

SECTION .2000 - TRANSPORTATION CONFORMITY

15A NCAC 02D .2001 PURPOSE, SCOPE AND APPLICABILITY

(a) The purpose of this Section is to assure the conformity of transportation plans, programs, and projects that are developed, funded, or approved by the United States Department of Transportation and by metropolitan planning organizations or other recipients of funds under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.), or State or Local only sources of funds, with all plans required of areas designated as nonattainment or maintenance under 40 CFR 81.334 for the pollutants specified therein or listed in Paragraph (c) of this Rule.

(b) This Section shall apply to the emissions of volatile organic compounds and nitrogen oxides in the following areas:

- (1) townships of Central Cabarrus, Concord, Georgeville, Harrisburg, Kannapolis, Midland, Mount Pleasant, New Gilead, Odell, Poplar Tent, and Rimertown in Cabarrus County;
- (2) townships of Crowders Mountain, Dallas, Gastonia, Riverbend, and South Point in Gaston County;
- (3) townships of Davidson and Coddle Creek in Iredell County;
- (4) townships of Catawba Springs, Lincolnton, and Ironton in Lincoln County;
- (5) all townships in Mecklenburg County;
- (6) townships of Atwell, China Grove, Franklin, Gold Hill, Litaker, Locke, Providence, Salisbury, Steele, and Unity in Rowan County; and
- (7) townships of Goose Creek, Marshville, Monroe, Sandy Ridge, and Vance in Union County.

(c) This Section shall apply to the emissions of:

- (1) particulate matter in areas identified in 40 CFR 81.334 as nonattainment or that have been redesignated attainment and are current maintenance areas for fine particulate (PM_{2.5}); or
- (2) volatile organic compounds or nitrogen oxides in areas identified in 40 CFR 81.334 as nonattainment or that have been redesignated attainment and are current maintenance areas for ozone.

(d) For Federal Highway Administration/Federal Transit Administration (FHWA/FTA) projects or regionally-significant State or local projects that meet the standards set forth in Paragraphs (b) and or (c) of this Rule, this Section shall apply to:

- (1) the adoption, acceptance, approval, or support of transportation plans and transportation plan amendments developed pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a metropolitan planning organization or the United States Department of Transportation;
- (2) the adoption, acceptance, approval, or support of transportation improvement programs or amendments to transportation improvement programs pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a metropolitan planning organization or the United States Department of Transportation; or
- (3) the approval, funding, or implementation of FHWA/FTA projects.

Conformity determinations are not required under this Section for individual projects that are not FHWA/FTA projects. However, 40 CFR 93.121 shall apply to these projects if they are regionally significant projects.

(e) This Section applies to maintenance areas for 20 years from the date the Environmental Protection Agency approves the area's request under Section 107(d) of the Clean Air Act for redesignation to attainment or until the effective date of revocation of the conformity requirements for the NAAQS by EPA.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. April 1, 1999;
Amended Eff. December 1, 2005;
Readopted Eff. January 1, 2018.*