

State of Rhode Island
Department of Environmental Management
Office of Air Resources

**In re: Proposed revisions to Air Pollution Control Regulation
No. 49 “Transportation Conformity”**

DECISION

Introduction

On October 12, 2018 a notice was posted on the websites of the Rhode Island Department of Environmental Management (RI DEM) and the Rhode Island Office of Secretary of State and was sent to interested parties announcing a public comment period to accept comments on the adoption of proposed revisions to Air Pollution Control Regulation No. 49 “Transportation Conformity” (250-RICR-120-05-49). Although R.I. Gen. Laws § 42-35-2.8, require that an oral hearing be granted if requested by twenty-five persons, by an agency or by an association having at least twenty-five members, the public notice stated that an oral hearing will be granted if requested by one or more persons during the public comment period. No requests for a public hearing were received. The public comment period ended at 4:00 PM on November 12, 2018.

The federal transportation conformity rule sets forth policy, criteria and procedures for demonstrating and assuring conformity of transportation activities. Part 49 formally incorporates procedures to be followed in RI to complete this process. The proposed revisions are necessary to update the regulation to current RI Code of Regulations format and do not impose any new requirements on regulated entities.

A written comment was received from the United States Environmental Protection Agency. The following is the Office of Air Resources' response to the comment received:

Response to Comments


Comment: EPA has reviewed Rhode Island’s proposal and finds that the revised regulation is generally consistent with EPA guidance.

Response: No response required.

Decision

It is the decision of the Department to adopt the proposed revisions to Air Pollution Control Regulation, 250-RICR-120-05-49, “Transportation Conformity” as proposed. The final amended regulations are appended to this Decision.

11/28/18
Date


Laurie A. Grandchamp, P.E.
Administrator, Environmental Protection