

General Conformity

(40 CFR 93 Subpart B)

BLM Responsibilities in the UGRB Ozone Nonattainment Area and Implications for Future Oil and Gas Development

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UGRB Ozone Nonattainment Designation

- EPA officially recognized and designated the UGRB as an ozone nonattainment area with a Marginal classification in a letter sent to Governor Mead 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. WDEQ affirmed the 12 month grace period in a letter sent to the BLM on August 7th, 2012.



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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 threshold for the UGRB ozone nonattainment area is 100 tons/year of NO_x or 100 tons/year VOC.
- Any proposed project that involves sources with the potential to emit NO_x or VOC will require a Conformity analysis and a possible formal Conformity determination.



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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 authorities (WYDEQ) air quality goals.
- Requires that reasonably foreseeable emissions from federal actions will not cause or contribute to new violations of the NAAQS, increase the frequency or severity of existing NAAQS violations, or delay timely attainment of the NAAQS or any interim milestone towards achieving attainment.
- Applies to all federal actions.



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Key Concepts

General Conformity...

- is an open process with legal requirements
- covers federal activities only
- determinations are made by project sponsoring federal agency (BLM, but applies to Forest Service and any other federal agency)
- is primarily an annual emissions-based system
- requires federal agencies to demonstrate conformity for projects in nonattainment or maintenance areas or the project cannot proceed



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Implications for Future BLM Management Actions

- **Upon expiration of the 12 month grace period (July 20th 2013), the BLM will implement a process in order to address General Conformity.**
- **Operators will be notified of this process and associated requirements before the expiration of the grace period.**
- **New requirements for processing APDs, EAs, and EISs will be implemented as a result:**
 - Emissions inventory and operator-committed mitigation measures must be provided with project proposal.
 - Conformity must be addressed in the NEPA document, but many actions will typically be below the de minimis emissions threshold.



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Implications for Future BLM Management Actions

- **Larger projects that require an EIS (LaBarge, NPL) will be require a formal Conformity determination. The BLM is actively engaged with the WDEQ, EPA and the project proponents to ensure that a Conformity determination is achieved for these projects.**
- **The BLM intends to develop a Presumed To Conform list before the grace period expires in order address Conformity for day-to-day activities and projects that will be clearly de minimis.**
- **The BLM will likely be engaging Operators and project proponents to complete this task.**



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Questions?