

South Carolina State Implementation Plan: Transportation Conformity Rule
Effective Date of Plan Revision: 10/24/2003 (69 FR 4245 01/29/04)

Background: The Clean Air Act (CAA) of 1970 requires the United States Environmental Protection Agency (EPA) to develop and enforce regulations to protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. Pursuant to section 110 of the CAA, states must develop air pollution regulations and control strategies to ensure that state air quality meets National Ambient Air Quality Standards (NAAQS). NAAQS guidelines are established under section 109 of the CAA, and currently addresses six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. The resulting state regulations are compiled and commonly referred to as State Implementation Plans (SIP). The concept of conformity was first introduced through the 1977 amendments to the CAA. Although conformity was not specifically defined, the CAA amendments stated that no Federal department could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity, which did not conform to a SIP, which has been approved or promulgated. In 1990, further amendments to the CAA were enacted, thereby expanding the scope and content of conformity, by defining conformity to a SIP. Section 176 (c) of the CAA defines conformity as conforming to the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. As a result of the 1990 Amendments to the CAA, each state must now submit a revision to its SIP, which includes conformity criteria and procedures. EPA required, that each state submit a transportation conformity SIP revision by November 25, 1994. The State of South Carolina submitted a transportation conformity SIP to the EPA Region 4 on November 8, 1996. However, EPA did not take action on this SIP because the Agency was in the process of revising the transportation conformity requirements. These requirement revisions required states to submit a SIP revision to EPA by August 15, 1997, and also allowed states to develop consultation procedures through use of a Memorandum Of Agreement (MOA). In compliance with EPA requirements, the State of South Carolina chose to address the transportation conformity SIP requirements using State rules that incorporate by reference portions of the Federal conformity rule and a MOA that provides procedures for interagency consultation. As such, the State of South Carolina submitted to EPA a SIP revision on November 19, 2003, to provide specific consultation procedures for the implementation of transportation conformity requirements.

Summary of Plan: On January 29, 2004, the EPA approved the SIP revision submitted by the State of South Carolina on November 19, 2003. Through this SIP revision, the State of South Carolina has addressed the transportation conformity SIP requirements. In order to meet the aforementioned requirements, the State of South Carolina developed a procedure for interagency consultation, for areas that are designated nonattainment or maintenance areas, under the NAAQS. At the time of approval for this submittal the requirements only applied to Cherokee County, which was a 1-hour ozone maintenance areas. Interagency consultation was administered through a MOA, which was signed by 10 metropolitan planning organizations, the South Carolina Department of Health and Environmental Control, the South Carolina Department of Transportation, the Federal Highway Administration - South Carolina Division Office, the Federal Transit Administration - Region 4, and EPA Region 4. The resulting transportation conformity SIP provision will allow Federal, State, and Local agencies to

coordinate efforts, and will aid in conformity determinations for transportation improvement programs, transportation plans, and transportation projects, even for newly designated nonattainment areas for the 8-hour ozone and fine particulate matter standards.

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Contact Person: Nacosta Ward, U.S. EPA, Region 4
61 Forsyth Street, SW Atlanta, Georgia 30303
Telephone (404) 562-9140; email: ward.nacosta@epa.gov