

**MASSACHUSETTS
SIP STEERING COMMITTEE
Meeting Summary
February 7, 2007**

In Attendance:

Keith Beasley, Massport
Howard Bernstein, DOER
Richard Burkhart, EPA Region 1
David Conroy, EPA Region 1
Jim Cope, Executive Office of Transportation
Don DiCristafaro, Blue Sky Environmental
Paula Hamel, Dominion
Bob Ketter, Rentar
John LeFebvre, Polaroid
John Lienhard, MIT
Robert Machaver, RG Air
Bill Palmer, Executive Office of Transportation
Robert Rio, Associated Industries of MA
Carl Spector, City of Boston
Beverly Woods, MARPA/NMCOG
Wig Zamore, STEP, MVTF

MassDEP Staff:

Nicholas Bianco
Richard Blanchet
Steve Dennis
Richard Fields
Eileen Hiney
Azin Kavian
Glenn Keith
Ken Santlal

[Please note that all materials distributed or presented at the February 7, 2007 meeting can be viewed at <http://www.mass.gov/dep/public/committee/daqcpu11.htm>. Materials are identified below next to the pertinent agenda item.]

Diesel Bus Retrofits (Richard Blanchet, *Diesel School Bus Retrofits – presentation*)

In late December, the Massachusetts Executive Office of Transportation (EOT) announced that it would spend \$22.5 million to reduce air pollution from public school buses and regional transit buses to offset pollution from the Big Dig. This coincides with efforts across the country to lower emissions from buses because of the adverse health effects associated with diesel. Massachusetts public school buses range in age from pre-1993 to 2006, with older buses emitting more diesel pollution than newer buses that are equipped with emission control devices. MassDEP expects to enter into an agreement with EOT under which Mass DEP would receive \$18 million disbursed over three years for a program designed to retrofit all school buses in Massachusetts by 2010. MassDEP is assessing a number of retrofit technologies and formulating program plans, including outreach to municipalities who own and operate school buses and school bus contractors. It is targeting summer 2007 to begin retrofit installations.

Court Decision – Phase 1 Ozone Implementation Rule (Eileen Hiney)

In late December, the U.S. Court of Appeals for the D.C. Circuit vacated and remanded to EPA the Phase 1 8-Hour Ozone Implementation Rule issued in April 2004. This is the second time that the courts have ruled against EPA's scheme for implementing the 8-hour ozone standard. In 1999, the U.S. Supreme Court decided against EPA's approach to use the Clean Air Act "Subpart 1" provisions, which grant States flexibility in their attainment plans. The Supreme Court held that Congress intended that ozone be addressed under the more prescriptive "Subpart 2" provisions that require nonattainment areas to adopt specific control measures based on their classification as moderate, serious, etc.

The 2004 Phase 1 rule applied Subpart 2 to 8-hour non-attainment areas that were also not attaining the 1-hour ozone standard, while leaving all other 8-hour nonattainment areas subject only to Subpart 1. MassDEP and a number of other states contended that all ozone non-attainment areas are subject to Subpart 2 and filed suit challenging the rule. The Court ruled that EPA's approach did not meet Congress' intent in adopting Subpart 2.

The Court also held that EPA's redefinition of certain measures such as New Source Review, conformity and contingency plans as "growth measures" rather than control measures subject to the "antibacksliding" provisions of the CAA is contrary to the CAA and EPA's past practice.

EPA has until March 22nd to file for rehearing or clarification of the decision. In the meantime, the decision created a great deal of uncertainty about SIP requirements with 8-hour ozone SIPs due June 15, 2007.

8-Hour Ozone Standard SIP Planning Update

- **OTC control measures review** (Eileen Hiney - *handouts: Statement of OTC Regarding Mobile Sources; Charge of the OTC regarding Electric Generating Units*)

At their November 15, 2006 meeting the OTC Commissioners adopted a statement supporting aggressive implementation of a suite of mobile sources emissions control measures and finalized

emission rate guidelines for ICI boilers and glass furnaces. They also charged the OTC committee to keep working on CAIR + and High Energy Demand Day (HEDD) reduction strategies. A Special Meeting is scheduled for March 1-2 at which final action on the CAIR+ and HEDD measures is expected. (All formal actions are available on the OTC web site – www.otcair.org.)

- **OTC modeling update** (Steve Dennis, - *presentation*)

The latest modeling is using CMAQ version 4.5 and updated base year and future year inventories. The model's overall performance for ozone and other pollutants is considered to be satisfactory. The current model has an error of roughly 14.8%, while EPA recommends 30% error or less. The current model is biased to under predict ground-level ozone concentrations.

The OTC completed two control strategy runs: 1) on-the-books/on-the-way control measures (OTB/OTW); and 2) Beyond OTB/OTW (BOTB/W) control measures. The BOTB/W run included control measures Commissioners thought States might adopt. However, not all States have committed to adopt all of the BOTB/W measures that have been modeled. The BOTB/W run predicts that all Massachusetts monitors will be below 85 ppb in 2009.

- **Ozone Conceptual Model** (Richard Fields, *presentation*)

On behalf of the OTC, NESCAUM staff drafted a comprehensive document entitled "Ozone Conceptual Description for SIPs" for individual states' within the OTC to use as part of their attainment demonstration SIPs. The report delves into the many elements involved in the formation and transport of ozone during ozone episodes in the OTR, including emissions of NOx and VOCs, photochemistry and meteorology. In Massachusetts, as well as throughout the OTR, the development of ozone episodes involves interplay among a complexity of atmospheric circulation systems of all scales, from the global to the micro scale. How these circulation patterns set up and recur during an ozone season determines the severity of that season. The OTR's size required that this report be somewhat general; individual states may chose to supplement it with a more specific analysis.

The NESCAUM report can be found at <http://www.nescaum.org>

Regulatory update

- **MassDEP Clean Air Interstate Rule (CAIR)** (Nicholas Bianco, *presentation*)

MassDEP issued a draft Mass CAIR rule for public review and comment on January 8, 2007. The proposed rule meets EPA's requirements as set forth in the federal CAIR by establishing a new, lower ozone season NOx budget starting in 2009. It takes advantage of the flexibility EPA granted to states to establish their own allocation methodology. MassDEP is proposing an updating, output-based allocation methodology, with no adjustment for fuel type. It is also proposing to include in MassCAIR all sources that were in the NOx budget program (310 CMR 7.28). Public hearings will be held on February 8 and 9 and comments on the proposed rule will be accepted until February 20, 2007.

- **Architectural and Industrial Maintenance Coatings (AIM) and Consumer Products**

MassDEP will propose an amendment to its existing regulations to adopt the 2001 OTC Model Rule requirements for AIM (already adopted in many of the OTC states) with an effective date of January 1, 2009. It will also propose to adopt with a January 1, 2009 effective date, the 2006 OTC Consumer Products Model Rule, which amends the 2001 OTC Model Rule (also already adopted in many other OTC states) to include additional consumer product categories. Draft rules are being reviewed internally and should go out for public hearing soon.

Section 110(a)(2)(D)(i) Transport SIP – Eileen Hiney

The Clean Air Act requires that within three years after a new National Ambient Air Quality Standard (NAAQS) is issued, each state must adopt a SIP that addresses its own attainment issues and also addresses any interstate transport of its emissions. EPA promulgated new NAAQS for ozone and fine particles (PM_{2.5}) in 1997. Attainment/nonattainment designations were not finalized by EPA until June 2004 for the 8-hour ozone NAAQS and April 2005 for the PM_{2.5} NAAQS. Consequently, states were not able to submit SIPs in 2000, 3-years after promulgation.

EPA was sued and is now under a consent order to implement a Federal Implementation Plan for any State that does not have a SIP approved by EPA by May 25, 2007, that addresses transported emissions from sources within its borders to downwind states. This SIP requirement is in addition to the attainment demonstration SIP that is due in June. EPA suggests that in this transport SIP a State rely on EPA's CAIR modeling and analyses to demonstrate that its contribution to transport has been solved and it has met its 110(a)(2)(D)(i) obligations. MassDEP hopes to have a draft SIP available for public hearing prior to the next SIP Steering Committee meeting.
