



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

Mr. Shawn M. Garvin
USEPA REGION 3
1650 Arch Street
Mail Code: 3RA00
Philadelphia, PA 19103-2029

Dear Mr. Garvin,

Section 110(a) of the Clean Air Act requires that each State Implementation Plan (SIP) provide for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). This section of the Act also requires that within three years of the promulgation of a NAAQS, a state must adopt and submit a plan to EPA that certifies that the state is meeting the requirements of Section § 110(a)(2)(A)-(M). These "infrastructure SIPs" provide assurances of state resources and authorities, and where necessary establish the basic state programs to implement, maintain, and enforce new or revised standards.

On April 3, 2008, Maryland submitted an "infrastructure SIP" to EPA for the fine particle NAAQS titled "Implementation, Maintenance, and Enforcement of the PM_{2.5} National Ambient Air Quality Standard State Implementation Plan". This SIP addressed the Section 110 (A)-(M) requirements for the 1997 PM_{2.5} standards.

A revised National Ambient Air Quality Standard (NAAQS) for PM_{2.5} was promulgated by EPA on October 17, 2006. This rule revised the 1997 based 24-hour PM_{2.5} NAAQS and establishes a lower primary ambient air quality standard of 35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and a secondary standard equal to the primary standard. Maryland's authority to implement, maintain and enforce the PM_{2.5} standard is currently consistent with the 2008 submission. Therefore, we are hereby certifying that Maryland meets the Section 110(a)(2) elements, which are identified in Table 1 (enclosed herein) for the 2006 revisions to the PM_{2.5} NAAQS.

Mr. Shawn M. Garvin
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If I may be of further assistance, please contact me or Mr. George (Tad) S. Aburn, Jr., Director of Air and Radiation Management Administration at 410-537-3255 or by email at gaburn@mde.state.md.us.

Sincerely,



Shari T. Wilson
Secretary

cc: George (Tad) Aburn, Director, Air and Radiation Management Administration
Diane Franks, Program Manager, Air Quality Planning Program
Brian Hug, Deputy Program Manager, Air Quality Planning Program

Table 1

§ 110(a) element	MD Response
§ 110(a)(2)(A)	<p>SO₂, particulate matter, opacity, NO_x and related regulations found under COMAR 26.11 Air Quality. COMAR 11.14.08 Vehicle Inspection Program</p> <p>Enforceable emission limits and control measures are approved as part of Maryland's SIP under 40 CFR 52.1070(c), Source specific provisions in 40 CFR 52.1070(d), and approved plans are in 40 CFR 52.1070(e).</p>
§ 110(a)(2)(B)	<p>§§2-103(b)(2) and 2-301 (a)(1), Environment Article, Annotated Code of Maryland; COMAR 26.11.04.03; Maryland updates EPA on monitoring changes and submits data as per 40 CFR Part 58.</p>
§ 110(a)(2)(C)	<p>Enforcement and Penalties §§2-601-614, Environment Article, Annotated Code Maryland; COMAR 26.11.02 26.11.06.14 , 26.11.17 Maryland is following EPA's guidance from April 5, 2005 and October 23, 1997 related to using PM-10 as a surrogate for PM_{2.5}.</p> <p>By letter dated April 9, 2010, MDE submitting a separate SIP revision to EPA which addresses a portion of Maryland's PSD permit program.</p>
§ 110(a)(2)(D)(ii)	<p>COMAR 26.11.02 and 26.11.03 , 26.11.06.14, § 2-301(a)(1) Environment Article, Annotated Code of Maryland, Nothing in Maryland's statutory or regulatory authority prohibits MD's ability to exercise 126 and 115.</p>
§ 110(a)(2)(E)	<p>§105 grant process; Maryland Clean Air Fund (2-107 Environment Article, Annotated Code of MD), other authorities in Annotated Code 2-103(b)(2), 2-105, 2-201-206, 2-301(a)(1)and (a)(2), and 2-302(b) and (c), 2-302(d), 2-601-614.</p> <p>Maryland does not have any board or body, which approves air quality permits or enforcement orders. Maryland does not rely on localities for specific SIP implementation.</p>
§ 110(a)(2)(F)	<p>§2-103(b)(2) and §2-301(a)(1) Environment Article, Annotated Code of Maryland.</p> <p>Specific monitoring requirements are found throughout</p> <p>COMAR 26.11 (i.e. COMAR 26.11.01.10); COMAR 26.11.01.04 Testing & Monitoring; COMAR 26.11.01.05 Records and Information; COMAR 26.11.01.05-1 Emission Statements; COMAR 26.11.01.07 Malfunctions & Other Temporary Increases in Emissions; and COMAR 26.11.01.10 CEM Requirements.</p> <p>Specific monitoring requirements for specific types of sources under other chapters</p> <p>§2-302 (b) and (c), Environment Article, Annotated Code of Maryland and specific monitoring requirements are found throughout COMAR 26.11</p>
§ 110(a)(2)(G)	<p>§2-105 and §2-301(a)(2), Environment Article. COMAR 26.11.05, Air Pollution Episode System codified at 40 CFR 52.1070(c).</p>

§ 110(a) element	MD Response
	<p>§2-604 and § 2-609 Environment Article, Annotated Code</p> <p>In addition with respect to adequate contingency plans, MDE certifies that Maryland's current SIP meets such requirements for purposes of the PM2.5 2006 NAAQS because no specific emergency episode plans are necessary given that existing monitored levels of PM 2.5 have not exceeded the level of 140.4 micrograms per cubic meter. See EPA's September 25, 2009 <i>Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24 hour Fine Particle (PM2.5) National Ambient Air Quality Standards (NAAQS)</i>.</p> <p>By letter dated April 16, 2010, MDE submitted a certification to EPA that Maryland's current SIP meets the requirements of § 110(a)(2)(G) for the PM2.5 2006 NAAQS.</p>
§ 110(a)(2)(H)	<p>§2-301(a)(1) Environment Article, Annotated Code of Maryland Maryland's SIP is essentially a compilation of regulations. The authority to develop or revise a SIP is based on the authority to adopt new regulations and revise existing regulations to meet the NAAQS</p>
§ 110(a)(2)(J)	<p>Metropolitan Washington Air Quality Committee (MWAQC) was certified in 1991 by chief executives of Maryland, Virginia and the District of Columbia as the entity responsible for carrying out the regional planning requirements of the Clean Air Act Amendments of 1990 (membership includes local elected officials).</p> <p>Interstate Air Quality Council (IAQC) Memorandum of Understanding signed 3/24/05 by the Governors of Maryland, Virginia and the District of Columbia.</p> <p>COMAR 26.11.26 provides a legal platform for various consultation procedures. The MPOs provide the forum for consultation with local governments. Maryland's MPOs are: (1) the Baltimore Regional Transportation Board (BRTB), (2) the National Capital Transportation Planning Board (TPB) for the Washington region, (3) the Wilmington Area Planning Council (WILMAPCO) for New Castle County, Delaware and Cecil County, Maryland, and (4) the Hagerstown/Eastern Panhandle (HEP) for the Hagerstown area, which includes Washington County, Maryland and the counties of Berkeley and Jefferson in West Virginia.</p> <p>§§ 2-201-206 Environment Article, Annotated Code of Maryland</p> <p>COMAR 26.11.17 and COMAR 26.11.06.14.</p> <p>All relevant SIPs and plans to achieve the NAAQS contain public notification provisions related to air monitoring levels. MDE forecasts daily PM2.5 levels and issues e-mails to the public, businesses and media via AirAlerts.</p> <p>COMAR 26.11.06.14</p>

§ 110(a) element	MD Response
	<p>Maryland is following EPA's guidance from April 5, 2005 and October 23, 1997 related to using PM-10 as a surrogate for PM2.5.</p> <p>By letter dated April 9, 2010, MDE submitting a separate SIP revision to EPA which addresses a portion of Maryland's PSD permit program.</p>
§ 110(a)(2)(K)	<p>§2-302 Environment Article, Annotated Code of Maryland.</p> <p>Inherent in the obligation to meet the NAAQS is the authority for the Department to perform modeling as required under the CAA to demonstrate attainment.</p> <p>Maryland will continue to submit Air quality modeling data as part of Maryland's relevant SIP submissions in accordance with the Clean Air Act and through federal grant commitments.</p>
§ 110(a)(2)(L)	COMAR 26.11.02.16—19
§ 110(a)(2)(M)	<p>§2-301(a)(1) Environment Article Annotated Code of Maryland. COMAR 26.11.26 for conformity purposes.</p> <p>The Metropolitan Washington Air Quality Committee (MWAQC) was certified in 1991 by chief executives of Maryland, Virginia and the District of Columbia as the entity responsible for carrying out the regional planning requirements of the Clean Air Act Amendments of 1990 (membership includes local elected officials).</p> <p>The Metropolitan Planning Organizations (MPOs) provide the forum for consultation with local governments. Maryland's MPOs are: (1) the Baltimore Regional Transportation Board (BRTB) and the Interagency Consultation Group (ICG); (2) the National Capital Transportation Planning Board (TPB) for the Washington region; (3) the Wilmington Area Planning Council (WILMAPCO) for New Castle County, Delaware and Cecil County, Maryland; (4) the Hagerstown/Eastern Panhandle (HEP) for the Hagerstown area, which includes Washington County, Maryland and the counties of Berkeley and Jefferson in West Virginia.</p> <p>The Interstate Air Quality Committee (IAQC) Memorandum of Understanding signed 3/24/05 by the Governors of Maryland, Virginia and the District of Columbia.</p>