

General Conformity Update

2013 Annual Planning Meeting

Prepared by:

Charis Tuers, Air Resource Specialist

BLM-Wyoming

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UGRB Ozone Nonattainment Designation

- Environmental Protection Agency (EPA) officially recognized and designated the Upper Green River Basin (UGRB) as an ozone nonattainment area with a Marginal classification on April 30, 2012.
- After a public notice and comment period, the designation became effective July 20th 2012.
- The nonattainment designation initiated a 12-month grace period before federal agencies must begin addressing General Conformity for federal actions. The grace period ended on July 20, 2013.



UGRB Ozone Nonattainment Designation

- The Marginal designation determines the de minimis emission threshold, below which a Conformity determination is not required, and the project can be approved.
- The de minimis emission threshold for the UGRB ozone nonattainment area is 100 tons/year of nitrogen oxide (NO_x) or 100 tons/year volatile organic compounds (VOC).
- Any proposed project that involves sources with the potential to emit NO_x or VOC requires a Conformity analysis and a possible Conformity determination.



What is General Conformity?

- A process to implement Section 176(c) of the Clean Air Act to ensure actions conducted or sponsored by federal agencies in Nonattainment or Maintenance areas are consistent with the regulating authority's (Wyoming Department of Environmental Quality - WDEQ) air quality State Implementation Plan (SIP).
- Requires that reasonably foreseeable emissions from federal actions will not cause or contribute to new violations of the National Ambient Air Quality Standards (NAAQS), increase the frequency or severity of existing NAAQS violations, or delay timely attainment of the NAAQS or any interim milestone towards achieving attainment.



Key Concepts

General Conformity...

- is an open process with legal requirements
- covers federal actions and activities only
- determinations are made by project-sponsoring federal agency, not the regulatory agency (WDEQ)
- is primarily an annual emissions-based system (tons/year)
- requires federal agencies to demonstrate conformity for projects in nonattainment or maintenance areas or the project cannot proceed



What is the BLM doing to address General Conformity requirements?

New requirements for processing APDs, EAs, and ROW permits have be implemented:

- An emissions inventory (for NOX and VOC) must be provided with each project proposal or application for permit to drill (APD) submitted to the respective field office
- Operators and proponents were notified of this process and associated requirements in two letters sent out by the High Desert District (April 23 and July 10, 2013).
- Inventories are reviewed and approved by the BLM-WY Air Resource Specialist.



What is the BLM doing to address General Conformity requirements?

- The Conformity analysis is addressed in the NEPA document or permit authorization. Projects below the de minimis emission threshold can be processed and authorized by the field office.
- The BLM Air Resource Specialist documents the Conformity analysis in a Memorandum for Record. Signed hard copies are maintained in the State Office.
- All supporting documents, emission inventories, and emails for each project or authorization are maintained by the BLM.



Presumed to Conform List

Development of the Presumed to Conform List focuses on two distinct areas:

- Federal Actions and activities that are considered exempt per the existing Conformity Regulations (40 CFR 93.153, Section c)
- Federal Actions and activities that are not exempt, but below the de minimis emission threshold of 100 tons/year for NO_x and VOCs
 - Supporting emission calculations are being developed for these activities.



Presumed to Conform List

- The BLM is actively engaged with the WDEQ Air Quality Division (AQD) and EPA Region 8 to develop the Presumed to Conform and Exempt lists.
- The goal of the Presumed to Conform list is to serve as a tool for field office specialists to assess whether their activities and projects are exempt, presumed to conform, or require additional analysis and review by the Air Resource Specialist.
- The Presumed to Conform List will be published in the Federal Register upon completion (Nov/Dec 2013).



Questions?

