



# CO Categorical Hot-Spot Finding

February 26, 2014

# Regulatory Background

- o A CO categorical hot-spot finding was included in the January 24, 2008 transportation conformity amendments final rule at 40 CFR 93.123(a)(3) and explained in the preamble at 73 FR 4432-4434



# Conformity Rule Summary

- o DOT, in consultation with EPA:
  - o May choose to make a categorical hot-spot finding that 40 CFR 93.116(a) is met without further hot-spot analysis for any project requiring a hot-spot analysis based on appropriate modeling
  - o May consider the current air quality circumstances of a given area in categorical hot-spot findings for applicable FHWA or FTA projects

# Signed February 12, 2014



## Memorandum

SENT VIA ELECTRONIC MAIL

Subject: **INFORMATION:** Federal Highway Administration Carbon Monoxide Categorical Hot-Spot Finding  
*/S/Original signed by*  
From: April Marchese  
Director, Office of Natural Environment  
In Reply Refer To:  
HEPN-10  
To: Division Administrators  
Federal Lands Highway Division Engineers

### PURPOSE

The purpose of this memorandum is to announce the availability of Federal Highway Administration's (FHWA's) carbon monoxide (CO) categorical hot-spot finding per the transportation conformity rule at 40 CFR 93.123(a)(3) for urban highway projects that include one or more intersections in CO maintenance areas, except in California. As explained in the attached CO categorical hot-spot finding, project sponsors may be able to rely on the categorical hot-spot finding in place of doing their own CO hot-spot analysis as part of a project-level conformity determination in CO maintenance areas. The FHWA consulted with the U.S. Environmental Protection Agency (EPA) and the Federal Transit Administration (FTA) during the development of the CO categorical hot-spot finding and addressed all issues raised by them prior to issuing the finding.

### BACKGROUND

In the January 24, 2008, Transportation Conformity Rule Amendments, EPA included the provision at 40 CFR 93.123(a)(3) to allow the U.S. Department of Transportation (DOT), in consultation with EPA, to make categorical hot-spot findings in CO nonattainment and maintenance areas if appropriate modeling showed that a type of highway or transit project would not cause or contribute to a new or worsened local air quality violation of the CO national ambient air quality standards (NAAQS) or delay timely attainment of the NAAQS or required interim milestone(s), as required under 40 CFR 93.116(a). There are currently 77 CO maintenance areas across the country wherein highway project sponsors must complete a hot-spot analysis as part of their project level conformity determination (40 CFR 93.116). The FHWA expects that a large number of highway projects that include one or more intersections and are subject to the conformity hot-spot analysis

<sup>1</sup> EPA's "Greenbook" states that, "As of September 27, 2010, all carbon monoxide areas have been redesignated to maintenance areas"

# Application

- o To rely on the finding as part of a project-level conformity determination
  - o A project's parameters must fall within the acceptable range of modeled parameters
  - o The project sponsor will need to look at each approach within the intersection(s) separately
- o Project sponsors have two options:
  - o Use the table which will be in the appendix to the memo; **OR**
  - o Enter the project information into FHWA's web based tool
- o Each approach must fall within the acceptable range for all the parameters

**CANNOT USE:** If one or more parameters are outside the acceptable range for any of the intersection approaches

# Project Parameters

- o CO maintenance area
- o Urban area
- o State other than California
- o Intersection(s) needing analysis
- o Traffic and geometric design data for each approach
- o Analysis year
- o Offset distance of closest receptors
- o Ambient temperature
- o CO background concentrations
- o Persistence factor



# Project Level Conformity Determination Documentation

- o Project sponsors need to:
  - o Explain that they relied on FHWA's CO categorical hot-spot finding to meet CO hot-spot analysis requirements
  - o Clearly show how they were able to rely on the finding (noting source of project information)
    - o Include or reference the results from FHWA's web based tool **OR**
    - o Include or reference the appendix to the finding memo
  - o Document that the existing interagency consultation and public involvement process was used to consider whether the application of the finding is appropriate for the project

# Website

- o Under FHWA's Conformity Website
  - o [http://www.fhwa.dot.gov/environment/air\\_quality/conformity/policy\\_and\\_guidance/cmcf/index.cfm](http://www.fhwa.dot.gov/environment/air_quality/conformity/policy_and_guidance/cmcf/index.cfm)

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