

10.0 CONFORMITY

The Clean Air Act¹ requires that federal actions conform to a State's State Implementation Plan (SIP). Specifically the act requires the action/activity will not:

- Cause or contribute to any new violation of any standard in any area;
- Increase the frequency or severity of any existing violation of any standard in any area; or,
- Delay timely attainment of any standard or any required interim emission reductions or any other milestones in any area.

To implement this requirement the Clean Air Act directed the United States Environmental Protection Agency (USEPA) to issue rules that governed how conformity determinations would be conducted for two categories of actions/activities; a) those dealing with transportation plans, programs and projects (Transportation Conformity), and b) all other actions, e.g., projects requiring federal permits. This latter category is referred to as General Conformity.

10.1 Transportation Conformity

The Federal Transportation Conformity Rule (40 C.F.R. 93.100-160) provides the process by which the air quality impact of transportation plans, transportation improvement programs, and projects are analyzed. The agency preparing plans (twenty or more years), transportation improvement programs (at least four years), or approving a transportation project must analyze the emissions expected from such a proposal in accordance with the Transportation Conformity Rule.²

For the purposes of transportation conformity, the emission budget is essentially a cap on the total emissions allocated to onroad vehicles. The projected emissions from a transportation plan, transportation improvement program, or project, estimated in accordance with the Transportation Conformity Rule, may not exceed the motor vehicle emissions budget or cap contained in the appropriate SIP. Emissions in years for which no motor vehicle emissions budgets are specifically established must be less than or equal to the motor vehicle emissions budget established for the most recent prior year.

According to the USEPA's Phase 2 Implementation Rule,³ 8-hour ozone transportation conformity budgets must be established for the RFP emission reduction milestone year of 2008 and the 8-hour ozone attainment period of 2010 (2009 ozone season). This section proposes 8-hour ozone transportation conformity emission budgets for the RFP year (2008) and the attainment year (2009) for each Metropolitan Planning Organization

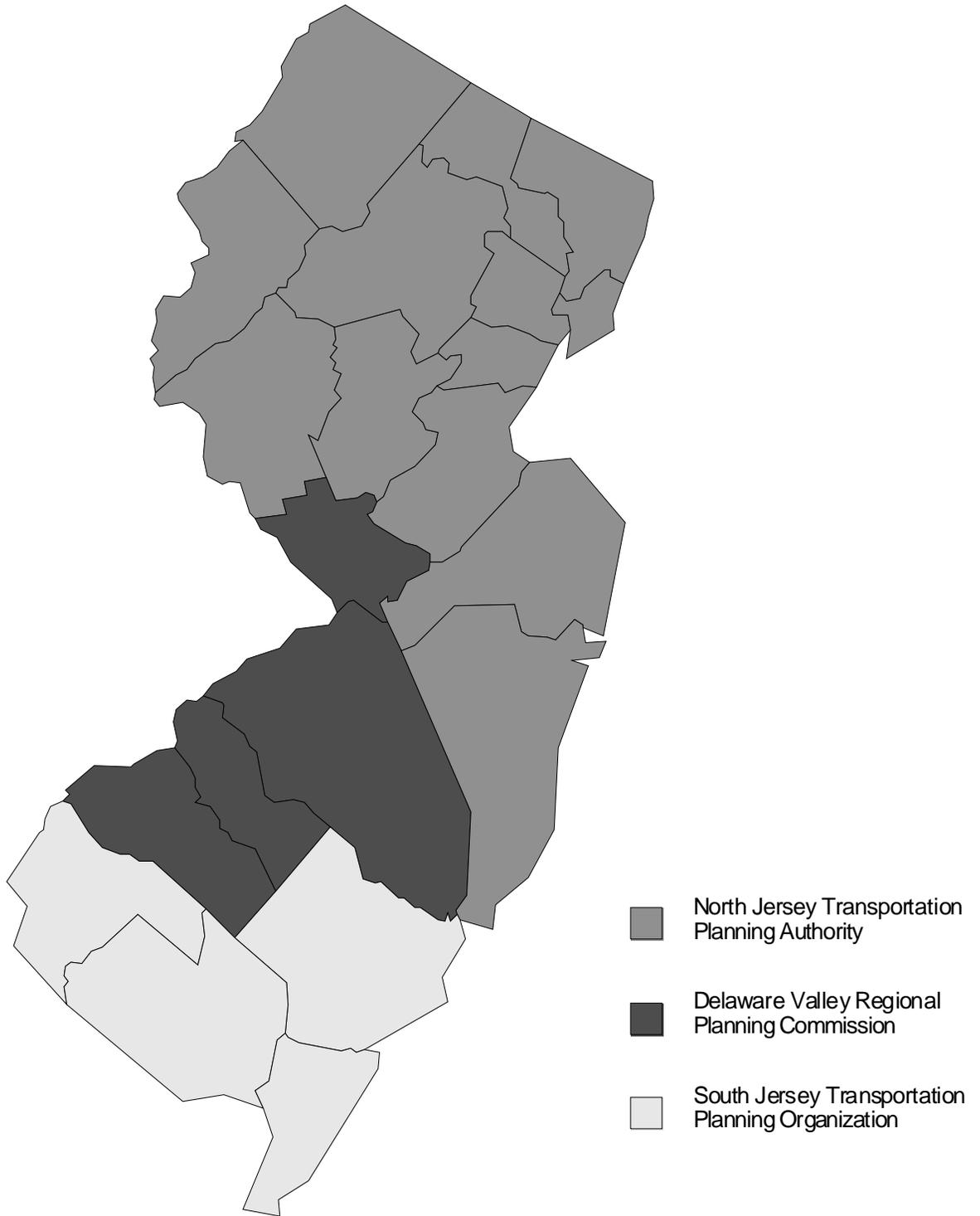
¹ 42 U.S.C. §7506

² For New Jersey such plans are prepared by three Metropolitan Planning Organizations (North Jersey Transportation Planning Authority, South Jersey Transportation Planning Organization and Delaware Valley Regional Planning Commission).

³ *ibid.*

(MPO) in New Jersey. As shown in Figure 10.1, New Jersey's twenty-one counties fall into one of three Metropolitan Planning Organizations.

Figure 10.1: Metropolitan Planning Organizations in New Jersey



Each Metropolitan Planning Organization is responsible for the transportation plans and transportation improvement programs for its designated area, and they each work in consultation with the United States Department of Transportation (USDOT), USEPA, New Jersey Department of Transportation (NJDOT), and New Jersey Department of Environmental Protection (NJDEP) to meet established transportation emission budgets for their area. The transportation conformity budgets are established for the entire Metropolitan Planning Organization area, which does not coincide with the nonattainment areas. For example, the North Jersey Transportation Planning Authority (NJTPA) Metropolitan Planning Organization includes the 13 northernmost counties in New Jersey; however, the Northern New Jersey/New York/Connecticut nonattainment area includes only 12 of these counties (Ocean county is part of the Southern New Jersey/Philadelphia nonattainment area). Budgets for a nonattainment area were calculated by adding the onroad emissions from individual counties.

New Jersey has two 8-hour ozone nonattainment areas, i.e., the Northern New Jersey/New York/Connecticut nonattainment area and the Southern New Jersey/Philadelphia nonattainment area. These two areas are each classified as “moderate” based on the severity of their ozone problem. Areas classified as moderate must demonstrate attainment by June 15, 2010 or the 2009 ozone season.

The control measures assumed in the development of the transportation conformity budgets are those used to estimate highway onroad emissions as described in Chapter 4. In addition, the State included updated data on vehicle age distributions and fractions of vehicle miles traveled by vehicle type in New Jersey into its MOBILE6 modeling runs for 2008, and 2009. The approach used to calculate the budgets is the same as that used to calculate the RFP emission inventories as described in detail in Appendix E Section 5.0. The onroad source emission projections are presented by Metropolitan Planning Organization in Table 10.1. These emission projections are being established as the proposed 8-hour ozone transportation conformity budgets.

Table 10.1: 8-Hour Ozone Transportation Conformity Budgets by Metropolitan Planning Organization

Transportation Planning Area	VOC Emissions (tons per day)		NO _x Emissions (tons per day)	
	2008	2009	2008	2009
North Jersey Transportation Planning Authority - 12 Counties Excluding Ocean County	85.24	79.00	146.63	133.39
North Jersey Transportation Planning Authority - Ocean County	6.91	6.45	13.61	12.65
South Jersey Transportation Planning Organization	14.14	13.04	32.93	29.64
Delaware Valley Regional Planning Commission	27.75	25.98	69.67	63.66

10.2 General Conformity

A. General Conformity - McGuire Air Force Base (McGuire AFB) and Lakehurst (Lakehurst NAS)

The purpose of this section is to establish emission budgets for McGuire AFB and Lakehurst NAS for oxides of nitrogen (NO_x) and volatile organic compounds (VOC) under the 8-hour ozone standard. Emission budgets are in effect for McGuire AFB for these pollutants under the 1-hour ozone standard.^{4,5} McGuire’s 1-hour ozone budgets were established in order to address increased activity at the base as a result of the 1995 Base Realignment and Closure Act. Budgets were established for 1990, 1996, 1999 and were extended to 2002 and 2005. These budgets were established in consultation with the United States Air Force.

In 2005, Congress passed the 2005 Base Realignment and Closure Act Commission recommendations. These recommendations are expected to increase activity at McGuire AFB and Lakehurst NAS. In order to address the expected increases, the United States Air Force requested an extension of the 2005 General Conformity budget for 2008, 2009, 2010 and 2011. The Navy, which has no existing budget, requested a General

⁴ McGuire Air Force Base Conformity Determination, July 1995.

⁵ NJDEP. State Implementation Plan Revision for the Attainment and Maintenance of the Ozone National Ambient Air Quality Standards, Phase Ozone SIP Submittal. New Jersey Department of Environmental Protection, 1996, p.123.

Conformity budget for 2008, 2009, 2010 and 2011. These proposed budgets were established in consultation with the United States Air Force and the Navy. These proposed budgets were established pursuant to 40 C.F.R. 93.158 of the General Conformity regulation. These proposed budgets would provide McGuire AFB and Lakehurst NAS the operational flexibility necessary to meet their missions and future missions of the Department of Defense and allow them to meet the requirements of the General Conformity regulation.

The proposed General Conformity budgets for McGuire and Lakehurst are provided below in Table 10.2.

Table 10.2: Emission Budgets for McGuire AFB and Lakehurst NAS

Base	Year	VOC (Tons/Year)	NOx (Tons/Year)
McGuire AFB			
	1990 Historic Baseline	1,112	1,038
	1996	1,186	1,107
	1999	1,223	1,142
	2002	1,405	1,142
	2005	730	1,534
	2008	730	1,534
	2009	730	1,534
	2010	730	1,534
	2011	730	1,534
Lakehurst NAS	2008	109	563
	2009	115	639
	2010	122	716
	2011	129	793