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EPA REGION III
OFFICE OF REGIONAL ADMINISTRATOR

MARTIN O'MALLEY
GOVERNOR

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TTY USERS CALL VIA MD RELAY

March 10, 2009

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Division Director (3AP20)

Mr. William T. Wisniewski
Acting Regional Administrator
U.S. EPA Region 3
1650 Arch Street
Philadelphia PA 19103-2029

Dear Mr. Wisniewski:

As required by the Clean Air Act, Maryland is providing recommendations for nonattainment areas under the revised 8-hour ozone standard.

Lowering the ozone standard from 0.08 parts per million (ppm) to 0.075 ppm will require significant reductions in both local and regional ozone pollution. Maryland will continue to adopt local control programs to reduce locally formed ozone. Since most of Maryland is already heavily regulated due to existing ozone and fine particle requirements, Maryland will also rely heavily on reductions in transported pollution to meet this more stringent standard. Maryland's scientific research, which uses airplanes, ozone-measuring balloons, and laser measuring techniques, has documented that air transported into Maryland can often carry levels of ozone already exceeding the standard. With "incoming" ozone levels above the standard, strong national rules will be needed for areas like Maryland to attain the revised ozone standard. Many of the national rules needed are already being successfully implemented in many of the Ozone Transport Region states. Strong national rules will help "level the playing field" for areas that significantly contribute to Maryland's nonattainment problem.

Maryland recommends that the existing nonattainment structure remain intact, if EPA is confident that strong national rules will be in place three years in advance of Maryland's attainment date. Please note this means that strong national rules will be needed by 2011. Retaining existing nonattainment areas benefits Maryland by providing consistent State Implementation Plan development and transportation conformity implementation.

In the alternative, if EPA is not confident that strong national rules will be in place three years in advance of Maryland's attainment date under the revised standard, Maryland supports the implementation of a large regional nonattainment area encompassing a significant portion of the U.S. East Coast. This large regional nonattainment area would force regional controls and reductions in transported pollution in an appropriate time frame.

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Maryland asks that EPA respond to this request indicating whether EPA plans to adopt national or regional rules to reduce ozone transport in a way that supports Maryland's efforts to attain the new standard on time.

Maryland's recommendations are based on three guiding principles:

1. Accountability - EPA must continue to hold upwind areas that contribute to poor air quality in downwind areas responsible for making appropriate reductions in emissions. Maryland needs significant reductions in transported pollutants to meet the standard.
2. Maintaining Effective Planning Processes - Existing, effective air quality planning and transportation conformity processes like those in the Baltimore and Washington areas should be recognized and maintained whenever possible. Maryland works with several separate Metropolitan Planning Organizations in developing clean air and transportation plans. This has worked very well for certain Clean Air Act requirements, like transportation conformity, where air quality and transportation planning responsibilities overlap.
3. Consistency - EPA needs to ensure that a consistent designation policy is used nationally that takes into consideration the existing ozone nonattainment areas. Maryland is recommending that EPA designate the same nonattainment areas for Maryland when comparing the revised 8-hour ozone standard and the existing 8-hour ozone standard. This allows for a consistent planning process and a consistent transportation conformity process.

The following table summarizes the specific areas that Maryland is recommending as attainment, nonattainment, or secondary control region areas:

TABLE 1

Maryland's Revised 8-hour Ozone Designation Recommendation

<u>Designated Area</u>	<u>Designation</u>
<i>Baltimore Area</i>	
Anne Arundel County	Nonattainment
Baltimore City	Nonattainment
Baltimore County	Nonattainment
Carroll County	Nonattainment
Harford County	Nonattainment
Howard County	Nonattainment

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<u>Designated Area</u>	<u>Designation</u>
<i>Washington DC Area</i>	
Calvert County	Nonattainment
Charles County	Nonattainment
Frederick County	Nonattainment
Montgomery County	Nonattainment
Prince Georges County	Nonattainment
<i>Hagerstown – WV Panhandle Area</i>	
Washington County	Nonattainment
<i>Philadelphia - Wilmington - Trenton Area</i>	
Cecil County	Nonattainment
<i>Upper Eastern Shore Area</i>	
Kent County	Nonattainment
Queen Anne’s County	Nonattainment
<i>Unclassifiable (Attainment) Counties*</i>	
Allegany County	Attainment
Garrett County	Attainment
St. Mary’s County	Attainment
Caroline County	Attainment
Dorchester County	Attainment
Talbot County	Attainment
Wicomico County	Attainment
Somerset County	Attainment
Worcester County	Attainment

* Maryland would support these counties designated as nonattainment if EPA chooses to implement larger regional nonattainment areas

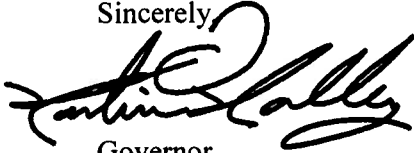
Regardless of the designation, Maryland continues to support enforcement of Section 110(a)(2)(D) of the Clean Air Act to ensure reductions in transport and hold upwind nonattainment areas accountable. Maryland also support the use of Clean Air Act Section 110(a)(2)(D) in reviewing and approving redesignation and clean data requests.

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Maryland recognizes that this recommendation is the first step in the ozone designation process, and looks forward to working with EPA and Maryland stakeholders during the designation process.

If you have any questions on this submission, please contact Shari T. Wilson, Secretary, Maryland Department of Environment at (410) 537-3893.

Sincerely,

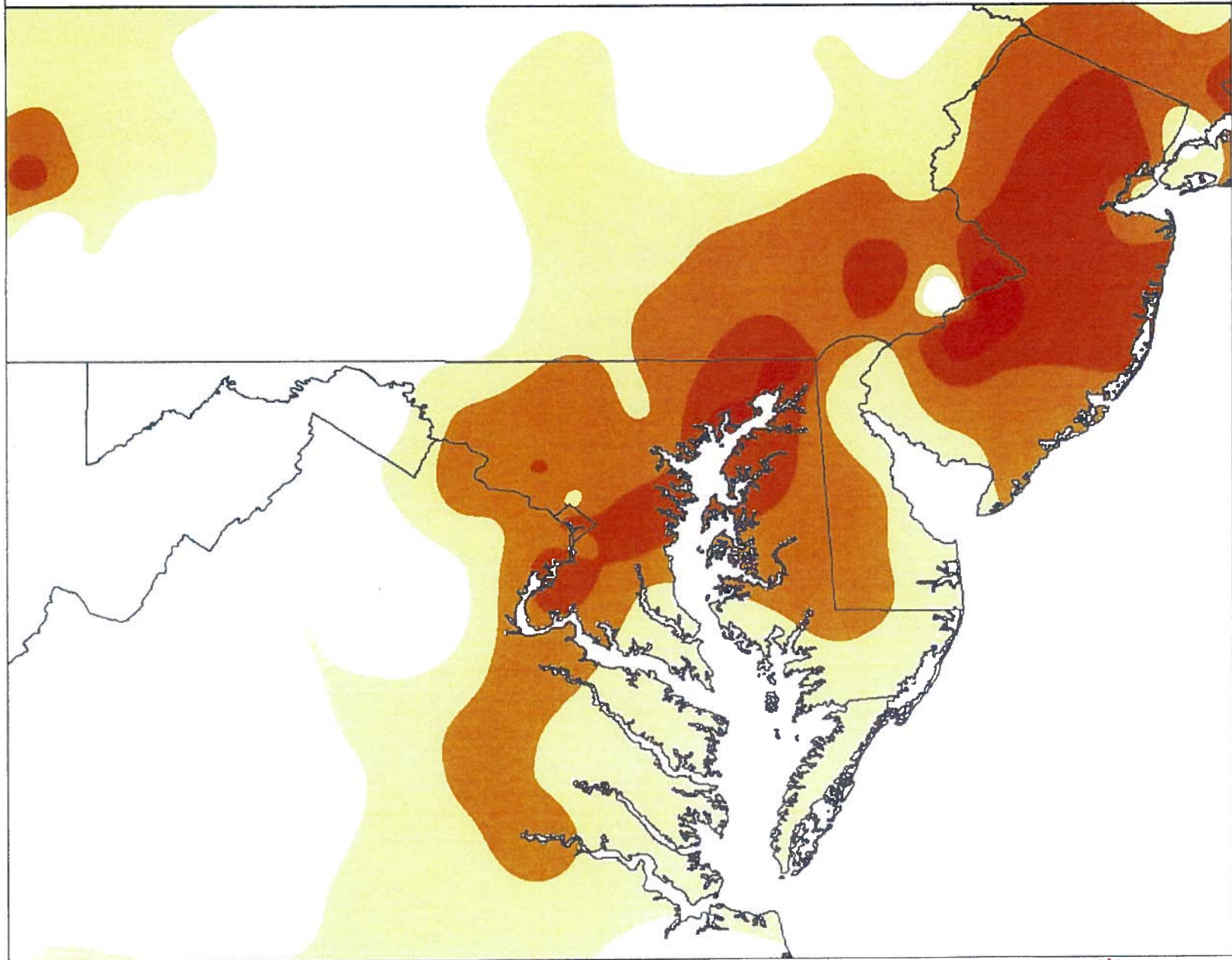
A handwritten signature in black ink, appearing to read "Martin O'Malley". The signature is fluid and cursive, with a large initial "M".

Governor

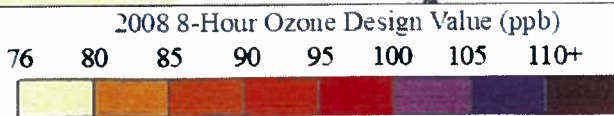
Enclosure: Map of 8-Hour Ozone Design Values for 2007

cc: Shari T. Wilson, Secretary, Maryland Department of Environment

Spatial Extent of the 8-Hour Ozone Non-attainment Areas in 2008



0 12.5 25 50 Miles
0 35 70 140 Kilometers



Map was created based on preliminary 2008 data (courtesy of the Ozone Transport Commission).

Modeling Data for 2009 Design Values for Delaware and Maryland, highlighting the Eastern Shore¹

Table 1: Projected 8-hr Ozone Design Values based on 2009OTW Emissions Inventory

Delaware			
AIRS-ID	County	Monitor	DVF
100051002	Sussex	Seaford	76
100051003	Sussex	Lewes	77
100010002	Kent	Killens Pond	78
100031007	New Castle	Lums Pond	79
100031013	New Castle	Bellefonte	79
100031010	New Castle	Brandywine	81

Maryland			
AIRS-ID	County	Monitor	DVF
240430009	Washington	Hagerstown	73
240210037	Frederick	Frederick Airp	74
240130001	Carroll	South Carroll	75
240170010	Charles	S Maryland	76
240313001	Montgomery	Rockville	76
240051007	Baltimore	Padonia	77
240053001	Baltimore	Essex	80
240290002	Kent	Millington	80
240150003	Cecil	Fair Hill	81
240338003	Prince Georges	PG Coun. Eques.	81
240259001	Harford	Aldino	82
240330002	Prince Georges	Greenbelt	82
240030014	Anne Arundel	Davidsonville	84
240030019	Anne Arundel	Ft. Meade	84
240251001	Harford	Edgewood	85

¹ From "Projected 8-h Ozone Air Quality over the Ozone Transport Region," TSD-1h, Bureau of Air Quality Analysis and Research, Division of Air Resources, New York State Department of Environmental Conservation, Albany, NY 12233, March 26, 2007.