mental Protection Agency shall evaluate air quality
data and make determinations with respect to which
areas throughout the nation have attained, or failed to
attain, either or both of the national primary ambient
air quality standards referred to in subsection (a)
(probably means the first 3 sentences of this note) and
shall take appropriate steps to designate those areas
failing to attain either or both of such standards as
nonattainment areas within the meaning of part D of
title I of the Clean Air Act.’’

§ 7504a. Planning procedures

(a) Plan revision development costs

The Administrator shall make grants to any
organization of local elected officials with
transportation or air quality maintenance planning
responsibilities recognized by the State
under section 7504(a) of this title for payment of
the reasonable costs of developing a plan revision
under this part.

(b) Subsequent plan revisions

8 years after redesignation of any area as an
attainment area under section 7407(d) of this
title, the State shall submit to the Adminis-
trator an additional revision of the applicable
State implementation plan for maintaining the
national primary ambient air quality standard
for 10 years after the expiration of the 10-year
period referred to in subsection (a) of this sec-
tion.

(c) Nonattainment requirements applicable pending plan approval

Until such plan revision is approved and an
area is redesignated as attainment for any area
designated as a nonattainment area, the re-
quirements of this part shall continue in force
and effect with respect to such area.

(d) Contingency provisions

Each plan revision submitted under this sec-
tion shall contain such contingency provisions


AMENDMENTS

1990—Pub. L. 101–549 amended section generally, sub-
stituting present provisions for provisions which relat-
ed to; in subsec. (a), preparation of implementation plan by designated organization; and in subsec. (b), co-
oordination of plan preparation.
as the Administrator deems necessary to assure
that the State will promptly correct any viola-
tion of the standard which occurs after the re-
designation of the area as an attainment area.
Such provisions shall include a requirement
that the State will implement all measures with
respect to the control of the air pollutant con-
cerned which were contained in the State imple-
mentation plan for the area before redesignation
of the area as an attainment area. The failure of
any area redesignated as an attainment area to
maintain the national ambient air quality
standard concerned shall not result in a require-
ment that the State revise its State implemen-
tation plan unless the Administrator, in the Ad-
ministrator's discretion, requires the State to
submit a revised State implementation plan.
(July 14, 1955, ch. 360, title I, §175A, as added
Pub. L. 101–549, title I, §102(e), Nov. 15, 1990, 104
Stat. 2418.)

§ 7506. Limitations on certain Federal assistance

(a), (b) Repealed. Pub. L. 101–549, title I, §110(4),
Nov. 15, 1990, 104 Stat. 2470

(c) Activities not conforming to approved or pro-
mulgated plans

(1) No department, agency, or instrumentality
of the Federal Government shall engage in, sup-
port in any way or provide financial assistance
for, license or permit, or approve, any activity
which does not conform to an implementation
plan which has been approved or promulgated
under section 7410 of this title. No metropolitan
planning organization designated under section
134 of title 23, shall give its approval to any
project, program, or plan which does not con-
form to an implementation plan approved or
promulgated under section 7410 of this title. The
assurance of conformity to such an implementa-
tion plan shall be an affirmative responsibility
of the head of such department, agency, or in-
strumentality. Conformity to an implementa-
tion plan means—

(A) conformity to an implementation plan’s
purpose of eliminating or reducing the sever-
ity and number of violations of the national
ambient air quality standards and achieving
expeditious attainment of such standards; and

(B) that such activities will not—

(i) cause or contribute to any new viola-
tion of any standard in any area;

(ii) increase the frequency or severity of
any existing violation of any standard in
any area; or

(iii) delay timely attainment of any stand-
ard or any required interim emission reduc-
tions or other milestones in any area.

The determination of conformity shall be based
on the most recent estimates of emissions, and
such estimates shall be determined from the
most recent population, employment, travel and
congestion estimates as determined by the met-
ropolitan planning organization or other agency
authorized to make such estimates.

(2) Any transportation plan or program de-
veloped pursuant to title 23 or chapter 53 of title 49
shall implement the transportation provisions
of any applicable implementation plan approved
under this chapter applicable to all or part of
the area covered by such transportation plan or
program. No Federal agency may approve, ac-
cept or fund any transportation plan, program
or project unless such plan, program or project
has been found to conform to any applicable im-
plementation plan in effect under this chapter.
In particular—

(A) no transportation plan or transportation
improvement program may be adopted by a
metropolitan planning organization des-
ignated under title 23 or chapter 53 of title 49,
or be found to be in conformity by a metro-
politan planning organization until a final
determination has been made that emissions ex-
pected from implementation of such plans and
programs are consistent with estimates of
emissions from motor vehicles and necessary
emissions reductions contained in the applica-
ble implementation plan, and that the plan or
program will conform to the requirements of
paragraph (1)(B);

(B) no metropolitan planning organization
or other recipient of funds under title 23 or
chapter 53 of title 49 shall adopt or approve a
transportation improvement program of
projects until it determines that such program
provides for timely implementation of trans-
portation control measures consistent with
schedules included in the applicable imple-
mentation plan;

(C) a transportation project may be adopted
or approved by a metropolitan planning orga-
nization or approved, accepted, or funded by
the Department of Transportation only if it
meets either the requirements of subpara-
graph (D) or the following requirements—

(i) such a project comes from a conforming
plan and program;

(ii) the design concept and scope of such
project have not changed significantly since
the conformity finding regarding the plan
and program from which the project derived;
and

(iii) the design concept and scope of such
project at the time of the conformity deter-
mination for the program was adequate to
determine emissions.

(D) Any project not referred to in subpara-
graph (C) shall be treated as conforming to the
applicable implementation plan only if it is
demonstrated that the projected emissions
from such project, when considered together
with emissions projected for the conforming
transportation plans and programs within the
nonattainment area, do not cause such plans
and programs to exceed the emission reduc-
tion projections and schedules assigned to
such plans and programs in the applicable
implementation plan.

(E) The appropriate metropolitan planning
organization shall redetermine conformity of
existing transportation plans and programs
not later than 2 years after the date on which
the Administrator—

(i) finds a motor vehicle emissions budget
to be adequate in accordance with section
93.118(e)(4) of title 49, Code of Federal Regu-
lations (as in effect on October 1, 2004);