



Resolution 2021-06

**Adopt the Air Quality Conformity Determination for the
Orange County Portion of the NY-NJ-CT PM2.5 Maintenance Area and the 1997
Poughkeepsie, NY Ozone Non-Attainment Area**

WHEREAS, the Orange County Transportation Council (OCTC) has been designated by the Governor of the State of New York as the Metropolitan Planning Organization (MPO) responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for Orange County; and,

WHEREAS, OCTC is required to submit a Transportation/Air Quality Conformity Determination to the U.S. Federal Highway Administration (FHWA) and to the U.S. Environmental Protection Agency (EPA) in accordance with the final conformity rule promulgated by EPA (40 CFR 51 and 93) when an MPO, or another MPO in the same non-attainment area, makes significant revisions to transportation projects in its Transportation Improvement Program (TIP) and/or Long-Range Transportation Plan (LRTP); and,

WHEREAS, Orange County has been designated to be a part of the New York, New Jersey, Connecticut air quality maintenance area for fine particulate matter (PM2.5) along with New York City, Long Island, Westchester and Rockland Counties; and,

WHEREAS, in November 2018 the United States Environmental Protection Agency (EPA) promulgated guidance to assist MPO's with implementing the February 16, 2018 decision from the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* ("South Coast II," 882 F.3d 1138); and

WHEREAS, said guidance provided the requirements to demonstrate transportation conformity for areas that were in a nonattainment or maintenance status for the 1997 ozone NAAQS, but designated attainment for the stricter 2008 ozone NAAQS, referred to as 'orphan areas'; and

WHEREAS, the OCTC falls into this 'orphan area' category, known locally as the 1997 Poughkeepsie Ozone Non-attainment Area, which includes Dutchess and Putnam counties; and

WHEREAS, the Dutchess County Transportation Council (DCTC) and New York Metropolitan Transportation Council (NYMTC) have drafted new MTPs that requires a new air quality conformity determination statement; and

WHEREAS, OCTC has coordinated with DCTC and NYMTC on the transportation/air quality conformity and the regional emissions analyses as required; and,


WHEREAS, the transportation conformity determination process demonstrates compliance with the appropriate federal air quality conformity requirements under the Clean Air Act Amendments of 1990; and,

WHEREAS, OCTC held a 30-day public comment period on the draft conformity determination beginning June 16, 2021 and ending July 15, 2021 and all comments received have been addressed and incorporated into this Transportation Conformity Determination; and

NOW, THEREFORE, BE IT RESOLVED that the Orange County Transportation Council adopts the attached air quality conformity determination statement for the Orange County portion of the NY-NJ-CT PM2.5 Maintenance Area and the 1997 Poughkeepsie Ozone Non-attainment Area.

CERTIFICATE: The undersigned duly qualified Secretary of the Orange County Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted by the voting members of the Council on August 10, 2021.

Date: 8/10/21

By: 
Lance MacMillan, P.E., Secretary
Orange County Transportation Council