

**Environmental Protection Agency (EPA) Region III's Response to Compilation of Questions from Transportation Planning Stakeholders in the Metropolitan Washington-DC-MD-VA Planning Area Regarding EPA's Proposal to Designate Montgomery and Prince George's Counties as part of the Baltimore Nonattainment Area for the 2006 24-hour PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS)**

**January 9, 2009**

**Background/Summary**

During a December 9, 2008 discussion among EPA Region III officials and Metropolitan Washington Air Quality Committee (MWAQC) Technical Advisory Committee (TAC) representatives, TAC representatives raised certain questions relating to implications of the proposed designation of Montgomery and Prince George's Counties as part of the Baltimore nonattainment area for the 2006 24-hour PM<sub>2.5</sub> NAAQS on future transportation planning activities in the Washington and Baltimore areas. In order to gain a better understanding of several issues relating to transportation planning activities, on December 17, 2008, Metropolitan Washington Council of Governments (MwCOG) submitted a compilation of questions from various stakeholders to EPA Region III.

In an effort to provide informal consultation regarding transportation conformity issues to MCOG, and other stakeholders, EPA is providing responses which we believe will assist them in their efforts to develop a better understanding of the implications of the proposed designation of Montgomery and Prince George's County as part of the Baltimore nonattainment area for the 2006 24-hour PM<sub>2.5</sub> NAAQS on future transportation planning activities in the Washington and Baltimore areas. These responses are a supplement to a previous summary of transportation conformity guidance provided by EPA Region III on December 17, 2008. To the extent that EPA Region III believes that the summary of requirements provided on December 17, 2008 is responsive to the question, EPA has referenced such summary. To the extent that the submitted questions seek reiteration of information provided in EPA's December 5, 2008 Technical Support Document (TSD) relating to such proposed designation, EPA has sought to provide confirmation of information set forth in the TSD. With respect to issues or concerns relating to EPA's rationale supporting such proposed designation, EPA invites the states to formally submit comments as part of the proposed designations comment period prior to February 3, 2009, and EPA will respond to such comments via the designations process set forth in the Clean Air Act.

**Specific Questions**

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**District Department of Transportation (DDOT)**

In general, DDOT questions are related to gaining a better understanding of any impacts to the TPB's transportation planning and conformity processes should the EPA's area designation proposal be finalized. Specific questions include:

1. How would the TPB's current conformity requirements change under EPA's proposed area designation (i.e., new budgets, schedules, etc.)?

**Response: See summary of transportation conformity guidance provided by EPA on December 17, 2008.**

2. What alternatives are available for meeting any new requirements?

**Response: See summary of transportation conformity guidance provided by EPA on December 17, 2008.**

3. Are there any other examples of counties that have been removed from one nonattainment area and placed in another and cases of EPA setting different area designations involving multiple MPO's?

**Response: There have been instances in the past where an area was originally included in one nonattainment area and then, subsequently, placed in another nonattainment area. One such case is Ocean County, NJ, which under the 1-hr ozone NAAQS was designated nonattainment as part of the New York-New Jersey-Long Island nonattainment area, and then, subsequently, designated as part of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 8-hr ozone standard. This change directly affected two metropolitan planning organizations (MPO's): North Jersey Transportation Planning Authority (NJPA) and Delaware Valley Regional Planning commission (DVRPC). Additionally, Pennsylvania and Delaware Counties included within the same ozone or PM<sub>2.5</sub> nonattainment area are examples where counties within one nonattainment area are also part of different Metropolitan Planning Organizations; specifically, DVRPC and the Wilmington Metropolitan Planning Counsel (WILMPCO).**

**Although we are not aware of any instances for PM<sub>2.5</sub> NAAQS where an area attained but was shown to contribute to a nearby area that is not to say it may not happen in the future.**

4. How might problems with the Baltimore region's SIP and conformity impact the TPB?

**Response: There is no immediate concern with respect to conformity for the Baltimore or Washington areas. EPA's current intent is to propose disapproval of the attainment demonstration for the Baltimore 8-hour ozone nonattainment area. After this proposal is published the public, including the states, will have a 30-day period to submit comments to EPA. Only upon a final disapproval of the attainment demonstration for the Baltimore area would a conformity freeze go into effect.**

**The “freeze” can be avoided if, before EPA takes final action on the proposed disapproval, the Baltimore area receives a “bump-up” to a higher classification with a new attainment deadline. Maryland may request a voluntary “bump-up” prior to its June 15, 2010 attainment date (but has stated in writing to EPA that it has no current intention to do so).**

**The air quality data for the 2009 ozone season will be dispositive as to whether, or not, the Baltimore area can timely attain the standard. If EPA has not finalized the disapproval by the time dispositive air quality data indicating that the area cannot timely attain the standard are available, EPA believes that the State will have an incentive to request a voluntary “bump-up.”**

**Under a “freeze” no new conformity determinations for any pollutant in the Baltimore area would be possible until the freeze is removed through a new State Implementation Plan (SIP) submission, adequacy/approval of new mobile emissions budgets and a new conformity determination of a Transportation Implementation Plan (TIP)/Plan with respect to the new budgets.**

**If this scenario occurs, the Washington D.C. area would also then be unable to do any conformity determinations for the daily PM<sub>2.5</sub> standard for the two counties at issue since the Baltimore area would not be able to conduct a conformity determination for the daily PM<sub>2.5</sub> standard within its planning area to coincide with any new D.C. conformity determination. If the D.C. area is unable to do a new conformity determination for the daily PM<sub>2.5</sub> standard within the two counties in conjunction with a new or amended TIP/Plan, the D.C. area could potentially be unable to move a new TIP/Plan forward.**

**This situation would occur under a conformity freeze unless sub-regional mobile emission budgets for the daily PM<sub>2.5</sub> standard have already been established for the two counties along with sub-regional budgets for the remaining non-attainment area within the Baltimore Metropolitan Council (BMC) planning area prior to the conformity freeze occurring.**

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### **Virginia Department of Transportation (VDOT)**

The implications of a decision to specify overlapping nonattainment areas between two MPO areas that are also in nonattainment for other pollutants are significant for both transportation planning and air quality planning. The 9-factor analysis provided by EPA only presented a superficial analysis of the implications (under factor 8) and does not provide an adequate basis for decision making purposes. Before a final decision is made, please conduct a more thorough and comprehensive review of the potential implications for both transportation and air quality planning for both the Baltimore and DC-MD-VA planning areas.

Sample questions of interest that would need to be addressed as part of this review include but are not limited to:

1. As indicated at the December MWAQC TAC meeting, an “early SIP” submittal can be used to expedite the process of setting up sub-regional mobile budgets for Prince Georges and Montgomery counties, and once they’re approved, TPB can complete conformity determinations to the daily PM<sub>2.5</sub> standard without transportation planning and conformity coordination with the BMC. How does an “early SIP” submittal differ from a traditional SIP submittal, and what are its advantages and disadvantages?

**Response:** With respect to issues or concerns relating to EPA’s rationale supporting such proposed designation, EPA invites the states to formally submit comments as part of the proposed designations comment period prior to February 3, 2009, and EPA will respond to such comments via the designations process set forth in the Clean Air Act. With respect to a proposal to submit an “early SIP” submittal, an early SIP for the daily PM<sub>2.5</sub> standard which could be submitted prior to any attainment demonstration SIP submission would be required to show progress toward reduced emissions from the various emission sources. These reductions may come from state regulations or Federal regulations such as TIER2 or the HDDV Rule for mobile sources or other reductions occurring in other emissions sectors. At a minimum, EPA would expect as much as a 10 percent reduction of emissions from base year inventories to demonstrate progress towards attainment in 2014. Submitting an early action SIP would allow the state to establish mobile emissions for a given year prior to the attainment year.

Under the assumption that an early SIP is to be submitted, sub-regional mobile emission budgets could be established for the two counties in the Transportation Planning Board (TPB) planning area and sub-regional mobile emission budgets could be established for the remaining BMC planning area. The advantage of establishing sub-regional budgets are: 1) if a conformity freeze were to occur in the Baltimore 8-hour ozone non-attainment area, the Washington area could continue making a conformity determination with respect to the two counties for the daily PM<sub>2.5</sub> standard utilizing the sub-regional budgets to do its conformity determination for the two subject counties; and, 2) even without a conformity freeze, having the sub-regional budgets would allow each MPO to move forward independently of each other even with the overlapping boundary issue since each MPO could test for the daily PM<sub>2.5</sub> standard against its respective sub-regional mobile emissions budgets, thus eliminating the need to coordinate all TIP/Plan and conformity determination efforts.

2. If a build-less-than-baseline interim conformity test for the new daily PM<sub>2.5</sub> standard is selected, what baseline year should be used?

**Response:** The baseline has not yet been determined by EPA. It is expected though that determination will be made prior to the new designations become effective in 2009.

3. If the out-year of TPB's LRP is 2040 and BMC's is 2035, would TPB only need to demonstrate conformity to the out-year of 2040 once the sub-regional budgets are in place, or would TPB still need to demonstrate conformity to both 2035 and 2040?

**Response: Once sub-regional budgets are established, conformity would only have to be demonstrated for the last year of the TPB transportation plan.**

4. Will TPB and BMC need to coordinate on interim conformity analysis years, either before or after sub-regional budgets are in place?

**Response: Only prior to the submittal and subsequent adequacy/approval of any new sub-regional budgets would TPB and BMC be required to coordinate their conformity determinations.**

5. Is there any way to separate the TPB and BMC transportation planning and conformity activities prior to the approval of sub-regional mobile budgets, such as while the interim emission tests are still being used?

**Response: No, see summary of transportation conformity guidance provided by EPA on December 17, 2008.**

6. With sub-regional mobile budgets in place for Prince George's and Montgomery counties, please explain how control strategy implementation failures or conformity failures in the BMC region would affect the TPB region. What are the potential interactions for SIP revisions for other pollutants (e.g., ozone)? Would a conformity lapse or freeze or highway funding sanctions applied for the BMC area cause projects to be delayed or funding lost in an unrelated portion of the TPB area?

**Response: If sub-regional budgets are established for the two counties for the daily PM<sub>2.5</sub> standard prior to any potential conformity freeze occurring, TPB could continue to do conformity for those two counties as apart of their own conformity determination process utilizing the sub-regional budgets. If a conformity lapse occurred in the BMC portion of the daily PM<sub>2.5</sub> nonattainment area, even with sub-regional budgets, there could be implications for the TPB since a portion of their planning area would not have a valid conformity determination for all pollutants. EPA is still exploring this issue as to possible options to avoid issues in the TPB planning area if a conformity lapse should ever actually occur; however, a conformity lapse could not occur earlier than two years after a conformity freeze occurs.**

7. Can an “early SIP” submittal be used to set out-year mobile budgets beyond the attainment date?

**Response: Yes, but, at this time there is no reason to establish an out year budget beyond the attainment year.**

8. Since elevated mobile PM<sub>2.5</sub> emissions could occur during any season of the year, what units or timeframe should we use when setting daily mobile budgets and performing conformity determinations for the daily PM<sub>2.5</sub> standard? For example, would the daily PM<sub>2.5</sub> mobile budget represent PM<sub>2.5</sub> emissions for an average annual day, an average annual weekday, etc., (as opposed to an average summer weekday as currently done for the 8-hour ozone standard)? We would also need guidance on developing the appropriate inputs for use in mobile modeling, such as for temperature and humidity values representative of “daily” PM<sub>2.5</sub>.

**Response: EPA guidance is already available on our website at: <http://www.epa.gov/otaq/stateresources/transconf/policy/420b05008.pdf>.**

9. In light of these questions, which may be expanded significantly and require an iterative series of question and answers to resolve, it may be more constructive to hold one or more workshops with the affected MPOs (BMC and TPB), state, and local agencies to identify all concerns and potential issues and come to an understanding about how those issues would be resolved should they arise. This would help ensure that all stakeholders are appropriately informed and any decisions made are the best possible.

**Response: EPA will be willing to work with various jurisdictions during the transition period until such time as needed.**

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### **Maryland Department of Transportation (MDOT)**

1. If one of the Baltimore SIPs is disapproved for any reason, would that affect the ability to determine Conformity for Prince George's and Montgomery Counties? How about the remainder of the Washington region?

**Response: See previous response above to VDOT question #1.**

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### **Metropolitan Washing Council of Governments (MWCOG) Transportation Planning Board (TPB) Staff**

1. The ‘9 factor analysis’ associated with EPA’s August 18, 2008 letter to MDE proposing nonattainment for the Baltimore region concluded that counties in the

Washington area did not significantly contribute to Baltimore's nonattainment status. However, this same '9 factor analysis' accompanied EPA's December 5, 2008 letter, and based upon these same data, EPA concluded that Montgomery and Prince George's counties were significant contributors to Baltimore's nonattainment status. How can the same data be used to justify opposite conclusions?

**Response: The '9 factor analysis' associated with EPA's August 18, 2008 letter to Maryland proposing nonattainment for the Baltimore region did not conclude that counties in the Washington area did not significantly contribute to Baltimore's nonattainment status. To the contrary, for most of the factors, EPA concluded that Prince George's County and Montgomery County were high ranking for determining contribution to nonattainment of the Baltimore area. However, EPA stated in its August technical analysis that although these two counties appear to contribute to Baltimore nonattainment, that historically we have treated the Washington and Baltimore metropolitan areas as separate areas for planning purposes, and that these historic jurisdictional issues should override the contribution test. In light of subsequent public comments, we have reconsidered our August 2008 recommendation.**

2. If EPA concluded that contiguous counties in the Washington area in a southwesterly direction from Baltimore significantly contribute, why didn't their analysis continue looking at contiguous jurisdictions further southwesterly, i.e., the District of Columbia and Virginia jurisdictions?

**Response: With respect to issues or concerns relating to EPA's rationale supporting such proposed designation, EPA invites the states to submit formal comments during the comment period prior to February 3, 2009, and we will respond via the designations process set forth in the Clean Air Act.**

**The impact on contribution to the Baltimore area appears to be much greater from adjacent counties than it does from those counties separated from the area by another county. While some of those counties may be high ranking for several factors, the additional distance from the violating monitor in Baltimore appears to result in significantly lower Contributing Emissions Score (CES) scores relative to the Baltimore area.**

3. The '9 factor analysis' reports VMT change between 1996 and 2005 at 37% in Prince George's and 16% in Montgomery County. However, growth rates for these two counties, based upon MD SHA's published HPMS data, are 24% and 16%, respectively. Charles County also is reported at a much higher rate than HPMS data indicate. Is this a mistake in calculation or were other data used for this work?

**Response: As stated in EPA's December 5, 2008 TSD, the 2005 VMT data used for the technical analysis were derived using methodology such as that described in "Documentation for the 2005 Mobile National Emissions Inventory, Version 2,"**

December 2008, prepared for the Emission Inventory Group, U.S. EPA. This document may be referenced at:

[ftp://ftp.epa.gov/EmisInventory/2005\\_nei/mobile\\_sector/documentation/2005\\_mobile\\_nei\\_version\\_2\\_report.pdf](ftp://ftp.epa.gov/EmisInventory/2005_nei/mobile_sector/documentation/2005_mobile_nei_version_2_report.pdf).

**If the state has additional data to show that the 1996 or 2005 VMT used by EPA in its analysis to recommend inclusion of Prince George's and Montgomery Counties is in error, the state should provide this additional information to EPA by February 3, 2009.**

4. How would the transportation conformity process proceed under this proposed area designation, given that two separate MPOs would be involved in such determinations?

**Response: See summary of transportation conformity guidance provided by EPA on December 17, 2008.**

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### **Maryland Department of the Environment (MDE)**

1. How does this affect the ozone designations where both areas will be nonattainment? Does this set a precedent that DC contributes to Baltimore that will drive them to designate 1 giant area for the new O3 standard?

**Response: Each pollutant must be analyzed separately, given the different nature of the different pollutants covered by the respective NAAQS. However, the meteorology involved is the same for both. EPA will conduct a separate 9-factor analysis for ozone. As has been the case in the past, the ozone areas may not align with the PM<sub>2.5</sub> standards, or with prior ozone standards.**

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### **Montgomery County**

1. I would like to see an EPA report discussing the different options the Baltimore Planning Organization and Washington TPB have as far as the coordination of transportation and conformity planning if EPA designates Prince George's and Montgomery counties part of the Baltimore nonattainment region. Martin Kotsch from EPA discussed the options briefly at the TAC meeting, and I would like to see his proposed solutions in writing.

**Response: See summary of transportation conformity guidance provided by EPA on December 17, 2008.**

2. How will incorporating Montgomery and Prince George's counties into the Baltimore nonattainment area affect the counties themselves? Will there be consequences for transportation projects in PG and Montgomery counties?

**Response: There will be potential consequences if a conformity freeze or lapse occurs in the Baltimore nonattainment area. As discussed above, having sub-regional mobile emissions budgets would alleviate some of the issues under a conformity freeze scenario. EPA is still discussing potential impacts if a conformity lapse should occur in the Baltimore nonattainment area, however a conformity lapse could not occur earlier than two years after a conformity freeze occurs.**

3. The PM<sub>2.5</sub> design values for monitors in the Washington region for 2005-2007 show that the River Terrace monitor in DC is right at the 35 ug/m<sup>3</sup>. The design value for the entire region is 35 ug/m<sup>3</sup>, according to MWCOG's analysis. EPA determined in its nine factor analysis for the Baltimore region that winds tend to come from the southwest during warm days with the highest measured PM<sub>2.5</sub> concentration values. Did the EPA consider whether emissions from the entire Washington metropolitan region contribute to elevated PM<sub>2.5</sub> levels in the Baltimore nonattainment region?

**Response: With respect to issues or concerns relating to EPA's rationale supporting such proposed designation, EPA invites the states to submit formal comments during the comment period prior to February 3, 2009, and we will respond via the designations process set forth in the Clean Air Act.**

**As was stated in EPA's technical analysis, in addition to looking at monitored values (Factor 2), EPA also directly considered impacts on meteorology (Factor 6) by considering pollution roses for Prince George's County (for the PG Equestrian Center and HU Beltsville monitors) and for Montgomery County (Rockville monitor). The Prince George's County monitors showed for the warm season, low velocity wind speeds (2-8 mph) from the southwest on medium and high concentration days (30-35 and 35-40 µg/m<sup>3</sup>). The design values each of these Prince George's County monitors was 31 and 32, respectively, for the 2005-2007 period. The Rockville monitor in Montgomery County (design value = 30 µg/m<sup>3</sup>) showed winds generally from the south and southwest on these medium to high concentration days, with winds in the range of 4-10 mph.**

**From this information and other pollution roses, EPA concluded that counties adjacent to Baltimore that are part of the Washington area are more likely to contribute to the violating monitor in Baltimore than counties in other directions.**

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**Questions Raised at the December 9, 2008 Technical Advisory Committee Meeting**

1. Did EPA conduct any modeling to determine which areas significantly contribute to the PM<sub>2.5</sub> nonattainment situation in Baltimore?

**Response: The data that EPA used in determining that Prince George's and Montgomery Counties contribute to nonattainment of the Baltimore area is included in our technical analyses.**

2. Is the Contributing Emissions Score (CES) based on modeling, or is it a mathematical calculation? Please explain how it works.

**Response: As explained in EPA's December 5, 2008 TSD, the CES is a metric that takes into consideration emissions data, meteorological data and air quality monitoring information to provide a relative ranking of counties in and near an area. Using this methodology, scores were developed for each county in and around the relevant metro area. The county with the highest contribution potential was assigned a score of 100, and other county scores were adjusted in relation to the highest county. The CES represents the relative maximum influence that emissions in that county have on a violating county.**

**The CES for each county was derived by incorporating the following significant information and variables that impact PM<sub>2.5</sub> transport:**

**Major PM<sub>2.5</sub> components: total carbon (organic carbon (OC) and elemental carbon (EC)), SO<sub>2</sub>, NO<sub>x</sub>, and inorganic particles (crustal).**

**PM<sub>2.5</sub> emissions for the highest (generally top 5%) PM<sub>2.5</sub> emission days (herein called "high days") for each of two seasons, cold (Oct-Apr) and warm (May-Sept)**

**Meteorology on high days using the NOAA HYSPLIT model for determining trajectories of air masses for specified days**

**The "urban increment" of a violating monitor, which is the urban PM<sub>2.5</sub> concentration that is in addition to a regional background PM<sub>2.5</sub> concentration, determined for each PM<sub>2.5</sub> component**

**Distance from each potentially contributing county to a violating county or counties**

**A more detailed description of the CES can be found at:**

**[http://www.epa.gov/ttn/naaqs/pm/pm25\\_2006\\_techinfo.html#C](http://www.epa.gov/ttn/naaqs/pm/pm25_2006_techinfo.html#C).**

3. Does EPA have a national policy setting the threshold for significant contributor to nonattainment of the 24-hour PM<sub>2.5</sub> NAAQS based on the 9-factor and CES approach?

**Response: No, EPA evaluated each area on a case-by-case basis, and did not set a national policy for the threshold for significant contributors.**

4. Please provide a detailed summary of available and EPA recommended air quality and transportation planning process options if the December 5, 2008 EPA proposal is finalized, including details on how to handle transportation conformity in the interim and long range time frame?

**Response: See summary of transportation conformity guidance provided by EPA on December 17, 2008.**

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#### **Additional Questions from MWCOG Air Quality Staff**

1. Please provide technical and national policy documentation that scientifically and technically supports the policy decision to exclude from further consideration those counties that are not contiguous to the Baltimore region's existing NAA.

**Response: EPA's June 8, 2007 policy memo for area designations under the 24-hour PM<sub>2.5</sub> NAAQS sets EPA's policy for determining boundaries. This memo states that:**

**“when determining boundaries for the annual PM<sub>2.5</sub> NAAQS, EPA applied a presumption that the boundaries for urban nonattainment areas should be based on metropolitan area boundaries as defined by the US Office of Management and Budget. For the PM<sub>2.5</sub> 24-hour NAAQS, EPA established no such presumption. EPA anticipated that the same boundaries established for implementing the annual PM<sub>2.5</sub> standard may also be appropriate for implementing the 24-hour PM<sub>2.5</sub> NAAQS in areas where both standards are violated.”**

**EPA did not specifically establish a policy to address the case of two adjacent nonattainment areas (as defined under the 1997 annual PM<sub>2.5</sub> NAAQS), where one area shows a violation of the 2006 24-hour PM<sub>2.5</sub> NAAQS and the adjacent area does not show a violation of the 2006 24-hour PM<sub>2.5</sub> NAAQS .**

**The June 2007 guidance memo also states that EPA believes that in making their boundary recommendations for nonattainment areas, States and Tribes should evaluate each area on a case-by-case basis.**

2. Please provide detailed technical documentation on how it develops Contributing Emissions Score (CES) for the 9-factor analysis?

**Response: A technical document describing the development of CES scores by EPA and the derivation of those scores is on EPA's website at:**  
**[http://www.epa.gov/ttn/naaqs/pm/docs/tsd\\_ces\\_methodology.pdf](http://www.epa.gov/ttn/naaqs/pm/docs/tsd_ces_methodology.pdf).**

3. Is EPA legally able to designate the entire Washington, DC-MD-VA MSA as nonattainment (separate from the Baltimore NAA) if the Design Value (DV) for the Washington Region is below the 2006 24-hour NAAQS? In other words can a nonattainment area be designated based solely on significant contribution?

**Response: No. The Clean Air Act requires that a nonattainment area must include the area that is violating the NAAQS, as well as nearby areas that contribute to the violation. However, the Washington area is not currently violating the 2006 24-hour PM<sub>2.5</sub> NAAQS, and, therefore, could not be designated as a nonattainment area, by itself. As long as the Washington area is not violating the 2006 24-hour PM<sub>2.5</sub> NAAQS, it cannot be designated nonattainment as a “stand-alone” nonattainment area.**

4. If all jurisdictions in the entire Washington, DC-MD-VA MSA recommended to be designated as a nonattainment area for the 2006 24-hour PM<sub>2.5</sub> NAAQS, would it be possible/feasible for EPA to subsequently issue a Clean Data Determination as they recently did for the 1997 annual PM<sub>2.5</sub> NAAQS?

**Response: The only way that additional counties considered to be within the “Washington area” could be designated nonattainment (in the absence of a violating monitor in the area) would be if those counties were determined to be contributing to the violations of the 2006 24-hour PM<sub>2.5</sub> NAAQS monitored within the Baltimore nonattainment area. If all of the counties within the “Washington area” were determined to be contributing to the violations of the 2006 24-hour PM<sub>2.5</sub> NAAQS monitored within the Baltimore nonattainment area., then all such counties would be part of a single, large nonattainment area. In that event, monitors for the entire nonattainment area would need to demonstrate clean data in order for EPA to issue a subsequent Clean Data Determination.**

5. If the December 5, 2008 EPA proposal is finalized, will the Clean Data Determination for the 1997 annual PM<sub>2.5</sub> NAAQS for the Washington, DC-MD-VA MSA be affected?

**Response: No. The referenced Clean Data Determination for the 1997 PM<sub>2.5</sub> annual standard is not impacted by our designations process under the 2006 24-hour PM<sub>2.5</sub> standard. They are different standards and designations under the daily standard do not impact the annual standard nonattainment area requirements.**

6. Please explain EPA's rationale for issuing a Clean Data Determination for Montgomery and Prince George's Counties for the 1997 annual PM<sub>2.5</sub> NAAQS while at the same time asserting that it believes these two counties contribute significantly to the nonattainment situation in the Baltimore NAA for the 2006 24-hour PM<sub>2.5</sub> NAAQS.

**Response:** By definition the two standards referenced are entirely different. It is important to recognize the distinction between the 1997 annual PM<sub>2.5</sub> standard and the 2006 24-hour PM<sub>2.5</sub> standard. The EPA has established two PM<sub>2.5</sub> NAAQS: an annual standard of 15 µg/m<sup>3</sup>, based on the 3-year average of annual arithmetic mean PM<sub>2.5</sub> concentrations from single or multiple community-oriented monitors; and, a 24-hour standard of 35 µg/m<sup>3</sup>, based on the 3-year average of the 98th percentile of 24-hour PM<sub>2.5</sub> concentrations at each population-oriented monitor within an area. The 24-hour PM<sub>2.5</sub> standard focuses on a subset of high concentration days instead of all days across the span of a year.

The Washington area was designated nonattainment for the annual 1997 PM<sub>2.5</sub> standard, and is now monitoring clean data for that standard. The Washington area violated the 2006 24-hour PM<sub>2.5</sub> standard for the 2004-2006 period, but based on the most recent 2005-2007 data is not currently monitoring nonattainment for that standard.

7. Please provide scientific and technical justification for why EPA considered Charles County (which is not contiguous to the existing Baltimore NAA) in the 9-factor analysis but excluded from further considerations jurisdictions such as the District of Columbia, the City of Alexandria, and Arlington, Fairfax, and Loudoun Counties?

**Response:** With respect to issues or concerns relating to EPA's rationale supporting such proposed designation, EPA invites the states to formally submit comments during the comment period prior to February 3, 2009, and we will respond via the designations process set forth in the Clean Air Act.