**Instructions for Sample Air Quality Conformity Analysis Cover Letter (revised 01/2023):**

* Fill in appropriate form fields in the following letter and follow instructions throughout. Remove instructions and notes before finalizing.
* Use current Department letterhead and follow instructions on letterhead for updating return address and letter format.
* Address letter to the current Planning & Air Quality Team Leader and update the Attention line to the current Air Quality Specialist if needed. See the [FHWA California Division Directory](https://www.fhwa.dot.gov/cadiv/directory.cfm) for staff listing.
* This letter WILL be more than one page. Header for 2nd/subsequent pages has Mr. Johnson’s name inserted – change if needed. BE SURE TO INSERT THE DATE IN THE HEADER.

Enter date

Mr. Antonio Johnson

U.S. Department of Transportation

Federal Highway Administration

650 Capitol Mall, Suite 4-100

Sacramento, CA 95814

Attention: Antonio Johnson

Dear Mr. Antonio Johnson:

The California Department of Transportation (the Department) requests that the Federal Highway Administration issue a project-level conformity determination for the enter title Project (CTIPS ID# Enter CTIPS ID), enter EA or EFIS Project Number if appropriate. The project would describe preferred or selected alternative and is located describe location post miles, etc.. The project is in an area that is designated Nonattainment or Maintenance for list pollutants applicable – Ozone, CO, PM10, PM2.5, NO2. Details of the analysis are contained in the enclosed Air Quality Conformity Analysis report and related materials.

Instructions: Include one or more of the following “findings” paragraphs as applicable, depending on the pollutants and the status of the area.

Use the following paragraph in MPO areas, unless the project is exempt from regional analysis based on the list in 40 CFR 93.127:

The project area is subject to regional conformity analysis requirements. The attached conformity analysis demonstrates that the project is listed in the conforming enter Regional Transportation Plan or Metropolitan Transportation Plan as appropriate and Transportation Improvement Program, and therefore it meets regional conformity requirements for a project-level conformity determination.

Use the following paragraph in Isolated Rural areas, unless the project is exempt from regional analysis based on the list in 40 CFR 93.127, or is determined to NOT be regionally significant with Interagency Consultation concurrence:

The project area is subject to regional conformity requirements. The attached regional conformity analysis shows that the project, in combination with other reasonably anticipated and financially constrained projects within at least a 20-year analysis period in the nonattainment area, meets regional conformity requirements as described in 40 CFR 93.109(l).

Use the following paragraph in CO and/or PM areas:

The project area is subject to project-level hot-spot analysis requirements for list pollutant(s): CO, PM10, PM2.5. The attached conformity analysis shows that hot-spot analysis requirements listed in 40 CFR 93.116 and 123 are met. Instructions: if Project Sponsor has included a written commitment, please include the following: A written commitment is made by this letter to implement hot-spot pollutant control measures identified in the applicable SIP and NEPA document, as required by 40 CFR 93.117 and 125.

Use the following paragraph in PM areas, in addition to the regional analysis paragraph above, for projects that are not considered a project of air quality concern (POAQC):

Interagency Consultation and public involvement requirements related to enter PM10, PM2.5, or both as applicable have been completed in accordance with the *Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas* (U.S. EPA, 2015). Interagency Consultation concluded on enter date. The Interagency Consultation partners concurred, as shown in the attached materials, that the project is not exempt from conformity analysis requirements, but that it is not a Project of Concern for enter PM10 and/or PM2.5 as applicable as defined at 40 CFR 93.123(b)(1). As such, an explicit, detailed enter PM10 and/or PM2.5, as applicable hot-spot analysis is not required.

Use the following paragraph in PM areas, in addition to the regional analysis paragraph above, for projects that ARE a POAQC:

Interagency Consultation and public involvement requirements related to enter PM10, PM2.5, or both as applicable have been completed in accordance with the *Transportation Conformity Guidance for Quantitative Hot-spot Analysis in PM2.5 and PM10 Nonattainment and Maintenance Areas* (U.S. EPA, 2015). Interagency Consultation concluded on enter date. The Interagency Consultation partners concurred that the project is not exempt from conformity analysis requirements, and that the project is a Project of Concern for enter PM10 and/or PM2.5 as applicable as defined at 40 CFR 93.123(b)(1) and the *Guidance*. A hot-spot analysis was prepared which shows that the project is not likely to cause or contribute to, or worsen, localized violation of the enter PM10 and/or PM2.5 as applicable standard. The Interagency Consultation partners concurred on enter date that the detailed analysis used the appropriate analysis procedures and latest planning assumptions, and that the conclusions were correct.

Use the following paragraph for non-CE projects:

Public involvement included advertising the availability of the conformity analysis for enter number of days (at least 15 days for FONSI projects or 30 days for EIS projects) days beginning on enter date. Instructions: if no public comments on the conformity analysis were received, include: No public comments were received. Instructions: if comments were received, include: Response to public comments is included in the attached conformity analysis.

This project has been assigned to the Department under 23 USC 327 (NEPA Assignment) and the proposed approval date of the final NEPA document is expected on or about enter date. We would appreciate your assistance with providing a conformity determination prior to that date.

Note: FHWA normally needs at least 30 days to review the conformity package and email back a conformity determination.

If you have any questions regarding this conformity analysis, please contact enter name at enter phone number or enter email address.

Instructions: Always leave 2 lines of space before the signature block. Always make sure that there is at least one paragraph of text on the last page with the signature block.

Sincerely,

Enter name of Project-Level Conformity Coordinator, Project Manager, or Environmental Manager as appropriate

Enclosures

Instructions: Attach conformity analysis; documentation of Interagency Consultation including e-mails and/or meeting minutes as appropriate for MPO process; documentation of public involvement if needed including ad; summary of comments if received; and responses to comments if received.

c: Enter names that appear on the original letter and all copies of the original letter