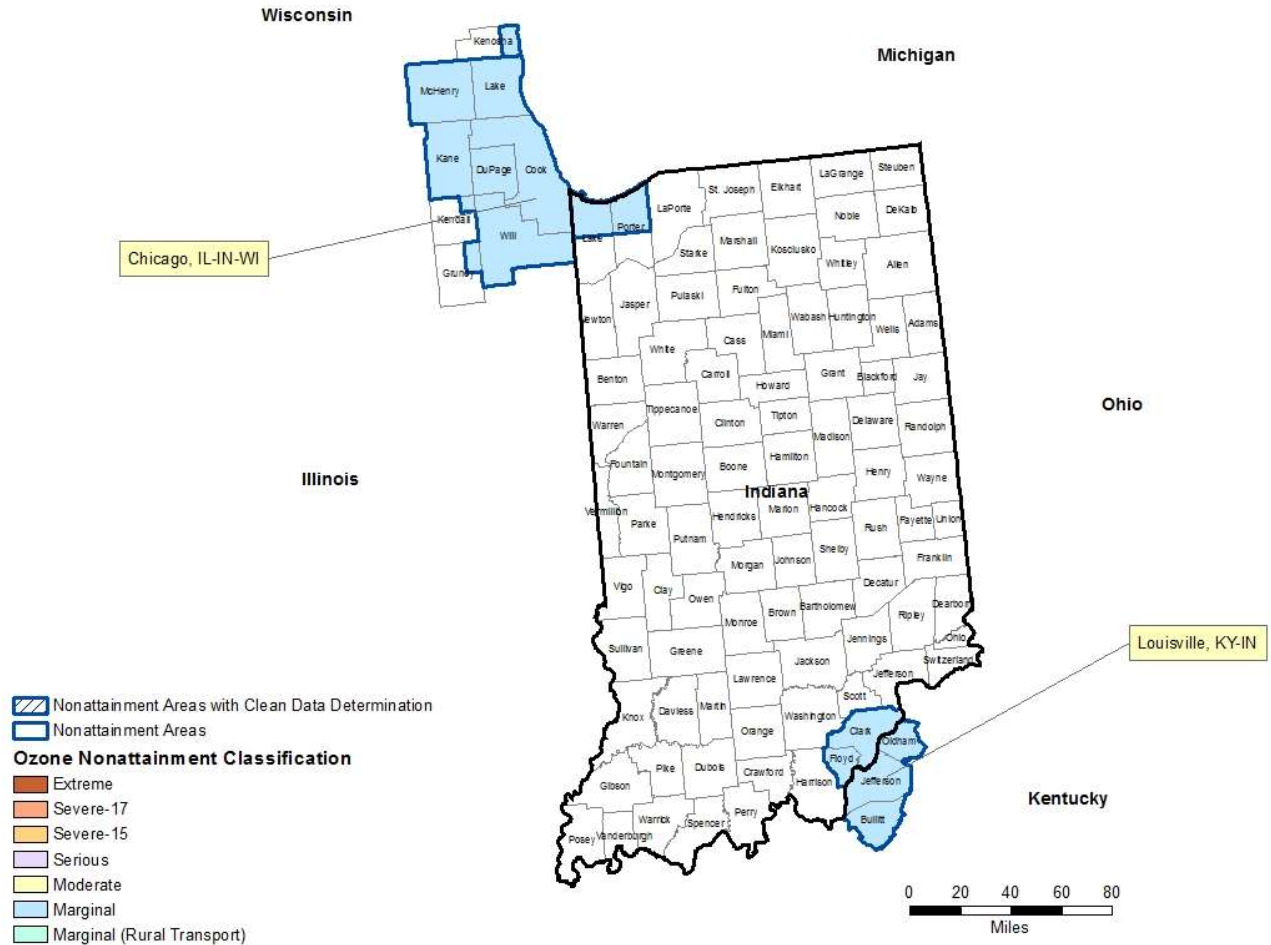
Non-Attainment – A formal designation issued by the EPA for a geographic area that has exceeded one or more of the NAAQS.

South Coast II Court Decision – A Federal Court decision which brought back air quality conformity determination requirement for the EPA’s 1997 ozone standard.

Map - Indiana Counties and Townships Subject 2015 Ozone Air Quality Determinations*

Indiana 8-hour Ozone Nonattainment Areas (2015 Standard)

03/31/2022



*Note: These counties and townships overlap the 1997 Indiana ozone counties.