

## **PM 2.5 Project-Level Conformity Determinations Process Projects with an Approved NEPA Document\***

**Step 1: Determine if the project is exempt from all conformity requirements per 40 CFR 93.126.**

- a) If yes, proceed to Step 11
- b) If no, proceed to Step 2

**Step 2: Determine if the project is a project of air quality concern for particulate matter.**

- a) If yes, proceed to Step 6
- b) If no or unsure, complete *PM Conformity Hot-Spot Analysis Project Summary for Interagency Consultation* form attached and proceed to step 3.

**Step 3: Submit form for interagency consultation at the BCAG ICR meeting.** Forms are to be submitted to Brian Lasagna, BCAG Regional Analyst @ [blasagna@bcag.org](mailto:blasagna@bcag.org) .

**Step 4: Interagency Consultation Review at BCAG ICR meeting.**

- a) Project is determined by ICR to not be a project of air quality concern, proceed to Step 5.
- b) Project is determined by ICR to be a project of air quality concern, proceed to Step 6.

**Step 5: If the project is determined to not be a project of air quality concern.** Complete the project level conformity documentation. Document that the project was determined to not be a project of air quality concern and that no additional hot-spot analysis is required. Proceed to Step 8.

**Step 6: If the project is determined to be a project of air quality concern.** Complete the project level conformity documentation including a qualitative hot-spot analysis.

**Step 7: Submit the qualitative hot-spot analysis to BCAG ICR for concurrence.** The analysis is to be submitted to the appropriate CTC contact person (to be determined) and Brian Lasagna, BCAG Regional Analyst @ [blasagna@bcag.org](mailto:blasagna@bcag.org) .

**Step 8: Circulate the project-level conformity determination for public comment consistent with the public notice for the NEPA document.** If the NEPA document was not otherwise circulated for public comment, then the conformity analysis would not have to be circulated for public comment.

**Step 9: Respond to public comments.** If significant comments are received, the project sponsor should bring the project back to the BCAG ICR for resolution of the comments.

**Step 10: Submit conformity determination to FHWA and request a conformity determination.**

**Step 11: As appropriate, document on the E-76 submittal that: 1) the project is exempt from all conformity requirements: or 2) indicate the date of the FHWA PM 2.5 conformity determination.**

\* PM 2.5 project-level conformity determinations should be completed prior to next anticipated federal approval; project sponsors should be cognizant of project schedules.

## **PM 2.5 Project-Level Conformity Determinations Process Projects that DO NOT have an Approved NEPA Document**

**Step 1: Determine if the project is exempt from all conformity requirements per 40 CFR 93.126.**

- a) If yes, include a discussion in the NEPA document that the project is exempt from all conformity requirements and proceed to Step 8.
- b) If no, proceed to Step 2

**Step 2: Determine if the project is a project of air quality concern for particulate matter.**

- a) If yes, proceed to Step 6
- b) If no or unsure, complete *PM Conformity Hot-Spot Analysis Project Summary for Interagency Consultation* form attached and proceed to step 3.

**Step 3: Submit form for interagency consultation at the BCAG ICR meeting.** Forms are to be submitted to the appropriate CTC contact person (to be determined) and Brian Lasagna, BCAG Regional Analyst @ [blasagna@bcag.org](mailto:blasagna@bcag.org) .

**Step 4: Interagency Consultation Review at BCAG ICR meeting.**

- a) Project is determined by ICR to not be a project of air quality concern, proceed to Step 5.
- b) Project is determined by ICR to be a project of air quality concern, proceed to Step 6.

**Step 5: If the project is determined to not be a project of air quality concern.** Complete the project level conformity documentation as part of the NEPA document. Document that the project was determined to not be a project of air quality concern and that no additional hot-spot analysis is required. Proceed to Step 8.

**Step 6: If the project is determined to be a project of air quality concern.** Complete the project level conformity documentation including a qualitative hot-spot analysis as part of the NEPA document.

**Step 7: Submit the qualitative hot-spot analysis to BCAG ICR for concurrence.** The analysis is to be submitted to the appropriate CTC contact person (to be determined) and Brian Lasagna, BCAG Regional Analyst @ [blasagna@bcag.org](mailto:blasagna@bcag.org) .

**Step 8: Circulate the conformity analysis for public comment as part of the public notice for the NEPA document.** For a project not of air quality concern, specifically request comment on the determination that the project is not of air quality concern.

**Step 9: Complete NEPA process.** The project sponsor should include responses to comments in the final document. If significant comments are received, the project sponsor should bring the project back to the BCAG ICR for resolution of the comments prior to finalizing the document.

**Step 10: As appropriate, document on the E-76 submittal that: 1) the project is exempt from all conformity requirements: or 2) that the PM 2.5 project-level conformity determination was completed with the NEPA document.**