

Air Quality Memorandum of Agreement (MOA)

Summary of Changes (September 2020)

In accordance with Clean Air Act (CAA) Section 176(c), the DEQ chose through rulemaking in 15A NCAC 02D .2005, *Memorandum of Agreement*, to develop transportation conformity Memorandum of Agreements (MOAs) to ensure that interagency consultation procedures for transportation conformity are followed in each of the State's maintenance areas pursuant to 40 Code of Federal Regulations (CFR) 93.105. The MOA outlines the responsibilities and processes that each signatory entity will follow to ensure that transportation plans conform to the emissions budgets set forth in North Carolina's State Implementation Plan (SIP). The existing MOAs were approved by the United States Environmental Protection Agency (EPA) into the SIP effective February 24, 2014 (78 FR 78266). Once the EPA approved the MOAs into the SIP, the MOAs remain in effect until the State revises the MOAs and EPA approves the revisions into the SIP. The DEQ initiated the process for renewing the MOA to fulfill the duties outlined in Section 10.1 of the existing MOA.

Below is a summary of the revisions made to all MOAs during this renewal cycle:

1. Updated the DEQs name;
2. Updated cross-references and definitions;
3. Revised "Long Range Transportation Plan" to "Metropolitan Transportation Plan";
4. Revised "emissions factors" to "emissions modeling results";
5. Updated the inputs needed to generate emissions modeling results;
6. Revised conformity determination timelines concurrent with current practices;
7. Added a duty to conduct project-level conformity analyses as a part of the National Environmental Policy Act process for MPO-sponsored federal projects. The introduced language originated from Section 2.1.6 of the Capital Area MOA and should have been incorporated into the MPOs duties for all other MOAs during the last revision cycle. Project-level conformity is required for all areas that are nonattainment/maintenance; however, the language was inserted to reduce the likelihood that a MOA would need to be revised in the unlikely event that the attainment status for the carbon monoxide (CO) or particulate matter (PM) National Ambient Air Quality Standards (NAAQS) changes. However, if the attainment status changes, the project sponsor would be responsible for conducting a hot-spot analysis (i.e. modeling runs) for these pollutants. As of now, no action is needed for this MOA provision since all areas of the State are attaining the CO and PM NAAQS.
8. Removed the term "particulate matter" under the DEQs duties for determining whether a project is an air quality concern since the MOA incorporates 40 CFR, Part 93, by reference and for the fact that 15A NCAC 02D .2000, *Transportation Conformity*, specifies the specific provisions to follow for particulates;
9. Added language in the "Modifications of Agreement" Section allowing the DEQ to make administrative amendments; and
10. Removed the "Termination and Renewal" Section to reduce the administrative burden for renewing the MOAs with each Party and completing a formal SIP revision on a cyclical basis.

The EPA designated the Triangle area "attainment" with the 1997 8-hour ozone NAAQS on December 26, 2007. The area will remain under a maintenance plan through December 26, 2027. Currently, the MPO is required to complete "short form" conformity for the 1997 8-hour ozone NAAQS. The TJCOG has coordinated the conformity process for the Triangle region over the last decade. In addition, it is important to have a formal consultation process in place for contingency purposes, should the area be designated for a future NAAQS.