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

DEC 3 2003

The Honorable Robert L. Ehrlich, Jr.
Office of the Governor
100 State Circle
Annapolis, Maryland 21401

Dear Governor Ehrlich:

Thank you for making recommendations on 8-hour ozone air quality designations. Your letter is an important step in providing the citizens of Maryland with information on air pollution levels where they live and work. Levels of ground-level ozone, a major constituent of smog, have improved significantly since the Clean Air Act (CAA) was amended in 1990, at which time 135 areas were designated as not attaining the 1-hour ozone standard. Since that time nearly half those areas (67) have cleaned up their air to meet the 1-hour ozone standard and have been redesignated as attaining that standard. However, many areas still have not met the less stringent 1-hour ozone standard and, in 1997, the United States Environmental Protection Agency (EPA) promulgated a more stringent 8-hour ozone national ambient air quality standard. Thus, much work remains to be done. Under the CAA, EPA is required to promulgate designations for new or revised standards, such as the 8-hour ozone standard. Earlier this year, after several public interest groups filed a lawsuit claiming EPA had not met the statutory deadline for designating areas for the 8-hour ozone standard, we entered into a consent decree that requires us to promulgate designations by April 15, 2004.

We have reviewed your letter dated July 15, 2003 submitting Maryland's recommendations on air quality designations for the 8-hour ozone standard. Consistent with section 107(d)(1) of the CAA, this letter is to inform you that, based upon the information contained in your letter, and in the absence of additional substantiation for your recommendations, EPA intends to make modifications to Maryland's recommended designations and boundaries. If you would like to provide additional information about the areas in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations. To advance the designation and classification process, please submit by December 30, 2003 your final 2003 monitoring data into the Air Quality System and, in addition, submit it by the above date to Judith M. Katz, Director, Air Protection Division, by official letter so that we can place it in the docket for the designations rulemaking.

The CAA defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. EPA guidance indicates that Maryland should use the larger of the Consolidated Metropolitan Statistical Area, Metropolitan Statistical Area, or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance provides criteria factors that Maryland should consider in determining

whether to modify the presumptive boundaries. We have reviewed your supporting information to either expand or contract the presumptive nonattainment area.

In addition to updating the other supporting data for the relevant factors (e.g., 1999 emissions inventory, 2002 census data), EPA has been tracking 2003 ozone monitoring data and their impact on areas' preliminary 2001-2003 design values. Where the updated information, including the preliminary 2001-2003 ozone monitoring data, indicate that an area's attainment status will differ from Maryland's recommendation based on earlier data, including 2000-2002 monitoring data, EPA indicates the potential modification to the designation recommendation in the enclosure. Additionally, the EPA will continue to quality-assure all the relevant data to determine if it might affect the State's recommended designations. It is important for Maryland to expedite submittal of 2003 ozone air quality data because it, along with the other data for the relevant factors, is critical to the designation and classification process.

The enclosure to this letter provides a table in which EPA identifies the Maryland counties that are being identified as nonattainment. We are also providing a written summary of our reasoning for modifying your recommendations, explaining why we believe that our modifications are more consistent with the statutory definition of a nonattainment area in light of the relevant factors provided in our guidance.

We look forward to a continued dialogue with Maryland as we work to finalize the designations for the 8-hour ozone standard. As you know, the job of improving ozone air quality is a difficult one and we appreciate your continued efforts to work with us toward this goal. We will review any supporting information that Maryland wishes to submit to EPA by February 6, 2004 on these recommendations. If you have any questions, please do not hesitate to contact me or have your staff contact Judith M. Katz, Director, Air Protection Division, at 215-814-2654.

Sincerely,

Donald S. Welsh

Donald S. Welsh
Regional Administrator

Enclosures

cc (w/enclosures):

The Honorable Kendl P. Philbrick, Acting Secretary, MDE
Thomas Snyder, ARMA Director, MDE
John M. Daniels, Jr., Director of Air Program, VADEQ
Donald Wambsgans, Program Manager, Air Quality Division (D.C.)
Joyce Epps, Director of Air Quality, PADEP
Bradley M. Campbell, Commissioner, Director, New Jersey DEP

Enclosure 1

The following table identifies the individual areas and counties comprising those areas within Maryland that EPA intends to designate as nonattainment. Following the table is a description of areas where EPA intends to modify the Maryland recommendation and the basis for such modification. EPA intends to designate as attainment/unclassifiable all counties not identified in the table below.

Area	**Maryland Recommended Nonattainment Counties**	**EPA Recommended Nonattainment Counties**
Philadelphia, DE-MD-NJ-PA	Cecil County	Cecil County
Baltimore, MD	Anne Arundel County Baltimore City Baltimore County Carroll County Harford County Howard County	Anne Arundel County Baltimore City Baltimore County Carroll County Harford County Howard County
Kent and Queen Anne's, MD	Kent County Queen Anne's County	Kent County[1] Queen Anne's County
Washington, DC-MD-VA	Calvert County Charles County Frederick County Montgomery County Prince George's County	Calvert County Charles County Frederick County Montgomery County Prince George's County
Hagerstown, MD	Washington County	Washington County

[1] This area will be designated as a separate nonattainment area from the Baltimore nonattainment area if EPA receives a SIP revision from the State acknowledging that Kent and Queen Anne's counties will rely on the Baltimore nonattainment area design monitor for redesignation purposes and requesting the same ozone classification as the Baltimore nonattainment area for air quality planning purposes. Should EPA not receive that SIP revision by the date of final designation, Kent and Queen Anne's counties will be included as part of the Baltimore nonattainment area.

Enclosure 2

EPA Nonattainment Areas in Maryland

Maryland portion of the Philadelphia Area

Maryland recommended Cecil County to be part of the Philadelphia nonattainment area. EPA is not modifying the Maryland recommendation for Cecil County, but it is modifying the Philadelphia nonattainment area. The Philadelphia nonattainment area consists of 5 counties in Pennsylvania, 5 counties in New Jersey, 3 counties in Delaware, and 1 county in Maryland. The Maryland portion of the Philadelphia nonattainment area consists of Cecil County. The Delaware portion includes New Castle County, Kent County and Sussex County. The Pennsylvania portion of the Philadelphia nonattainment area includes the following counties: Bucks County, Chester County, Delaware County, Montgomery County, and Philadelphia County. The New Jersey portion includes: Burlington County, Camden County, Gloucester County, Salem County, and Mercer County.

Maryland portion of the Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area (CMSA)

The counties and areas in the Washington-Baltimore, DC-MD-VA-WV CMSA are the following: Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County Maryland are part of the Baltimore area; Queen Anne's County, Maryland is part of the Kent and Queen Anne's area; Calvert County, Charles County, Frederick County, Montgomery County, and Prince Georges County, Maryland, Arlington County, Alexandria City, Fairfax County, Fairfax City, Falls Church City, Fauquier County, Loudoun County, Manassas City, Manassas Park City, and Prince Williams County, Virginia and the District of Columbia are part of the Washington D.C. Area; Stafford County, Spotsylvania County, and Fredericksburg City, Virginia are part of the Fredericksburg area; Washington County, Maryland is part of the Hagerstown area; Berkeley County and Jefferson County, West Virginia are part of the Berkeley and Jefferson "Panhandle" Area; and Clarke County, Culpeper County, King George County, and Warren County, Virginia that are the remainder of the Washington-Baltimore CMSA.

The states recommended, and we have agreed to divide the CMSA into 6 separate nonattainment areas. Due to the broad expanse of the area, the different causes of pollution in different parts of the CMSA and the difficulties in planning that would occur if such a large number of separate government entities were required to plan as one large nonattainment area, we believe it is appropriate to create 6 separate nonattainment areas so long as each area agrees to the same classification as all other areas. Requiring the same classification for each of the 6 areas will ensure that the needed emission reductions occur to address pollution levels in the Washington-Baltimore CMSA. The Fredericksburg and Kent and Queen Anne's areas have additional requirements which tie their future redesignation to that of the Washington, D.C. and Baltimore areas. However, since each area has a different make-up of emissions sources, separate designations will allow the areas to choose which sources it makes the most sense to

control. In addition, the creation of 6 separate nonattainment areas will avoid the unwieldy air quality planning that would occur if such a large number of different governmental entities were required to act as one nonattainment area.

Baltimore Area

Maryland recommended the following counties to be part of the Baltimore nonattainment area: Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County. EPA is not modifying the Maryland recommendation for the Baltimore nonattainment area.

Kent & Queen Anne's Area

Maryland recommended Kent County and Queen Anne's County as an EAC Area separate from the Washington-Baltimore CMSA. Maryland did not meet the requirements for EAC areas with respect to Kent and Queen Anne's counties and therefore, these counties will be designated nonattainment for the 8-hour ozone standard. EPA's analysis supports Maryland's conclusions that the Kent and Queen Anne's area should be designated as a separate ozone nonattainment from the Washington-Baltimore CMSA. This area will be designated as a separate nonattainment area from the Baltimore nonattainment area if EPA receives a State Implementation Plan (SIP) revision from the State acknowledging that Kent and Queen Anne's counties will rely on the Baltimore nonattainment area design monitor for redesignation purposes and requesting the same ozone classification as the Baltimore nonattainment area for air quality planning purposes. Should EPA not receive that SIP revision by the date of final designation, Kent and Queen Anne's counties will be included as part of the Baltimore nonattainment area.

Maryland provided the following rationale for Kent and Queen Anne's counties as a nonattainment area distinct from the Baltimore or Washington, D.C. ozone nonattainment areas. The Kent and Queen Anne's area is located on the Eastern Shore of Maryland across the Chesapeake Bay from the rest of the Metropolitan Statistical Area (MSA). Queen Anne's County is part of the Washington-Baltimore CMSA. Kent County is not part of any metropolitan statistical area. The Kent and Queen Anne's area is a 1-hour ozone nonattainment area that was classified as marginal in 1991. Both Kent and Queen Anne's counties are part of the OTR and have applied New Source Review, Vehicle Emissions Inspection Program, VOC and NOx RACT, and many other control programs. In addition, Maryland adopted many of their control strategies statewide.

The EPA analysis used all the relevant criteria to determine the appropriateness of separating Kent and Queen Anne's counties from the Washington-Baltimore CMSA. Several examples of these criteria can be given. Figure 1 at the end of this enclosure shows the difference in the NOx to VOC emissions ratio between the Washington area and Kent and Queen Anne's counties. There are no utilities in the Kent and Queen Anne's area and the population density of these two counties is more than an order of magnitude lower than that of the Washington area. In addition, less than 0.1% of the commuting population into Washington, D.C. comes from Kent and Queen Anne's counties.

Maryland portion of the Washington, D.C. Nonattainment Area

Maryland recommended the following counties to be part of the Washington D.C. nonattainment area: Calvert County, Charles County, Frederick County, Montgomery County, and Prince George's County. EPA is not modifying the Maryland recommendation for its portion of the Washington D.C. nonattainment area. The Washington, D.C. nonattainment area consists of Maryland, the District of Columbia and Virginia. The Virginia portion of the Washington, D.C. nonattainment area consists of Arlington County, Alexandria City, Fairfax County, Fairfax City, Falls Church City, Fauquier County, Loudoun County, Manassas City, Manassas Park City, and Prince Williams County.

Hagerstown Area

Maryland recommended Washington County to be part of the Hagerstown area. EPA is not modifying the Maryland recommendation for the Hagerstown area. This is an Early Action Compact (EAC) area. As an EAC area, Hagerstown's nonattainment designation would be deferred. If EAC milestones or requirements were not met and the nonattainment designation is implemented, EPA would require Washington County to be classified at the same classification as the Washington D.C. area.

Washington County is located in West-Central Maryland, bounded by Pennsylvania, Virginia and West Virginia and approximately 75 miles west of Washington, D.C. and Baltimore. Since Maryland is part of the Ozone Transport Region (OTR), Washington County is already subject to New Source Review, Vehicle Emissions Inspection Program, Volatile Organic Compound (VOC) and Nitrogen Oxide Reasonable Available Control Technology (NOx RACT), and many other control programs. Although Washington County is a part of the Washington, D.C. CMSA, based on EPA's analysis, Washington County is characteristically distinct from that core metropolitan area.

The Figures 2 through 5 at the end of this enclosure with regard to population density, VMT growth, percentage of utility NOx emissions and percentage of commuters into the Washington, D.C. area support the separation of the Hagerstown area from the core Washington, D.C. area. In the Figures, the Panhandle refers to the Berkeley-Jefferson Counties, West Virginia and Fredericksburg refers to Stafford County, Caroline County, Spotsylvania County, and the City of Fredericksburg, Virginia. For population density, Figure 2 at the end of this enclosure, shows the relative population densities of the Hagerstown area (Washington County, Maryland) compared with the Washington, D.C. area. The VOC and NOx emission densities for Washington County are 12 and 11 tons/year-km^2, respectively, compared to the core Washington, D.C. area's VOC and NOx emission densities of 17 and 24 tons/year-km^2, respectively. The percentage of the total NOx emissions in Washington County coming from utilities is only 6% compared to the Washington and Baltimore areas that have a 41 and 29 %, respectively. Figure 3 shows that the Vehicle Miles Traveled (VMT) growth in Hagerstown is different to that in the Washington, D.C. area and Figure 4 shows the dissimilarity between the percentage of utility NOx emissions in Hagerstown to the Washington, D.C. area. Figure 5 shows that very few in Hagerstown commute to the Washington, D.C. to work. The greatest percentage of commuters into Washington, D.C. come from the Baltimore area but even that percentage is less than 5% of the population. For Hagerstown, the percentage is 0.4%.

Figure 1: Comparison of NOx/VOC Emissions Ratio between the Washington, D.C. area and Kent/Queen Anne's counties

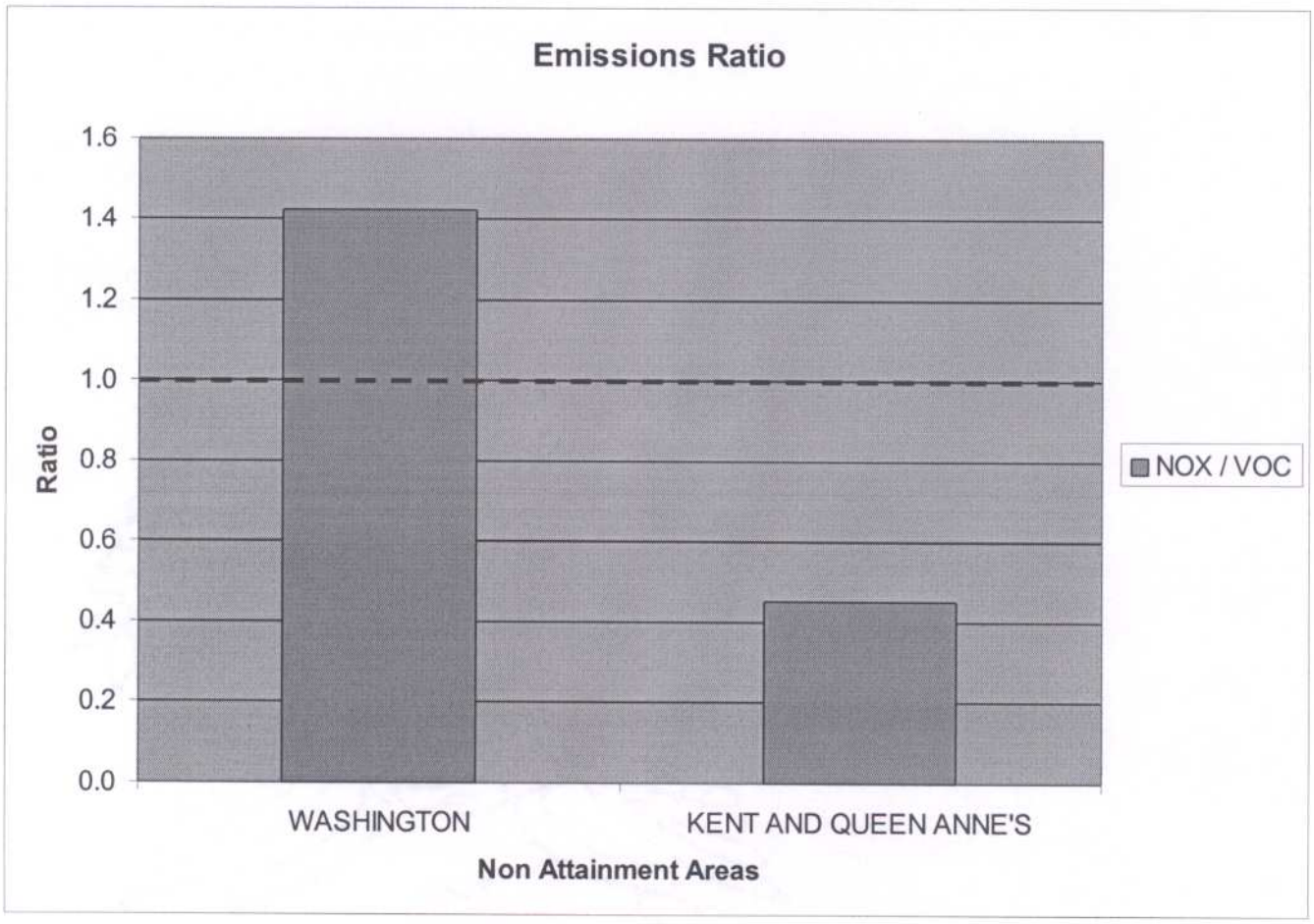

Figure 2: Population Comparison between Washington, D.C. and adjacent areas

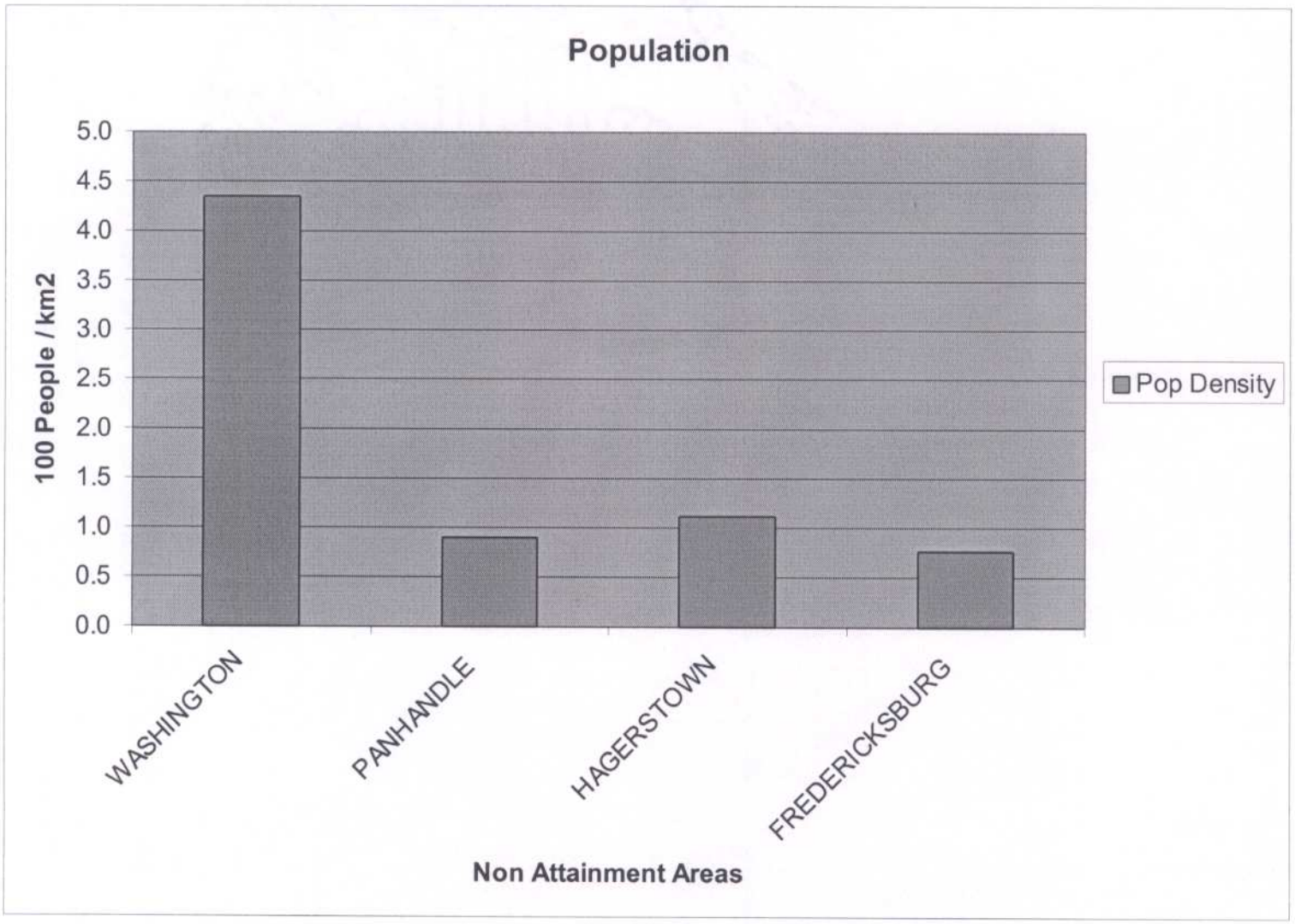

Figure 3: VMT Growth Comparison between the Washington, D.C. area and adjacent areas

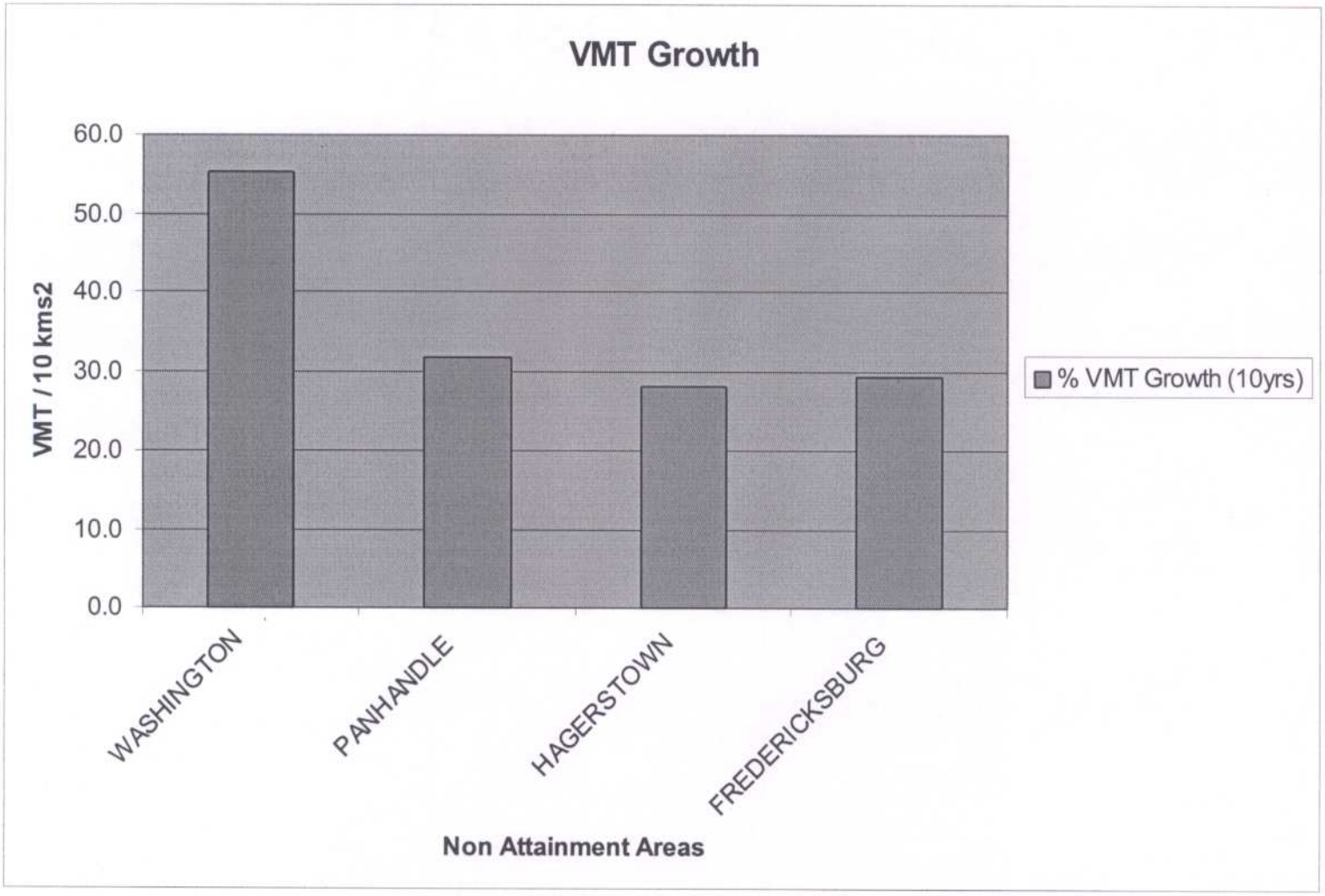

Figure 4: Comparison of % Utility NOx Emissions between Washington area and adjacent areas

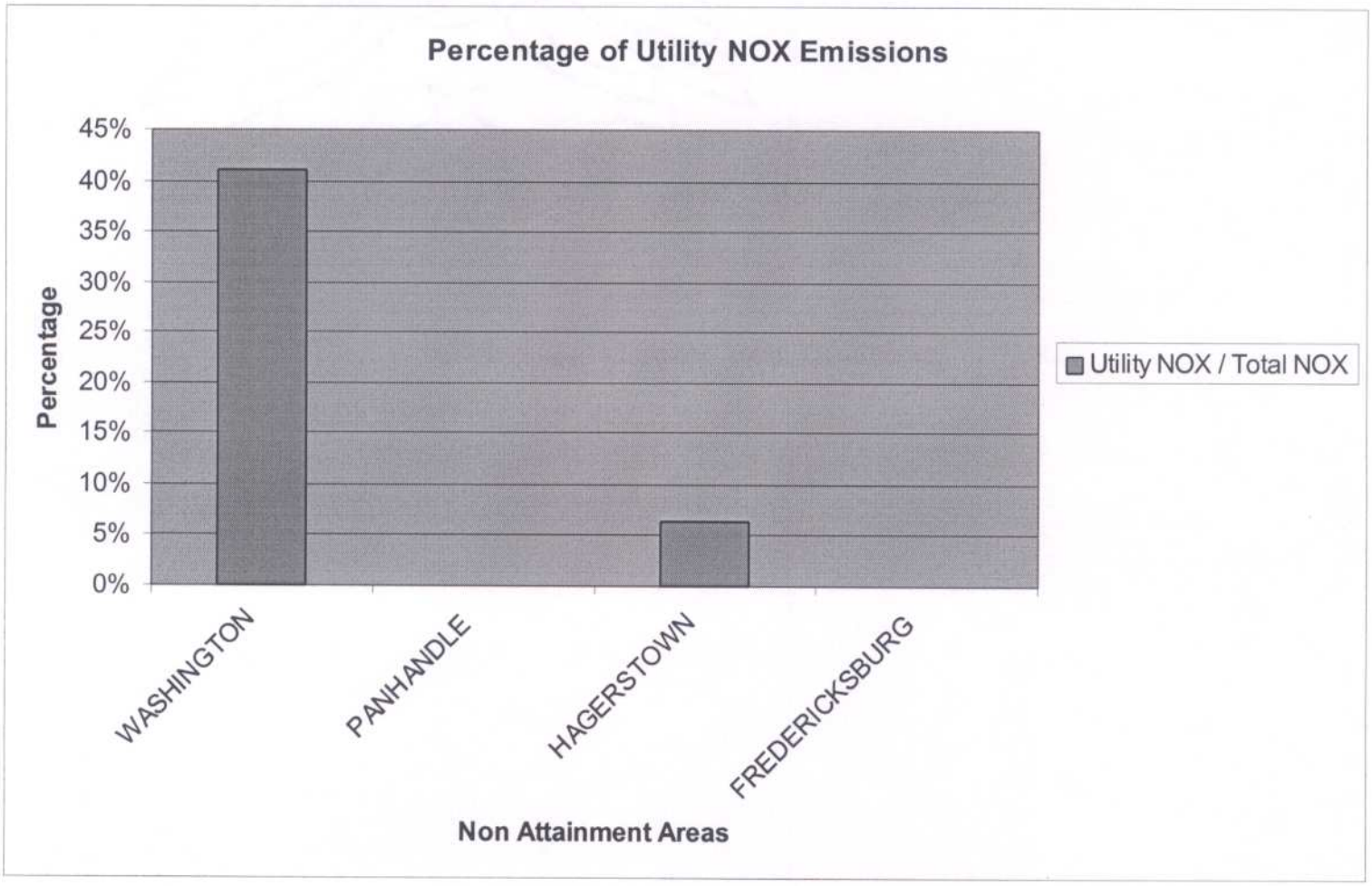
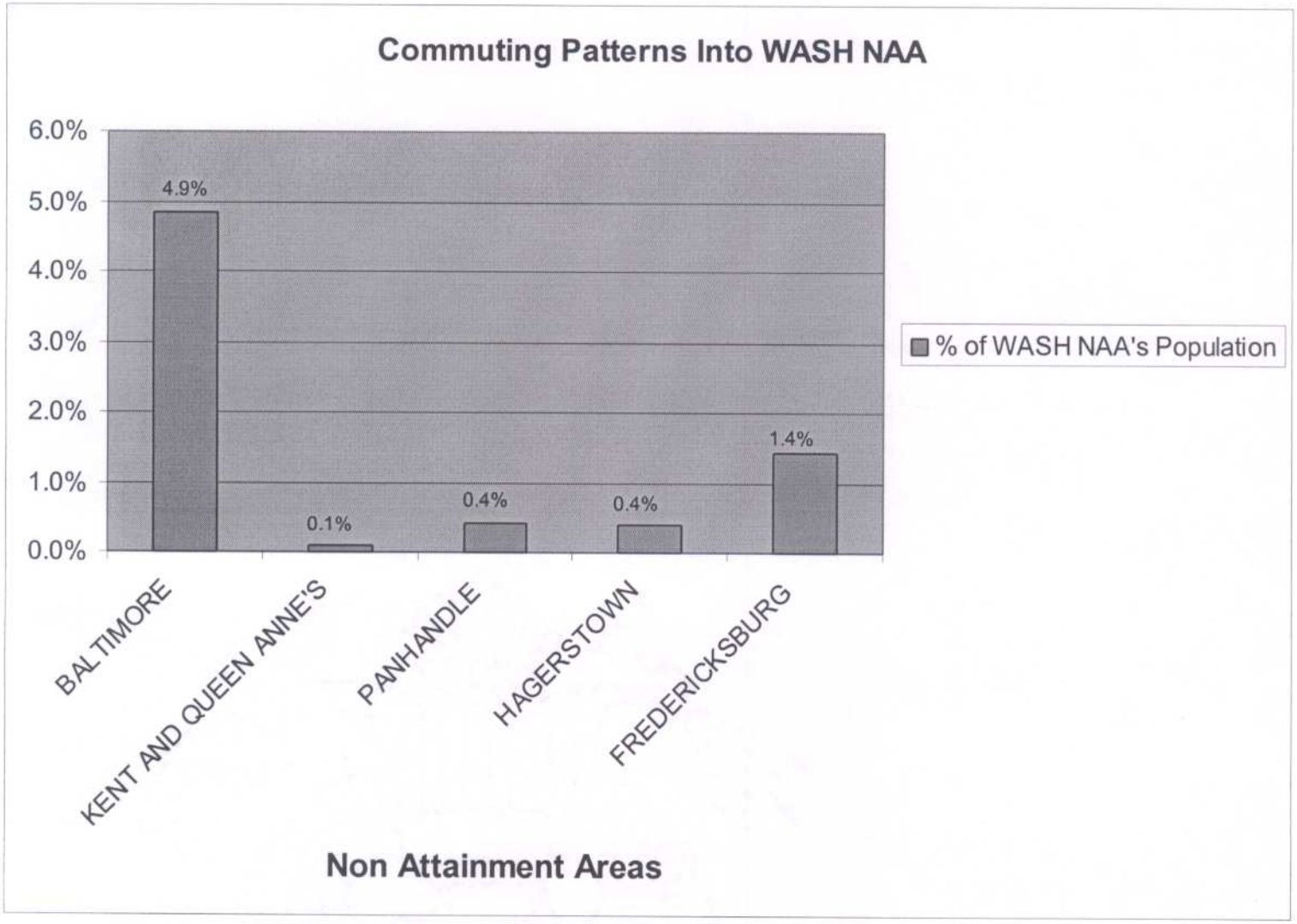
Figure 5: Comparison of Commuting Patterns of each adjacent area into the Washington, D.C. area