

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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December 4, 2012

H. Curtis Spalding
Regional Administrator
U.S. Environmental Protection Agency - Region I
5 Post Office Square
Boston, MA 02114-2023

Subject: 2008 Lead NAAQS Infrastructure SIP Certification

Dear Mr. ~~Spalding~~ ^{Curt}:

The Massachusetts Department of Environmental Protection (MassDEP) is submitting a *Certification of State Implementation Plan (SIP) Adequacy Regarding Clean Air Act Sections 110(a)(1) and (2)* (the "Lead SIP Certification") with respect to the 2008 National Ambient Air Quality Standard (NAAQS) for lead. The Lead SIP Certification demonstrates the ability and authority of MassDEP to implement, maintain and enforce the revised lead NAAQS promulgated by EPA on October 15, 2008.

MassDEP submitted a similar certification for the 1997 PM_{2.5} NAAQS in April 2008 and for the 2006 PM_{2.5} NAAQS in September 2009. The Lead SIP Certification relies on the same statutes, regulations and other documentation relied upon in the PM_{2.5} certifications. On October 16, 2012, EPA conditionally approved MassDEP's 1997 and 2008 PM_{2.5} certifications pending MassDEP's submission, by September 2013, of additional documentation to fulfill specific requirements of section 110(a)(2)(A).

The additional requirements that EPA identified with respect to the PM_{2.5} certifications concerned: 1) updating Massachusetts regulations to be consistent with the level of the revised NAAQS; and 2) submission of the Massachusetts Conflict of Interest Law as part of the SIP. EPA's June 21, 2012 comments on the proposed Lead SIP Certification indicate that the same requirements must be addressed in order to avoid a disapproval of the final Lead SIP Certification.

MassDEP commits to submit to EPA, prior to September 2013, for inclusion in the Massachusetts SIP, M.G.L. c. 268A, the Conflict of Interest Law, as Amended by c.93, Acts of

2011, in order to satisfy Clean Air Act (CAA) Section 110(a)(2)(E)(ii), which references CAA section 128, concerning SIP requirements with respect to conflicts of interest.

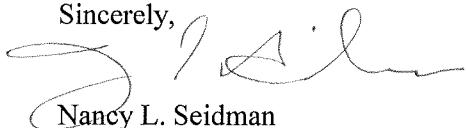
With respect to NAAQS updates, MassDEP commits to propose revisions to 310 CMR 7.00, Air Pollution Control, to include the following definition:

National Ambient Air Quality Standards (NAAQS) or Federal Ambient Air Quality Standards means the ambient air quality standards for the criteria pollutants¹ adopted by the Administrator² pursuant to the Clean Air Act § 109 (42 U.S.C. §7410) and codified at 40 CFR Part 50 as in effect [date of promulgation].

When promulgated, we will submit this regulatory revision for approval into the Massachusetts SIP.

I trust these commitments will allow EPA to issue a conditional approval of the enclosed Massachusetts Lead SIP certification. If you have questions or need additional information, please contact Eileen Hiney, Air Planning Branch Chief.

Sincerely,



Nancy L. Seidman
Assistant Commissioner
Bureau of Waste Prevention

Enclosures

Cc (electronic): Carl Dierker, EPA-Region 1
Anne Arnold, EPA-Region 1

¹ The term "criteria pollutants" is defined in 310 CMR 7.00.

² The term "Administrator" is defined in 310 CMR 7.00.