

Clean Air Act Compliance

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
EPA requires federal actions to conform to State or Federal Action Plans for air quality.	Clean Air Act (42 U.S.C. 7401 et seq.) as amended	40 CFR Parts 6, 51 and 93

1. Does your project require an environmental assessment level review for new construction or major rehabilitation of existing structures?

- No: STOP here. The Clean Air Act conformity requirements do not apply. Record your determination.
- Yes: PROCEED to #2

2. Is the project located in a designated non-attainment area for criteria air pollutants?

Maintain, in your ERR, either a map or list of non-attainment areas in your region. You can find information on non-attainment areas by state at this website:
<http://epa.gov/oar/oaqps/greenbk/ancl.html>

- No: STOP here. The Clean Air Act conformity requirements do not apply. Record your determination.
- Yes: PROCEED to #3

3. Does your project exceed de minimis impact criteria?

Determine if your project will result in emissions (both direct and indirect) that exceed the de minimis thresholds established for each criteria pollutant at 40 CFR Part 93.153 (see attached). In general, HUD projects will not exceed this threshold. However, you should work with your local air quality authority to determine whether your project may have an impact on air quality. For PM-10 and PM 2.5 non-attainment areas, please make special note of any local dust control regulations that might apply during construction. Please see attached document for air authority contacts.

- No: STOP here. The project does not impact air quality. Record your determination on the Statutory Worksheet and attach documentation.
- Yes: PROCEED to #4

4. Does your project conform with the State or Federal Action Plan for air quality?

Work with your local or state air quality authority to determine if your project conforms with your State Action plan. If you cannot reach this determination, please contact your HUD environmental officers for further guidance.

DISCLAIMER: This document is intended as a tool to help Region X grantees and HUD staff complete HUD environmental requirements. This document is subject to change. This is not a policy statement, and the Clean Air Act Legislation and Regulations take precedence over any information found in this document.