

APPENDIX N

**Ozone Maintenance Plan
and Redesignation Request**

for the

Portland/Vancouver AQMA (Oregon Portion)

4.50.0
ACKNOWLEDGMENTS
AND
SUMMARY

D1-17-2 Substitution of Transportation Control Measures

In the event that a Transportation Control Measure (TCM) is not included in the Regional Transportation Plan (RTP) or Transportation Improvement Program (TIP) in the time frame contained for that measure in this maintenance plan adopted by the EQC, the parties in the interagency consultation process established pursuant to OAR 340-020-0760 shall assess whether such measure continues to be appropriate. Where the Metro and the DEQ concur that a transportation control measure identified in the SIP is no longer appropriate, the agencies may initiate the process described in this Appendix to identify and adopt a substitute transportation control measure.

A substitute TCM must provide for equivalent or greater emissions reductions than the measure contained in the maintenance plan. In addition, a replacement measure must be implemented in the time frame established for the measure contained in this plan. Where such implementation date has already passed, measures selected pursuant to this Appendix that require funding must be included in the first year of the next TIP and long range plan adopted by Metro. The substitute measures must be fully implemented within two years after the implementation date of the original measure in order to be a basis for a finding of timely implementation under OAR 340-020-0840. In order for the EQC to adopt substitute TCMs under this Appendix, there must be evidence of adequate personnel, funding, and authority under State or local law to implement and enforce the measures. Commitments to implement the substitute TCMs must be made by the agency with legal authority for implementation.

Metro will convene a committee (or working group) to identify and evaluate possible substitute measures. The committee shall include members from all affected jurisdictions, state and/or local air quality agencies and local transportation agencies. In addition, the working group shall consult with EPA. Consultation with EPA may be accomplished by sending copies of all draft and final documents, agendas and reports to EPA Region 10.

Metro, DEQ and EPA Region 10 must concur with the appropriateness and equivalency of the substitute TCM. All substitute measures must be adopted by the EQC following the public comment period and EPA's 14-day concurrence period described below. The measure to be replaced shall stay in effect until the substitute measure has been adopted.

The TCM to be replaced must be rescinded for the new TCM substituted pursuant to this Appendix to be effective. By adopting a substitution under this Appendix, the EQC formally rescinds the previously applicable TCM and adopts the substitute measures.

Prior to adopting a substitute measure under this Appendix, the substitute transportation control measure(s) must have been subject to a public hearing and comment process. This means there must be at least one public hearing on the substitution. The hearing can only be held after reasonable public notice, which will be considered to include, at least 30 days prior to the hearing:

- notice given to the public by prominent advertising in the area affected announcing the date time and place of the hearing;
- availability of each proposed plan or revision for public inspection in at least one location in each region to which it will apply;
- notification to the Administrator (through the Region 10 Office)
- notification to the Southwest Washington Air Pollution Control Agency and the Washington Department of Ecology; and
- notification of the chief executives of affected local governments, planning agencies, transportation agencies, environmental control agencies, and economic development agencies.

A description of the measure(s) and analysis supporting the proposal, including assumptions and methodology, must be made available to the public, DEQ and EPA Region 10 within a reasonable time before the public hearing, and at least 30 days prior to the close of the comment period. DEQ shall submit to EPA Region 10 a summary of comments received during the public comment period along with DEQ's responses following the close of the public comment period. EPA shall notify DEQ within 14 days if the Agency's concurrence with the substitution has changed as a result of the public comments. Where EPA fails to notify DEQ within 14 days, EPA is deemed to concur.

The analysis of substitute measures under this Appendix must be consistent with the methodology used for evaluating measures in the maintenance plan. Where emissions models and/or transportation models have changed since those used for purposes of evaluating measures in the maintenance plan, the TCM to be replaced and the substitute measure(s) shall be evaluated using the latest modeling techniques to demonstrate equivalent or greater emissions reductions will be achieved through implementation of the substitute measure(s).

Key methodologies and assumptions that must be consistent, and reconciled in the event of a discrepancy, are, for example:

- EPA approved regional and hot-spot (for CO and PM-10) emissions models;
- the area's transportation model; and
- population and employment growth projections.

DEQ will maintain documentation of approved TCM substitutions. The documentation will provide a description of the substitute and replaced TCMs, including the requirements and schedules. The documentation will also provide a description of the substitution process including the committee or working group members, the public hearing and comment process, EPA's concurrence, and EQC adoption. The documentation will be submitted to EPA following adoption of the substitute measure by EQC, and made available to the public as an attachment to the maintenance plan. See Section 4.50.4.3, Maintenance Plan Commitments.