**Section 255.240 Mitigation of Air Quality Impacts**

a) Any measures that are intended to mitigate air quality impacts must be identified and the process for implementation and enforcement of such measures must be described, including an implementation schedule containing explicit time lines for implementation. Such measures shall become an integral component of the Federal action being determined to conform. Failure to implement committed mitigation measures will jeopardize the conformity determination and expose the Federal agency to enforcement provisions of the CAA.

b) Prior to determining that a Federal action is in conformity, the Federal agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to assure the implementation of any mitigation measures which are identified as conditions for making conformity determinations.

c) Persons or agencies voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.

d) In instances where the Federal agency is licensing, permitting or otherwise approving the action of another governmental or private entity, approval by the Federal agency must be conditioned on binding the entity to implement the mitigation measures set forth in the conformity determination.

e) When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. Any proposed change in the mitigation measures is subject to the reporting requirements of Section 255.190 of this Part and the public participation requirements of Section 255.200 of this Part.