**Section 255.120 Applicability**

a) Conformity determinations for Federal actions related to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) are not subject to the requirements of this Part.

b) For Federal actions not covered by subsection (a) of this Section and not exempt pursuant to Section 255.170 of this Part, a conformity determination is required for each pollutant where the total of direct and indirect emissions in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in subsection (b)(1) or (b)(2) of this Section:

1) Nonattainment Areas:

|  |  |
| --- | --- |
|  | Tons/Year |
| Ozone (VOC's or NOx): |  |
| Serious NAA's | 50 |
| Severe NAA's | 25 |
| Extreme NAA's | 10 |
|  |  |
| Other ozone NAA's outside an ozone transport region | 100 |
|  |  |
| Marginal and moderate NAA's inside an ozone transport region: |  |
|  |
| VOC | 50 |
| NOx | 100 |
|  |  |
| Carbon monoxide: |  |
| All NAA's | 100 |
|  |  |
| SO2 or NO2: |  |
| All NAA's | 100 |
|  |  |
| PM-10: |  |
| Moderate NAA's | 100 |
| Serious NAA's | 70 |
|  |  |
| Pb: |  |
| All NAA's | 25 |

2) Maintenance Areas:

|  |  |
| --- | --- |
|  | Tons/Year |
| Ozone (NOx) SO2 or NO2: |  |
| All maintenance areas | 100 |
|  |  |
| Ozone (VOC's): |  |
| Maintenance areas inside an ozone transport region | 50 |
| Maintenance areas outside an ozone transport region | 100 |
|  |  |
| Carbon monoxide: |  |
| All maintenance areas | 100 |
|  |  |
| PM-10: |  |
| All maintenance areas | 100 |
|  |  |
| Pb: |  |
| All maintenance areas | 25 |