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November 30, 2011

Richard A. Davey  
Secretary and Chief Executive Officer  
Massachusetts Department of Transportation  
10 Park Plaza, Suite 3170  
Boston, MA 02116

**Re: Massachusetts Air Quality Conformity Determinations  
FY 2012-2035 Regional Transportation Plans  
FY 2012-2015 Transportation Improvement Programs**

Dear Secretary Davey:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the air quality conformity reviews of the Regional Transportation Plans (RTPs) and the Transportation Improvement Programs (TIPs) for the ten Metropolitan Planning Organizations (MPOs) and the three non-metropolitan regions in Massachusetts. The review was conducted in accordance with the Statewide and Metropolitan Transportation Planning and Programming Regulations, and the Transportation Conformity Regulations.

Using the latest planning assumptions and emissions model as required in 40 CFR 93.110 and 93.111, the Massachusetts Department of Transportation (MassDOT) modeled the emissions for the Eastern Massachusetts 8-hour ozone nonattainment area, and the Western Massachusetts 8-hour ozone nonattainment area. The Boston Region MPO also modeled the carbon monoxide emissions for the Boston carbon monoxide maintenance area. On November 8, 2011, the New England U.S. Environmental Protection Agency (EPA) wrote that these air quality conformity analyses prepared for the FY 2012 Regional Transportation Plans (RTPs) and the FY 2012-2015 Transportation Improvement Programs (TIPs) will support U.S. Department of Transportation making a positive conformity determination for the Eastern and Western Massachusetts 8-hour ozone nonattainment area, and the Boston carbon monoxide maintenance areas (attached).

The demonstration of the timely implementation of Transportation Control Measures (TCMs) in the State Implementation Plan (SIP) is required for a conformity determination, per 40 CFR 93.113. On July 31, 2008 EPA published a final rulemaking approving Massachusetts' Transit System Improvements SIP revision. This SIP revision requires the following: (1) before December 31, 2011, complete final design of the Red Line-Blue Line Connector; (2) before December 31, 2011, construct and open to the

## **FY 2012 Massachusetts Air Quality Conformity Determinations**

public the Fairmont Line Improvement Project; (3) before December 31, 2011, construct and open to the public 1,000 additional park and ride parking spaces serving at MBTA stations in the Boston Region MPO area; and (4) before December 31, 2014, construct and open to the public the Green Line Extension from Lechmere Station to Somerville and Medford.

Based on the joint evaluation of the air quality analyses of the RTPs and TIPs, the recommendations received from the EPA on November 8, 2011, the concurrence received from the Massachusetts Department of Environmental Protection (DEP) on November 2, 2011(attached), the independent determinations made by the MPOs and the three non-metropolitan regions, FHWA and FTA have determined that the RTPs and TIPs are currently in conformity with the goals of the SIP and are consistent with the Clean Air Act and the EPA conformity regulations, in accordance with 40 CFR parts 51 and 93. The conformity determinations of the RTPs and the TIPs will remain in effect until such time as a new determination is required either by 40 CFR 93.104 or revisions to non-exempt projects are proposed.

As identified in the Boston Region MPO's RTP (p. 10-8), MassDOT will not be able to meet the mandated completion dates for three TCMs (Fairmount Line Improvements/Station Expansion, 1,000 New Park and Ride Parking Spaces, and design of the Red Line/Blue Line Connector) that are required to be completed by December 31, 2011. Per the SIP revision, which was approved by EPA on July 31, 2008 interim offset projects or measures for these three projects must be in place that achieve emissions reductions that at least equal the emissions reductions that would have been achieved had the projects been completed on time. In addition to the project delay and offset requirement, the transportation conformity regulations require that past obstacles to implementation of the SIP-approved TCMs be identified and overcome (40 CFR 93.113(c)(1-3)). In the October 25, 2011 *State Implementation Plan—Transit Commitments Monthly Status Report*, MassDOT committed that all needed interim emission reduction offset measures will be refined for implementation on January 1, 2012. It is our expectation that MassDOT will adhere to this commitment.


Consistent with EPA's November 8, 2011 letter, FHWA and FTA are requesting that MassDOT define the baseline for documentation in the air quality conformity analyses necessary to address: (1) nature of and reasons for project delay, change, or elimination for each TCM; (2) the measures being taken to minimize delay; (3) the amount of time the project will be delayed; (4) identification of the interim offset projects or measures that will be implemented to offset emissions until the original project comes online; (5) calculations of emissions reductions if the SIP-approved project had not been delayed; and (6) calculation of emissions reductions documenting that emissions reductions of the offsets are equal to or greater than what would have been achieved had the project not been delayed. In a similar vein, following EPA's recommendation, FHWA and FTA are also requesting that MassDOT hold quarterly status meetings identifying individual project progress, measures being implemented to overcome delays and complete the projects as expeditiously as possible, as well as the commitment of funding for the SIP-approved TCM projects.


## **FY 2012 Massachusetts Air Quality Conformity Determinations**

As a reminder, Interagency Consultation on Air Quality Conformity will need to be held prior to the release of the DRAFT FY 2013-2016 TIPs. Consistent with the Transportation Conformity Regulations, as articulated in 40 CFR 93.105, this process is intended for the MPOs, MassDOT, DEP, EPA, FTA and FHWA to consult on the specific processes, including evaluating and choosing a model and associated methods and assumptions to be used in regional emissions analyses, a determination of which transportation projects should be considered regionally significant for the purposes of regional emissions analysis for the TIP, and the establishing of a proactive public involvement process that provides an opportunity for public review and comment at the beginning of the public comment period on the conformity determination for all RTPs and TIPs.

Should you have any questions regarding the air quality conformity determinations, please let us know.

Sincerely,

  
\_\_\_\_\_  
Mary Beth Mello  
Regional Administrator  
Federal Transit Administration

  
\_\_\_\_\_  
Pamela Stephenson  
Division Administrator  
Federal Highway Administration

cc: David J. Mohler, OTP Executive Director, MassDOT  
Frank DePaola, Acting Highway Division Administrator, MassDOT  
Curtis Spalding, EPA Regional Administrator  
Kenneth Kimmell, Commissioner, Massachusetts DEP  
Donald O. Cooke, Environmental Scientist, EPA  
Massachusetts Regional Planning Agencies



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**5 Post Office Square, Suite 100**  
**Boston, MA 02109-3912**

November 8, 2011

Ms. Pamela S. Stephenson, Division Administrator  
U.S. Federal Highway Administration  
55 Broadway, 10th Floor  
Cambridge, MA 02142

RE: Massachusetts Air Quality Conformity;  
8-Hour Ozone and Carbon Monoxide Determinations.

Dear Ms. Stephenson:

On October 3, 2011, EPA New England received thirteen 2012 Long Range Transportation Plans (2012 – 2035 TP) and thirteen Federal Fiscal Years 2012-2015 Regional Transportation Improvement Program (TIP) with Air Quality Conformity Determinations, which evaluates transportation air quality conformity for Massachusetts' Metropolitan Planning Organizations (MPOs) and Regional Planning Agencies (RPAs). EPA New England's Air Quality Planning Unit has conducted a review of the air quality conformity analyses in accordance with EPA's Transportation Conformity Rule as amended. Based on our review, the 2012 Transportation Plans and 2012-2015 TIPs and associated air quality conformity analyses support a positive conformity finding.

Massachusetts submitted 2008 and 2009 motor vehicle emissions budgets to EPA on January 31, 2008, as part of the 8-hour ozone attainment demonstration and reasonable further progress plan for Eastern and Western Massachusetts. On March 7, 2008, EPA New England sent a letter to the Massachusetts Department of Environmental Protection stating that the 2008 and 2009 motor vehicle emissions budgets (MVEBs) in the Boston-Lawrence-Worcester (Eastern Massachusetts) and Springfield (Western Massachusetts) 8-hour ozone nonattainment areas are adequate. EPA announced our adequacy determination and established an effective date of April 2, 2008 by publishing a notice in the Federal Register on Tuesday, March 18, 2008 (73 FR 14466). Since the time frame of both the 2012 TP and the 2012 – 2015 TIP, and the years of analyses are past the year 2008, only the more restrictive 2009 MVEBs were used in evaluating conformity. The adequate 2009 MVEBs for the Boston-Lawrence-Worcester (Eastern Massachusetts) 8-hr Ozone Area are 63.50 tons per summer day (tpsd) for volatile organic compounds (VOC) and 174.96 tpsd for oxides of nitrogen (NO<sub>x</sub>), and for the Springfield (Western Massachusetts) 8-hr Ozone Area are 10.73 tpsd for VOC and 27.23 tpsd for NO<sub>x</sub>.

Using the latest planning assumptions, the Massachusetts Highway Department - Office of Transportation Planning, modeled the emissions for VOCs and NOx for the Boston-Lawrence-Worcester (Eastern) Massachusetts 8-hour ozone nonattainment area, and the Springfield (Western) Massachusetts 8-hour ozone nonattainment area, using a combination of the statewide and selected regional travel demand models. The Boston MPO also modeled the carbon monoxide (CO) emissions for the for the Boston (Boston, Cambridge, Chelsea, Everett, Malden, Medford, Quincy, Revere, and Somerville) carbon monoxide maintenance area. EPA New England believes that these air quality conformity analyses prepared for the 2012 transportation plans and 2012 – 2015 transportation improvement programs will support U.S. DOT making positive conformity determinations for the Boston-Lawrence-Worcester (Eastern) Massachusetts 8-hour ozone nonattainment area, the Springfield (Western) Massachusetts 8-hour ozone nonattainment area, and the Boston carbon monoxide maintenance areas. Specifically, the air quality conformity analyses demonstrate that:

- The eight MPOs and two RPAs in the Boston-Lawrence-Worcester (Eastern) Massachusetts 8-hour ozone nonattainment area [Boston MPO, Cape Cod MPO, Central Massachusetts MPO, Old Colony MPO, Merrimack Valley MPO, Montachusett MPO, Northern Middlesex MPO, Southeastern Massachusetts MPO, Martha's Vineyard Commission, and Nantucket Planning and Economic Development Commission], collectively demonstrate transportation conformity. The volatile organic compounds and nitrogen oxides emissions for future years are less than the Year 2009 MVEBs of 63.50 tons per summer day of volatile organic compounds and 174.96 tons per summer day of nitrogen oxides established by the State Implementation Plan for the nonattainment area, as seen in the table below:

| Boston-Lawrence-Worcester (Eastern) Massachusetts 8-Hour Ozone Nonattainment Area<br>(Emissions in tons per summer day) |                     |  |                     |  |
|---|---------------------|--|---------------------|--|
| Year  | VOC Build Emissions | 2009 VOC Motor Vehicle Emission Budget | NOx Build Emissions | 2009 NOx Motor Vehicle Emission Budget |
| 2016  | 36.232              | 63.50                                  | 66.219              | 174.96                                 |
| 2020  | 32.386              | 63.50                                  | 45.188              | 174.96                                 |
| 2025  | 30.988              | 63.50                                  | 36.521              | 174.96                                 |
| 2035  | 31.063              | 63.50                                  | 29.038              | 174.96                                 |

- The two MPOs and one RPA in the Springfield (Western) Massachusetts 8-hour ozone nonattainment area [Berkshire County MPO, Pioneer Valley MPO, and Franklin Regional Council of Governments], collectively demonstrate transportation conformity. The volatile organic compounds and nitrogen oxides emissions for future years are less than the Year 2009 MVEBs of 10.73 tons per summer day of volatile organic compounds and 27.73 tons per summer day of nitrogen oxides established by the State Implementation Plan for the nonattainment area, as seen in the table below:

| Springfield (Western) Massachusetts 8-Hour Ozone Nonattainment Area<br>(Emissions in tons per summer day) |                     |  |                     |  |
|---|---------------------|--|---------------------|--|
| Year  | VOC Build Emissions | 2009 VOC Motor Vehicle Emission Budget | NOx Build Emissions | 2009 NOx Motor Vehicle Emission Budget |
| 2015  | 6.837               | 10.73                                  | 11.751              | 27.73                                  |
| 2020  | 5.979               | 10.73                                  | 7.732               | 27.73                                  |
| 2025  | 5.534               | 10.73                                  | 5.774               | 27.73                                  |
| 2035  | 5.602               | 10.73                                  | 5.018               | 27.73                                  |

- The Boston (Boston, Cambridge, Chelsea, Everett, Malden, Medford, Quincy, Revere, and Somerville) carbon monoxide motor vehicle emissions for future years are consistent with the Year 2010 carbon monoxide MVEB of 228.33 tons of carbon monoxide per winter day established by the State Implementation Plan for the maintenance area, as seen in the table below:

| Boston Carbon Monoxide Maintenance Area<br>(Emissions in tons per winter day) |                    |                                       |
|---|--------------------|---------------------------------------|
| Year  | CO Build Emissions | 2010 CO Motor Vehicle Emission Budget |
| 2016  | 112.64             | 228.33                                |
| 2020  | 107.98             | 228.33                                |
| 2025  | 107.54             | 228.33                                |
| 2035  | 106.67             | 228.33                                |

- The respective MPOs demonstrate that the four carbon monoxide maintenance areas within their borders [Waltham (Boston MPO), Lowell (Northern Middlesex MPO), Worcester (Central Massachusetts MPO), and Springfield (Pioneer Valley MPO)] all individually demonstrate transportation conformity. On April 22, 2002, these four communities were re-designated 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 areas 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." In the future, "hot-spot" carbon monoxide analysis will be performed to satisfy "project level" conformity determinations.

Another criterion of the Transportation Conformity Rule is the progress and timely implementation of transportation control measures (TCMs) in the State Implementation Plan (SIP), 40 CFR 93.113. On July 31, 2008, EPA published a final rulemaking in the Federal

Register approving Massachusetts' Transit System Improvements State Implementation Plan (SIP) revision. This Massachusetts SIP revision now requires: (1) before December 31, 2011, complete final design of the Red Line/ Blue Line Connector, from the Blue Line at Government Center to the Red Line at Charles Station; (2) before December 31, 2011, construct and open to the public the Fairmount Line Improvements/Stations Expansion Project; (3) before December 31, 2011, construct and open to the public 1,000 additional park and ride parking spaces serving commuter transit facilities in the Boston MPO region; and (4) before December 31, 2014, construct and open to the public the Green Line Extension from Lechmere Station to Medford Hillside, and the green Line Union Square spur of the Green Line Extension to Medford Hillside.

Massachusetts Department of Transportation (MassDOT) has acknowledge that the above SIP-approved TCMs will no longer be completed or operational by their required schedule date as set forth in Massachusetts Transit System Improvement regulation (310 CMR 7.36(2)) and the Massachusetts SIP. A "petition to delay the project(s)" was submitted by MassDOT for two of the projects, (the Fairmount Line Improvement Project, and the 1,000 New Park and Ride Parking Spaces,) initiating the "Project Delays and Implementation of Interim Emission Reduction Offset Projects and Measures," as set forth in 310 CMR 7.36(4) and the SIP. Interim emission offset projects or measures must be in place prior to December 31, 2011, the time of the project's operation date to achieve emission reductions of NMHC, CO and NOx equal to or greater than the emission reductions that would have been achieved had the Fairmount Line and Park and Ride projects not been delayed. In addition to the project delay and offset requirement established in the SIP-adopted Transit System Improvement regulation, the Transportation Conformity Regulations requires that past obstacles to implementation of the SIP-approved TCMs be identified and overcome. In the past, EPA recommended that U.S. DOT (Federal Highway Administration and Federal Transit Administration) consider requiring MassDOT to hold monthly or quarterly status meetings (or submit reports) that would: identify individual project progress; report on measures being implemented to overcome delays and complete the projects as expeditiously as possible; reaffirm the continued priority of funding to the SIP-approved TCM projects; report on the quantity of emission offsets needed; and quantify the actual benefit of interim emission offset projects. In light of the increased delay of SIP-approved TCM implementation, EPA believes special efforts are needed to reduce the extended delays projected for the Fairmount Line Improvement Project and the Green Line Extension Project in accordance with 310 CMR 7.36(4)(c) and the SIP.

In the future, (after the SIP scheduled project date of December 31, 2011), interagency conformity consultation should define the baseline of documentation in the air quality conformity analyses necessary to address: (1) the reasons for project delay, (2) the measures being taken to minimize such delays, (3) the amount of time the project will be delayed, (4) identification of the interim offset project or measures that will be implemented to offset emissions until original project comes online, (5) calculation of emission reductions of NMHC (non-methane hydrocarbons), CO and NOx if the SIP-approved project had not been delayed, (6) calculation of emission reductions of NMHC, CO and NOx documenting emission reductions of the offsets are equal to or greater than the that would have been achieved had the project not been delayed; and (7) identify MA DEP's approval of the emission reduction calculations as well as MA DEP's approval or approval with conditions of the offset projects. EPA points out that this information is already required by the Transit System Improvement Regulations and the SIP.

Interagency consultation would address the level of existing information to be reported which would satisfy timely implementation of SIP-approved TCMs.

The Massachusetts SIP does not include an obligation to construct the Red Line/Blue Line Connector, but clearly states that the Massachusetts Executive Office of Transportation (now Massachusetts Department of Transportation, MassDOT) must complete final design of the Red Line/Blue Line Connector, from the Blue Line at Government Center to the Redline at Charles Station before December 31, 2011, (310 CMR 7.36(2)(i)). As stated in the beginning of this letter, the air quality conformity analyses support a positive conformity finding, but the Commonwealth's delay in implementing SIP-approved TCMs jeopardizes this conformity finding. A positive conformity finding requires that "the MPO and DOT have determined that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all State and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding of TCMs over other projects within their control, including projects in locations outside the nonattainment or maintenance area" (40 CFR 93.113(c)(1)). The Boston TP and TIP identify future funding for the delayed SIP-approved TCMs as seen in the two tables below, while MassDOT continues to explore a SIP revision to withdraw the design of the Red Line/Blue Line Connector.

| SIP-approved TCM Funding in the Boston Region MPO's 2012-2015 TIP |                                 |                            |                                     |                      |
|---|---------------------------------|----------------------------|-------------------------------------|----------------------|
|   | 1,000 Parking Spaces Wonderland | Fairmount Line Improvement | Red Line/Blue Line Connector Design | Green Line Extension |
| FY 2012 Funding   | \$ 24,270,978                   | \$ 36,407,814              | \$ 2,000,000                        | \$ 66,200,000        |
| FY 2013 Funding   | -                               | \$ 23,423,803              | \$ 12,000,000                       | \$ 79,300,000        |
| FY 2014 Funding   | -                               | \$ 1,589,972               | \$ 23,000,000                       | \$ 94,900,000        |
| FY 2015 Funding   | -                               | -                          | \$ 12,000,000                       | \$ 235,800,000       |

| SIP-approved TCM Funding in the Boston Region MPO's 2012 TP<br>(Source: Table 7-9 on page 7-13 of the Boston Region MPO's TP) |                                |
|---|--------------------------------|
| Project   | Cost                           |
| Green Line Extension  | \$ 1,120,000,000               |
| Fairmount Line Improvement  | \$ 54,100,000                  |
| Red Line/Blue Line Connector Design   | \$ 125,000,000 (total cost)    |
|   | \$ 54,100,000 (remaining cost) |
| 1,000 Parking Spaces (Parking spaces at transit facilities region wide)   | \$ 32,000,000                  |

Another major criterion of the Transportation Conformity Rule is section 93.108, "Fiscal constraints for transportation plans and TIPs," which requires that transportation plans and transportation improvement programs be fiscally constrained consistent with U.S. Department of Transportation's metropolitan planning regulations at 23 CFR part 450. On November 7, 2011, EPA was advised by your office that Massachusetts' 2012 Regional Transportation Plans and 2012-2015 transportation improvement programs are fiscally constrained. Fiscal constraint is needed to verify the list of transportation projects in the air quality conformity analyses. The FY 2012-2015 transportation improvement programs contain all regionally significant transportation projects in the 2012-2015 time frame of the 2012 regional transportation plans. And all



regionally significant projects in the 2012 to 2035 timeframe of the 2012 regional transportation plans are modeled in the air quality conformity analyses.

Finally, EPA points out that Massachusetts Department of Environmental Protection has a unique role in transportation conformity established in Massachusetts' 1982 SIP and the Massachusetts' conformity regulations. The Department of Environmental Protection must concur on Massachusetts Department of Transportation's/Massachusetts Highway Department's conformity analysis. In a letter dated November 2, 2011 to David Mohler, Deputy Secretary for Planning, Massachusetts Executive Office of Transportation and Public Works, the Department of Environmental Protection found the RTPs and TIPs to be in conformance with the SIP, and that the regional emission analysis demonstrates that the RTPs and TIPs are within the mobile sources emission budgets in the SIP for VOC, NOx and CO.

If you have any further questions regarding our comments, please feel free to call Donald Cooke of my staff at (617) 918-1668.

Sincerely,



Anne E. Arnold, Manager  
Air Quality Planning Unit

cc: Mary Beth Mello, Administrator, FTA - Region 1, Cambridge, MA  
Peter Butler, Deputy Administrator, FTA - Region 1, Cambridge, MA  
Noah Berger, FTA - Region 1, Cambridge, MA  
William Gordon, FTA - Region 1, Cambridge, MA  
Michael Chong, FHWA - Massachusetts Division, Cambridge, MA  
Paul Maloney, FHWA - Massachusetts Division, Cambridge, MA  
Damaris Santiago, FHWA - Massachusetts Division, Cambridge, MA  
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Christine Kirby, MA DEP - Boston, MA



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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KENNETH L. KIMMELL  
Commissioner

November 2, 2011

David Mohler, Deputy Secretary for Planning  
Executive Office of Transportation and Public Works  
Ten Park Plaza Suite 3170  
Boston, MA 02116-3969

RE: Review of the Air Quality Conformity Determinations for the FY 2012-2035 Regional Transportation Plans, the FY 2012-2015 Transportation Improvement Programs, and State Transportation Improvement Program

Dear Mr. Mohler:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Air Quality Conformity determinations for the most recent Regional Transportation Plans (RTPs) and the 2012-2015 Transportation Improvement Programs (TIPs) for the ten Metropolitan Planning Organizations (MPOs) and the three non-metropolitan regions in Massachusetts as well as the State Transportation Improvement Program (STIP). The conformity determinations were submitted by the Massachusetts Department of Transportation (MassDOT) on behalf of the MPOs to MassDEP on September 30, 2011 and apply to the federal fiscal year beginning October 1, 2011. This letter serves as MassDEP's concurrence on the conformity analyses.

Section 176 of the Clean Air Act Amendments of 1990, the federal Transportation Conformity Rule, and the Massachusetts Transportation Conformity regulation, 310 CMR 60.03, require that transportation plans, programs, and projects conform to the purpose and specifics of the State Implementation Plan (SIP). Transportation activities must not: 1) cause or contribute to any new violation of any standard in any area; 2) increase the frequency or severity of any existing violation of any standard in any area; or 3) delay the timely attainment of any standard or any required interim emission reductions or other milestones in any area.

### Applicable Emission Budgets for Conformity

On July 1, 2004, the U.S. Environmental Protection Agency (EPA) finalized Transportation Conformity Rule Amendments including requirements for the new 8-hour Ozone National Ambient Air Quality Standards (NAAQS). This rule amended the transportation conformity regulations to include criteria and procedures for the new 8-hour ozone NAAQS. Areas classified in nonattainment of the 8-hour standard that have mobile source emission budgets in place for the one-hour standard are required to use these budgets for determining conformity under the 8-hour standard.

### *Eastern and Western Massachusetts Nonattainment Areas*

On January 31, 2008, MassDEP submitted 2008 and 2009 mobile source emission budgets to EPA as part of the 8-hour ozone attainment demonstrations and reasonable progress plans for the Boston-Lawrence-Worcester (Eastern Massachusetts) and the Springfield (Western Massachusetts) ozone nonattainment areas. On March 7, 2008, EPA New England sent a letter to MassDEP stating that these budgets are adequate. EPA announced the adequacy determination, and established an effective date of April 2, 2008, by publishing a notice in the Federal Register on Tuesday, March 18, 2008 (73 FR 14466).

For Eastern Massachusetts, the mobile source emission budgets are set at 63.5 tons/summer day for volatile organic compounds (VOCs) and 174.96 tons/summer day for nitrogen oxides (NOx). The mobile source emission budgets for Western Massachusetts are set at 10.73 tons/summer day for VOCs and 27.73 tons/summer day for NOx.

### **Conformity Emissions Analysis**

MassDEP's review of the conformity determinations was conducted in accordance with the federal Transportation Conformity Rule, 40 CFR Part 51 and the Massachusetts Transportation Conformity Regulation, 310 CMR 60.03. The review was performed for the ozone nonattainment areas (eastern and western Massachusetts) and carbon monoxide (CO) maintenance areas (nine cities in the Boston CO maintenance area, Waltham, Lowell, Worcester and Springfield) in order to verify conformity of the RTPs, TIPs, and STIP with the SIP.

Based on the review of the conformity determinations, MassDEP finds the RTPs, TIPs, and STIP to be in conformance with the SIP. In addition, DEP finds that the regional emissions analysis demonstrates that the RTPs, TIPs, and STIP are within the mobile sources emission budgets in the SIP for VOC, NOx, and CO<sup>1</sup>.

If you have any questions regarding MassDEP's review, please call Jerome Grafe of the Bureau of Waste Prevention, Division of Consumer and Transportation Programs at (617) 292-5708.

Sincerely,



Kenneth Kimmell  
Commissioner

cc. Donald Cooke, U.S. EPA Region 1  
Michael Chong, FHWA  
William Gordon, FTA

<sup>1</sup> Carbon monoxide (CO) emission budgets are in place for nine cities in the Boston Maintenance area; these budgets are 217.53 tons per winter day in 2005 and 228.33 tons per winter day for 2010 and subsequent years. For CO maintenance areas outside of the Boston area, including Lowell, Springfield, Waltham, and Worcester, CO emission budgets were not required by EPA.