



TRANSPORTATION CONFORMITY WORKING GROUP

Meeting Minutes

June 28, 2022

10:00 a.m. – 12:00 p.m.

The meeting was held via Zoom teleconference. A digital recording of the meeting is available for listening in SCAG's office.

Attendee List

SCAG Staff:

Asuncion, John
Ekman, Annaleigh
Gutierrez, Pablo
Lo, Nancy
Luo, Rongsheng
Martinez, Jennifer
Sangkapichai, Mana
Sun, Lijin

Via Teleconference:

Acebo, Mervin
Anderson, Kelsie
Arellano, Lexie
Bade, Rabindra
Bagde, Abhijit
Becha, Karishma
Brugger, Ron
Carpio, Wellvin
Cooper, Keith
Espinoza Araiza, Erika
Huddleston, Lori
Kahrs, Jacqueline
Kalandiyur, Nesamani
Lau, Charles
Lee, David
Lugaro, Julie
Marroquin, Nancy
Masters, Martha
Miranda, Jude
Moran, Nohemi
Richmai, Michael
Vaughn, Joseph
Whiteaker, Warren
Yoon, Andrew

FTA Region 9
TCA
Caltrans Headquarters
Caltrans District 12
Caltrans Headquarters
Caltrans Headquarters
LSA
LA Metro
ERP
Caltrans Headquarters
LA Metro
Caltrans Headquarters
CARB
Caltrans District 7
Caltrans District 8
Caltrans District 12
LA Metro
RCTC
Caltrans District 12
SBCTA
LA Metro
FHWA
OCTA
Caltrans District 7



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MEETING SUMMARY

1. CALL TO ORDER AND SELF-INTRODUCTIONS

Annaleigh Ekman, SCAG, called the meeting to order at 10:02 a.m.

2. PUBLIC COMMENT PERIOD

None.

3. CONSENT CALENDAR

- 3.1. March 22, 2022 TCWG Meeting Minutes
The meeting minutes were approved.
- 3.2. April 26, 2022 TCWG Meeting Minutes
The meeting minutes were deferred to next TCWG Meeting.
- 3.3. May 24, 2022 TCWG Meeting Minutes
The meeting minutes were deferred to next TCWG Meeting.

4. INFORMATION ITEMS

4.1. RTP Update

Nancy Lo, SCAG, reported the following:

- Connect SoCal 2020 Amendment No. 2 was scheduled to be released for a 30-day public review and comment period from July 8 to August 8, 2022.
- Public hearings for the Connect SoCal Amendment No. 2 were scheduled for July 19th and 28th, 2022.
- After the close of the public review and comment period, SCAG staff would review and respond to each comment and bring the draft documents to the Transportation Committee in September 2022, the Regional Council for adoption in October 2022, and Federal Approval of both documents anticipated in December 2022.

4.2. FTIP Update

John Asuncion, SCAG, reported the following:

- The Draft 2023 FTIP would follow the same schedule as the Connect SoCal 2020 Amendment No. 2, as reported by Nancy.

4.2.1. Status Update on OCTA TCA TCM Substitution (FTIP IDs 10254, ORA050 & ORA051) and OCTA Two Transit TCM Substitution (FTIP IDs ORA030612 & ORA130099)

Rongsheng Luo, SCAG, reported the following:

- SCAG had submitted the OCTA TCA TCM Substitution to ARB and US EPA for their respective review and concurrence.
- On June 2, SCAG's Energy and Environment Committee (EEC) recommended adoption of the OCTA Two Transit TCM Substitution to SCAG's Regional Council. The next Regional Council meeting was scheduled for July 7.
- Upon adoption by the Regional Council, the OCTA Two Transit TCM Substitution Report would be submitted to ARB and US EPA for their respective review and concurrence.
- For both TCM Substitutions, upon the concurrence by both ARB and US EPA, the original TCM projects would be rescinded and the new TCM measures would become effective.
- The substitute TCMs would be processed through an FTIP amendment as committed TCM into the conforming FTIP.



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4.3. Status Update on Regional Transportation Conformity Lockdown and Two Notices of Intent to Sue US EPA

Rongsheng Luo, SCAG, reported the following:

- **Regional Transportation Conformity Lockdown**
 - Causes and Implications of the Conformity Lockdown
 - Due to the significant changes in the approved EMFAC2017, SCAG could no longer demonstrate transportation conformity as of August 16, 2021 and had been under a regional conformity lockdown since then.
 - During the conformity lockdown, conformity determinations of the current RTP and FTIP were still valid, but no new conformity determinations could be made. Only projects in the current conforming RTP/FTIP could move forward. No new RTP/FTIP or their amendments were allowed except for exempt projects.
 - Efforts to Address Conformity Lockdown
 - SCAG staff at all levels has actively engaged with AQMD, ARB, and EPA staff to address the conformity lockdown since August 2021 and progress had been made.
 - ARB has accelerated the development and submittal of the new EMFAC2021 model to EPA and EPA prioritized the review and approval of the new model. Once approved by EPA, EMFAC2021 could substantially, but not fully, address the conformity lockdown.
 - At SCAG staff's request, AQMD and ARB were undertaking a needed Coachella Ozone SIP update with replacement emissions budgets to fully address the conformity lockdown.
 - The agencies were evaluating alternative approaches and addressing regulatory concerns.
 - Remaining Challenges and Additional Actions Needed to Fully Resolve the Conformity Lockdown
 - The remaining Coachella ozone budgets shortfalls, which were a result from the change of ARB's EMFAC models, could only be fully addressed by a Coachella ozone SIP update with adequate replacement budgets.
 - SCAG staff would continue to work closely and proactively with staff of ARB, AQMD, and EPA to ensure that the Coachella Ozone SIP update was developed and approved as soon as possible.
- **Two Notices of Intent to Sue US EPA**
 - Background
 - The South Coast Air Basin was required to meet the 2023 statutory deadline of attaining the 1997 federal 8-hour ozone standard. Pursuant to the Clean Air Act, a Contingency Measure Plan was developed jointly by AQMD and ARB and subsequently submitted to EPA on December 31, 2019.
 - The 2019 Contingency Measure Plan highlighted the critical need for federal regulatory actions and/or funding to address emission sources under federal jurisdiction and the Plan assumed or assigned 68 of the needed 108 tons per day of NOx emissions reduction from federal actions or funding by 2023.
 - Summary of the NOIs
 - On April 15, 2022, AQMD filed a 60-day NOI to sue EPA for failing to act on the 2019 Contingency Measure ozone SIP. The NOI was to motivate EPA to develop a plan with AQMD to regulate mobile sources under federal purview and it also included an offer to negotiate with EPA during the 60-day notice period.



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- On June 10, 2022, environmental justice organizations filed a separate 60-day NOI to compel EPA to perform its statutory duty to review and act upon the same SIP.
- Implication of the NOIs
 - The NOIs had the potential to force EPA to disapprove the contingency measure ozone SIP.
 - A SIP disapproval would immediately trigger two sanction clocks in the South Coast Air Basin. If not resolved within 24 months, highway sanction would be imposed.
 - The NOIs also have the potential to motivate or force the federal government to develop a regulatory strategy and/or provide funding to reduce emissions from federal sources to meet the federal ozone standard in the South Coast region.
- Efforts to address the potential SIP disapproval from the NOIs
 - SCAG's 2020 RTP/SCS highlighted the potential SIP disapproval as a future regional challenge to raise awareness of both the issue and the required actions.
 - In October 2021, SCAG Planning Director held an initial discussion with Manager of EPA Region 9 about EPA's review status of the 2019 SIP.
 - SCAG Executive Director, Chief Operating Officer, Planning Division Director, and Chief Counsel met with their AQMD counterparts on May 19, 2022 to discuss the NOI, its implications, and next steps. They planned to meet again after AQMD completed its negotiation with EPA.
 - SCAG staff would provide a status update on the conformity lockdown and the two NOIs to SCAG's EEC on July 7, 2022.

4.4. EPA Update
None.

4.5. CARB Update

Nesamani Kalandiyur, CARB, reported the following:

- No new outstanding issues with the EMFAC2021.
- The EMFAC2021 submittal package for US EPA was undergoing internal management review and was expected to be transmitted to US EPA in July.
- CARB staff was working with air quality districts to develop the conformity budgets for the 2015 70 ppb 8-hour Ozone Standard SIPs for the appropriate attainment demonstration years and could present the budgets at a future TCWG meeting before the budgets were included in the SIPs.

In response to a question, Nesamani clarified that the latest version of the EMFAC model was available online and agencies could test the model and send any issues to CARB.

4.6. Air District Updates
None.

5. INFORMATION SHARING

Rongsheng Luo, SCAG, announced that Andrew Yoon, a longtime TCWG member representing Caltrans District 7, would serve as new TCWG Chair for Fiscal Year 2023, starting in July 2022. Rongsheng also announced that Lijin Sun rejoined SCAG from South Coast AQMD earlier this month and would provide lead staff support to TCWG. Rongsheng thanked Annaleigh for chairing the last TCWG meetings. Annaleigh would continue to provide staff support to TCWG.

6. ADJOURNMENT

The meeting was adjourned at 10:32 a.m.