

Massachusetts; Carbon Monoxide Redesignation to Attainment, Maintenance Plan , and Emissions Inventory for the Cities of Lowell, Springfield, Waltham, and Worcester

Federal Register Dates:

February 19, 2002 Notice of Proposed Rulemaking, 67 FR 7323

February 19, 2002 Direct Final Rulemaking, 67 FR 7272

EPA Approval Date: The direct final rule approving the redesignation of the Lowell, Springfield, Waltham and Worcester Carbon Monoxide (CO) nonattainment areas from nonattainment to attainment, associated limited maintenance plans, and Carbon monoxide emission inventories, was effective on April 22, 2002.

State Submittal:

On May 25, 2001, the Massachusetts Department of Environmental Protection submitted a revision to the Carbon Monoxide State Implementation Plan for the 1996 base year emission inventory. The inventory was submitted by the State of Massachusetts to satisfy Federal requirements under section 172(c) of the Clean Air Act as amended in 1990, as a revision to the Carbon Monoxide State Implementation Plan.

On May 25, 2001, the Massachusetts Department of Environmental Protection (MADEP) submitted a request to redesignate the cities of Lowell, Springfield, Waltham, and Worcester from nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a 1996 emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide National Ambient Air Quality Standard (NAAQS) with projected emission inventories to the year 2012 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If an area records an exceedance or violation of the carbon monoxide NAAQS (which must be confirmed by the MADEP), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

Massachusetts submitted evidence that the MADEP held public hearings on November 15 and 16, 2000 for the carbon monoxide redesignation request and related components.

Background/Prior Action:

The cities of Lowell, Springfield, Waltham, and Worcester were designated nonattainment for carbon monoxide on March 3, 1978 (43 FR 9003). EPA approved the Massachusetts 1982 Carbon Monoxide SIP on November 9, 1983 (48 FR 51480). The Federal Motor Vehicle Control Program and the implementation of an Inspection and Maintenance program for vehicles were the measures that brought the carbon monoxide levels into attainment in the cities of Lowell, Springfield, Waltham, and Worcester.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted, (Public Law No. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Pursuant to section 107(d)(1)(C) of the CAA, the cities of Lowell, Springfield, Waltham, and Worcester retained their designations of nonattainment for carbon monoxide by operation of law. The cities of Lowell, Springfield, Waltham, and Worcester were designated nonattainment on November 6, 1991 (56 FR 56694). Simultaneously, EPA designated these areas as “not classified” since ambient monitoring data showed that these areas were attaining the carbon monoxide NAAQS. [Waltham did not have a monitor in place in 1991. EPA relied on a conservative surrogate CO monitor as part of our basis for concluding that Waltham is attaining the carbon monoxide NAAQS.]

Since these areas were not classified under the CAA amendments of 1990, section 172 of the CAA sets forth the applicable requirements for these nonattainment areas. The 1990 CAA requires such areas to achieve the standard by November 15, 1995, and Massachusetts fulfilled this requirement in the cities of Lowell, Springfield, Waltham, and Worcester.

Summary:

EPA approved by direct final rule, the State of Massachusetts’ request to redesignate the Cities of Lowell, Springfield, Waltham, and Worcester to attainment for carbon monoxide (CO), along with its maintenance plan and emissions inventory, and incorporating it into the Massachusetts SIP.

Transportation Conformity Budgets:

As of April 22, 2002, these four communities were re-designate attainment for carbon monoxide with EPA-approved limited maintenance plans. Emissions budgets in limited maintenance plan areas may be treated as essentially not constraining for the length of the initial maintenance period because it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the carbon monoxide National Ambient Air Quality Standard would result. Therefore, in areas with approved limited maintenance plans, Federal actions requiring conformity determinations under the transportation conformity rule are considered to satisfy the “budget test.”

Identification by rule name and/or number/citation of the regulations that have been approved by EPA as part of the SIP Plan:

No new state regulations were approved into the Massachusetts State Implementation Plan as part of the Cities of Lowell, Springfield, Waltham, and Worcester Carbon Monoxide Redesignation to Attainment, associated Maintenance Plan, and 1996 Carbon Monoxide Baseline Emissions Inventory.

Other Commitments:

Massachusetts has developed a three stage contingency plan to be implemented if an exceedance of the carbon monoxide NAAQS occurs in any of the four nonattainment areas. The first stage is to investigate the traffic and other local conditions near the exceedance and to develop a local remedy. If this is found to be infeasible or ineffective, Massachusetts will implement the second stage. Stage two consists of the acknowledgment of the enhanced

inspection and maintenance program implemented in October 1998. However, stage two will only be applicable in 2001. After the year 2001, the third stage contingency measure will be acknowledged, which is the California low emission vehicle program (CALEV 1) implemented for model year 1994. In addition, CALEV 2 will achieve further reductions beginning in 2004. This contingency measure will become effective if stage one is ineffective and if it is after 2001. Massachusetts is relying on contingency measures that will go into effect under MADEP's approved ozone SIP.

On August 23, 2001, MADEP sent a letter to EPA acknowledging an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act.

If an area records an exceedance or violation of the carbon monoxide NAAQS (which must be confirmed by the MADEP), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan.

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