

INTERNAL REVIEW DRAFT – DO NOT QUOTE OR CITE

Staff Review Draft - 1/21/2009

Mr. William T. Wisniewski
Acting Regional Administrator
U.S. EPA Region III
1650 Arch St.
Philadelphia, PA 19103-2029

Subject: Metropolitan Washington Region Comments on December 5, 2008
Proposal Re Non-Attainment Designation for Montgomery and Prince
George's County, Maryland

Dear Mr. Wisniewski:

On behalf of the Metropolitan Washington Council of Governments' Board of Directors, the National Capital Region Transportation Planning Board (TPB), and the Metropolitan Washington Air Quality Committee (MWAQC), we are writing to express our strong opposition to the action proposed on December 5, 2008 by U.S. EPA Region III to designate Montgomery County and Prince George's County, Maryland, as part of the Baltimore nonattainment area for the 2006 daily fine particle standard.

The Washington, DC-MD-VA region has successfully carried out coordinated air quality planning and transportation conformity analyses through the Metropolitan Washington Air Quality Committee (MWAQC) for nearly 20 years. Levels of ground-level ozone and fine particles have declined steadily as a result of the implementation of the region's air quality State Implementation Plans. The fact that the entire Washington region is meeting the 2006 daily fine particle standard and the Baltimore region is rapidly approaching attainment is a testament to the effectiveness of the planning process and associated implementation actions carried out by MWAQC and TPB in cooperation with Maryland, Virginia and the District of Columbia.

Based on the information provided below and in the attachment to this letter, we urge EPA Region III to designate Montgomery County and Prince George's County in attainment along with the rest of the metropolitan Washington region. The current coordinated air quality planning process represents the best and most effective means of achieving clean air for both the Washington and Baltimore regions.

Flawed Technical Analysis

The decision to designate Montgomery County and Prince George's County as part of the Baltimore nonattainment area was based on the same analysis that was used to reach the opposite conclusion in August. We believe that the technical analysis underlying the December 5th proposal is flawed. These flaws include use of preliminary emission inventory data, and an overestimated VMT growth for the affected counties. Please see Attachment A for a further explanation of the technical problems with EPA's data and analysis.

Baltimore region moving toward attainment of fine particle standard

Based on Maryland Department of the Environment's preliminary data for the Baltimore region, it appears that Baltimore is very close to attainment of the 2006 daily fine particle standard. Baltimore's data shows a downward trend, suggesting that fine particle levels in the Baltimore region are being reduced through the state's control measures. The decline in Baltimore's fine particle levels also suggest that upwind sources are effectively controlling emissions and that contribution is not a significant factor in Baltimore's "nonattainment" problem.

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Commitment to Air Quality Improvements in the Washington Region

We in the Washington region are committed to improving air quality, meeting all applicable federal air quality standards, and doing our part to improve air quality in areas downwind of the region. MWAQC has successfully developed a number of carbon monoxide, ozone and fine particle air quality plans since the early 1990s. Washington area emissions have been declining and the monitors in the region show improvements for ozone and fine particles. Washington, DC-MD-VA region's monitors are showing attainment of both the 1997 and 2006 annual and daily fine particle standards.

Transportation Conformity

The transportation conformity analysis process in the Washington region has proceeded efficiently and smoothly for many years through coordination between MWAQC and the National Capital Region Transportation Planning Board (“TPB”). The proposed designation would significantly complicate transportation conformity in the Washington region by linking its conformity process to that of the Baltimore region, thereby precluding the continuation of independent transportation planning activities for the two Metropolitan Planning Organizations (MPOs).

MWAQC has been the vehicle for coordinating air quality planning in the Washington region since 1992. If the two counties must be designated nonattainment because of their significant contribution to Baltimore’s problems, Virginia and the District transportation planning will be affected through the conformity process. Consequently, they must be able to participate in the air quality planning process and in establishing associated motor vehicle emissions budgets. This can best be accomplished through MWAQC.

Thank you for the opportunity to comment. We urge EPA Region III to reconsider its December 5, 2008 action and designate Montgomery County and Prince George’s County, Maryland in attainment for the 2006 daily fine particle standard along with the rest of the Washington DC-MD-VA region. Our recommendation is consistent with the views of Montgomery and Prince George's Counties as well as the State of Maryland Department of the Environment.

Sincerely,

Penelope Gross, Chair
Board of Directors
Metropolitan Washington Council of Governments

Phil Mendelson, Chair
Metropolitan Washington Air Quality Committee

Charles Jenkins, Chair
National Capital Region Transportation Planning Board

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cc:

Governor Martin O'Malley

Governor Tim Kaine

Mayor Adrian Fenty

Maryland Department of the Environment

Maryland Department of Transportation

District Department of Environment

District Department of Transportation

Virginia Department of Environmental Quality

Virginia Department of Transportation

Virginia State Air Pollution Control Board

Board of Directors, Metropolitan Washington Council of Governments

Metropolitan Washington Air Quality Committee

National Capital Region Transportation Planning Board

Interstate Air Quality Council

Baltimore Metropolitan Council

Judy Katz, EPA Region III