

## § 52.135

section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.126(b) as expeditiously as practicable but not later than July 31, 1975.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.125(c) which extends beyond July 31, 1975, shall apply any reasonable interim measures of control designed to reduce the impact of such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

[38 FR 12705, May 14, 1973, as amended at 39 FR 10584, Mar. 21, 1974; 39 FR 43277, Dec. 12, 1974; 40 FR 3994, Jan. 27, 1975; 54 FR 25258, June 14, 1989]

## § 52.135 Resources.

(a) The requirements of § 51.280 of this chapter are not met because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

[38 FR 16564, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

## 40 CFR Ch. I (7-1-10 Edition)

### § 52.136 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the State of Arizona on April 13, 1994 for the Maricopa County ozone nonattainment area from the NO<sub>x</sub> RACT requirements contained in section 182(f) of the Clean Air Act. This approval exempts the Phoenix area from implementing the NO<sub>x</sub> requirements for RACT, new source review (NSR), and the applicable general and transportation conformity and inspection and maintenance (I/M) requirements of the CAA. The exemption is based on Urban Airshed Modeling as lasts for only as long as the area's modeling continues to demonstrate attainment without NO<sub>x</sub> reductions from major stationary sources.

[60 FR 19515, Apr. 19, 1995]

### § 52.137 [Reserved]

### § 52.138 Conformity procedures.

(a) *Purpose.* The purpose of this regulation is to provide procedures as part of the Arizona carbon monoxide implementation plans for metropolitan transportation planning organizations (MPOs) to use when determining conformity of transportation plans, programs, and projects. Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) prohibits MPOs from approving any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110.

(b) *Definitions.*

(1) *Applicable implementation plan or applicable plan* means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110 of the Clean Air Act, 42 U.S.C. 7410, or promulgated under section 110(c) of the CAA, 42 U.S.C. 7410(c).

(2) *Carbon monoxide national ambient air quality standard (CO NAAQS)* means the standards for carbon monoxide promulgated by the Administrator under section 109, 42 U.S.C. 7409, of the Clean Air Act and found in 40 CFR 50.8

(3) *Cause* means resulting in a violation of the CO NAAQS in an area which previously did not have ambient CO concentrations above the CO NAAQS.

(4) *Contribute* means resulting in measurably higher average 8-hour ambient CO concentrations over the NAAQS or an increased number of violations of the NAAQS in an area which currently experiences CO levels above the standard.

(5) *Metropolitan planning organization (MPO)* means the organization designated under 23 U.S.C. 134 and 23 CFR part 450.106. For the specific purposes of this regulation, MPO means either the Maricopa Association of Governments or the Pima Association of Governments.

(6) *Nonattainment area* means for the specific purpose of this regulation either the Pima County carbon monoxide nonattainment area as described in 40 CFR 81.303 or the Maricopa County carbon monoxide nonattainment area as described in 40 CFR 81.303 (i.e., the MAG urban planning area).

(7) *Transportation control measure (TCM)* means any measure in an applicable implementation plan which is intended to reduce emissions from transportation sources.

(8) *Transportation improvement program (TIP)* means the staged multiyear program of transportation improvements including an annual (or biennial) element which is required in 23 CFR part 450.

(9) *Unified planning work program or UPWP* means the program required by 23 CFR 450.108(c) and endorsed by the metropolitan planning organization which describes urban transportation and transportation-related planning activities anticipated in the area during the next 1- to 2-year period including the planning work to be performed with federal planning assistance and with funds available under the Urban Mass Transportation Act (49 U.S.C.) section 9 or 9A. UPWPs are also known as overallwork programs or OWPs.

(c) *Applicability.* These procedures shall apply only to the Maricopa Association of Governments in its role as the designated metropolitan planning organization for Maricopa County, Arizona, and the Pima Association of Governments in its role as the designated metropolitan planning organization for Pima County, Arizona.

(d) *Procedures—(1) Transportation Plans and Transportation Improvement*

*Programs—(i) Documentation.* The MPO shall prepare for each transportation plan and program (except for the unified planning work program), as part of the plan or program, a report documenting for each plan and program the following information:

(A) the disaggregated population projections and employment which were assumed in:

(1) the applicable plan, and

(2) the transportation plan/program;

(B) the levels of vehicle trips, vehicle miles traveled, and congestion that were:

(1) assumed in the applicable plan, and

(2) expected to result from the implementation of the plan/program over the period covered by the applicable plan considering any growth likely to result from the implementation of the plan/program;

(C) for each major transportation control measure in the applicable implementation plan;

(1) the TCM's implementation schedule and, if determined in the applicable plan, expected effectiveness in reducing CO emissions,

(2) the TCM's current implementation status and, if feasible, its current effectiveness in reducing CO emissions, and

(3) actions in the plan/program which may beneficially or adversely affect the implementation and/or effectiveness of the TCM;

(D) the CO emission levels resulting from the implementation of the plan/program over the period covered by the applicable plan considering any growth likely to result from the implementation of the plan/program; and

(E) the ambient CO concentration levels, micro-scale and regional, resulting from the implementation of the plan/program over the period covered by the applicable plan considering any growth likely to result from the implementation of the plan or program.

(ii) *Findings.* Prior to approving a transportation plan/program, the MPO shall determine if the plan/program conforms to the applicable implementation plan. In making this determination, the MPO shall make and support each of the following findings for each transportation plan and program using

the information documented in paragraph (d)(1)(i) of this section:

(A) that implementation of the transportation plan/program will provide for the implementation of TCMs in the applicable plan on the schedule set forth in the applicable plan;

(B) that CO emission levels, microscale and regional, resulting from the implementation of the plan/program will not delay attainment or achievement of any interim emission reductions needed for attainment and/or interfere with maintenance of the CONAAQS throughout the nonattainment area during the period covered by the applicable plan; and

(C) that implementation of the plan/program would not cause or contribute to a violation of the CO NAAQS anywhere within the nonattainment area during the period covered by the applicable plan.

(2) *Amendments to a Transportation Plan or Transportation Implementation Program.* Prior to approving any amendment to a transportation plan or program, the MPO shall first determine that the amendment does not substantially change the information provided under paragraph (d)(1)(i) of this section and does not change the findings in paragraph (d)(1)(ii) of this section with respect to the original plan or program.

(3) *Transportation Projects.* As part of any individual transportation project approval made by the MPO, the MPO shall determine whether the project conforms to the applicable implementation plan using the following procedure:

(i) For projects from a plan and TIP that has been found to conform under procedures in paragraph (d)(1) of this section within the last three years or from a Plan or TIP amendment that has been found to conform under procedures in paragraph (d)(2) of this section in the past three years, the MPO shall document as part of the approval document:

(A) the TIP project number;

(B) whether the project is an exempt project as defined in paragraph (e) of this section; and

(C) whether the design and scope of the project has changed significantly from the design and scope of the

project as described in the conforming TIP:

(1) If the design and scope of the project has not changed significantly, the MPO may find the project conforming; or

(2) If the design and scope of the project has changed significantly or the design and scope of the project could not be determined from the TIP, the MPO shall use the procedures in paragraph (d)(3)(ii) of this section to determine if the project conforms to the applicable implementation plan.

(i) For projects not exempted under paragraph (e) of this section and not in a plan or a TIP that has been found to conform under procedures in paragraph (d)(1) of this section within the last three years:

(A) *Documentation.* The MPO shall document as part of the approval document for each such project:

(1) the disaggregated population and employment projections, to the extent they are used in

(i) the applicable plan, and

(ii) designing and scoping the project;

(2) the levels of vehicle trips, vehicle miles traveled, and congestion that are

(i) assumed in the applicable plan, and

(ii) expected to result over the period covered by the applicable plan from the construction of the project considering any growth likely to result from the project;

(3) for each transportation control measure in the applicable plan likely to be affected by the project:

(i) its implementation schedule and expected emission reduction effectiveness from the applicable plan,

(ii) its current implementation status and, if feasible, its current effectiveness, and

(iii) any actions as part of the project which may beneficially or adversely affect the implementation and/or effectiveness of the TCM;

(4) CO emission levels which will result from the project over the period covered by the applicable plan considering any growth likely to result from the project; and

(5) ambient CO concentration levels which will result from the project over the period covered by the applicable

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plan considering any growth likely to result from the project.

(B) *Findings.* Prior to approving any transportation project, the MPO shall determine if the project conforms to the applicable implementation plan. In making this determination, the MPO shall make and support the following findings for each project using the information documented in paragraph (d)(2)(ii)(A) of this section:

(1) that the project will provide for the implementation of TCMs affected by the project on the schedule set forth in the applicable plan;

(2) that CO emission levels, microscale and regional, resulting from the implementation of the project during the period covered by the applicable plan will not delay attainment or any required interim emission reductions and/or interfere with maintenance of the CO NAAQS in an area substantially affected by the project;

(3) that the project will not cause or contribute to a violation of the CO NAAQS during the period covered by the applicable plan near the project; and

(4) that the projected emissions from the project, when considered together with emissions projected for the conforming plan and program within the nonattainment area, do not cause the plan and program to exceed the emission reduction projections and schedules assigned to such plans and programs in the applicable implementation plan.

(e) *Exempt Projects.* An individual project is exempt from the requirements of paragraph (d) of this section if it is:

(1) located completely outside the nonattainment area;

(2) a safety project which is included in the statewide safety improvement program, will not alter the functional traffic capacity or capability of the facility being improved, and does not adversely affect the TCMs in the applicable plan;

(3) a transportation control measure from the approved applicable plan; or

(4) a mass transit project funded under the Urban Mass Transportation Act, 49 U.S.C.

[56 FR 5485, Feb. 11, 1991]

**§ 52.139 [Reserved]**

**§ 52.140 Monitoring transportation trends.**

(a) This section is applicable to the State of Arizona.

(b) In order to assure the effectiveness of the inspection and maintenance program and the retrofit devices required under the Arizona implementation plan, the State shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with §58.35 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(c) In order to assure the effective implementation of §§52.137, 52.138, and 52.139, the State shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State of Arizona in accordance with §58.35 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

TABLE 1

Time period \_\_\_\_\_  
Affected area \_\_\_\_\_

Roadway type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2) <sup>1</sup>
Freeway.		
Arterial.		
Collector.		
Local.		

<sup>1</sup> Continue with other vehicle types as appropriate.

(d) No later than March 1, 1974, the State shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following: