



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

December 14, 2001

Mr. David S. Baron
Earth Justice Legal Defense Fund
1625 Massachusetts Ave. NW Suite 702
Washington, DC 20036

Dear Mr. Baron:

Thank you for your letter dated March 12, 2001 to EPA Region III regarding possible deficiencies in the Maryland title V operating permit program. Your letter was in response to EPA's announcement made in the Federal Register on December 11, 2000, that members of the public, during the 90-day period that followed our announcement, could identify deficiencies they perceive exist in approved State and local agency operating permits programs required by title V of the Clean Air Act ("Act").

By way of background, the opportunity for citizens to comment on the title V programs was the result of EPA's settlement agreement with the Sierra Club and New York Public Interest Group (NYPIRG) who had challenged our final action on May 22, 2000 (65 FR 32025) extending the interim approval period for 86 operating permits until December 1, 2001. In the context of discussing settlement of that litigation, Sierra Club and NYPIRG raised concerns that many programs with interim approval, as well as those with full approval, have program and or implementation deficiencies.

In our December 11, 2000 Federal Register (65 FR 77377), we had asked members of the public to be as specific as possible in their comments and to not include in the comments any program deficiencies that were already identified as such by EPA when we granted the program interim approval. Further, we stated that comments that generically assert deficiencies for multiple programs would not be considered.

As you may be aware, the Environmental Protection Agency (EPA) did not grant Maryland full approval of its Part 70 state operating permit program by December 1, 2001. Rather, on December 5, 2001, EPA announced that a Part 71 federal operating permit program was in effect in Maryland and delegated to the Maryland Department of the Environment the authority to implement and enforce the federal program. (See 66 FR 63236 (December 5, 2001) for further details).



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In light of the fact that an approved Part 70 program is not in effect in Maryland, EPA will not be responding to your comments at this time. However, the Agency will consider each comment and work with the State to identify and resolve any deficiencies prior to Maryland submitting a Part 70 program for full approval.

Even though a Part 71 federal operating permit program is in effect in Maryland, EPA still believes that it is important to address and appropriately respond to your comments. Your letter outlined several potential deficiencies, some of which have already been addressed by the State of Maryland, and others which are still under consideration. With this letter, the Agency is, as a courtesy, committing to provide a written response to your comments in the near future. If you have any questions, please contact Makeba Morris Chief, Permits and Technical Assessment Branch at (215) 814-2187, or Helene Drago of her staff at 210-814-5796.

Sincerely,

/s/

Judith M. Katz, Director
Air Protection Division

cc: Jane Nishida, Secretary
Maryland Department of the Environment