MEETING NOTICE
AND AGENDA

SAN DIEGO CONFORMITY WORKING GROUP
The San Diego Conformity Working Group may take action on any item appearing on this agenda.

Wednesday, November 2, 2011
10:30 to 11:30 a.m.

SANDAG, Conference Room 8C
401 B Street, Suite 800
San Diego, CA  92101-4231

Staff Contact: Andrea Hoff
(619) 699-1983
ahof@sandag.org

AGENDA HIGHLIGHTS

- 2050 REGIONAL TRANSPORTATION PLAN AND 2010 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT NO. 13 ADOPTION UPDATE

If you wish to participate by conference call, please call (800) 431-1129. The conference call passcode is: 9639314#

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ITEM #  RECOMMENDATION

1. INTRODUCTIONS

+2. SUMMARY OF AUGUST 3, 2011, MEETING  INFORMATION

   The summary of the August 3, 2011, San Diego Conformity Working Group (CWG) meeting is attached. The CWG is asked to review the meeting summary.

3. PUBLIC COMMENTS/COMMUNICATIONS  INFORMATION

   Members of the public shall have the opportunity to address the working group on any issue within the jurisdiction of SANDAG that is not on this agenda. Anyone desiring to speak shall reserve time by completing a "Request to Speak" form and giving it to the working group coordinator prior to speaking. Public speakers should notify the working group coordinator if they have a handout for distribution to working group members. Public speakers are limited to three minutes or less per person. Working group members also may provide information and announcements under this agenda item.

4. 2050 REGIONAL TRANSPORTATION PLAN AND 2010 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT NO. 13 ADOPTION UPDATE  INFORMATION

   On October 28, 2011, the SANDAG Board of Directors will be asked to make a conformity determination for the 2050 Regional Transportation Plan (2050 RTP) and 2010 Regional Transportation Improvement Program (2010 RTIP), as amended, and to adopt the 2050 RTP and approve the 2010 RTIP Amendment No. 13. SANDAG staff will update the CWG on the outcome of the Board's action.

+5. IMPLEMENTATION OF THE OZONE NATIONAL AMBIENT AIR QUALITY STANDARD  INFORMATION

   Staff from U.S. Environmental Protection Agency (EPA) will provide an overview of the September 22, 2011, Memorandum from U.S. EPA's Assistant Administrator regarding the Implementation of the Ozone National Ambient Air Quality Standard.
6. EIGHT-HOUR OZONE STANDARD RE-CLASSIFICATION DISCUSSION UPDATE

Staff from the U.S. EPA and the San Diego Air Pollution Control District will provide an update on the proposed rule to implement the 1997 Eight-Hour Ozone standard.

7. OTHER BUSINESS INFORMATION

+ next to an item indicates an attachment

The next meeting of the San Diego Region Conformity Working Group is scheduled for December 7, 2011 from 10:30 a.m. to 12 noon at SANDAG.
SUMMARY OF AUGUST 3, 2011, MEETING

Item #1: Introductions

Self-introductions were made. See attached attendance list.

Item #2: Summary of May 4, 2011, Meeting

Elisa Arias, SANDAG, asked the San Diego Conformity Working Group (CWG) to review the meeting summary. No corrections were made.

Item #3: Public Comments/Communications

No public comments were made.

Item #4: 2050 Regional Transportation Plan (RTP): Revised Draft Air Quality Planning and Transportation Conformity Document

On July 26, 2011, the Revised Draft 2050 RTP Air Quality Conformity document was released to the CWG for a 30-day comment period that will end August 26, 2011. Ms. Arias said that comments regarding this document could be made during the CWG meeting or submitted to SANDAG staff before the deadline. On August 1, 2011, a public notice was posted to the SANDAG Web site about the release of the Revised Draft 2050 RTP Air Quality Conformity document to the general public. Subsequently, public notices were published in the North County Times and the Union Tribune, the two largest circulation newspapers in the region. The comment period for the general public will close on August 31, 2011.

Ms. Arias gave an overview of the Revised Draft 2050 RTP Air Quality Conformity document, which was included as an attachment to the meeting agenda.

Background

On April 15, 2004, the U.S. Environmental Protection Agency (EPA) designated the San Diego air basin as non-attainment for the 1997 Eight-Hour Ozone Standard. This designation took effect on June 15, 2004. The air basin initially was classified as a basic non-attainment area under Subpart 1 of the CAA, and the attainment date for the Eight-Hour Ozone Standard was set as June 15, 2009. However, the U.S. EPA, in response to a court decision, is expected to rule in 2011 that the San Diego basic non-attainment area be reclassified as a Subpart 2 Serious non-attainment area, with a maximum statutory attainment date of June 15, 2013. Final U.S. EPA action on this proposed reclassification has yet to be taken.
Several areas that are tribal lands in eastern San Diego County were excluded from the 1997 Eight-Hour Ozone Standard non-attainment designation.

The San Diego region also has been designated by the U.S. EPA as a federal maintenance area for the Carbon Monoxide (CO) Standard. On November 8, 2004, the ARB submitted the 2004 revision to the California State Implementation Plan (SIP) for CO to the U.S. EPA. Effective January 30, 2006, the U.S. EPA has approved this maintenance plan as a SIP revision.

TRANSPORTATION CONFORMITY MODELING PROCEDURES

Background
SANDAG has developed the Revenue Constrained Scenario of the 2050 San Diego RTP to meet the required air quality conformity analysis. Conformity of the 2010 Regional Transportation Improvement Program (RTIP) Amendment No. 13 will be determined simultaneously for consistency purposes.

2050 RTP Air Quality Conformity Methodology
While the horizon year of this RTP is 2050, the current version of the emissions model approved by the U.S. EPA, EMission FACTors (EMFAC) 2007 only contains emission factors to 2040. Because no other emissions model is approved for use in conformity determinations by metropolitan planning organizations (MPOs) in California, staff explored options under the Transportation Conformity Rule to conduct the air quality conformity determination for the 2050 RTP.

In concurrence with the approved methodology, SANDAG staff conducted the Air Quality Conformity Analysis for the 2050 RTP for 2011 through 2040, with the analysis years of 2018, 2020, 2030, and 2040. SANDAG conducted a regional emissions analysis (for information purposes only) for 2050. To perform the informational analysis for 2050, SANDAG used the 2050 travel data from the SANDAG transportation model as input into EMFAC 2007 for the last year of the EMFAC 2007 model (2040).

Growth Forecast
Ms. Arias said that the conformity document included information on the population, employment, and housing forecast—which had been presented to the CWG in the past—showing a progression from the base year 2008 to the different analysis years 2020, 2030, 2040, and 2050.

Transportation Modeling
SANDAG follows a widely used, four-step transportation modeling process of trip generation, trip distribution, mode choice, and assignment to forecast travel activity in the San Diego region.

MOTOR VEHICLE EMISSIONS MODELING

Ms. Arias said that the emissions analysis presented in Table B.2 of the conformity document used EMFAC 2007, which was approved by the U.S. EPA for use in conformity determination. Ms. Arias said that for Eight-Hour Ozone, SANDAG staff ran the summer module of Burden and prepared the forecast of ROG and NOx emissions for 2018, 2020, 2030, 2040, and 2050 for informational purposes. These analysis years comply with the conformity rule in terms of not being more than ten years apart and ten years from our base year model, which is 2008.
As shown in Table B.2, all of SANDAG’s emissions forecasts for ROG and NOx for all the analysis years are below the SIP emissions budgets for those pollutants. The adjustment factors for ROG and NOx are shown in Table B.3 of the conformity document.

Ms. Arias said that emissions relating to the CO standard are presented in Table B.4 of the conformity document. SANDAG staff ran the winter version of the Burden model for years 2018, 2020, 2030, 2040, and 2050 for informational purposes. As shown in Table B.4, the RTP would meet the emissions budgets that were allocated for CO in the last maintenance plan.

Exempt Projects
Section 93.126 of the Transportation Conformity Rule exempts certain highway and transit projects from the requirement to determine conformity. The categories of exempt projects include safety, mass transit, air quality (ridesharing and bicycle and pedestrian facilities), and other (such as planning studies).

Table B.5 illustrates the exempt projects considered in the 2050 Revenue Constrained RTP. This table shows short-term exempt projects. Additional unidentified projects could be funded with revenues expected to be available from the continuation of existing state and federal programs.

Interagency Consultation Process and Public Input

Ms. Arias highlighted a few key milestones:
- On February 25, 2011, the Draft 2050 RTP Air Quality Conformity Analysis was released to the CWG for a 30-day review.
- At the March 2, 2011, CWG meeting, the Draft 2050 RTP Air Quality Conformity Analysis was discussed.
- On April 22, 2011, the SANDAG Board of Directors released the Draft 2050 RTP, including its air quality conformity analysis, for a public review period that closed on July 8.
- On July 26, 2011, the revised air quality conformity analysis document was released to the CWG for a 30-day review period.
- On August 1, 2011, the revised air quality conformity analysis document was released to the general public with public notices on SANDAG’s Web site and in two newspapers in the San Diego Region.

Ms. Arias pointed out that the tables of projects, including capital improvements and phasing for transit, highway, and connector projects, as well as phasing of arterial projects, were also included as attachments to the agenda, and that those tables were going to be part of Appendix A of the Final 2050 RTP.

Ms. Arias said that the 2050 RTP and the 2010 RTIP amendment would meet the SIP budgets and the conformity requirements in the Clean Air Act.

Ilene Gallo, Caltrans, said that she did not notice what had changed in the revised conformity document. Ms. Arias highlighted the specific changes in the document, including minor changes in the phasing of projects, mainly the highway projects. She referred to Table 2 and said that there
was a segment of the Interstate 805 (I-805) projects that was advanced from 2020 to 2018; the project that was previously shown in 2020 was broken up into 2020 and 2018. Another change related to the I-5 North Coast Corridor, which in the Draft 2050 RTP was coded as ten lanes plus four managed lanes, adding two general purpose lanes and four managed lanes for the project up to Palomar Airport Road. However, based on the Caltrans and FHWA selection of a preferred alternative, the project was scaled back to eight lanes plus four general purpose lanes, meaning no extra general purpose lanes. Furthermore, on July 22, SANDAG’s Board recommended advancing the implementation of the first phase of the Mid-City Light Rail Transit project from Mid-City to downtown San Diego, which was originally scheduled for the last decade of the Plan, and now has moved up to the 2035 analysis year. SANDAG’s Board also recommended moving up two connector projects on I-5 and State Route 78 (SR 78). Additionally, based on comments from the public, SANDAG staff is recommending that the connector projects on the I-15 and SR 78 be moved up from the 2035 to the 2020 timeframe.

Ms. Arias said that SANDAG staff plans to bring these proposed changes to the SANDAG Transportation Committee and Board of Directors in September. Also, the final production of the document will continue and SANDAG staff expects the Board to consider the adoption of the plan at its October 28, meeting. Ms. Arias added that comments on the revised conformity document could be sent to her directly or to Andrea Hoff.

**Item #5: Exemption Status for Rural Bridge Projects**

Ms. Arias said that this item came up through consultation and basically relates to the replacement of bridges in rural areas that are one-lane bridges and that are being replaced with a two-lane bridge. There was some discussion among the CWG members as to whether this type of project was capacity increasing or not. After consultation with the U.S. EPA, the Federal Highway Administration (FHWA) recently interpreted the replacement of one-lane bridges in rural areas with standard two-lane bridges as exempt from conformity. Projects considered exempt were those under Table 2 in the conformity rule as well as those that correct, improve, or eliminate a hazardous location or feature. Since a project with these characteristics was proposed in San Diego County for replacement, SANDAG staff conducted consultation with FHWA and the U.S. EPA, after which it was decided to consider the project as a safety project. Mike Brady from Caltrans sent an email to the Statewide Conformity Working Group confirming this action by FHWA.

John Kelly, U.S. EPA, said that in instances where it is not clear if a project is exempt or not, it is important to bring the project up for discussion among the CWG and make sure the group is in agreement. Ms. Arias said that an interagency consultation process is required for exempt projects, and therefore the CWG will have the opportunity to provide comments on exempt project lists. The specific requirements for the exemption for rural bridge projects are that the bridge must be replacing an existing one-lane bridge with a two-lane bridge and not include any added lanes on the approaches to the bridge. The project must also be located in a rural or non-urbanized area on a road that is not part of a regionally modeled network, which is the case of the project in question.

Wade Hobbs, FHWA, said that the project could be listed in the Transportation Improvement Program (TIP) under the current bridge listings or separated under a “safety-type” group listing. Project listings in the TIP are typically grouped according to the classifications provided in 49 CFR Table 2. Therefore, if it were decided to keep the exempt bridge projects in the existing bridge project listing, FHWA would ask that the group listing for the bridge projects indicate specifically which projects were exempt under the provision of the conformity regulation for bridge
replacement/rehabilitation, and which projects were one- to two-lane bridge replacements that were safety improvements. The Bridge Program Office at Caltrans expressed concern about the ability of FHWA, FTA, EPA and Caltrans to stay in accord when exemption decisions like these ones are made. During earlier discussions, the Bridge Program Office at Caltrans outlined some expectations with regard to how to deal with these projects; one suggestion was that the projects be listed separately, which would be a requirement for most non-exempt bridge replacement projects to avoid any confusion. In addition to agreeing that the interagency consultation process still applies to these projects and should be used, the FHWA’s position is that if the State asks for specific programming requirements, such as that the projects be listed separately, that the Metropolitan Planning Organizations honor the State Program’s request.

**Item #6: Eight-Hour Ozone Standard Re-classification Update**

John Kelley, EPA, said that the Subpart 1 to Subpart 2 reclassification action includes a first-time classification of the San Diego ozone non-attainment area for the 1997 Ozone Standard. San Diego was designated non-attainment in 2004 and it was treated under Subpart 1 without a classification. After losing the South Coast lawsuit, EPA proposed to classify the area under Subpart 2 as “moderate” since that was the classification the area would have received under its 2001-2003 data used for designation, which is the same data that is used for classification. Since EPA’s proposal, the “moderate” classification deadline has passed. After finalization of this action, the area will be “classified” for the first time for the 1997 Standard as “serious” with a 2013 attainment date. The action has been through the EPA interagency review with the Office of Management and Budget at the White House, and returned to EPA for signature by the Administrator. It is not clear exactly how long this process could take, but it is expected to be signed in August.

The ramifications of this action for the San Diego County Air Pollution Control District (APCD) are that APCD would be required to submit two State Implementation Plans (SIP) to EPA within a 12-month period that relate to a “serious” classification. One would be an attainment demonstration showing attainment by 2013. Another would be a Reasonably Available Control Technology (RACT) SIP showing that sources that are major under the serious 50 ton threshold have installed RACT, or if they have not, provide the RACT rules for those sources. The other program area that would be affected is the Title V Program, which has its own 12-month deadline for the permitting authority to give EPA a program revision when there is a change in status.

Ms. Arias asked if the rule would become effective immediately once it is signed. Mr. Kelley said that it would probably be effective 30 days after publication; as a result, there will probably be a 1.5-month lag time before the 12-month deadline takes effect.

Carl Selnick, APCD, said that if the San Diego area has clean air in 2011, the attainment demonstration and the contingency measures requirements would be suspended as long as the area continues to have clean air. In this case, APCD would submit the SIP without those sections, and it would only submit the Regional Air Quality Strategy (RAQS).

Mr. Kelley said that if there is a 12-month deadline for RAQS, and if before reaching the deadline a re-designation and maintenance request is submitted, a RAQS might not be required either.
Mr. Selnick said that an emissions budget will need to be part of either SIP. If the San Diego area has clean air in 2011, a 2011 attainment emissions budget would be established and a re-designation request and maintenance plan submitted. If the present year is not clean, an attainment demonstration must be submitted with a 2012 emissions budget. The San Diego area must show attainment by June of 2013, and to demonstrate attainment by that date it has to be demonstrated that 2012 was clean.

Mr. Kelley said that it is proposed that budget years be changed to the end of the same year as the attainment date.

Ms. Arias asked if this would give an additional year to attain.

Mr. Kelley said that this would give one more analysis year to show attainment.

Mike Brady, Caltrans, asked if EPA was proposing to change the secondary standards for NO2 and SO2 to be equal to the primary standards.

Mr. Kelley said that EPA is proposing that the secondary standard be equal to the primary and to retain the current secondary standard for NO2, which equals the old 53 ppb annual amount. EPA is also proposing to create a new additional secondary standard, which would create a two-part secondary standard including the 53 ppb annual standard and a 100 ppb one-hour standard. He added that the current deadline for the final secondary standards to be signed is March 20, 2012.

**Item #7: Other Business**

Dennis Wade, ARB, said that the new version of EMFAC is weeks away from being released to the public. It is a comprehensive revision consisting of three parts called EMFAC 2011.

Ms. Arias asked if the software would have a 2035 horizon year and what the grace period would be to start using the software once it is approved by EPA.

Mr. Wade said that it will have a 2035 horizon year and that EPA has the ability to set that period anywhere from three to 24 months.

Mike Brady, Caltrans, said that his agency is working with EPA to set up a Southern California version of the PM hotspots training. There is no set date yet, but it is likely to happen in November.

**Item #8: Next meeting**

Ms. Arias stated that the next meeting of the CWG is scheduled for Wednesday September 7, 2011, from 10:30 a.m. – 12 noon at SANDAG. Meeting materials will be sent to the group in advance.
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<td>Carla Walecka (phone)</td>
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September 22, 2011

MEMORANDUM

TO: Air Division Directors, Regions 1 – 10

FROM: Gina McCarthy
Assistant Administrator

SUBJECT: Implementation of the Ozone National Ambient Air Quality Standard

The purpose of this memorandum is to clarify for state and local air agencies the status of the ozone National Ambient Air Quality Standard (NAAQS) and to outline implementation steps moving forward. With the recent decision on the reconsideration of the ozone NAAQS, the current ozone NAAQS is 0.075 ppm. This standard will provide additional public health and welfare protection until the next regular review is completed, and EPA fully intends to implement this current standard as required under the Clean Air Act.¹

As I will describe below in more detail, EPA is moving ahead with certain required actions to implement the 2008 standard, but will do so mindful of the President’s and Administrator’s direction that in these challenging economic times EPA should reduce uncertainty and minimize the regulatory burdens on state and local governments. EPA is also continuing to implement and develop federal rules and other programmatic actions to reduce emissions that contribute to smog and improve air quality and public health across the nation.

Area Designations
EPA is proceeding with initial area designations under the 2008 standard, starting with the recommendations states made in 2009 and updating them with the most current, certified air quality data. We expect to issue our proposed changes to the states’ recommendations (the “120-day letters”) later this fall. We will quickly initiate and complete a rulemaking to establish nonattainment area classification thresholds so that we can finalize the designations. While we intend to take into consideration all comments we receive on the proposed rule, we note that we used a “percent above the standard” approach for classification under the 1997 ozone standard and believe that remains a reasonable approach.

¹ Note that the 2008 standard is under legal challenge. EPA has recently indicated to the Court that it does not object to the establishment of a briefing schedule in that litigation and has provided a schedule for the Court to consider.
Based on our initial review of ozone air quality data from 2008-2010, 52 areas monitor air quality that exceeds the 0.075 ppm standard. This preliminary review shows considerably fewer areas not meeting the 2008 standard than the number identified in 2009 when states made their recommendations. Using the "percent above the standard" classification approach, 43 of the 52 areas would fall into the Marginal category. As you know, many of the mandatory measures under the Clean Air Act are not required for Marginal areas since they are expected to achieve attainment within 3 years. In addition, EPA's modeling indicates that approximately half of the 52 areas would attain the 0.075 ppm standard by 2015 (the expected attainment deadline for Marginal areas) as a result of the emission-reducing rules already in place.

Because we have states' 2009 recommendations and quality assured ozone data for 2008-2010, there is nothing that state or local agencies need to do until we issue the 120-day letters later this year, though of course, states are welcome to contact us to discuss specific issues at any time. We expect to finalize initial area designations for the 2008 ozone NAAQS by mid-2012. However, we note that EPA currently faces litigation with respect to the timing of the designations and expects that the resolution of the litigation may well affect the precise timing of the schedule for designations.

Planning Requirements and Other Required Submissions
We will begin an expedited rulemaking to outline the implementation requirements for the 2008 standard in the very near future. The rule will be as straightforward and simple as we can make it. As you know, the Clean Air Act provides several years for states to develop their State Implementation Plans (SIPs) and to implement any mandatory measures. However, several deadlines for some state submissions have already passed, including the infrastructure SIPs and interstate transport SIPs. There are few requirements for Marginal areas beyond those SIPs.

EPA does not intend to penalize states for the passage of time, but we may also face litigation on these issues. In negotiating schedules for expeditious completion of required elements, we will seek to minimize any administrative burden on states associated with these requirements. To the extent that states are already engaged or would like to get started with clean air programs to address the standard, we will provide assistance with guidance and model language on rules or other programs, such as energy efficiency.

Federal Actions to Reduce Emissions
EPA will continue to move forward with implementation and development of federal rules that reduce emissions of pollutants that contribute to smog and threaten public health. These actions include recently promulgated rules that lower NOx and VOC emissions such as the Cross-State Air Pollution Rule (CSAPR), the Portland Cement Rule, and Light and Heavy Duty Vehicle standards. They also include rules under development such as the Maximum Achievable Control Technology (MACT) standards for Boilers, the Mercury and Air Toxics Standards (MATS) for power plants, the New Source Performance Standards (NSPS) for Commercial Incinerators/Solid Waste Incinerators (CISWI) and the Oil/Gas sector, and the Tier 3 vehicle and fuel standards. These federal actions will ensure steady forward progress to clean up the nation’s air and protect the health of American families, while minimizing and in many cases eliminating the need for states to use their scarce resources on local actions.
The Next Ozone Review
The next regular review of the health and welfare science is well underway. EPA will propose any appropriate revisions in the fall of 2013 and finalize any revisions to the standard in 2014. Attached to this memorandum is a schedule that lays out the upcoming steps in that review.

I hope this memorandum has answered some of the most immediate questions. Please distribute this memo to state and local air agencies in your Region. We will be providing opportunities for further discussion and questions with state and local officials in the coming weeks.

Attachment
# Ozone NAAQS Review Schedule

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