



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 16 2015

Ms. Toneq' McCollough  
Director  
Winston Salem Metropolitan Planning Organization  
101 N. Main Street  
Winston-Salem, North Carolina 27101

Dear Ms. McCollough:

The United States Environmental Protection Agency is providing this letter in its consultative role to document that the transportation conformity requirements under the Clean Air Act (CAA) section 176(c), for Forsyth County located in the Winston-Salem carbon monoxide (CO) maintenance area ended on May 23, 2015. This date marks the extended 20 year maintenance period from the effective date of the motor vehicle emissions budget (budget) established in the second 10-year maintenance plan for the CO National Ambient Air Quality Standard (NAAQS).

Under 40 CFR 93.102(b)(4) of the EPA's regulations, transportation conformity applies to maintenance areas for a 20-year planning period, until the standard is revoked, or unless the maintenance plan specifies that the conformity requirements apply for a longer timeframe. Pursuant to CAA section 176 (c)(5) and as explained in the preamble of the 1993 final rule, conformity applies to transportation related pollutants and their precursors for which an area is designated nonattainment or is subject to a maintenance plan approved under CAA section 175A for areas redesignated to attainment. The section 175A maintenance planning period is 20 years, unless the applicable implementation plan specifies a longer maintenance period, (see 58 FR 62188, 62206, November 24, 1993). The EPA further clarified this conformity provision in its January 24, 2008 final rule (73 FR 4434-5).

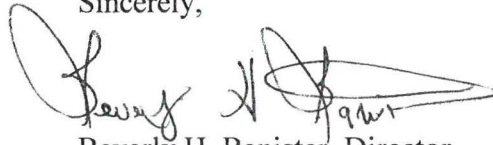
This letter documents that, because North Carolina established a budget for 2015 in the second 10-year maintenance plan which was effective May 23, 2006 (71 FR 14817), the planning period was extended for more than 20 years from November 7, 1994 (i.e. the effective date of the area's first 10-year maintenance plan (59 FR 48399)). Therefore, as of May 23, 2015, transportation conformity requirements for the CO NAAQS ceased to apply in the Winston-Salem CO maintenance area. As a result, the Winston-Salem Metropolitan Planning Organization may reference this letter to indicate that the conformity requirements of 40 CFR Part 93 no longer apply for the CO NAAQS. In addition, project sponsors can reference this letter to indicate that as of May 23, 2015, transportation conformity requirements also no longer apply for the CO NAAQS for Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) projects as defined in 40 CFR 93.101.

Even though the conformity obligation for CO has ended, the terms of the limited maintenance plan remain in effect and all measures and requirements contained in the plan must be complied with until the

state submits, and the EPA approves a revision to the state plan, (see *GM Corp. v. United States*, 496 U.S. 530, June 14, 1990). Such a state implementation plan (SIP) revision would have to comply with the anti-backsliding requirements of CAA Section 110(l), and if applicable, CAA section 193, if the intent is to remove a control measure or to reduce its stringency.

If you have questions about transportation conformity or other SIP requirements in the Winston-Salem area, please contact Scott Davis of my staff at (404) 562-9127.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly H. Banister". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Beverly H. Banister, Director  
Air, Pesticides and Toxics Management Division

Robert Sullivan, FHWA-NC Division  
Shelia Holman, NC DEQ  
Yvette Taylor, FTA-Region 4  
Heather Hildebrandt, NC DOT