

Hot Topics in Air Regulation & Policy

September 26, 2024



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DEP Title V Operating Permit Program Fees (Under Development)

- Title V of 1990 Clean Air Act (CAA) amendments established Operating Permit (OP) Program
- CAA requires states to collect OP Fees to fully fund program.
- DEP last updated fees July 2000 - EPA has been pushing DEP to update fees.
- OP Program comparison (2000/2024)
 - Regulated Facilities: 206/105
 - Revenue: 2.93 million/532K
 - Tons of Reported Emissions: 110,000 tons/9300 Tons)
 - Cost of an average FTE: \$91,000/ \$196,000
- Potential Fee increase
 - 100-250 tons: \$27,000 to \$56,000
 - Less than 100 tons: \$5,000-\$27,000

MCTA Response

(letter June 20, 2024)

- MassDEP must consider all options to reduce the cost of this program.
- MassDEP must understand the universe of OP sources.
 - Currently, manufacturing facilities account for less than 30% of the current OP sources. Seventy five percent are now primarily power generation or waste-to-energy (WTE) facilities.
- MassDEP should consider a large base fee for the largest sources.
 - The emissions fee should recognize that manufacturers have no way to reduce emissions and employ more people than larger sources
- Municipal and state agencies must pay their fair share.
 - Currently 13/105 are fee exempt.
- MassDEP should open discussion with EPA about changes to the program.

Low Emission Vehicle Standard for Medium/Heavy Duty Trucks

- California Air Resources Board (CARB) has authority to set their own emissions standards for vehicle due to exemption in CAA
 - Massachusetts follows these CARB changes
- New Medium/HD truck rules
 - Phase II GHG and Heavy-Duty Omnibus (HDO) – Emission Standards
 - Advanced Clean Trucks (ACT) rule - manufacturers must begin selling (with annual increases) a set percentage of zero emission medium and heavy-duty vehicles (ZEVs).
- 10 States follow these CARB rules – MA, RI and VT in NE
- MA rules begin MY year 2025 (along with WA, OR, NY, NJ) other states 2026/2027
 - Already causing shortages of 2025 MY vehicles
 - New Phase II and HDO - trucks not available/higher priced
 - ACT - Lack of charging infrastructure, particularly outside Massachusetts, time to recharge, higher prices

MCTA Response

(letter September 13, 2024)

- Massachusetts is an outlier
 - PHASE II GHG and HDO rules - Only MA and OR have an HDO rule with an effective date of 2025. Three others have effective dates in 2026 and four in 2027.
 - ACT rules -Four have effective dates in 2025 (Only MA in New England), and the rest have 2026 or 2027.
- MCTA part of a coalition which asks DEP to suspend rules until model year 2027
 - CARB standards and EPA standards for Phase II and HDO emissions will merge in 2027
 - Delaying ACT rule will give states more time to build infrastructure

Contact

The logo for RAR STRATEGIES is centered on the page. It consists of the letters 'RAR' in a large, bold, black serif font, with the word 'STRATEGIES' in a smaller, black, all-caps sans-serif font directly below it. The entire logo is enclosed within a thin green rectangular border. Below the logo is a thick, solid green horizontal bar.

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