



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Secretary

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Commissioner

June 6, 2014

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

Subject: Infrastructure SIPs: 2008 Ozone, 2010 Nitrogen Dioxide, and 2010 Sulfur Dioxide NAAQS. Conflict of Interest Law

Dear Mr. Spalding:

The Massachusetts Department of Environmental Protection (MassDEP) is submitting for your approval as part of the Massachusetts State Implementation Plan three *Certifications of State Implementation Plan (SIP) Adequacy Regarding Clean Air Act Sections 110(a)(1) and (2)* ("Infrastructure SIP Certification") to demonstrate the ability of MassDEP to implement, maintain and enforce the following:

- The ozone National Ambient Air Quality Standard (NAAQS) promulgated by EPA on March 12, 2008 (the 2008 ozone NAAQS);
- The nitrogen dioxide (NO₂) NAAQS promulgated by EPA on January 22, 2010 (the 2010 NO₂ NAAQS);
- The sulfur dioxide (SO₂) NAAQS promulgated by EPA on June 2, 2010.

MassDEP previously submitted Infrastructure SIP Certifications related to other NAAQS revisions. On October 16, 2012, EPA conditionally approved MassDEP's 1997 and 2006 PM_{2.5} Infrastructure SIP Certifications contingent on our taking the following actions:

- 1) revising the definition, in 310 CMR 7.00, of the term National Ambient Air Quality Standards (NAAQS) to include a calendar date to make clear to which NAAQS version MassDEP's regulations refer; and
- 2) Submitting for inclusion in the Massachusetts SIP, the Massachusetts Conflict of Interest Law, M.G.L. c. 268A, as Amended by c.93, Acts of 2011.

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With respect to the NAAQS definition, MassDEP proposed regulatory revisions to 310 CMR 7.00 in 2012. We expect to finalize the revisions within the next few months and will submit the final regulation for inclusion in the Massachusetts SIP as soon as it is promulgated. We anticipate that this commitment will allow EPA to issue a conditional approval of the enclosed Massachusetts Infrastructure SIP Certifications for ozone, NO₂ and SO₂ pending submission of the final regulatory revision.

With respect to the Conflict of Interest Law, M.G.L. c. 268A, as Amended by c.93, Acts of 2011. MassDEP is submitting it for inclusion in the Massachusetts SIP in order to satisfy CAA Section 110(a)(2)(E)(ii), which establishes SIP requirements with respect to conflicts of interest.

We also are submitting copies of the following statutes and executive order but are not requesting that they be included in the Massachusetts SIP:

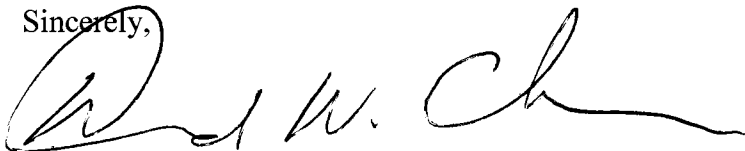
- M.G.L. c. 111, s. 142 A-O. *Massachusetts Pollution Control Laws*, as amended in 2009 and 2010.
- M.G.L. c. 111, s. 2C. *Pollution violations; orders of department of environmental protection*.
- M.G.L. c. 21A, s. 16. *Civil Administrative Penalties*.
- Executive Order No. 145, *Consultation with Cities and Towns on Administrative Mandates*

Finally, we are enclosing:

- A hearing officer's certification related to the public review process associated with the three Infrastructure SIP Certifications and the Conflict of Interest Law.
- MassDEP's Response to Comments received on the proposed Infrastructure SIP Certifications.

If you have questions or need additional information concerning this submission, please contact Christine Kirby, Director, Air and Climate Programs.

Sincerely,



David W. Cash
Commissioner

Enclosures

cc (electronic): Anne Arnold, EPA Region 1