



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Governor

Kendl P. Philbrick
Secretary

Michael S. Steele
Lt. Governor

Jonas A. Jacobson
Deputy Secretary

Ms. Makeba Morris
Technical Assessment Section (3AT22)
U.S. Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, PA 19103-2023

SEP 01 2004


Dear Ms. Morris:

Pursuant to your June 29, 2004 letter to Governor Robert L. Ehrlich, Jr., the Maryland Department of the Environment (MDE) is preparing a formal response regarding your recommended PM2.5 nonattainment boundaries. Maryland has worked with state legislators, the business community, numerous environmental organizations and local governments while preparing this response, which contains updated data analysis. Carroll, Charles, Frederick, Harford, Howard, Montgomery, and Washington Counties have expressed a strong desire for the MDE to request that their counties be excluded from Maryland's nonattainment areas as proposed in your June 29, 2004 recommendation.

In our original recommendation letter to EPA Region III, we offered two options on possible nonattainment boundaries. The first option was Metropolitan Statistical Area (MSA) based and the second option revolved around the concept of transport and emission control regions. In this second option only the counties that have monitors showing nonattainment would be designated with the "nonattainment" tag but the remaining counties in the MSA would be required to control their emission sources at the same level as the connected nonattainment areas. The MDE would like to take this opportunity to request that Region III staff again consider our "option 2" recommendation.

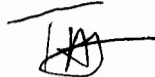
Since receiving your recommendation letter, the MDE has spent the last several months working very closely with the county governments who would like to petition the EPA recommendation. The MDE is preparing a formal response letter with several attachments that lend credence to our Option 2 scenario and the county's petitions. Our analysis includes a closer look at the emissions from the counties we think should be designated attainment. The MDE has completed some hysplit model analysis for Washington County showing how transported emissions are the primary reason for their designation and MDE has looked into the role county demographics played in the EPA analysis.

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The MDE still believes that our "option 2" scenario works in the structure of the designation process and we have buy-in from the impacted counties. Under option 2, all of the counties identified in your letter of June 29, 2004, would be controlled as if they were a nonattainment county. As discussed previously, MDE and the affected Maryland counties would develop and sign on to a MOU or use some other mechanism to make this "commitment to control" federally enforceable. The MDE believes this would make Maryland's request to keep certain counties as attainment significantly different than similar requests being made by other states.

The MDE understands the pressure being placed on the timing for final designations and MDE expects to submit our final response letter with attachments very shortly. If you have any questions regarding this letter, please contact me at 410-537-3242.

Sincerely,



George (Tad) Aburn
Program Manager

cc: Thomas C. Snyder, Director, MDE
Brian Hug, MDE
Judith Katz, Director, EPA Region III
Makeba Morris, EPA Region III