



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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September 29, 2008

Anne E. Arnold, Manager
Air Quality Planning Unit
EPA New England
One Congress Street, Suite 1100
Boston, MA 02114-2033

Dear Ms. Arnold:

Enclosed please find two reports being submitted by the Massachusetts Department of Environmental Protection for the Commonwealth's Enhanced Emissions and Safety Test Program (IM):

- The 2007 annual report for the IM Program, addressing items required by EPA in 40 CFR 51.366(a)-(d) for annual reports.
- The 2006-2007 biennial report, also required by 40 CFR 51.366

Both reports document successful implementation the Massachusetts' IM program. We continue to ensure that the IM program functions well and meets our State Implementation Plan (SIP) commitments.

In your December 19, 2007 letter to me about MassDEP's 2006 Annual Report, you stated that your staff had identified three areas in which future reports might be improved. We would like to take this opportunity to respond to each of the areas:

1. The 2006 annual report notes (on page 31, footnote 24) that 90 vehicles were incorrectly given a two speed idle test rather than a transient test during covert audits, and asked whether the vehicles were given just the two speed idle test or did they first fail a transient test?

Response: The 2007 report (p. 32) explains that in covert audits, these vehicles were incorrectly given an *initial* two speed idle test by an inspection station, instead of the transient test that they were set to fail. The same was true of the 90 vehicles noted in the 2006 annual report.

2. The 2006 annual report indicates that nearly 50,000 vehicles failed their initial test during the calendar year and had not passed a re-test by March 31, 2007. EPA asked what the Commonwealth's process is for suspending these vehicles' registrations or otherwise ensuring that the vehicles meet the required emission standards.

Response: The 2006 and 2007 annual reports both note (in section 3.2.1) that the Registry of Motor Vehicles's registration enforcement program, originally scheduled to begin in late 2004,

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

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has not yet been implemented. However, as an interim step, in February 2007, the Registry started to send letters to owners of all vehicles that had not passed a retest 30 days after they failed an initial inspection. This reminder appears to have been effective. In calendar year 2007, 33,000 gasoline-fueled vehicles failed an initial emissions test and did not pass a subsequent retest or obtain a waiver (18.7% of the vehicles that failed their initial test), compared with 49,760 vehicles (or 26.2%) in 2006. The 2007 report also notes that the Commonwealth has signed a new contract for program implementation between October 1, 2008 and September 30, 2013. Once the new program's data systems have been implemented, the Registry plans to start a registration enforcement program for vehicles that do not pass their safety and/or emission tests.

Please note that, since the program's inception, it has relied on citations issued by state and local police for vehicles that lack proper inspection stickers. The Agencies have not taken additional steps to determine how many of the "no-known-outcome" vehicles were scrapped, sold out-of-state, or otherwise retired from the Massachusetts fleet.

3. To save paper and to allow EPA to review and sort the test data contained in Attachment D, please include this information in an electronic spreadsheet format.

Response: The enclosed submittal includes a CD containing the files for Attachments C (Detailed 2007 Emission Test Data) and D (2007 Test Data by Station).

Please let us know if you have any comments or questions on the attached reports. We look forward to continuing to work with you on the Commonwealth's IM Program.

Sincerely,



Nancy L. Seidman
Deputy Assistant Commissioner
Bureau of Waste Prevention

cc:

James C. Colman, BWP
Gary Moran, DEP
Mark LaFrance, RMV
Ariel Garcia, EPA
I&M Advisory Committee