



**Resolution #1-2022**  
**AIR QUALITY RESOLUTION FOR**  
**NONATTAINMENT/MAINTENANCE MPOs**  
**LEBCO MPO**

Conformity of the 2023–2026 Transportation Improvement Program (TIP) and the 2020-2045 Long Range Transportation Plan (LRTP) and in Accordance with the Clean Air Act Amendments of 1990

**WHEREAS**, the Congress of the United States enacted the Clean Air Act Amendments of 1990 which was signed into law and became effective on November 15, 1990, hereafter referred to as “the CAAA”; and,

**WHEREAS**, the United States Environmental Protection Agency (EPA), under the authority of the CAAA, has defined the geographic boundaries for areas that have been found to be in non-attainment with the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide and particulate matter; and,

**WHEREAS**, effective July 15<sup>th</sup> 2004, LEBCO MPO area was designated by EPA as a nonattainment area under the 1997 8-Hour ozone NAAQS; and,

**WHEREAS**, on July 25<sup>th</sup>, 2007, the LEBCO MPO area has been re-designated under the 1997 8-hour ozone standard as an attainment (maintenance) area by the EPA with motor vehicle emissions budgets (MVEBs) established in the State Implementation Plan (SIP) maintenance plan; and,

**WHEREAS**, on April 6<sup>th</sup>, 2015, EPA revoked the 1997 8-hour ozone NAAQS for all purposes and established anti-backsliding requirements for areas that remain designated nonattainment for the revoked NAAQS; and,

**WHEREAS**, the U.S. Court of Appeals for the D.C. Circuit issued a decision in South Coast Air Quality Management District v. EPA on February 16<sup>th</sup>, 2018 addressing air quality requirements for former 1997 ozone areas, and this region was maintenance for the 1997 ozone standard at the time the 1997 ozone revocation in 2015; and,

**WHEREAS** effective April 5, 2005, the LEBCO MPO area has been designated under the 1997 fine particulate matter (PM<sub>2.5</sub>) annual standard (as retained under the 2006 PM<sub>2.5</sub> NAAQS) as a non-attainment area by EPA; and,

**WHEREAS** effective December 14, 2009, the LEBCO MPO area has been designated under the 2006 PM<sub>2.5</sub> 24-hour NAAQS as a non-attainment area by EPA; and,

**WHEREAS** effective December 8, 2014, the LEBCO MPO area has been re-designated as an attainment area under both the 1997 and 2006 PM<sub>2.5</sub> NAAQS with an approved Maintenance State Implementation Plan that includes mobile vehicle emission budgets; and,

**WHEREAS**, effective October 24<sup>th</sup>, 2016, EPA revoked the 1997 PM<sub>2.5</sub> NAAQS for all purposes and established anti-backsliding requirements for areas that remain designated nonattainment for the revoked NAAQS; and,

**WHEREAS** effective April 7, 2015, the LEBCO MPO area has been designated under the 2012 PM<sub>2.5</sub> annual NAAQS as a non-attainment area by EPA; and,

**WHEREAS**, on September 30<sup>th</sup>, 2019, the LEBCO MPO area has been re-designated under the 2012 PM<sub>2.5</sub> annual NAAQS as an attainment (maintenance) area by the EPA with motor vehicle emissions budgets (MVEBs) established in the State Implementation Plan (SIP) maintenance plan; and,

**WHEREAS** the transportation plans and programs are required to conform to the purposes of the State Implementation Plan and Sections 174 and 176 (c and d) of the CAAA (42 U.S.C. 7504, 7506 (c and d)); and,

**WHEREAS** the EPA issued the Final Rule on Transportation Conformity on November 24, 1993 for transportation plans and programs and projects; and,

**WHEREAS** the EPA amended the Final Conformity Rule various times between 1996 and the present; and,

**WHEREAS** the LEBCO MPO is responsible for the development of transportation plans and programs in accordance with Section 134 of Title 23, which requires coordination and public participation with the State DOT; and,

**WHEREAS** the final conformity rule (and subsequent amendments) requires that the LEBCO MPO Policy Board determines that the transportation plans and programs conform within the CAAA requirements by meeting the criteria described in the final guidelines.

**NOW, THEREFORE BE IT RESOLVED THAT** the LEBCO MPO Policy Board has found that the 2023–2026 TIP and the 2020-2045 LRTP contribute to the achievement and maintenance of the NAAQS; and,

**NOW, THEREFORE BE IT FURTHER RESOLVED THAT** the LEBCO MPO Policy Board found that the 2023–2026 TIP and the 2020-2045 LRTP are consistent with the final conformity rule issued on November 24, 1993 and subsequent amendments.

I hereby certify that this Resolution was adopted by the LEBCO MPO Policy Board at its meeting on June 16, 2022.

ATTEST:

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Jo Ellen Litz, Secretary  
LEBCO MPO

By

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Sherry L. Capello, Chairwoman  
LEBCO MPO