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Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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DRAFT
Certification of Adequacy of the
Massachusetts State Implementation Plan
with the Emission Statement Requirement of
Clean Air Act Section 182(a)(3)(B) for the
2008 Ozone National Ambient Air Quality Standards

December 14, 2017

This is the Massachusetts Department of Environmental Protection's (MassDEP) certification that its existing Emission Statement program at 310 CMR 7.12 (entitled "Source Registration") satisfies the requirements of Section 182(a)(3)(B) of the Clean Air Act (CAA) for the 2008 ozone National Ambient Air Quality Standards (NAAQS). This certification will be submitted to EPA as a revision to the Massachusetts State Implementation Plan (SIP).

CAA Section 182(a)(3)(B) requires a state to implement an emission statement program for any ozone nonattainment area that is classified as marginal or higher. In 2012, the United States Environmental Protection Agency (EPA) designated Dukes County, Massachusetts as marginal non-attainment for the 2008 ozone NAAQS. Therefore, Massachusetts must certify the adequacy of its emission statement program with respect to the 2008 ozone NAAQS.

CAA Section 182(a)(3)(B) applies to stationary sources that emit nitrogen oxides (NO_x) or volatile organic compounds (VOC) in an ozone nonattainment area. The owner of each stationary source must provide a statement each year of its NO_x and VOC emissions and certify its accuracy. A state may waive the emission statement requirement for categories of sources with actual emissions of NO_x or VOC below 25 tons per year if the state provides an emissions inventory to EPA for the categories of sources using EPA emissions factors.

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

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The preamble of EPA's implementation rule for the 2008 ozone NAAQS¹ states that

“If an area has a previously approved emission statement rule in force for the 1997 ozone NAAQS or the 1-hour ozone NAAQS that covers all portions of the nonattainment area for the 2008 ozone NAAQS, such rule should be sufficient for purposes of the emissions statement requirement for the 2008 ozone NAAQS. The state should review the existing rule to ensure it is adequate and, if it is, may rely on it to meet the emission statement requirement for the 2008 ozone NAAQS.”

Massachusetts was designated as nonattainment statewide for the two previous ozone NAAQS. MassDEP submitted an initial emissions statement on July 15, 1994, which EPA approved on May 20, 1996 (61 FR 11556). The current version of 310 CMR 7.12 was approved by EPA into the Massachusetts SIP on May 27, 2014 (79 FR 22774). MassDEP also certified 310 CMR 7.12 to EPA as part of the Massachusetts infrastructure SIP for the 2008 ozone NAAQS, which EPA approved on January 20, 2017 (81 FR 93627).

MassDEP has reviewed its existing regulations, which apply statewide, and has determined that the regulations continue to meet the requirements of CAA Section 182(a)(3)(B). MassDEP's emissions statement program requires each owner or operator of a major source of NO_x or VOC to submit an annual statement of actual emissions of NO_x and VOC. It also requires each owner or operator of a stationary source of air emissions that emits NO_x or VOC in an amount of 25 tons or more to submit an annual statement of the actual emissions of NO_x and VOC.

Massachusetts waives the emission statement requirement for small stationary sources not subject to the Source Registration regulations and instead submits inventories to EPA based on EPA methods and emission factors.

¹ ENVIRONMENTAL PROTECTION AGENCY 40 CFR Parts 50, 51, 52, 70, and 71 Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements Final rule. March 6, 2015 (80 FR 12264). <https://www.gpo.gov/fdsys/pkg/FR-2015-03-06/pdf/2015-04012.pdf>