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**Certification of Adequacy of the
Massachusetts State Implementation Plan
Regarding Clean Air Act Sections 110(a)(1) and (2)
for the 2015 Ozone National Ambient Air Quality Standards**

September 27, 2018

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
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Background

This is the certification by the Massachusetts Department of Environmental Protection (MassDEP) to the U.S. Environmental Protection Agency (EPA) that the existing Massachusetts State Implementation Plan (SIP) adequately meets the basic (or “infrastructure”) requirements of Sections 110(a)(1) and (2) of the Clean Air Act (CAA) for the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

In October 2015, EPA lowered the primary and secondary NAAQS for ozone to 0.070 parts per million (ppm).¹ The CAA requires that all states submit SIPs to meet the requirements of CAA Sections 110(a)(1) and 110(a)(2) within 3 years after promulgation of a new or revised NAAQS. This SIP is commonly referred to as an “infrastructure” SIP because its purpose is to ensure that a state’s SIP contains the necessary structural elements needed to implement a new or revised NAAQS.

Section 110(a)(1) provides the procedural and timing requirements for SIP submittals. Section 110(a)(2) lists the basic elements that all SIPs must contain, including emissions inventories, ambient air quality monitoring and data systems, programs for enforcement of control measures, and adequate resources to implement the plan. Section 110(a)(2)(D)(i) specifically requires that the Infrastructure SIP prohibit emissions that will significantly contribute to nonattainment, or interfere with maintenance, of a NAAQS in downwind states. This requirement is commonly referred to as the “Good Neighbor” provision.

If a State determines that its existing SIP is adequate, then the State's SIP submittal may be a certification that the existing SIP contains provisions addressing all requirements of the section 110(a)(1) and (2) infrastructure elements as applicable to the 2015 Ozone NAAQS. MassDEP has followed EPA guidance in developing this certification,² including EPA guidance addressing the Good Neighbor provisions for the 2008 Ozone NAAQS.³

Infrastructure SIP Elements

The infrastructure SIP elements required under Section 110(a)(2) are listed in Table 2 along with a description of how the Massachusetts statutes and regulations that already are part of the Massachusetts SIP satisfy the Section 110(a)(2) requirements.

¹ 40 CFR Parts 50, 51, 52, 53, and 58 National Ambient Air Quality Standards for Ozone, Final Rule. (80 FR 65292) October 26, 2015 (effective December 28, 2015).

² EPA memorandum from Stephen D. Page, Director, Office of Air Quality Planning and Standards, September 13 2013, and “*Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Section 110(a)(1) and 110(a)(2).*”

³ Memorandum from Stephen D. Page, Director, EPA Office of Air Quality of Planning and Standards (OAQPS), to Regional Air Division Directors, “*Information on the Interstate Transport ‘Good Neighbor’ Provision for the 2008 Ozone National Ambient Air Quality Standard (NAAQS) under Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I).*” January 22, 2015. www.epa.gov/sites/production/files/2015-11/documents/goodneighborprovision2008naaqs.pdf

Good Neighbor Provision

EPA’s 2015 guidance on the Good Neighbor provision provided that states whose contribution to all downwind monitors with nonattainment or maintenance problems is less than 1% of the NAAQS had “no emissions reduction obligation under the “Good Neighbor” Provision.”

On March 2018, EPA issued guidance confirming this approach.⁴ That guidance also included air quality modeling results that projected state-specific anthropogenic transport contributions to ozone in 2023 at each monitor in the United States identified as likely to have nonattainment or maintenance problems in 2023.⁵ The modeling demonstrates that Massachusetts does not contribute more than 1% of the 2015 ozone NAAQS to any monitor with a nonattainment or maintenance problem. Massachusetts’ largest contributions to downwind nonattainment and maintenance areas are shown in Table 1.

Table 1: Largest Contribution of Emissions from Massachusetts to Downwind Monitors with Modeled 2015 Ozone NAAQS Nonattainment or Maintenance Problems in 2023

MA Largest Contribution (ppb)	Percent Contribution to NAAQS	County, State / Monitor ID	Monitor’s Projected 2023 Ozone NAAQS Status
0.12	0.2%	Fairfield, Connecticut / 90013007	Nonattainment
0.24	0.3%	Queens, New York / 360810124	Maintenance

Source: EPA guidance memo March 27, 2018 (see footnote below) Attachment C Contributions to 2023 8-hour Ozone Design Values at Projected 2023 Nonattainment and Maintenance Sites, table Contributions to 2023 Nonattainment and Maintenance Sites Outside of California (Part 1).

The low contribution levels from Massachusetts in the modeling are due to the reduction in ozone pre-cursor emissions from Massachusetts sources – see Figures 1 and 2.

⁴ MEMORANDUM, Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I). From Peter Tsirigotis, Director Office of Air Quality Planning and Standards, U.S. EPA. March 27, 2018.

⁵ As explained in EPA’s 2015 guidance, in determining compliance with the NAAQS, ozone design values are truncated to integer values. EPA’s 2018 guidance defined monitoring sites with current and average future projected design values that exceed the NAAQS (71 ppb or greater) as nonattainment areas and sites with current measured values below the NAAQS but projected maximum design values that exceed the NAAQS as maintenance problems.

FIGURE 1 VOC Emissions in Massachusetts

2002-2014 and EPA 2023 Projections (tons/year)

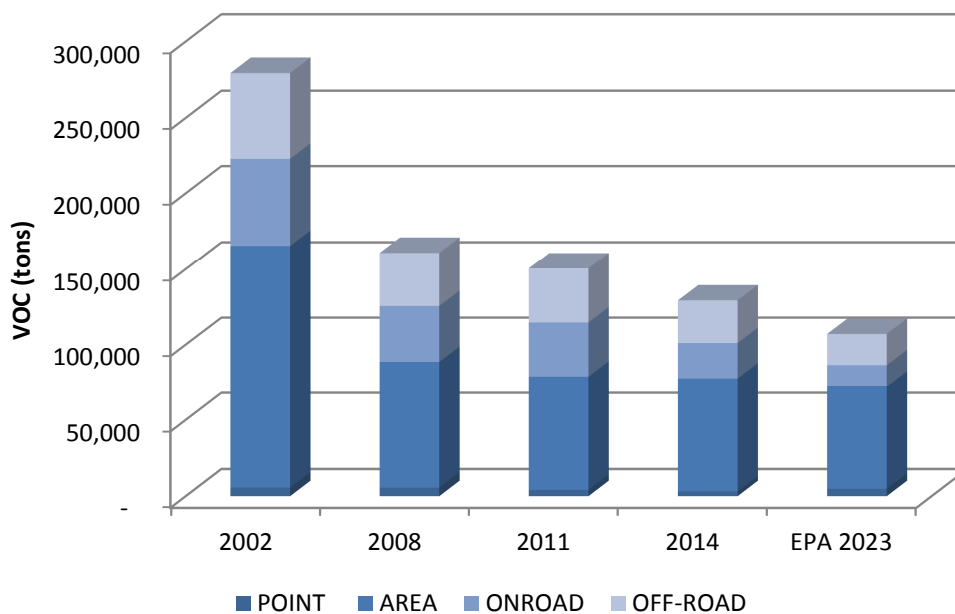
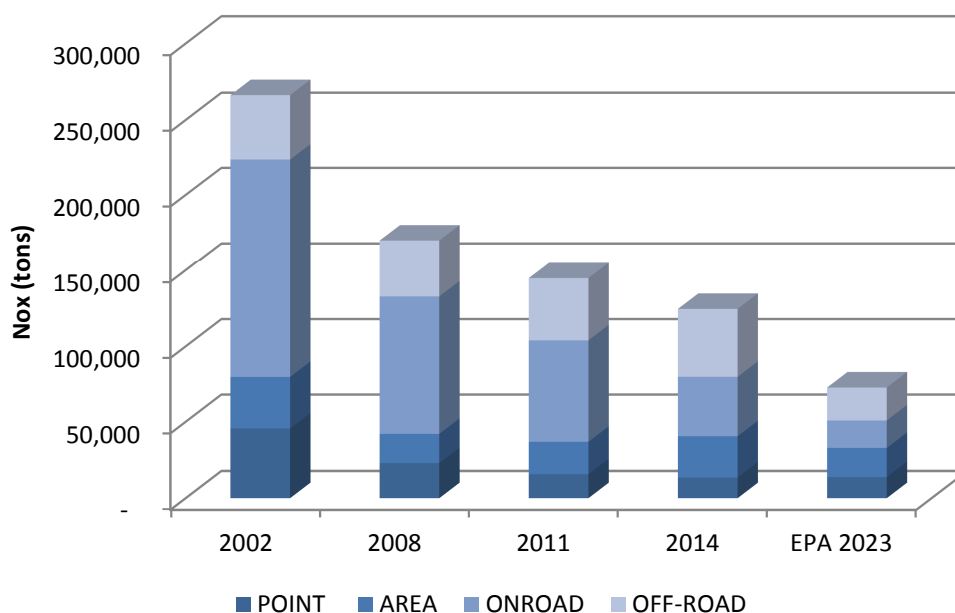


FIGURE 2 NOx Emissions in Massachusetts

2002-2014 and EPA 2023 Projections (tons/year)



Sources Figures 1 and 2:

- 2002/2008/2011 – Massachusetts Periodic Emissions Inventory of VOC, NOx, CO, SO2, PM10, PM2.5 and NH3, February 9, 2018. Massachusetts 2008 Periodic Emissions Inventory of Volatile Organic Compounds Nitrogen Oxides Carbon Monoxide Sulfur Dioxide Particulate Matter Ammonia, June 2010. The Massachusetts 2002 Base Year Emissions Inventory Volatile Organic Compounds Nitrogen Oxides Carbon Monoxide Sulfur Dioxide Particulate Matter Ammonia, January 2008.
TABLE1.1 in each inventory at the MassDEP emissions inventory webpage <https://www.mass.gov/lists/massdep-emissions-inventories>
- 2014 – MassDEP unpublished inventory files (will be published at location above).
- 2023 EPA projections: Version 6.3, 2011 Emissions Modeling Platform (file 2023en_cb6v2_v6_11g_state_sector_totals.xlsx at ftp://ftp.epa.gov/EmisInventory/2011v6/v3platform/reports/2011en_and_2023en/) October 11, 2017

Certification

MassDEP certifies that the statutory authority and regulations referenced in Table 2, which are currently part of the Massachusetts SIP, meet the infrastructure requirements of CAA Sections 110(a)(1) and (2) for the 2015 Ozone NAAQS and adequately provide for the implementation, maintenance, and enforcement of the 2015 Ozone NAAQS. Furthermore, based on EPA's guidance and photochemical air quality modeling, MassDEP certifies that its SIP ensures that emissions from sources in Massachusetts do not significantly contribute to nonattainment of, or interfere with maintenance of, the 2015 ozone NAAQS in any downwind states. This certification fulfills the interstate transport requirements in Section 110(a)(2)(D)(i) of the CAA.

Table 2: Massachusetts Statutory Authority and Regulations Meeting Clean Air Act Section 110(a)(1) and (2) SIP requirements for 2015 Ozone NAAQS⁶

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
110(a)(2)(A) Emission limits and other control measures	<p>“...include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance...”</p>	<p>M.G.L. c. 21A, s. 8. <i>Organization of department, powers; duties and functions.</i> Creates and sets forth the powers and duties of the Department of Environmental Protection (MassDEP)⁷</p> <p>M.G.L. c. 111, s. 142A-O. These laws provide MassDEP with broad authority to prevent pollution or contamination of the atmosphere and to prescribe and establish regulations to prevent pollution or undue contamination of the atmosphere.</p> <p>M.G.L. c. 21A, s. 18. <i>Permit applications and compliance assurance fees; timely action schedules; regulations.</i> Authorizes MassDEP to establish fees applicable to the regulatory programs it administers.</p> <p>310 CMR 4.00: <i>Timely Action Schedule and Fee Provisions.</i> Establishes fees for MassDEP programs.</p> <p>310 CMR 7.00: <i>Air Pollution Control.</i> Many SIP approved air quality regulations within 310 CMR 7.00 provide enforceable emission limitations and other control measures, means or techniques, schedules for compliance, and other related matters that satisfy the requirements of the CAA section 110(a)(2)(A) for the 2015 ozone NAAQS. Except for sections that are not required to be in the SIP, most of the regulations in this chapter have been approved by EPA or submitted to EPA for approval into the SIP. The regulations specific to the control of ozone, ozone precursors and new source review (NSR) found in 310 CMR 7.00 are:</p> <p>7.01: <i>Condition of Air Pollution</i></p>

⁶ CFR refers to the U.S. Code of Federal Regulations; CMR refers to the Code of Massachusetts Regulations

⁷ MassDEP was formerly known as the Department of Environmental Quality Engineering or DEQE, and prior to that Bureau of Air Quality Control in the Massachusetts Department of Public Health.

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
		<p> 7.02: <i>Plan Approval and Emission Limitations</i> 7.03: <i>Plan Approval Exemption: Construction Requirements</i> 7.11: <i>Transportation Media</i> 7.16: <i>Massachusetts Rideshare Regulation</i> 7.18: <i>Volatile and Halogenated Organic Compounds</i> 7.19: <i>Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen</i> 7.24: <i>Organic Material Storage and Distribution</i> 7.25: <i>Best Available Controls for Consumer Products</i> 7.26: <i>Industry Performance Standards</i> 7.29: <i>Emission Standards for Power Plants</i> 7.34: <i>Massachusetts NOx Ozone Season Program</i> 7.30: <i>Massport/Logan Airport Parking Freeze</i> 7.31: <i>City of Boston/East Boston Parking Freeze</i> 7.33: <i>City of Boston/South Boston Parking Freeze</i> 7.36: <i>Transit System Improvements</i> 7.37: <i>High Occupancy Vehicle Lanes</i> 7.38: <i>Metro Boston Tunnel Ventilation System Certification</i> 7.40: <i>Low Emission Vehicle Program</i> 7.00: Appendix A: <i>Emissions Offsets and Non-Attainment Review</i> 7.00: Appendix B: <i>Emission Banking, Trading, and Averaging</i> 7.00: Appendix C: <i>Operating Permit and Compliance Program</i> </p> <p> 310 CMR 60.00: <i>Air Pollution Control for Mobile Sources, including 310 CMR 60.02: Massachusetts Motor Vehicle Emissions Inspection and Maintenance Program.</i> </p>
110(a)(2)(B) Ambient air quality monitoring/data system	<p>“...provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data</p>	<p> M.G.L. c. 111, s. 142B-D. <i>Massachusetts air pollution control laws.</i> Authorizes MassDEP to maintain and operate air sampling stations and devices and to require any person to register with MassDEP and provide emissions information for the purpose of conducting a continuing inventory of air pollution sources of emissions. </p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
	available to the Administrator.”	<p>Monitoring Plan. MassDEP collects and reports ambient air quality data for NAAQS pollutants. On January 28, 1980 MassDEP submitted to EPA a comprehensive air quality monitoring plan to meet requirements of 40 CFR part 58. MassDEP has thereafter submitted to EPA an annual Ambient Air Monitoring Network Plan. The most recent Air Monitoring Network Plan was submitted to EPA in April 2018.⁸</p>
<p>110(a)(2)(C) Program for enforcement of control measures</p>	<p>“...include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;...”</p>	<p>M.G.L. c. 111, s. 2C. <i>Pollution violations, orders of department of environmental protection.</i> Authorizes MassDEP to issue orders that enforce air pollution control regulations.</p> <p>M.G.L. c. 111, s. 142 A-O. <i>Massachusetts Air Pollution Control Laws.</i> Authorizes MassDEP to adopt regulations to control pollution or contamination of the atmosphere, enforce such regulations, and issue penalties.</p> <p>M.G.L. c. 21A, s. 16. <i>Civil administrative penalties.</i> Authorizes MassDEP to assess penalties for failure to comply with laws or regulations.</p> <p>310 CMR:</p> <p>5.00: <i>Administrative Penalties</i></p> <p>7.02: <i>Plan Approval and Emission Limitations</i></p> <p>7.03: <i>Plan Approval Exemption: Construction Requirements</i></p> <p>7.08(2): <i>Incinerators</i></p> <p>7.18: <i>Volatile and Halogenated Organic Compounds</i></p> <p>7.19: <i>Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen</i></p> <p>7.26: <i>Industry Performance Standards</i></p> <p>7.51(3): <i>Enforcement Provisions and Appeals of Certain Orders</i></p>

⁸ <http://www.mass.gov/eea/agencies/massdep/air/reports/annual-ambient-air-quality-monitoring-network-plan.html#4>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
		<p>7.52: <i>Enforcement Provisions</i></p> <p>7.00: Appendix A: <i>Emissions Offsets and Nonattainment Review</i></p> <p>7.00: Appendix B: <i>Emission Banking, Trading, and Averaging</i></p> <p>7.00: Appendix C: <i>Operating Permit and Compliance Program</i></p> <p>PSD Note: Massachusetts does not have an approved Prevention of Significant Deterioration (PSD) program, but the deficiency is addressed by the Federal Implementation Plan (FIP)(40 CFR 52.1165) already in place under which MassDEP implements and enforces the Federal PSD program (40 CFR 51.52) through a delegation agreement MassDEP entered into with EPA on April 11, 2011 (76 FR 31241).</p>
110(a)(2)(D) Interstate transport	<p>“...contain adequate provisions - (i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will - (I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air</p>	<p>MassDEP’s programs adequately prohibit emissions from Massachusetts sources from contributing significantly to nonattainment or interfering with maintenance in other states, and meet all of the obligations mandated by CAA section 110(a)(2)(D). In addition to the authorities and programs described elsewhere in this document, this conclusion is supported by the following:</p> <p>110(a)(2)(D)(i)(I): Contribute to nonattainment (prong 1) and interfere with maintenance of the NAAQS (prong 2). See Good Neighbor Provision above.</p> <p>110(a)(2)(D)(i)(II): PSD (prong 3). See PSD Note. MassDEP’s NSR program (310 CMR 7.00: Appendix A) applies to sources of NO_x or VOCs regardless of the area’s attainment designation. Relevant provisions of the current version of this regulation were submitted for inclusion into the SIP on February 9, 2018.</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
	quality or to protect visibility, (ii) insuring compliance with the applicable; requirements of sections 126 and 115 (relating to interstate and international pollution abatement);”	<p>110(a)(2)(D)(i)(II): Visibility Protection (prong 4). MassDEP is addressing visibility through its Regional Haze SIP, which EPA approved on September 19, 2013.⁹</p> <p>110(a)(2)(D)(ii): Interstate and International Pollution Abatement. No source or sources within Massachusetts are the subject of an active finding under section 126 of the CAA with respect to the 2015 Ozone NAAQS, and there are no final findings under section 115 of the CAA against Massachusetts with respect to the 2015 ozone NAAQS.</p> <p>On March 9, 2018, MassDEP promulgated 310 CMR 7.34 Massachusetts NOx Ozone Season Program (MassNOx) to replace the previous Massachusetts Clean Air Interstate Rule (MassCAIR) summertime ozone season nitrogen oxide regional trading program with a state-only nitrogen oxide budget program that retains the emissions reductions from the previous MassCAIR program and to avoid backsliding from emission limits in the NOx SIP call (63 FR 57356). The MassNOx regulations have been submitted to EPA for approval into the SIP.</p>
110(a)(2)(E) Adequate resources	“...provide (i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate,	<p>M.G.L. c. 21A, s. 8. <i>Organization of department, powers; duties and functions.</i> Sets forth the powers and duties of MassDEP. Provides that in no event shall MassDEP authorize implementation of any plan, strategy, or technology less protective of the environment than required by any applicable federal statute.</p> <p>M.G.L. c. 111, s. 142A-O. Provides MassDEP with the authority to carry out the implementation plan.</p> <p>M.G.L. c. 111, s. 142E. <i>Air Pollution, preventing and controlling.</i> Provides</p>

⁹Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Regional Haze, Final Rule. 40 CFR Part 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS, Subpart W—Massachusetts. 78 FR 57487. September 19, 2013

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
	<p>local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 128, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;...”</p>	<p>that all departments, agencies, commissions, authorities and political subdivisions shall cooperate with MassDEP in preventing and controlling pollution of the air and shall be subject to rules and regulations adopted by MassDEP.</p> <p>MassDEP currently has adequate personnel and funding to implement the existing SIP. It expects to have adequate personnel and funding for implementation during the 5-year period following submission of this Certification and in future years.</p> <p>MassDEP is the sole authority implementing the SIP and does not rely on local or regional governments or agencies to carry out this responsibility. No State board or body approves air permits or enforcement orders. Heads of Executive Agencies with authority to approve air permits or enforcement orders are prohibited from involvement in matters in which their private interests conflict or appear to conflict with their public duties or responsibilities under M.G.L. c. 268A, The Conflict of Interest Law As Amended by M.G.L. c. 93, Acts of 2011.</p>
<p>110(a)(2)(F) Stationary source emissions monitoring and reporting</p>	<p>“...require, as may be prescribed by the Administrator - (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports</p>	<p>M.G.L. c. 111, s. 142A-D. Authorizes MassDEP to maintain and operate air sampling stations and devices, and to require, for the purpose of conducting a continuing inventory of air pollution sources of emissions, any person to register with MassDEP and provide emissions information.</p> <p>M.G.L. c. 111, s. 142B states: “Notwithstanding the provisions of any law to the contrary, any information, record, or particular part thereof, other than emission data submitted to the department pursuant to this section, shall, upon request, be kept confidential and not considered to be a public record when it is deemed by the commissioner that such information, record, or report relates to secret processes, methods of manufacture, or production or that such information, record, or report if made public would divulge a trade secret...”</p> <p>M.G.L. c. 66, s. 10. <i>Public inspection and copies of records; presumption;</i></p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
	shall be available at reasonable times for public inspection;...”	<p><i>exceptions.</i></p> <p>310 CMR:</p> <p>7.12: <i>Source Registration</i></p> <p>7.13: <i>Stack Testing</i></p> <p>7.14: <i>Monitoring Devices and Reports</i></p> <p>3.00. <i>Access to and Confidentiality of Department Records and Files.</i> Assures public access to MassDEP’s reports to the extent allowed by statute.</p>
110(a)(2)(G) Emergency power	“...provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;...”	<p>M.G.L. c.111, s. 2B-C. <i>Air Pollution Emergencies.</i> Authorize the Commissioner of MassDEP to determine that a condition or impending condition of the atmosphere in the Commonwealth or in any part thereof constitutes a present or reasonably imminent danger to health, and with the approval of the governor, declare an air pollution emergency and cause the fact to be made known to the public.</p> <p>M.G.L. c. 21A, s. 8. Organization of department, powers; duties and functions. Authorizes MassDEP to minimize and prevent damage or threats of damage to the environment.</p> <p>MassDEP has determined that M.G.L. c. 111, Section 2B and M.G.L. c. 21A, Section 8 together provide MassDEP with authority comparable to that in Clean Air Act (CAA) Section 303 regarding authority to restrain, and issue orders against, any person causing or contributing to air pollution that presents an imminent and substantial endangerment to public health or welfare, or the environment. M.G.L. c. 111, Section 2B authorizes the MassDEP Commissioner to “take whatever action is necessary to maintain and protect the public health,” and M.G.L. c. 21A, Section 8 extends that same authority to actions necessary to protect the environment. Therefore, M.G.L. c. 111, Section 2B and M.G.L. c. 21A, Section 8 together provide MassDEP with authority comparable to that in CAA Section 303, which</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
		<p>satisfies the SIP requirement in CAA Section 110(a)(2)(G).</p> <p>310 CMR 8.00: <i>Prevention and/or Abatement of Air Pollution Episodes and Air Pollution Incident Emergencies.</i> Prevents ambient air concentrations of pollutants subject to a NAAQS from reaching levels that would constitute significant harm to public health, consistent with the significant harm levels and procedures for state emergency episode plans established by EPA in 40 CFR Part 51.150. Procedures are consistent with the significant harm levels as indicated in 40 CFR Part 51.151.</p> <p>MassDEP submitted the most recent version of 310 CMR 8.00 for approval into the SIP on February 9, 2018.</p> <p>Air Quality Forecast. MassDEP forecasts concentrations of ozone statewide during the ozone season and provides alerts to the public when concentrations are expected to reach unhealthy levels using the EPA Air Quality Index.</p>
110(a)(2)(H) Future SIP revisions	<p>“...provide for revision of such plan - (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise</p>	<p>M.G.L. c. 111, s. 142A-O. Authorizes MassDEP to amend its air pollution control regulations as needed.</p> <p><u>Section 142A:</u> “The department of environmental protection, referred to in this section and in sections one hundred and forty-two B through one hundred and forty-two M, inclusive, as the department may from time to time adopt regulations, pursuant to this section and sections one hundred and forty-two B through one hundred and forty-two M, inclusive, to prevent pollution or contamination of the atmosphere.”</p> <p><u>Section 142D:</u> “From time to time the department shall review the ambient air quality standards and plan for implementation, maintenance and attainment of such standards adopted pursuant to this section and, after public hearings, shall amend such standards and implementation plan so as to minimize the economic cost of such standards and plan for</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
	comply with any additional requirements established under this Act;..."	implementation, provided, however, that such standards shall not be less than the minimum federal standards."
110(a)(2)(I) Nonattainment area plans	"... in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas)."	According to the 2013 EPA guidance: "the EPA does not expect infrastructure SIP submissions to address subsection 110(a)(2)(I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I part D, are subject to a different submission schedule than those for section 110 infrastructure elements and will be reviewed and acted upon through a separate process."
110(a)(2)(J) Consultation with government officials	<p>"...meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification)..."</p> <p>SEC. 121. ... the State shall provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal land manager having authority over Federal land to which the State plan applies, ... as part of such plan. Such process shall be in accordance with regulations promulgated by the Administrator to assure adequate consultation.</p>	<p>M.G.L. c. 21A, s. 8. <i>Organization of department, powers; duties and functions.</i></p> <p>M.G.L. c. 21A, s. 2. <i>Duties and functions; inter-agency information, services and plans; filing applications.</i> Authorizes MassDEP to "(18) advise, assist, and cooperate with such other departments, agencies, authorities, officials, and institutions, including state institutions of higher learning, as may be concerned with or involved in matters under their control or supervision."</p> <p>M.G.L. c. 111, s. 142D. <i>Air pollution control districts; standards and plans for implementation; establishment; periodic review; amendment; compliance with minimum federal standards.</i> Requires that MassDEP hold public hearings prior to revising its SIP.</p> <p>M.G.L. c. 111, s. 142E. <i>Air Pollution, preventing and controlling.</i> Provides that all departments, agencies, commissions, authorities and political subdivisions shall cooperate with MassDEP in preventing and controlling air pollution and be subject to rules and regulations adopted by MassDEP.</p> <p>M.G.L. c. 30A. <i>Massachusetts Administrative Procedures Act.</i> Requires</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
		<p>MassDEP to provide notice and public hearing to receive comments prior to adoption, amendment, or repeal of any regulations. Leaders of political subdivisions have the opportunity to review such notices and to participate in the public process required by Chapter 30A. MassDEP also must comply with EPA requirements related to public notice of SIP revisions, which puts local political subdivisions on notice of changes that may affect them.</p> <p>Executive Order No. 145. Requires MassDEP to provide notice to a Local Government Advisory Committee through the Massachusetts Municipal Association to solicit input on the impact of all proposed regulations on local government. This process allows for consultation with local government officials whose jurisdictions might be affected by SIP development, implementation, and enforcement activities.</p> <p>310 CMR 7.02: Provides for public comment on comprehensive plan approvals for stationary sources.</p> <p>310 CMR 7.08(2) and 7.19: Provide for public comment on emissions control plans.</p> <p>310 CMR 7.00: Appendix A: Provides for public comment on permits for major stationary sources.</p> <p>310 CMR 7.00 Appendix C: Provides for public notice and comment on draft Operating permits for major stationary sources by the public, EPA “and officials and agencies having jurisdiction over the location where the proposed construction would occur as follows: any other State or local air pollution control agencies, the chief executives of the city where the source would be located; any comprehensive regional land use planning agency, and any Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.”</p> <p>Massachusetts SIP Steering Committee. MassDEP consults with local</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
		<p>political subdivisions through the SIP Steering Committee which was established pursuant to the Clean Air Amendments of 1990. The Committee provides for consultation with government officials and other stakeholders interested in air quality issues and participation in the development of SIPs and air quality regulations. The following constituencies are represented on the Massachusetts SIP Steering Committee: local and regional governmental entities, business and industry, environmental groups, and academia.</p> <p>MassDEP Website. MassDEP maintains pages on the SIP, SIP Steering Committee, proposed air regulations, MassDEP's air quality control programs, and an online form for subscribing to regulation updates and related notifications including SIP revisions.</p> <p>Transportation Planning MOU. On September 1, 1977, MassDEP submitted to EPA a Memorandum of Understanding signed by the Massachusetts air and transportation agencies related to Section 109(a)(2)(J) requirements concerning the integration of air quality considerations into the transportation planning and development process. That MOU remains in effect.</p> <p>Delegation of Responsibility for SIP Planning. MassDEP has the responsibility for overall coordination of SIP planning and is the lead compliance and enforcement agency related to all matters incorporated into SIPs. These responsibilities were outlined in a July 9, 1993 letter from Governor William F. Weld to EPA Region 1. The letter designates MassDEP as the lead agency for stationary and area sources and the lead for programs related to motor vehicle fuels, vehicle inspection and maintenance, and ridesharing. The letter designates the Executive Office of Transportation and Construction (EOTC)¹⁰ as the lead agency in SIP planning for all transportation initiatives in consultation with Metropolitan Planning Organizations, which include representation of locally-elected officials</p>

¹⁰ The EOTC is now the Massachusetts Department of Transportation.

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
		<p>through membership on transit authority advisory boards and regional planning commissions. The letter states that MassDEP must approve all actions incorporated into the SIP. For enforcement of transportation initiatives, MassDEP may rely on other state and local agencies including the State Police, the Registry of Motor Vehicles, the Massachusetts Highway Department, and local law enforcement and public health officials.</p> <p>MassDEP does not have a SIP-approved state transportation conformity rule. However, consistent with section 176 of the CAA and 40 CRF 93 relative to conformity determinations, including provisions for consultation as required by section 176(c)(4) and 40 CFR 93.105, MassDEP and the Massachusetts Department of Transportation (MassDOT) consult with local, regional, and federal agencies to ensure that transportation plans, programs, projects, and federal actions are consistent with the SIP.</p> <p>MassDEP Interested Parties Mailing List. MassDEP maintains an emailing list of interested parties that it uses to provide notice of proposed regulations and changes to the SIP. Interested parties may add themselves to this list via an on-line form on MassDEP's website.</p> <p>Stakeholder Outreach. As a matter of policy, when adopting air regulations, MassDEP conducts stakeholder outreach, including meetings to elicit stakeholder feedback, before proposing regulations for formal public review and comment. Local entities affected by regulations or SIP revisions are provided opportunities to consult with MassDEP through the stakeholder outreach process.</p> <p>Consultation with Federal Land Managers (FLMs): MassDEP relies in part on the requirement for consultation with FLMs contained in the PSD FIP to meet this obligation (see PSD Note above).</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
110(a)(2)(J) Public notification	<p>“...meet the applicable requirements of ... section 127 (relating to public notification)...”</p> <p>“SEC. 127. (a) Each State plan shall contain measures which will be effective to notify the public during any calendar year on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded or was exceeded during any portion of the preceding calendar year to advise the public of the health hazards associated with such pollution, and to enhance public awareness of the measures which can be taken to prevent such standards from being exceeded and the ways in which the public can participate in regulatory and other efforts to improve air quality. Such measures may include the posting of warning signs on interstate highway access points to metropolitan areas or television, radio, or press notices or information.”</p>	<p>310 CMR 8.00: <i>Prevention and/or Abatement of Air Pollution Episodes and Air Pollution Incident Emergencies.</i> Specifies criteria for air pollution episodes and incidents and provides for notice to the public via news media and other means.</p> <p>Air Quality Forecast. Through its website MassDEP provides a daily air quality forecast to inform the public about concentrations in the ambient air of fine particulate matter and ozone (during the ozone season). It provides real-time air quality data for NAAQS pollutants and links to MassDEP’s annual air quality reports. MassDEP also participates in EPA’s AIRNOW program which notifies the public of air quality through EPA’s website, alerts, and press releases.</p>
110(a)(2)(J) PSD and visibility protection	<p>“...meet the applicable requirements of...part C (relating to prevention of significant deterioration of air quality and visibility protection)...”</p>	<p>See PSD Note above.</p> <p>The visibility provision of 110(a)(2)(J) does not need to be addressed pursuant to EPA’s 2013 ISIP guidance, which states that “there are no newly</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
		applicable visibility protection obligations pursuant to Element J after the promulgation of a new or revised NAAQS.”
110(a)(2)(K) Air quality modeling/data	“...provide for - (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator...”	<p>M.G.L. c. 111, s. 142B-D. In addition to broad authority to enact regulations controlling, preventing or abating air pollution, these statutes authorize MassDEP to maintain and operate air sampling stations and devices and to require any person to register with MassDEP and provide emissions information for the purpose of conducting a continuing inventory of air pollution sources of emissions.</p> <p>M.G.L. c. 66, s. 10. <i>Public inspection and copies of records; presumption; exceptions.</i></p> <p>310 CMR:</p> <p>7.02: <i>Plan Approval and Emission Limitations; 7.02(7), Mitigation of Air Pollution.</i> Allows MassDEP to require modeling analyses.</p> <p>7.12: <i>Source Registration.</i> Require registration of sources and emissions statements from facilities that have the potential to emit pollutants at prescribed thresholds.</p> <p>7.13: <i>Stack Testing.</i></p> <p>7.14: <i>Monitoring Devices and Reports.</i></p> <p>7.00: Appendix A: Emissions Offsets and Nonattainment Review. Requires the submittal of air quality modeling to demonstrate the impacts of new and modified major sources.</p> <p>310 CMR 3.00:. <i>Access to and Confidentiality of Department Records and Files.</i> Assures public access to MassDEP’s reports to the extent allowed by statute.</p> <p>Regional air modeling. MassDEP collaborates with the Ozone Transport Commission and the Mid-Atlantic/Northeast Visibility Union to perform large scale airshed modeling.</p>

Clean Air Act (CAA) Section	SIP requirement (Each such plan shall...)	Massachusetts Program
110(a)(2)(L) Permitting fees	<p>“...require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover - (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;...”</p>	<p>M.G.L. c.21A, s.18. <i>Permit application and compliance assurance fees; timely action schedules; regulations.</i> Authorizes MassDEP to promulgate regulations establishing fees.</p> <p>310 CMR 4.00:. <i>Timely Action Schedule and Fee Provisions.</i> Sets permit and compliance fees, including fees for Operating Permits (CAA Title V).</p>
110(a)(2)(M) Consultation/ Participation by affected local entities	<p>“...provide for consultation and participation by local political subdivisions affected by the plan...”</p>	<p>See discussion under (110)(a)(2)(J) - <i>Consultation with Government Officials</i> for a description of how the Massachusetts SIP provides for consultation and participation by local political subdivisions.</p>