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TTY USERS CALL VIA MD RELAY

February 23, 2004

Mr. Donald Welsh
Regional Administrator (3RAOO)
U.S. Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, PA 19103-2023

Dear Mr. Welsh:

In accordance with the requirements of Section 107(d)(1) of the Clean Air Act, Maryland's boundary recommendations for attainment and nonattainment areas under the fine particle standard are provided below. Maryland has worked with state legislators, the business community, environmental organizations and local governments to develop the State's fine particle standard boundary recommendations. Maryland reserves the right to update its recommendation based on further stakeholder input and the Environmental Protection Agency's (EPA) issuance of the proposed fine particle implementation rule.

Clean air continues to be very important to the state of Maryland and its citizens. Under the current 1-hour ozone standard, Maryland has made significant progress in reducing air pollution, and more progress is expected upon implementation of the upcoming 8-hour ozone standard. Maryland continues to emphasize the need for tough, multi-state, regional control programs that not only reduce pollution close to home but also reduce the significant amount of transported pollution from out-of-state sources. Pollution controls over most of the East will be needed for Maryland to attain the fine particulate standard.

In general, because most of Maryland is already very heavily regulated because of the 1-hour ozone standard, the costs to control pollution in upwind areas is less than half the cost of additional pollution controls in Maryland. Significantly reducing transport is the single most important action needed to bring clean air to Maryland. This goal is not only important to protect the health of Maryland's citizens but it is also directly linked to Maryland's business climate and our ability to spur continued economic development through new infrastructure investment.

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Maryland's recommendation is based upon two guiding principles that emerged from our discussions with stakeholders over the past five years. These principles are:

1. Accountability - EPA **must** hold upwind areas that contribute to poor air quality in downwind areas responsible for making appropriate reductions in emissions. To do this, EPA should consider impacts on downwind areas when reviewing the plans submitted by upwind areas. Upwind areas should be required to continue to implement emission-reducing programs until the downwind areas that they affect reach attainment. Maryland believes that CAA sections 110 and 107 provide EPA with such authority.
2. Maintaining Effective Planning Processes - Existing, effective air quality planning and transportation conformity processes like those in the Baltimore, Washington and Philadelphia areas should be recognized and maintained whenever possible. Maryland works with three 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.

These are the same principles that formed the basis of Maryland's recommendation for the new 8-hour ozone standard. EPA's failure to address Maryland's principle on accountability as part of the designation process continues to be of great concern.

Maryland's recommendation includes two different options for establishing boundaries under the fine particle standard. Maryland will continue to discuss these options with stakeholders and plans to update this recommendation at a later date.

The first option is to make the fine particulate nonattainment areas as consistent with the 8-hour ozone nonattainment areas as possible. This option has the advantages of conforming to the presumption in EPA's guidance that the boundaries for urban nonattainment areas be based on Metropolitan Area boundaries. It would also allow Maryland to harmonize the planning processes for the different standards.

Option 2 achieves the same results as option 1 but uses the concept of "control regions" to differentiate areas that need to be controlled but do not monitor violations of the standard. This approach has been used in the past for Carbon Monoxide nonattainment areas. Under option 2 only those counties with monitors that record levels above the standard would be designated nonattainment. All states identified in Figure 1 should be considered part of the primary control region. Pollution controls over this type of scale will be needed if Maryland is to attain the new standard. In general, all counties that are part of a Metropolitan Area that monitors nonattainment should be designated as a secondary control region.

This option would also allow for efficient planning and directly addresses Maryland's concerns over transport and holding upwind areas accountable.

Mr. Donald Welsh
Page Three

Table 1 summarizes the specific areas that Maryland is recommending as attainment, nonattainment, or secondary control region areas under both proposed options. The Maryland Department of the Environment will be submitting technical support for these options under separate cover.

Maryland recognizes that this boundary recommendation submittal is only the first step in the fine particle designation process, and looks forward to working with the Environmental Protection Agency (EPA) and Maryland stakeholders during the final steps of the designation process.

If you have any questions on this submission, please do not hesitate to contact Kendl P. Philbrick, Acting Secretary, Maryland Department of Environment at (410) 537-3086.

Very Truly Yours,

Robert L. Ehrlich, Jr.
Governor

Enclosures

FIGURE 1

Figure 1: Proposed Primary Control Region for Maryland's Fine Particulate Nonattainment Areas

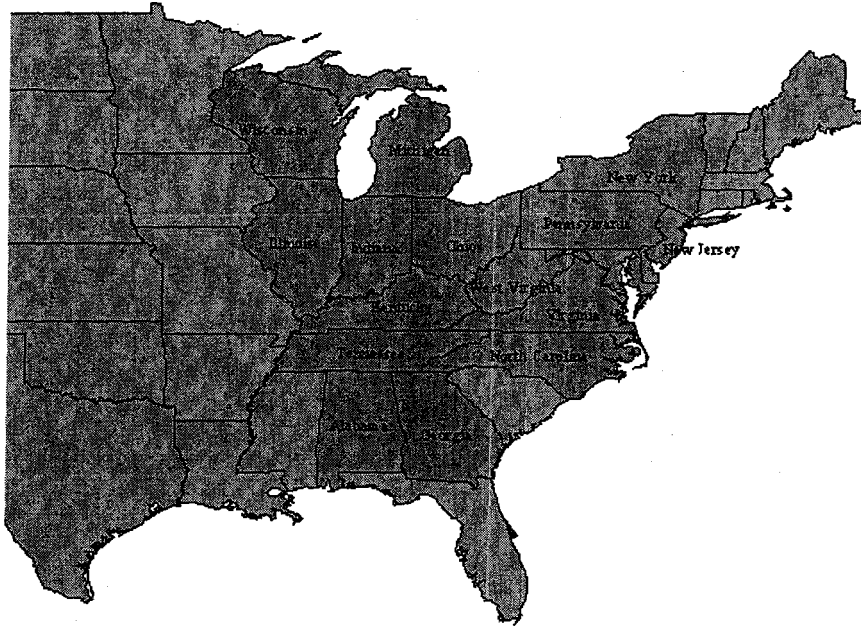


TABLE 1

Maryland's Fine Particle Designation Recommendation

<u>Designated Area</u>	<u>Option #1 Designation</u>	<u>Option #2 Designation</u>
<i>Baltimore Area</i>		
Anne Arundel County	Nonattainment	Nonattainment
Baltimore City	Nonattainment	Nonattainment
Baltimore County	Nonattainment	Nonattainment
Carroll County	Nonattainment	Secondary Control Region
Harford County	Nonattainment	Secondary Control Region
Howard County	Nonattainment	Secondary Control Region
<i>Kent and Queen Anne's Area</i>		
Kent County	Attainment	Attainment
Queen Anne's County	Nonattainment	Secondary Control Region
<i>Philadelphia-Wilmington-Trenton Area</i>		
Cecil County	Nonattainment	Secondary Control region
<i>Washington DC Area</i>		
Calvert County	Nonattainment	Secondary Control Region
Charles County	Nonattainment	Secondary Control Region
Frederick County	Nonattainment	Secondary Control Region
Montgomery County	Nonattainment	Secondary Control Region
Prince Georges County	Nonattainment	Nonattainment

TABLE 1 (Continued)

Maryland's Fine Particle Designation Recommendation

Hagerstown - WV Panhandle Area

Washington County	Nonattainment	Secondary Control Region
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Attainment Counties

Allegany County	Attainment	Attainment
Caroline County	Attainment	Attainment
Dorchester County	Attainment	Attainment
Garrett County	Attainment	Attainment
Somerset County	Attainment	Attainment
St. Mary's County	Attainment	Attainment
Talbot County	Attainment	Attainment
Wicomico County	Attainment	Attainment
Worcester County	Attainment	Attainment