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Air Quality Conformity Determination



2016 Regional Transportation Plan

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The 1990 Clean Air Act Amendments (CAAA) require Metropolitan Planning Organizations within ozone nonattainment areas to perform air quality conformity determinations prior to the approval of Regional Transportation Plans (RTPs) and Transportation Improvement Programs (TIPs). Conformity is a way to ensure that federal funding and approval goes to those transportation activities that are consistent with air quality goals. Since most all of Massachusetts (with limited exceptions) was designated on May 21, 2012 by the United States Environmental Protection Agency as “unclassifiable/attainment” for the latest ozone standard, a conformity determination for the Franklin Region Regional Transportation Plan is not required. Further details and background information are provided below:

A nonattainment area is one that the U.S. Environmental Protection Agency (EPA) has designated as not meeting certain air quality standards. A maintenance area is a nonattainment area that now meets the standards and has been re-designated as maintaining the standard. A conformity determination is a demonstration that plans, programs, and projects are consistent with the State Implementation Plan (SIP) for attaining the air quality standards. The CAAA requirement to perform a conformity determination ensures that federal approval and funding go to transportation activities that are consistent with air quality goals. The entire Commonwealth of Massachusetts was previously classified as nonattainment for ozone, and was divided into two nonattainment areas. The Eastern Massachusetts ozone nonattainment area included Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties. Berkshire, Franklin, Hampden, and Hampshire counties comprised the Western Massachusetts ozone nonattainment area. With these classifications, the 1990 Clean Air Act Amendments (CAAA) required the Commonwealth to reduce its emissions of volatile organic compounds (VOCs) and nitrogen oxides (NOx), the two major precursors to ozone formation to achieve attainment of the ozone standard.

The 1970 Clean Air Act defined a one-hour national ambient air quality standard (NAAQS) for ground-level ozone. The 1990 CAAA further classified degrees of nonattainment of the one-hour standard based on the severity of the monitored levels of the pollutant. The entire commonwealth of Massachusetts was classified as being in serious nonattainment for the one-hour ozone standard, with a required attainment date of 1999. The attainment date was later

extended, first to 2003 and a second time to 2007.

In 1997, the EPA proposed a new, eight-hour ozone standard that replaced the one-hour standard, effective June 15, 2005. Scientific information had shown that ozone could affect human health at lower levels, and over longer exposure times than one hour. The new standard was challenged in court, and after a lengthy legal battle, the courts upheld it. It was finalized in June 2004. The eight-hour standard is 0.08 parts per million, averaged over eight hours and not to be exceeded more than once per year. Nonattainment areas were again further classified based on the severity of the eight-hour values. Massachusetts as a whole was classified as being in moderate nonattainment for the eight-hour standard, and was separated into two nonattainment areas—Eastern Massachusetts and Western Massachusetts.

In March 2008, EPA published revisions to the eight-hour ozone NAAQS establishing a level of 0.075 ppm, (March 27, 2008; 73 FR 16483). In 2009, EPA announced it would reconsider this standard because it fell outside of the range recommended by the Clean Air Scientific Advisory Committee. However, EPA did not take final action on the reconsideration so the standard would remain at 0.075 ppm.

After reviewing data from Massachusetts monitoring stations, EPA sent a letter on December 16, 2011 proposing that only Dukes County would be designated as nonattainment for the new proposed 0.075 ozone standard. Massachusetts concurred with these findings.

On May 21, 2012, (77 FR 30088), the final rule was published in the Federal Register, defining the 2008 NAAQS at 0.075 ppm, the standard that was promulgated in March 2008. A second rule published on May 21, 2012 (77 FR 30160), revoked the 1997 ozone NAAQS to occur one year after the July 20, 2012 effective date of the 2008 NAAQS.

Also on May 21, 2012, the air quality designations areas for the 2008 NAAQS were published in the Federal Register. In this Federal Register, the only area in Massachusetts that was designated as nonattainment is Dukes County. All other Massachusetts counties were classified as unclassifiable/attainment.

Therefore, conformity for ozone in the Franklin TPO was required until July 20, 2013 for only the 1997 ozone standard. Since this Regional Transportation Plan will complete its collective development, review, and approval by the Federal Highway Administration after July 20, 2013 – when this standard was revoked, and since the latest area designations do not require conformity under the current 2008 standard, the TPO does not need to perform a conformity

determination for ozone on the program.