

CDOT Air Quality & Noise

May 3, 2022 Coffee Discussion

Air Quality Update (Previous update: November 2020)

CDOT GUIDANCE: Air Quality section of Chapter 9, CDOT's *NEPA Manual* was updated in March 2020 to be consistent with AQ-PLAG. Appendix F of CDOT's *NEPA Manual* was updated via a memo in 2019 and then with same language on NEPA website in Summer 2020. Work on next update will begin in 2022.

CDOT OTIS: Changed labels for maintenance areas in OTIS to reflect if conformity applies. Now labeled as being greater than or less than 20 years. Also, added as separate area the new portion of ozone nonattainment area (northern Weld County).

COLORADO REVISED STATUTE (CRS): As result of Senate Bill 21-260, CRS was revised to include CRS 43-1-128. Part 4 adds air quality requirements during NEPA and construction phases of projects. CDOT's AQ-PLAG will eventually be revised and new construction-related guidance will be published. Interim Guidance is awaiting approval.

CONFORMITY: Conformity no longer applies at these maintenance areas: Greeley, Colorado Springs, Longmont, Denver-Boulder (CO); Canon City, Pagosa Springs, Telluride (PM10). FAQ tab of spreadsheet (see resources) addresses how to handle projects that are scoped prior to end date but NEPA document will be signed after end date.

FHWA MSAT GUIDANCE: (No change from 2020) FHWA is reviewing an update for the MSAT guidance. It was last updated October 18, 2016. Once released, it will be posted to CDOT's air quality website.

MODELING, MOVES: EPA released a major update, MOVES3, on January 7, 2021. Release included webinar and guidance. Although there is a two-year transportation conformity grace period that ends on January 9, 2023, projects may be required to use MOVES3 during the grace period. This is determined via interagency consultation.

NONATTAINMENT AREA (OZONE), SIZE: EPA expanded ozone nonattainment area, effective 12/30/21. Now includes all of Weld County instead of only southern portion. Conformity grace period is one year, under 40 CFR 93.102(d). NFRMPO must have regional conformity determination by 12/30/22. If CDOT has a project undergoing NEPA in 2022 in new area prior to when NFRMPO has completed regional conformity determination, CDOT Air Quality Program Manager will consult with EPA to determine how project-level conformity will be determined.

NONATTAINMENT AREA (OZONE), CLASSIFICATION: EPA proposed to reclassify the ozone nonattainment area to the next "worst"

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New Air Quality Resources

EPA *Overview of EPA's Motor Vehicle Emission Simulator (MOVES3)*, March 2021 –

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1011KV2.pdf>

EPA *Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas*, October 2021 –

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1013C6A.pdf>

FHWA *Frequently Asked Questions (FAQ) Conducting Quantitative MSAT Analysis for FHWA NEPA Documents* –
https://www.fhwa.dot.gov/environment/air_quality/air_toxics/policy_and_guidance/moves_msat_faq.cfm

New Noise Resources

FHWA *Traffic Noise Model 3.1* (software download) –

https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/tnm_v31/index.cfm

FHWA *Traffic Noise Model 3.1 Help Menu–User's Guide*, September 2021 –
https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/tnm_v31/fhwahep21042.pdf

level, severe, under the 2008 ozone NAAQS on 4/13/22. Comments are due by 6/13/22. Governor Polis and the APCD are not opposed to this reclassification.

Noise Update (Previous update: November 2020)

FHWA NOISE REGULATION UPDATE: FHWA is in process of revising 23 CFR 772 and anticipates publishing a Notice of Proposed Rulemaking in September 2022, at which time the public may submit comments.

FHWA SCREENING TOOLS: FHWA released two tools in late July 2021: Database for Air Quality and Noise Analysis (DANA) tool and Traffic Noise Model Aide (TNMAide). Resource to stakeholders for processing traffic data; use is voluntary. Helps to prepare TNM inputs. Tools use 2015-2019 traffic data and do not do forecasting. Unless these are updated, it is not recommended that these tools be used.

FHWA TNM REVISION: FHWA released Version 3.1 in January 2022. It is still called “optional” by FHWA. Timeline for when TNM 3 will be required has not been established. CDOT will likely use TNM 2.5 until it is required by FHWA.

CRS 43-1-128

CRS 43-1-128 has 6 parts: 1 = General introduction; 2 = Definitions; 3 = GHG/Planning; 4 = Air Quality (NEPA and Construction) (see below for text); 5 = Applicability; 6 = Public Engagement/Environmental Justice

(4) If a planned transportation capacity project is a regionally significant project, as determined by the department with consideration given to federal law or regulations that define or describe such projects, the department shall, through its environmental study process:

(a) Use environmental protection agency approved models to determine air pollutant emissions impacts for the planned project and provide monitoring and measurement of criteria pollutants prior to construction;

(b) Develop and implement a particulate matter construction plan to provide continuous monitoring and transparent public reporting of concentrations, public alerts issued as soon as possible when exceedance events occur, and action plans to address emission levels on construction projects prior to exceedances with particular focus on disproportionately impacted communities; and

(c) Develop and implement a plan to mitigate air quality impacts on communities, including but not limited to disproportionately impacted communities adjacent to the project, with particular focus where feasible on mitigation of fine particulate matter pollution.

CRS 43-1-128 Interim Guidance & RS/TC Definitions

RS and TC definitions will be presented to TC for approval in May 2022. Interim Guidance: waiting on feedback by executive CDOT management.

Acronyms

AQ-PLAG	<i>Air Quality Project-Level Analysis Guidelines</i>
APCD	Air Pollution Control Division (of Colorado Department of Public Health and Environment)
CDOT	Colorado Department of Transportation
CFR	Code of Federal Regulation
CRS	Colorado Revised Statute
CO	carbon monoxide
EPA	Environmental Protection Agency
FAQ	Frequently Asked Question
FHWA	Federal Highway Administration
GHG	greenhouse gas
MOVES	Motor Vehicle Emissions Simulator
MSAT	mobile source air toxic
NEPA	National Environmental Policy Act
NFRMPO	North Front Range Metropolitan Planning Organization
NAAQS	National Ambient Air Quality Standards
OTIS	Online Transportation Information System
PM ₁₀	particulate matter of 10 microns in diameter or smaller
RS	Regionally Significant*
TC	Transportation Capacity
TNM	Traffic Noise Model

*The CRS will have its own definition of Regionally Significant; this is not the EPA’s definition under the conformity rule (40 CFR 93)