

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 31 2012

The Honorable Martin J. O'Malley
Governor of Maryland
State House, 100 State Circle
Annapolis, Maryland 21401-1925

Dear Governor O'Malley:

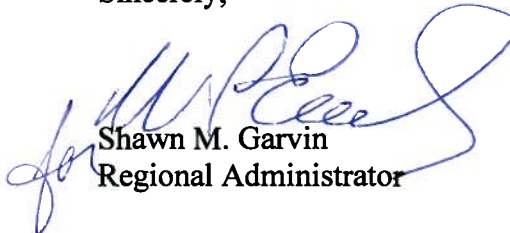
Thank you for your letter of December 1, 2011 to the U.S. Environmental Protection Agency (EPA) regarding recommendations for air quality designations for the 2008 ozone National Ambient Air Quality Standards (NAAQS). EPA received the letter on January 10, 2012. Your letter revised Maryland's March 10, 2009 recommendations for Washington, Kent, and Queen Anne's Counties (the Hagerstown and Upper Eastern Shore areas) and clarified the recommendation for a large multi-state nonattainment area.

EPA did not receive your letter in time for consideration in our December 9, 2011 preliminary response to Maryland's ozone designation recommendations. A copy of EPA's letter is enclosed. However, our preliminary response addresses the issues you raised. Specifically, EPA agrees that the Hagerstown and Upper Eastern Shore areas should be designated as unclassifiable/attainment based upon the most recent ambient air quality data. In addition, EPA addressed Maryland's recommendation for a large multi-state nonattainment area.

If Maryland has additional information that you would like EPA to consider, please submit it by February 29, 2012. After considering any additional information received, EPA plans to promulgate final ozone designations in spring of 2012.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Linda Miller, EPA's Maryland Liaison, at (215) 814-2068.

Sincerely,


Shawn M. Garvin
Regional Administrator

Enclosure

cc: Honorable Robert M. Summers, Ph.D., Secretary
Maryland Department of the Environment



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DEC 09 2011

**The Honorable Martin J. O'Malley
Governor of Maryland
State House, 100 State Circle
Annapolis, Maryland 21401-1925**

Dear Governor O'Malley:

Thank you for your March 10, 2009 recommendations on air quality designations for the revised 2008 National Ambient Air Quality Standards (NAAQS) for ozone throughout Maryland. I appreciate the information Maryland shared with the U.S. Environmental Protection Agency (EPA) as we move forward to improve ozone air quality. This letter is to notify you of EPA's preliminary response to Maryland's recommendations and to inform you of our approach for completing the designations for the revised ozone standards.

On March 12, 2008, EPA revised its NAAQS for ground-level ozone to provide increased protection of public health and the environment. EPA lowered the primary 8-hour ozone standard from 0.08 parts per million (ppm) to 0.075 ppm to protect against health effects associated with ozone exposure, including a range of serious respiratory illnesses and increased premature death from heart or lung disease. EPA revised the secondary 8-hour ozone standard, making it identical to the primary standard, to protect against welfare effects, including impacts on sensitive vegetation and forested ecosystems.

History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, EPA is implementing the standards using a common sense approach that improves air quality and minimizes the burden on state and local governments. As part of this routine process, EPA is working with the states to identify areas in the country that meet the standards and those that need to take steps to reduce ozone pollution. Within one year after a new or revised air quality standard is established, the Clean Air Act (CAA) requires the Governor of each state to submit to EPA a list of all areas in the state, with recommendations for whether each area meets the standard. As a first step in implementing the 2008 ozone standards, EPA asked states to submit their designation recommendations, including appropriate area boundaries by March 12, 2009. In September 2009, EPA announced it was reconsidering the 2008 ozone standards. EPA later took steps to delay the designation process for the 2008 ozone standards pending outcome of the reconsideration. However, in September 2011, the Office of Management and Budget returned to EPA the draft final rule addressing the

reconsideration of the 2008 ozone standards. On September 22, 2011, EPA restarted the implementation effort by issuing a memorandum to clarify for state and local agencies the status of the 2008 ozone standards and to outline plans for moving forward to implement them. EPA indicated that it would proceed with initial area designations for the 2008 standards, and planned to use the recommendations states made in 2009 as updated by the most current, certified air quality data from 2008-2010. While EPA did not request that states submit updated designation recommendations, EPA provided the opportunity for states to do so.

As required by the CAA, EPA will designate an area as nonattainment if it is violating the 2008 ozone standards or contributing to a violation of the standards in a nearby area. Consistent with designations for previous ozone standards, EPA intends to designate an area as unclassifiable/attainment if there are certified, quality-assured air quality monitoring data showing the area is meeting the ozone standards or if there are no monitoring data for the area, and EPA has not made a determination that the area is contributing to a violation in a nearby area.

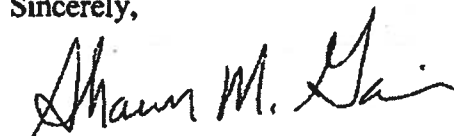
After considering Maryland's March 10, 2009 ozone designation recommendations and other relevant technical information, including 2008-2010 air quality data, EPA intends to support Maryland's recommended area designations and boundaries for the Baltimore and Washington-DC-MD-VA areas. EPA intends to modify Maryland's recommended area designations for the Hagerstown and Upper Eastern Shore areas. Considering 2008-2010 air quality data, EPA intends to designate these areas as unclassifiable/attainment. In addition, EPA has reviewed Maryland's recommendation for a large multi-state nonattainment area and has concluded that this is not in keeping with a plain reading of the CAA section 107(d) related to the contribution in a "nearby" area. The CAA has other provisions to address regional transport. The enclosed Technical Support Document provides a detailed analysis to support our preliminary decisions. EPA intends to designate all other areas of the state as unclassifiable/attainment.

EPA will continue to work with state officials regarding the appropriate boundaries for the areas in Maryland. If Maryland has additional information that you would like EPA to consider, please submit it to us by February 29, 2012. EPA will also make its preliminary designation decisions and supporting documentation available to the general public for review and comment. We will be announcing a 30-day public comment period shortly in the *Federal Register*. After considering additional information we receive, EPA plans to promulgate final ozone designations in spring of 2012.

EPA is committed to working with the states and tribes to share the responsibility of reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce ozone-forming pollution and will protect public health in communities across the country.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 ozone standards. If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Linda Miller, EPA's Maryland Liaison, at (215) 814-2068.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Garvin". The signature is fluid and cursive, with the first name "Shawn" being the most prominent.

Shawn M. Garvin
Regional Administrator

Enclosure

cc: The Honorable Robert M. Summers, Secretary
Maryland Department of the Environment