

## South Carolina Transportation Conformity Fact Sheet – October, 2015

- The Clean Air Act (CAA) requires that air quality in every state meet health-based National Ambient Air Quality Standards (NAAQS). States are required to revise their State Implementation Plans (SIPs) with necessary control measures to ensure that the standards are attained and maintained. Under CAA sections 176(c) and 175A, SIPs must also contain criteria and procedures for the affected parties to assess the conformity of transportation plans, programs, and projects to ensure that they do not produce new violations of air quality standards, worsen existing violations, or delay timely attainment of air quality standards. The Federal government cannot fund or approve transportation plans, programs, or projects that do not conform to a state's SIP.
- The CAA requires interagency consultation between the Environmental Protection Agency (EPA), U.S. Department of Transportation (US DOT), South Carolina (SC) Department of Transportation (SC DOT), SC Department of Health and Environmental Control (DHEC), Metropolitan Planning Organizations (MPOs), and any applicable transportation planning agencies.
- States were allowed to develop Memorandums of Agreement (MOAs) in place of regulations to ensure the interagency consultation procedures of transportation conformity are followed. EPA published South Carolina's SIP revision, which incorporated the South Carolina Transportation Conformity MOA, in the *Federal Register* (74 FR 37168) on July 29, 2009. The signatory parties to this MOA are: representatives of each of the MPOs, DHEC, SC DOT, FHWA, FTA, and EPA Region 4. The parties to this MOA agreed to conduct transportation conformity determinations in accordance with the provisions of 40 CFR Part 93.
- Minimum responsibilities of the interagency consultation partners:  
MPOs have authority for planning, programming, and coordination of highway and transit investments; DHEC is the State air quality planning agency; SC DOT is the State transportation planning agency; US DOT (FHWA and FTA) make joint conformity determinations; ensure conformity and transportation planning requirements are met; EPA comments on conformity determinations; finds adequate/approves motor vehicle emissions budgets; Local Publicly-Owned Transit Agencies (not otherwise represented by an MPO) support transportation planning activities.
- The MPO formally makes a conformity determination on transportation plans and Transportation Improvement Programs (TIPs) prior to submitting them to the FHWA/FTA for review and conformity determination.
- Areas designated as nonattainment or maintenance must have approved interagency consultation procedures in place to determine conformity of transportation plans, programs, and projects in order to avoid a lapse and possible sanctions on Federal highway funding. Currently, the only nonattainment area subject to transportation conformity in South Carolina is the Rock Hill-Fort Mill Area Transportation Study Metropolitan Planning Organization (RFATS MPO) in York County. This is due to their inclusion in the Charlotte-Rock Hill NC-SC Ozone Nonattainment Area.
- EPA has promulgated and proposed a number of revisions to the Transportation Conformity Rule since the time that South Carolina's first SIP revision incorporating the South Carolina Transportation Conformity MOA was published in the *Federal Register* (69 FR 4245) on January 29, 2004. As the State air quality planning agency, DHEC revised the South Carolina Transportation Conformity SIP to incorporate these revisions.
- The Memorandum of Agreement has been updated to include the new Lowcountry MPO, which was formed as a result of the 2010 Census. The updated MOA became state-effective upon publication in the *State Register* on October 23, 2015. For additional information, please contact Roger Jerry via telephone at (803) 898-1799 or via e-mail at [jerryre@dhec.sc.gov](mailto:jerryre@dhec.sc.gov).