



# TRANSPORTATION CONFORMITY WORKING GROUP

## Meeting Minutes

March 28, 2023

10:00 a.m. – 12:00 p.m.

The meeting was held via Zoom, teleconference, and in-person. A digital recording of the meeting is available for listening in SCAG's office.

### Attendee List

#### **SCAG Staff:**

Asuncion, John  
Calderon, Karen  
Gutierrez, Pablo  
Jimenez, Diego  
Luo, Rongsheng  
Sun, Lijin

#### **Via Teleconference:**

Anderson, Chris  
Anderson, Kelsie  
Bade, Rabindra  
Barroso, Blake  
Becha, Karishma  
Cacatian, Ben  
Carlin, Cassandra  
Carpio, Wellvin  
Cooper, Keith  
Emery, Edward  
Espinoza Araiza, Erika  
Henkelman, John  
Huddleston, Lori  
Kahrs, Jacqueline  
Kang, Peter  
Lay, Keith  
Lee, David  
Marroquin, Nancy  
Miranda, Jude  
Morris, Michael  
O'Connor, Karina  
Pittenger, Patrick  
Sutherland, Anders  
Tavitas, Rodney  
Vaca, Erika  
Wang, Sam  
Yoon, Andrew

Mojave Desert AQMD  
TCA  
Caltrans District 12  
ERP  
Caltrans Headquarters  
Ventura County APCD  
Caltrans District 7  
LA Metro  
ERP  
RCTC  
Caltrans Headquarters  
Ventura County APCD  
LA Metro  
Caltrans Headquarters  
Caltrans Headquarters  
ICF  
Caltrans District 8  
LA Metro  
Caltrans District 12  
FHWA  
US EPA Region 9  
FHWA  
Terry A Hayes Associates  
Caltrans Headquarters  
Caltrans Headquarters  
South Coast AQMD  
Caltrans District 7



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## MEETING SUMMARY

### 1. CALL TO ORDER AND SELF-INTRODUCTIONS

Andrew Yoon, TCWG Chair, called the meeting to order at 10:04 a.m.

### 2. PUBLIC COMMENT PERIOD

None.

### 3. CONSENT CALENDAR

#### 3.1. January 24, 2023 TCWG Meeting Minutes

The meeting minutes were approved.

#### 3.2. February 28, 2023 TCWG Meeting Minutes

The meeting minutes were deferred to next TCWG Meeting.

### 4. INFORMATION ITEMS

#### 4.1. Review of PM Hot Spot Interagency Review Form

- SBD990214: It was determined that this project is not a project of air quality concern.

#### 4.2. RTP Update

Pablo Gutierrez, SCAG, reported the following:

- SCAG staff had been incorporating comments on the Draft Connect SoCal 2020 Amendment No. 3 and the concurrent 2023 FTIP Consistency Amendment #23-03.
- Based on the comments received, SCAG staff determined that the revisions to the Amendments document were minor and technical in nature because the revisions did not alter the Draft Amendments findings or conclusions.
- As a precaution, SCAG staff would release the revisions for an additional 15-day public review around mid-April. TCWG members would be notified when the revisions were available.
- Upon completion of the additional 15-day public review, SCAG staff would address comments and finalize the revised Draft Amendments document and RC adoption of the Proposed Final Connect SoCal 2020 Amendment 3 and the concurrent 2023 FTIP Consistency Amendment #23-03 in May or June 2023.

Rodney Tavitas, Caltrans Headquarters, stated that SCAG must pass regional conformity before Caltrans could recommend concurrence on the FHWA approval of Connect SoCal 2020 Amendment 3 and 2023 FTIP Consistency Amendment #23-03.

#### 4.3. FTIP Update

John Asuncion, SCAG, reported the following:

- The Draft 2023 FTIP Consistency Amendment #23-03 was included as part of the Draft Connect SoCal 2020 Amendment No. 3 document and would follow the same approach and schedule as reported under Item 4.2.

#### 4.4. Status Update on Regional Transportation Conformity Lockdown

Rongsheng Luo, SCAG, reported the following:

- The updated Coachella Valley ozone conformity budgets were approved by EPA effective April 12, 2023.
- SCAG staff appreciated all the involved staff from South Coast AQMD especially Sang-Mi Lee, ARB especially Nesamani Kalandiyur, and EPA especially Karina O'Connor for their respective hard work and great effort in making this happen. It was a huge undertaking by all the three agencies.
- SCAG staff had also been making progress in addressing the EMFAC2021 adjustment factors issues raised by EPA and Caltrans Headquarters staff at the March TCWG meeting.



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- After the March TCWG meeting, Karina O'Connor, EPA, Nesamani Kalandiyur, ARB, Rongsheng Luo, SCAG, and Lijin Sun, SCAG, met twice.
  - The group discussed EPA's concerns, explored options to address the concerns, and identified a possible path forward. The proposal was then discussed at the last of several ongoing ARB and EPA meetings on March 20.
  - The March 20 ARB/EPA meeting went well. Details were being worked on. No timelines could be provided.
  - Rongsheng Luo, SCAG, informed Karina and Nesamani about the minor and technical revisions to the Draft RTP Amendment No. 3 and 2023 FTIP Consistency Amendment #23-03 in response to comments received as well as the release of the revised Draft Amendments document for an additional 15-day public review as reported under items 4.2 and 4.3.
  - Specifically, the revisions included three items: 1) add and model a new three-year pilot express bus service project submitted by VCTC; 2) reduce the emissions adjustment from ARB's Heavy-duty Vehicle Inspection and Maintenance (I&M) Regulation not included in EMFAC2021 (in other words, to address the EMFAC2021 adjustment factors issue); and 3) program STBG and CMAQ funds to give CTCs an opportunity to program funds via the current programming process by June 30.
- SCAG staff would meet with Karina and Nesamani again this afternoon to discuss specifics of how to address the EMFAC2021 adjustment factors in the revised Draft RTP/FTIP Amendments document.
- Since the updated Coachella Valley conformity budgets had been approved by EPA effective April 12, 2023, SCAG staff was still striving and hopeful for RC consideration of the RTP and FTIP Amendments in May 2023.
- Finally, SCAG staff was in the process of scheduling a meeting with staff of Caltrans Headquarters, FHWA, and FTA to provide a status update on the RTP/FTIP Amendments and to respectfully request their advanced and expedited review of the RTP/FTIP Amendments, such that federal approval could occur as soon as possible after RC adoption.

## 4.5. EPA Update

Karina O'Connor, EPA, reported the following:

### **Updated Coachella Valley Ozone Budgets:**

- As part of the adequacy review process, a letter making the adequacy finding of the updated Coachella Valley ozone budgets for the 2008 8-hour ozone NAAQS was sent to ARB.
- The adequacy notice was published in the Federal Register on March 28, 2023. The updated Coachella Valley ozone budgets would be effective on April 12, 2023 and can be used in future transportation conformity analyses.

### **EMFAC2021 Adjustment Factors:**

- EPA and ARB staff had been working diligently on EPA's action on the EMFAC2021 adjustment factors.
- At the March 20 meeting, EPA and ARB staff agreed on a potential path forward with a lowered amount, not the full amount, of the adjustment factors for EPA's approval and were still discussing what the amount would be.
- ARB must submit a new letter to EPA and EPA must approve before SCAG RC could adopt the Proposed Final Connect SoCal 2020 Amendment 3 and the concurrent 2023 FTIP Consistency Amendment #23-03, including the transportation conformity analysis.
- EPA's approval of a lowered amount of the adjustment factors would not need to be published in Federal Register. Rather, it could be done via letter. That process was tentative pending confirmation with EPA Headquarters.
- It is more likely that SCAG RC adoption of the RTP/FTIP Amendments would occur on June 1, 2023 instead of May 4, 2023.

In response to a question from Michael Morris, FHWA, Rongsheng Luo, SCAG, stated that the specifics for the revisions to the RTP/FTIP Consistency Amendments document would be discussed with EPA and ARB staff at a meeting after the



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TCWG meeting. The Draft Amendments document that was released in January 2023 only included a summary of emissions to keep the document concise. The revisions to the regional emissions tables would likely include more specifics such as budgets, Plan emissions without adjustment factors, and the final amounts of adjustment factors from EPA and ARB. It was important to note that the Plan emissions did not change. The only change was due to the reporting of adjustments.

Rodney Tavitias, Caltrans Headquarters, asked to be informed when SCAG passes regional conformity so that Caltrans' review process could start.

Pablo Gutierrez, SCAG, and Rongsheng Luo, SCAG, clarified that the June 30 date pertained to VCTC's new three-year pilot express bus service project and STBG and CMAQ funding. SCAG staff was aiming for approval of the RTP/FTIP Amendments prior to June 30 under the current programming process that was in place for the SCAG region because after June 30 all projects with STBG and CMAQ funding would need to go through an MPO project selection process. Aside from these strict deadlines, Connect SoCal 2020 Amendment No. 3 and 2023 FTIP Consistency Amendment #23-03 included over \$26 billion worth of transportation projects such as the I-15 Expansion Project at California-Nevada Border.

#### 4.6. ARB Update

No representatives to provide an update.

#### 4.7. Air Districts Update

##### 4.7.1. Status Update on EPA Final Disapproval of AVAQMD Rule 315; Failure to Submit Contingency Measures for the 2008 8-Hour Ozone NAAQS for Antelope Valley Portion of West Mojave Desert Ozone Nonattainment Area; and Proposed Limited Disapproval of AVAQMD Rules 1301, 1302, 1303, 1304, 1305, and 1309

No representatives to provide an update.

##### 4.7.2. Status Update on EPA Final Limited Disapproval of MDAQMD Rule 1160; Final Disapproval of MDAQMD Rule 315; Failure to Submit Contingency Measures for the 2008 8-Hour Ozone NAAQS for San Bernardino County Portion of West Mojave Desert Ozone Nonattainment Area; and Proposed Limited Disapproval of MDAQMD Rules 1301, 1302, 1303, 1304, and 1305

Chris Anderson, MDAQMD, reported the following:

- Amended MDAQMD Rule 1160 and Amended MDAQMD Rule 315 were adopted by MDAQMD Board in February and March 2023, respectively.
- EPA released a draft guidance for contingency measures for the 2008 8-hour ozone NAAQS that MDAQMD staff was reviewing.
- Regarding the Proposed Limited Disapproval MDAQMD Rules 1301, 1302, 1303, 1304, and 1305, MDAQMD intended to litigate.

In response to a question, Karina O'Connor, EPA, stated that offset sanctions, if imposed, apply to all stationary sources, not just a subset of stationary sources covered in the local air district rule that was found to contain deficiencies.

In response to another question, Karina O'Connor, EPA, stated that EPA must go through a public process to finalize approval of corrective actions to fully resolve the deficiencies. However, when EPA was proposing to approve the corrective actions, EPA could pause sanctions clocks to allow time for EPA to complete the public process. If EPA



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finalized approval of corrective actions, relief from sanctions would become permanent.

4.7.3. Status Update on EPA Proposed Limited Disapproval of SCAQMD Rules 1106, 1106.1, and 1107; Final Limited Disapproval of SCAQMD Rule 1118; Final Limited Disapproval of Reasonable Available Control Technology Demonstrations for Sources Covered by the EPA's 2016 Oil and Gas Control Techniques Guidelines for SCAQMD; Failure to Submit Contingency Measures for the 2008 8-Hour Ozone NAAQS for Coachella Valley Ozone Nonattainment Area

Sam Wang, SCAQMD, reported the following:

- SCAQMD staff was waiting for EPA's guidance for the 2008 8-hour ozone NAAQS in order to develop a required contingency measures SIP for Coachella Valley.
- EPA released a draft contingency measures guidance on March 15 for a 30-day public comment and review period. SCAQMD staff anticipated 18 months to complete and adopt the required contingency measures SIP for Coachella Valley and could provide specifics on the timeline at the next TCWG meeting.
- The proposed amended Rules 463 and 1178 would be presented to the SCAQMD Board for adoption anticipated in May 2023.
- No updates on the other items listed in 4.7.3.

4.7.4. Status Update on EPA Final Limited Disapproval of Reasonable Available Control Technology Demonstrations for Sources Covered by the EPA's 2016 Oil and Gas Control Techniques Guidelines for VCAPCD

Ben Cacatian, VCAPCD, reported the following:

- VCAPCD staff had been working with ARB staff to resolve the final limited disapproval. VCAPCD staff believed that one of the rules, VCAPCD Rule 71.2, met EPA's control oil and gas control techniques guidelines for tank vapor controls. VCAPCD Rule 71.1 would need revisions to resolve the identified deficiencies.
- VCAPCD staff had and would continue to work to resolve the disapproval before impositions of the offset sanction in April 2024 and highway sanction in October of 2024.

Ben Cacatian, VCAPCD, would retire from VCAPCD. TCWG Chair and staff acknowledged and thanked Ben for his years of dedicated participation in and contribution to the TCWG, and welcomed John Henkelman, Planning Supervisor, as interim VCAPCD staff representative of TCWG.

## 5. INFORMATION SHARING

Patrick Pittenger, FHWA, announced that he was promoted to Director of Planning Environment and Finance for the Pennsylvania Division of the FHWA and would not be part of future SCAG's TCWG meetings.

## 6. ADJOURNMENT

The next meeting of the TCWG would be held on Tuesday, April 25, 2023 via Zoom, teleconference, and in-person. Please submit PM Hot Spot Analysis Interagency Review Forms for the next meeting to Lijin Sun, [sunl@scag.ca.gov](mailto:sunl@scag.ca.gov), by Tuesday, April 11, 2023.