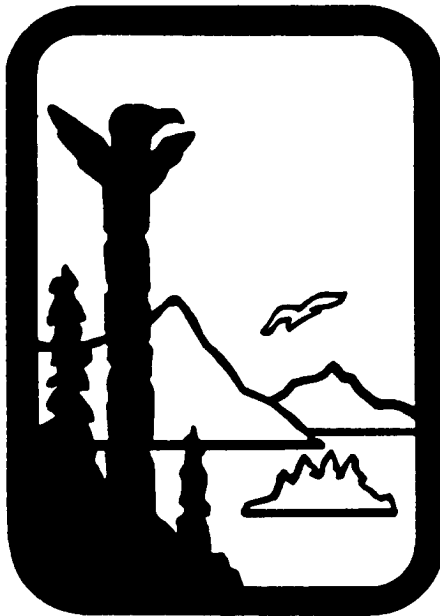


Alaska Department of Environmental Conservation



Amendments to: State Air Quality Control Plan

Vol. III: Appendix III.J General Conformity

Repealed

Insert Date

Sean Parnell, Governor

Larry Hartig, Commissioner

(This page serves as a placeholder for two-sided copying)

~~III.J General Conformity~~

~~III.J.1. Introduction~~

~~a. Summary~~

~~This portion of the State Implementation Plan (SIP) describes the criteria and procedures to ensure that federal projects conform to the State Implementation Plan's purpose of eliminating violations of the national ambient air quality standards (NAAQS) and achieving expeditious attainment of these standards. These criteria and procedures apply to federally-funded activities within either a nonattainment area (a geographical area where the air quality exceeds the NAAQS) or a maintenance area (a geographical area that has implemented measures to improve air quality so that the pollution levels are within the NAAQS). These procedures also apply to federally funded activities outside of a nonattainment or maintenance area that affect the air quality within a nonattainment or maintenance area.~~

~~b. Background~~

~~The procedures were developed in accordance with section 176(e) of the Clean Air Act (CAA), *Limitations on Certain Federal Assistance*, which states, "No department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan after it has been approved or promulgated under section 110." Section 176(e) also requires states to include the procedures for making conformity determinations in their State Implementation Plan.~~

~~The U.S. Environmental Protection Agency (EPA) promulgated two regulations concerning section 176(e) of the CAA. The first regulation addresses transportation conformity and is described in Volume II, Section III, subpart I. The second regulation was promulgated November 30, 1993 at Title 40 of the Code of Federal Regulations, Part 51, Subpart W, and is entitled, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans."~~

~~This portion of the State Implementation Plan describes the regulations and procedures concerning the "General Conformity" requirements of 40 CFR 51, Subpart W.~~

e. ~~Agency Designations~~

~~40 CFR 51.240 states the following:~~

~~“Each State implementation plan must identify organizations, by official title that will participate in developing, implementing, and enforcing the plan and the responsibilities of such organizations. The plan shall include any related agreements or memoranda of understanding among organizations”.~~

As required under 40 CFR 51, Subpart W, the federal agency responsible for the federal action is the responsible party for determining if its actions conform to the State Implementation Plan. Because the state is implementing this requirement by regulation, no memoranda of understanding are needed to implement the general conformity requirements. The federal agency making a conformity determination is also required to provide a 30-day notice, describing the proposed action and the agency's draft conformity determination on the action, to the agencies described in Table III.J.1-1. The federal agency making a conformity determination must also notify the agencies listed in Table III.J.1-1 of the final conformity determination.

Table III.J.1-1

Agencies to be notified of a Conformity Determination

EPA, Region X
Alaska Department of Environmental Conservation
The local air quality planning agency (as applicable):
–Municipality of Anchorage, –Department of Health and Human Services, Air Quality Section
–Fairbanks North Star Borough, –Department of Transportation
–City and Borough of Juneau, –Community Development Department
Any affected Federal land managers (as applicable)
Municipality of Anchorage (as applicable)

III.J.2 Program Requirements

The department has adopted regulations to implement the requirements of 40 CFR 51, Subpart W, Determining Conformity of General Federal Actions to State or Federal Implementation Plans, under 18 AAC 50.730—18 AAC 50.740. A copy of the department's regulations is provided in the plan's appendix (Volume III). The regulations incorporate the basic requirements of the federal program, and are neither less stringent, nor more stringent, than the federal program.

18 AAC 50.730—18 AAC 50.740 requires federal agencies to ensure that their actions conform to the attainment measures and emissions budgets contained in the State Implementation Plan. The attainment measures and emission budgets are located in the State Implementation Plan as indicated in Table III.J.2-1.

Table III.J.2-1 Attainment Plan Location in the SIP

Nonattainment Area and Pollutant	Location of the Attainment Plan and Emission Budget within the SIP
Anchorage: Carbon Monoxide	Volume II, Section III, Part B
Fairbanks: Carbon Monoxide	Volume II, Section III, Part C
Eagle River: Particulate Matter (PM-10)	Volume II, Section III, Part D, Subpart 2
Mendenhall Valley: Particulate Matter (PM-10)	Volume II, Section III, Part D, Subpart 3

40 CFR 51.860(g) requires that Alaska's general conformity rules to be enforceable by both state and federal governments. The rules submitted under this plan are regulatory in nature and are, therefore, enforceable by the state. The rules will also be federally enforceable upon the administrator's approval of this portion of the State Implementation Plan as provided by the Clean Air Act.