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July 25, 2000

Mr. Bradley Campbell
Regional Administrator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia PA 19103

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EPA, REGION III
OFFICE OF REGIONAL ADMINISTRATOR

Dear Mr. Campbell:

In accordance with the requirements of Section 107 (d) (4) (A) (i) of the Clean Air Act and SEC. 6103. (Ozone Designation Requirements) of the Transportation Equity Act for the 21st Century (TEA-21), Maryland, based on evaluations and public meetings conducted by the Maryland Department of the Environment, is hereby submitting recommendations on designations and boundaries for nonattainment areas under the 8-hour ozone standard.

Clean air is very important to Maryland and its citizens. Maryland has made significant progress in reducing emissions that cause air pollution. Maryland continues to emphasize the need for tough regional control programs that not only reduce pollution close to home but also reduce the significant amount of pollution that floats across state lines. Also, Maryland continues to promote Smart Growth as a means toward a cleaner environment, and it is important that any final designations are not inconsistent with Maryland's Smart Growth endeavors.

Maryland is the first state in Region III to develop and submit a plan and regulations to implement EPA's 22-state nitrogen oxide (NOx) reduction program called the "NOx SIP Call." Maryland pushed forward with this critical program despite the legal uncertainty associated with the NOx SIP Call over the last year. Maryland has also filed a Clean Air Act Section 126 Petition with the EPA, to compel emission reductions in other states if they fail to comply with the NOx SIP Call.

Since late 1998, Maryland has been holding public meetings and working closely with a wide variety of stakeholder groups and EPA on how to designate new nonattainment areas under the 8-hour standard. These groups include Maryland's General Assembly, the Baltimore Metropolitan Council, the Metropolitan Washington Air Quality Committee and the Attainment Plan Task Force. The Attainment Plan Task Force includes representatives from the General Assembly, local governments and the public and private sectors. After considering input from a wide variety of stakeholders two guiding principles emerged to form the building blocks of Maryland's recommendation. 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. Moreover, EPA approval of State Implementation Plans of upwind areas should only be granted if the plans satisfactorily address the effect of ozone transport on downwind areas. It is critical to Maryland's effort to meet the ozone standards that upwind areas be required to continue to implement emission-reducing programs until the downwind areas that they affect become 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. It is essential that these existing planning mechanisms not be disrupted.

   Maryland also supports the use of sub-regional planning processes within a single nonattainment area, similar to the process now used in the Philadelphia area. For example, Washington County should be allowed to participate in a separate conformity process even though we are recommending that they be a part of the larger Washington D.C. nonattainment area.

The specific recommendation on designations and boundaries for nonattainment areas under the 8-hour ozone standard is attached. Maryland expects EPA to deem all areas that contribute to our high ozone levels nonattainment, and to hold those areas accountable for making their fair share of the emission reductions needed to bring clean air to the citizens of the State.

Maryland recognizes that this recommendation is only the first step in the designation process, and looks forward to working with EPA as you finalize designations and boundaries for the 8-hour ozone standard. If you have any questions on this submission, please do not hesitate to contact George (Tad) Aburn, Manager of the Air Quality Planning Program at (410) 631-3245 or Jane Nishida, Secretary, Maryland Department of Environment at (410) 631-3084.

Sincerely,

Parris N. Glendening
Governor

Enclosure

ATTACHMENT

Maryland's 8-Hour Ozone Designation Recommendation

Designated Area	Designation
Baltimore Area	
Anne Arundel County	Nonattainment
Baltimore City	Nonattainment
Baltimore County	Nonattainment
Carroll County	Nonattainment
Harford County	Nonattainment
Howard County	Nonattainment
Kent County	**Nonattainment**
Queen Anne's County	**Nonattainment**
Philadelphia-Wilmington-Trenton Area	
Cecil County	Nonattainment
Washington DC Area	
Calvert County	Nonattainment
Charles County	Nonattainment
Frederick County	Nonattainment
Montgomery County	Nonattainment
Prince Georges County	Nonattainment
Washington County	**Nonattainment**
Other Counties	
Allegany County	Attainment
Caroline County	Attainment
Dorchester County	Attainment
Garrett County	Attainment
Somerset County	Attainment
St. Mary's County	Attainment
Talbot County	Attainment
Wicomico County	Attainment
Worcester County	Attainment