



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Parris N. Glendening
Governor

Jane T. Nishida
Secretary

Bradley M. Campbell
Regional Administrator
EPA Region III
1650 Arch Street
Philadelphia PA 19103

Dear Mr. Campbell:

The purpose of this letter is to provide a reaffirmation of previous commitments made by the State of Maryland in State Implementation Plan (SIP) revision submittals dated December 24, 1997 and April 28, 1998. This letter is being provided as called for in the Notice of Proposed Rulemaking (NPR) on the One-Hour Ozone Attainment Demonstration for the Baltimore Area which was published in the Federal Register on December 16, 1999 (64 FR 70397).

On December 3, 1999, the State of Maryland submitted its draft revised motor vehicle budgets for the Baltimore area. Those budgets are currently proceeding through the State and local processes, including public hearing, necessary for their adoption. We have requested that EPA commence its adequacy review in parallel with these state and local processes. We anticipate submittal of the final adopted revised motor vehicle budgets to EPA by December 17, 1999. This will provide for EPA to complete its adequacy review as soon as possible and certainly well before the May 31, 2000 deadline date as called for in the December 16, 1999 NPR.

In the December 24, 1997 and April 28, 1998, SIP revision submittals referenced above, the State of Maryland made an enforceable commitment to adopt additional control measures as needed to attain the one-hour ozone national ambient air quality standard (NAAQS). These SIP revisions were the subject of public comment periods and public hearings as required under section 110 of the Clean Air Act. This letter serves to reaffirm that commitment and to recognize that it applies to the need for additional emission reductions as required in the attainment demonstration test as called for in the December 16, 1999 NPR published by EPA for the Baltimore area.

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These additional measures will be adopted and submitted to EPA by no later than October 31, 2001. Moreover, for additional emission reduction measures developed through a regional process with fellow Ozone Transport Commission (OTC) states, the State of Maryland also recognizes that its commitment also constitutes a backstop commitment to adopt and submit by October 31, 2001, intrastate measures for the emission reductions in the event the OTC process does not recommend measures that produce the needed emission reductions.

The State of Maryland also recognizes that in fulfilling its commitment to adopt and submit the additional measures necessary to support the attainment test, it would also have to submit as part of the SIP revision, due by October 31, 2001, revised motor vehicle budgets if the additional measures affect the motor vehicle emissions inventory.

In our April 29, 1998 SIP revision submittal, we submitted a list of potential control measures that could provide additional emission reductions needed to attain the standard. The list does not include any measures that limit highway construction. Please note that in submitting the list, the State of Maryland did not commit to adopt any specific measures.

Pursuant to its commitment to adopt additional measures necessary to attain the one hour ozone standard, the State of Maryland commits to perform a mid-course review as called for in EPA's December 16, 1999 NPR.

The State of Maryland commits to revise its SIP and motor vehicle emissions budget within one (1) year after MOBILE6 is issued. This revision is necessary because EPA included the effects of Tier 2 in its assessment of the attainment test for the Baltimore area and in its determination of additional emission reductions necessary to support the attainment test. In any case, the State of Maryland will revise the motor vehicle emission budget to include Tier 2 before December 31, 2000.

In preparing the revised motor vehicle budgets for the Baltimore area (drafts of which have been submitted to EPA), the State of Maryland has updated the SIP's' planning assumptions to include the use of 1999 vehicle registration data. This has resulted in slightly higher mobile vehicle emission budgets for the Baltimore area than those contained in the April 28 and August 18, 1998 submittals of the One-Hour Attainment Demonstration SIP for the Baltimore area. This is the case even after revising mobile inventories and budgets to account for reductions from the NLEV and heavy duty diesel engines programs. Therefore, the State of Maryland recognizes that its commitment to adopt additional local measures to reduce emissions as necessary to attain the ozone standard includes not only those needed to support the attainment test as identified in EPA's December 16, 1999 NPR but also those needed to offset the emission increases in both VOC and NOx in the revised mobile budgets resulting from the use of 1999 vehicle registration data in the Baltimore area.

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As indicated above, the State of Maryland made an enforceable commitment to adopt additional control measures as needed to attain the one-hour ozone national ambient air quality standard (NAAQS) its April 28, 1998 SIP revision which was the subject of a public comment period and public hearing. However, that SIP revision did not specify the October 31, 2001 deadline for submittal of the additional measures. The State of Maryland will, therefore, again make an enforceable commitment as described herein, including the October 31, 2001 deadline, the subject of public notice and hearing and resubmit it to EPA by no later than January of 2001. Thank you for this opportunity to reaffirm Maryland's previous commitments made in the Phase I and Phase II Attainment Plans for the Baltimore Nonattainment Area and Cecil County. We look forward to continuing to work with the Environmental Protection Agency and other stakeholders on this important issue.

Sincerely,



Jane Nishida, Secretary
Maryland Department of the Environment

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