



FDM 22-5-1 1977 Clean Air Act Amendment

February 15, 1988

The 1977 Clean Air Act Amendments (the Clean Air Act as Amended, August 7, 1977, PL 95-95) modified the 1970 Clean Air Act, which provided that the Environmental Protection Agency (EPA) set maximum allowable levels on pollutants deemed detrimental to the health of the public. The 1977 Amendments changed the time schedules and methods of planning to comply with the allowable levels. Although the Amendments do not specifically address air quality project analysis, they are the basis for other laws and regulations that directly affect the type of analysis that is done.

The 1977 Clean Air Act Amendments provide the following:

1. Require states to determine which air quality control regions do not meet the National Ambient Air Quality Standards (NAAQS).
2. Require major urban areas to meet national minimum health standards for transportation related pollutants by reducing pollution from motor vehicles on the road.
3. Call for the transportation air quality planning process to consider the social, economic, energy, transportation, air quality, and other environmental effects of transportation projects.
4. Reinforce the NAAQS (see [FDM 22-5-5](#)), which resulted from the Clean Air Act of 1970.
5. Require each state to revise its State Implementation Plan (SIP), which is to include, among other things: emission limitations and such other measures as may be necessary to prevent significant deterioration of air quality in each region, a provision for the determination and analysis of air quality, a current emission inventory, and a quantification of emission growth. The SIP is also to include comprehensive measures to establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as is practical, and to implement transportation control measures necessary to attain and maintain the NAAQS.

FDM 22-5-5 National Ambient Air Quality Standards (NAAQS)

February 15, 1988

The establishment of the "National Ambient Air Quality Standards" (NAAQS) by the Environmental Protection Agency (EPA) was directed in the 1970 Clean Air Act, and their attainment and maintenance was reinforced in the 1977 Clean Air Act Amendments. Two levels of air quality standards were established by the 1970 Clean Air Act. The primary standards are defined as the levels of air quality necessary, with an adequate margin of safety, to protect the public health. The secondary standards are defined as the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. The secondary standards include effects on soil, water, crops, vegetation, man-made materials, animals, wildlife, visibility, and climate; damage to or a deterioration of property; hazards to transportation; and effect on economic values and on personal comfort and well-being. The primary and secondary NAAQS are shown in [Attachment 5.1](#). These standards have also been adopted by the State of Wisconsin according to the Wisconsin Administrative Code, Regulations of the Department of Natural Resources (DNR), Chapter 404 (NR 404), revised September 1986.

LIST OF ATTACHMENTS

[Attachment 5.1](#) National and State Ambient Air Quality Standards

FDM 22-5-10 FHWA Policy On Air Quality

February 15, 1988

10.1 FHPM 7-7-9

FHPM 7-7-9 addresses adequate air quality analysis and conformance of that analysis with the SIP. "It is the policy of the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) that transportation agencies responsible for the planning and implementation of transportation facilities and services pursuant to Titles 23 and 49, United States Code, consult with the local, State, and Federal air pollution control agencies, as appropriate, and ensure that plans, programs, and projects conform with approved SIPs and that adequate consideration is given to preservation and enhancement of air quality."

FHPM 7-7-9 also requires the review of air quality analysis by the indirect source review agency. For Wisconsin,

this is the Department of Natural Resources (DNR) with its review powers under the Wisconsin Administrative Code NR 406.

10.2 DOT-EPA Memorandum of Understanding

This Memorandum, issued June 15, 1978, is designed to establish certain principles that the Department of Transportation (DOT) and the Environmental Protection Agency (EPA) agree to follow in the preparation of more detailed regulations and administrative procedures. The regulations and procedures are required to achieve the objective of integrating the air quality and transportation processes, and to identify specific areas of agreement with regard to the joint administration of the air quality aspects of the planning process.

This Memorandum states that mesoscale air quality analysis done regionally by the planning agencies satisfy the federal requirements for such an analysis. In terms of project level analysis, this means that no mesoscale analysis is required. Although the Memorandum of Understanding is still in effect, it is generally not used. Consultation between agencies is on a project by project basis following accepted procedures and national standards.

FDM 22-5-15 Wisconsin Administrative Code

February 15, 1988

Wisconsin Administrative Code, Regulations of the Department of Natural Resources (DNR), Chapters 400-499 (NR 400 to NR 499), revised September 1986, is part of the comprehensive program of the DNR to enhance the quality, management, and protection of the state's air resources. The objective of these chapters is to maintain standards of air quality at a level that will provide adequate protection to public health and welfare. Therefore, certain projects may require DNR review through a "Construction or Modification and New Operation Permit".

The legal requirements for the "Construction or Modification and New Operation Permit" are contained in NR 406. For any highway project for which a permit is required (see [FDM 22-50-1](#)), DNR may approve the application for a permit if the project will:

1. Meet all applicable emission limitations.
2. Not cause or exacerbate a violation of either the NAAQS primary or secondary standard for carbon monoxide in any region or part of a region.
3. Not degrade the air quality along the highway corridor sufficiently to prevent construction of any other indirect source for which plans are received by the DNR prior to the commencement of the plan review period for the highway facility.

If a highway project would not be permitted to be constructed because the above criteria were not met, DNR may grant conditional approval instead of prohibiting construction. This conditional approval imposes conditions related to the air quality aspects of the project so that the above criteria would be met. These conditions may include:

1. Additional roadway improvements.
2. Mass transit incentives.
3. Commitments to modify or operate the facility as may be necessary to achieve the traffic flow characteristics that have been determined not to cause violations of the NAAQS for carbon monoxide.