

Maine; Redesignation to Attainment and PM₁₀ Contingency Measures for Presque Isle

Federal Register Dates:

August 30, 1995 Notice of Proposed Rulemaking, 60 FR 45056
August 30, 1995 Direct Final Rulemaking, 60 FR 45113

EPA Approval Date: The direct final rule approving the redesignation of the Presque Isle PM₁₀ (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers), nonattainment area from nonattainment to attainment, was effective on October 30, 1995.

State Submittal: On June 1, 1994, the Maine Department of Environmental Protection (Maine DEP) submitted a SIP revision for Chapter 114 "Classification of Air Quality Control Regions" and a request to redesignate the Presque Isle area to attainment for PM₁₀, accompanied by contingency and maintenance plans. On July 22, 1994, EPA-New England determined this submittal was complete and acceptable for processing. The completeness determination stopped the associated sanctions clock for failure to submit contingency measures. EPA also noted that Maine's contingency plan could satisfy both the contingency measure requirement for initial moderate PM₁₀ nonattainment areas under Sec. 172(c)(9) and the contingency provisions required for redesignation under Sec. 175A(d).

Background/Prior Action: On January 12, 1995, EPA approved Maine's PM₁₀ Attainment Plan (60 FR 2885) for Presque Isle. However, on January 26, 1994, EPA had notified Maine of "a finding of failure to submit" contingency measures for PM₁₀, which were due by November 15, 1993. According to EPA guidance titled "Contingency Measure Due Date for Initial PM₁₀ Moderate Nonattainment Areas" (February 25, 1992 memo from Calcagni), states were not obligated to submit contingency measures until EPA established a due date for their submittal. On April 16, 1992, EPA gave States until November 15, 1993 to submit required contingency measures. (See General Preamble at 57 FR 13543 footnote 26.) Although the due date for contingency measures had passed by the time EPA proposed approval of Maine's PM₁₀ Attainment Plan, EPA fully approved of this SIP revision because it meets all requirements applicable as of the time of its adoption by Maine and submittal to EPA. Furthermore, full approval did not relieve Maine from the obligation to submit a separate SIP revision to meet contingency measure requirements. (See 59 FR 24096 (May 10, 1994).)

Summary: EPA approved by direct final rule, the State of Maine's request to redesignate the Presque Isle area to attainment for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀), along with a maintenance demonstration and contingency plans which outline Maine's control strategy for maintenance of the PM₁₀ national ambient air quality standards (NAAQS).

Transportation Conformity Budgets:

The SIP revision did not create motor vehicle emissions budgets for conformity determination purposes.

On February 7, 1994, Linda M. Murphy, then Director of the Air, Pesticide and Toxics

Management Division of EPA Region 1, stated in a letter to Paul Lariviere, then Division Administrator of Federal Highway Administrations Maine Division, that “In the case of the Maine's Presque Isle PM₁₀ nonattainment area, transportation-related precursors of PM₁₀ have not been identified as a significant contributor to the PM₁₀ nonattainment problem. Furthermore, Maine's PM₁₀ attainment plan, currently being evaluated by EPA, does not establish a budget for transportation-related PM₁₀ precursors as part of the state's attainment strategy. Therefore, in accordance with Section 51.394(b)(3)(iii)(A) and (B) of EPA's Final Transportation Conformity Rule, transportation-related PM₁₀ precursors do not need to be analyzed in the air quality analyses prepared for conformity.” EPA then went on to say, “With respect to localized PM₁₀ quantitative hot spot analyses, the final transportation conformity rule postpones PM₁₀ hot spot analysis until EPA releases PM₁₀ modeling guidance and announces in the Federal Register that these requirements are in effect. (Please see Section 51.454(d).)”

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

Maine State Regulation “Chapter 114” Classification of Air Quality Control Regions was revised to remove Presque Isle as nonattainment for PM₁₀. This revision was adopted by the State of Maine on April 27, 1994 and approved by EPA into the SIP on August 30, 1995, (60 FR 45060).

Other Commitments:

Contingency Provisions – Part B of Maine DEP's revised Memorandum of Understanding (MOU) with the City of Presque Isle was incorporated into the Maine SIP, thereby supplementing existing control plan for Presque Isle with two contingency levels. Maine had developed this MOU to meet the requirements of Secs. 175A(d) and 172(c)(9).

The City of Presque Isle will use salt and liquid calcium chloride as the main source of winter anti-skid control within a ½ mile radius of the Northeastland Hotel. As climatic conditions develop where the use of salt and liquid calcium chloride is ineffective, the City will use the harder, low percent fines material, since liquid calcium chloride becomes ineffective at about -20 °F. The contingency plan will be implemented as soon as Maine DEP notifies the City that 24-hour PM₁₀ concentrations of 130 µg/m³ have been measured at the maximum impact site. Maine DEP will know within 7 days of the occurrence of the concentration and will notify the City immediately.

The City of Presque Isle will expand the use of salt and liquid calcium chloride to an additional ¼ mile radius on roads which are considered major arteries to the City as soon as Maine DEP notifies the City that 24-hour PM₁₀ concentrations of 140 µg/m³ have been measured at the maximum impact site.

Maine has proposed these contingency measures that Presque Isle has implemented voluntarily and which have resulted in a reduction of measured PM₁₀ concentrations. Substitution of the liquid calcium chloride for a sand/salt mix has achieved lower silt loadings than the current MOU requires. Voluntary implementation of this contingency plan does not preclude its use in a contingency plan.

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