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Air Quality Conformity Determination



2020 Regional Transportation Plan

14 Air Quality Conformity Determination

This section documents the latest air quality conformity determination for the 1997 ozone National Ambient Air Quality Standards (NAAQS) in the Franklin County Transportation Planning Organization (FCTPO) Region. It covers the applicable conformity requirements according to the latest regulations, regional designation status, legal considerations, and federal guidance. Further details and background information are provided below:

Introduction

The 1990 Clean Air Act Amendments (CAAA) require metropolitan planning organizations within nonattainment and maintenance areas to perform air quality conformity determinations prior to the approval of Long-Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs), and at such other times as required by regulation. Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones (42 U.S.C. 7506(c)(1)). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP (40 CFR Parts 51.390 and 93).

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.

Legislative and Regulatory Background

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 (NO_x), 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 designated as attainment/unclassified for the 2008 standard. On March 6, 2015, (80 FR 12264, effective April 6, 2015) EPA published the Final Rulemaking, "Implementation of the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone: State Implementation Plan Requirements; Final Rule." This rulemaking confirmed the removal of transportation conformity to the 1997 Ozone NAAQS.

However, on February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* ("South Coast II," 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. On November 29, 2018, EPA issued *Transportation Conformity Guidance for the South Coast II Court Decision* (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas. According to the guidance, both Eastern and Western Massachusetts, along with several other areas across the country, are now defined as "orphan nonattainment areas" – areas that were designated as nonattainment for the 1997 ozone NAAQS at the time of its revocation (80 FR 12264, March 6, 2015) and were designated attainment for the 2008 ozone NAAQS in EPA's original designations rule for this NAAQS (77 FR 30160, May 21, 2012).

Current Conformity Determination

This section documents recent progress made by MassDOT and the MPOs in working to help achieve greenhouse gas (GHG) reduction goals as outlined in state regulations applicable to Massachusetts. This "progress report" estimates future carbon dioxide (CO₂) emissions from the transportation sector as part of meeting the GHG reduction goals established through the Commonwealth's Global Warming Solutions Act (GWSA).

GWSA Transportation Status: Future Carbon Dioxide Emissions Reductions

The Global Warming Solutions Act of 2008 requires statewide reductions in greenhouse gas (CO₂) emissions of 25 percent below 1990 levels by the year 2020, and 80 percent below 1990 levels by 2050.

The Commonwealth's thirteen metropolitan planning organizations (MPOs) are involved in helping to achieve greenhouse gas reductions mandated under the GWSA. The MPOs work closely with the Massachusetts Department of Transportation (MassDOT) and other involved agencies to develop common transportation goals, policies, and projects that would help to reduce GHG emission levels statewide, and meet the specific requirements of the GWSA regulation – *Global Warming Solutions Act Requirements for the Transportation Sector and the Massachusetts Department of Transportation (310 CMR 60.05)*. The purpose of this regulation is to assist the Commonwealth in achieving their adopted GHG emission reduction goals by:

- Requiring each MPO to evaluate and report the aggregate GHG emissions and impacts of both its Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP).
- Requiring each MPO, in consultation with MassDOT, to develop and utilize procedures to prioritize and select projects in its RTP and TIP based on factors that include GHG emissions and impacts.

Meeting the requirements of this regulation is being achieved through the transportation goals and policies contained in the 2020 RTPs, the major projects planned in the RTPs, and the mix of new transportation projects that are programmed and implemented through the TIPs.

The GHG evaluation and reporting processes enable the MPOs and MassDOT to identify the anticipated GHG impacts of the planned and programmed projects, and also to use GHG impacts as a criterion in prioritizing transportation projects. This approach is consistent with the greenhouse gas reduction policies of promoting healthy transportation modes through prioritizing and programming an appropriate balance of roadway, transit, bicycle and pedestrian investments; as well as supporting smart growth development patterns through the creation of a balanced multi-modal transportation system. All of the MPOs and MassDOT are working toward reducing greenhouse gases with “sustainable” transportation plans, actions, and strategies that include (but are not limited to):

- Reducing emissions from construction and operations
- Using more fuel-efficient fleets

- Implementing and expanding travel demand management programs
- Encouraging eco-driving
- Providing mitigation for development projects
- Improving pedestrian, bicycle, and public transit infrastructure and operations (healthy transportation)
- Investing in higher density, mixed use, and transit-oriented developments (smart growth)

Regional GHG Evaluation and Reporting in RTPs

MassDOT coordinated with MPOs and regional planning agency (RPA) staffs on the implementation of GHG evaluation and reporting in development of each MPO's 2012 and 2016 RTPs. This collaboration has continued for the MPOs' 2020 RTPs and 2020-24 TIPs. Working together, MassDOT and the MPOs have attained the following milestones:

- Modeling and long-range statewide projections for GHG emissions resulting from the transportation sector, as a supplement to the 2020 RTPs. Using the newly updated statewide travel demand model, GHG emissions have been projected for 2020 no-build (base) and build (action) conditions, and for 2040 no-build (base) and build (action) conditions (see the chart in this section for the results of this modeling).
- All of the MPOs have addressed GHG emission reduction projections in their RTPs (including the statewide estimates in the chart that follows), along with a discussion of climate change and a statement of MPO support for reducing GHG emissions from transportation as a regional goal.

MassDOT's statewide estimates of CO₂ emissions resulting from the collective list of all recommended projects in all of the Massachusetts RTPs combined are presented in the table below. Emissions estimates incorporate the latest planning assumptions including updated socio-economic projections consistent with the 2020 RTPs:

Massachusetts Statewide Aggregate CO₂ Estimated Emissions Impacts from Transportation (all emissions in tons per summer day)

Year	CO ₂ Action Emissions	CO ₂ Base Emissions	Difference (Action – Base)
2016	86,035.6	86,035.6	n/a
2020	75,675.6	75,865.9	-190.3
2040	54,484.2	54,702.2	-218.0

This analysis includes only those larger, regionally significant projects that are included in the statewide travel demand model. Many other types of projects that cannot be accounted for in the model (such as bicycle and pedestrian facilities, shuttle services, intersection improvements, etc.), are covered in each MPO region’s RTP with either “qualitative” assessments of likely CO₂ change, or actual quantitative estimates listed for each project.

As shown above, collectively, all the projects in the RTPs in the 2020 Action scenario provide a statewide reduction of over 190 tons of CO₂ per day compared to the base case. The 2040 Action scenario estimates a reduction of 218 tons per day of CO₂ emissions compared to the base case.

These results demonstrate that the transportation sector is expected to continue making positive progress in contributing to the achievement of GHG reduction targets consistent with the requirements of the GWSA. MassDOT and the MPOs will continue to advocate for steps needed to accomplish the Commonwealth’s long-term goals for greenhouse gas reductions.

2020 Franklin County Regional Transportation Plan

310 CMR 60.05: Global Warming Solutions Act Requirements for the Transportation Sector and the Massachusetts Department of Transportation

Self-Certification Compliance Statement for Metropolitan Planning Organizations

This will certify that the 2020 Regional Transportation Plan for Franklin County Transportation Planning Organization is in compliance with all applicable requirements in the State Regulation 310 CMR 60.05: Global Warming Solutions Act Requirements for the Transportation Sector and the Massachusetts Department of Transportation. The regulation requires the Metropolitan Planning Organizations (MPOs) to:

1. 310 CMR 60.05, 3(b)(1)(a): Evaluate and track the GHG emissions and impacts of RTPs and TIPs;
2. 310 CMR 60.05, 3(b)(1)(b): In consultation with MassDOT, develop and utilize procedures to prioritize and select projects in RTPs, TIPs, and STIPs based on factors that include GHG emissions and impacts;
3. 310 CMR 60.05, 3(b)(1)(c): Quantify net GHG emissions and impacts resulting from the projects in RTPs and TIPs and have made efforts to minimize GHG emissions and impacts;
4. 310 CMR 60.05, 3(b)(1)(d): Determine in consultation with the RPA that the appropriate planning assumptions used for GHG emissions modeling are consistent with local land use policies, or that local authorities have made documented and credible commitments to establishing such consistency;
5. 310 CMR 60.05, 4(a)(2)(a): Develop RTPs and TIPs;
6. 310 CMR 60.05, 4(a)(2)(b): Ensure that RPAs are using appropriate planning assumptions;
7. 310 CMR 60.05, 4(a)(2)(c): Perform regional GHG emissions analysis of RTPs and TIPs;
8. 310 CMR 60.05, 4(a)(2)(d): Calculate GHG emissions for RTPs and TIPs;
9. 310 CMR 60.05, 4(a)(2)(e): Develop public consultation procedures for GHG reporting and related GWSA requirements consistent with current and approved regional public participation plans;
10. 310 CMR 60.05, 4(c): Prior to making final endorsements on the RTPs, TIPs, STIPs, and projects included in these plans, MassDOT and the MPOs shall include the GHG Assessment and information on related GWSA activities in RTPs, TIPs, and STIPs and provide an opportunity for public review and comment on the RTPs, TIPs, and STIPs.
11. 310 CMR 60.05, 6(a): After a final GHG assessment has been made by MassDOT and the MPOs, MassDOT and the MPOs shall submit MPO-endorsed RTPs, TIPs or projects within 30 days of endorsement to the Department for review of the GHG assessment.


Stephanie Pollack, Secretary and CEO
MassDOT

7-23-19
Date


Jonathan Gulliver, Highway Administrator
MassDOT Highway Division

7/23/19
Date

(signatures continued on next sheet)

Kevin Fox

Kevin Fox, Chair
FRCOG Executive Committee

7/23/19

Date

Lance Fritz, Chair
Franklin Regional Transit Authority

Date

William Martin, Mayor
City of Greenfield

Date

Bill Perlman
Regionally Elected Representative to the FRCOG
Executive Committee

Date

Robert Dean

Robert Dean
West County Sub-Regional Appointment

7-23-19

Date

Vacant
Central County Sub-Regional Appointment

Date

Jane Peirce
East County Sub-Regional Appointment

Date