

D R A F T

RESOLUTION

OF THE NORTHEASTERN PENNSYLVANIA METROPOLITAN PLANNING ORGANIZATION (NEPA MPO)

AUTHORIZING ADOPTION OF THE 2019-2022 TRANSPORTATION IMPROVEMENT PROGRAM AIR QUALITY CONFORMITY ANALYSIS IN ACCORDANCE WITH THE CLEAN AIR ACT AMENDMENTS OF 1990 FOR THE NEPA MPO NONATTAINMENT AREA (Carbon County and Monroe County)

WHEREAS, the Congress of the United States of America enacted the Clean Air Act Amendments of 1990 which was signed into law and became effective on November 15, 1990, hereafter referred to as the CAAA; and

WHEREAS, the United States Environmental Protection Agency (EPA), under the authority of the CAAA, has defined the geographic boundaries for areas that have been found to be nonattainment with the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide and particulate matter; and,

WHEREAS, the EPA issued the Final Rule on Transportation Conformity on November 24, 1993 for transportation plans, programs and projects; and,

WHEREAS, the EPA amended the Final Conformity Rule various times between 1996 and this current date; and,

WHEREAS, effective June 20, 2012 the County of Carbon has been designated as an ozone nonattainment area under EPA's 2008 eight-hour ozone standard; and,

WHEREAS, effective July 15, 2004, Monroe County was designated by EPA as a nonattainment area under the 1997 8-hour ozone NAAQS; and,

WHEREAS, on July 25, 2007, Monroe County has been re-designated under the 1997 8-hour ozone standard as an attainment (maintenance) area by EPA with motor vehicle emissions budgets (MVEBs) established in the State Implementation Plan (SIP) revision maintenance plan; and,

WHEREAS, on April 6, 2015, EPA revoked the 1997 8-hour ozone NAAQS for all purposes and established anti-backsliding requirements for areas that remain designated nonattainment for the revoked NAAQS; and,

WHEREAS, the U.S. Court of Appeals for the D.C. Circuit issued a decision in *South Coast Air Quality Management District v. EPA* on February 16, 2018 addressing air quality requirements

for former 1997 ozone areas, and Monroe County was maintenance for the 1997 ozone standard at the time the 1997 ozone revocation in 2015. An air quality analysis and conformity determination of the TIP for the 1997 ozone standard has also been prepared. This conformity determination demonstrates that the requirements of 40 CFR Part 93 are met; and,

WHEREAS, the transportation plans and programs are required to conform to the purpose of the State Implementation Plan and Sections 174 and 176 (c and d) of the CAAA (42 U.S.C. 7504, 7506 (c and d)); and,

WHEREAS, the Northeastern Pennsylvania Alliance, designated as fiscal agent and entity leading and coordinating the NEPA MPO through a Unified Planning Work Program (UPWP) with the Pennsylvania Department of Transportation (PennDOT), is responsible for serving as the coordinating agency for developing all transportation-related programs and plans in the four-county MPO region including Carbon, Monroe, Pike and Schuylkill counties in accordance with Section 134 of Title 23 which requires coordination and public participation with the State DOT; and,

WHEREAS, the final conformity rule (and subsequent amendments) requires that the Northeastern Pennsylvania Metropolitan Planning Organization's policies, transportation plans and programs conform to the CAAA requirements by meeting criteria described in the final guidelines and subsequent rulings; and,

WHEREAS, the Northeastern Pennsylvania Metropolitan Planning Organization, in accordance with its Public Involvement Plan, allowed for a 30-day public comment period from June 15, 2018 through 10:00 AM on July 17, 2018 and conducted a Public Hearing on July 17, 2018 in compliance with Title VI of the Civil Rights Act, to provide an opportunity for public testimony on transportation projects and programs, as well as the air quality conformity analysis of currently programmed projects; and,

WHEREAS, following consideration of all comments and testimony by the public, the Northeastern Pennsylvania Metropolitan Planning Organization Technical Committee has endorsed at its business meeting of July 17, 2018 the adoption of the 2019-2022 Transportation Improvement Program, including said Air Quality Conformity Analysis and all TIP related documents.

NOW, THEREFORE BE IT RESOLVED, by the Northeastern Pennsylvania MPO Policy Board, as follows:

1. That upon the review and recommendation of the Northeastern Pennsylvania Metropolitan Planning Organization Technical Committee, the NEPA MPO Policy Board has found that the 2019-2022 Transportation Improvement Program (TIP) to be consistent with the final conformity rule issued on November 24, 1993 and subsequent amendments and rulings, and contributes to the achievement and maintenance of the NAAQS.

2. That the NEPA MPO 2019-2022 Transportation Improvement Program is hereby adopted with a completed Air Quality Conformity Analysis and authorizes its submittal to the Pennsylvania Department of Transportation and appropriate federal agencies.

I, Matt Connell, **HEREBY CERTIFY** that I am Chairman of the Northeastern Pennsylvania Metropolitan Planning Organization Policy Board: that the foregoing resolution was adopted, in accordance with the Operational Procedures and By Laws, by the Members of said Policy Board at a meeting duly called and held on the 17th day of July 2018, and that said resolution is now in full force and effect.

ADOPTED THIS 17th DAY OF
July, 2018

Matt Connell, Chairman
NEPA MPO Policy Board

ATTEST: _____
Alan S. Baranski, Vice President
NEPA Alliance