



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RESEARCH TRIANGLE PARK, NC 27711

DEC 03 2004

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

MEMORANDUM

SUBJECT: Conformity After the 1-hour Ozone Standards Revocation

FROM: Lydia N. Wegman, Director   
Air Quality Strategies and Standards Division, OAQPS

TO: Steve Rothblatt, Director  
Air and Radiation Division, Region V

This is in response to your electronic correspondence of November 23, 2004, requesting clarification on our policy for conformity determinations before the adoption of the State Implementation Plan (SIP), for the 8-Hour Ozone National Ambient Air Quality Standard. You stated that you need a written statement before December 10, 2004.

The General Conformity Regulations (40 C.F.R. 93.150-160) provide several options for Federal agencies to demonstrate conformity. One of the options in ozone nonattainment areas is to have the State document and determine that the emissions from the action, along with all other emissions in the area, will not exceed the emission budget in the applicable SIP. Since the conformity determination is expected to occur after June 15, 2005 (the date of the revocation of the 1-hour ozone standard) and before the adoption of the SIP for the 8-hour ozone standard, you asked if the existing 1-hour SIP could be considered the applicable SIP for the determination. Even after EPA revokes the 1-hour ozone standard for the area, the 1-hour ozone SIP would remain in place until it is revised. Therefore, we believe that the emission budgets in the 1-hour SIP would be applicable for the O'Hare project conformity determination. We expect that all parties will work together to ensure that the emissions from the airport and the expansion will be included in the 8-hour ozone SIP.

If you have further questions, please contact David Stonefield at (919) 541-5350.