



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

April 3, 2014

George S. Aburn, Director  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Dear Mr. Aburn:

Thank you for the December 23, 2013, submittal of the maintenance plan for the Maryland portion of the Martinsburg-Hagerstown, WV-MD 1997 Fine Particulate (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) Nonattainment Area (Hagerstown Maintenance Plan) as a State Implementation Plan (SIP) revision. This letter addresses the U.S. Environmental Protection Agency's (EPA) review of the adequacy of the motor vehicle emissions budgets (MVEBs) for direct particulate matter (PM) and nitrogen oxides (NO<sub>x</sub>) for the Maryland portion of the Martinsburg-Hagerstown, WV-MD 1997 PM<sub>2.5</sub> NAAQS Nonattainment Area.

Pursuant to 40 CFR 93.118(e)(4) of the Transportation Conformity Rule (40 CFR part 93, subpart A), EPA has reviewed the Hagerstown Maintenance Plan as well as the MVEBs contained in the maintenance plan, which were developed with the use of the Motor Vehicle Emission Simulator (MOVES). EPA has determined that these MVEBs are adequate for transportation conformity purposes. However, this adequacy finding does not relate to the merits of the SIP submittal nor does it indicate whether the submittal meets the requirements for approval.

Maryland's Hagerstown Maintenance Plan has MVEBs for direct PM and NO<sub>x</sub> for 2017 and 2025. The MVEBs are 149.63 tons per year for direct PM and 4,057.00 tons per year NO<sub>x</sub> for 2017 and 93.35 tons per year for direct PM and 2,774.63 tons per year NO<sub>x</sub> for 2025. These MVEBs meet the standard requirement that any MVEB must meet before it can be used to determine conformity for a transportation improvement program or long range transportation plan. As a result of EPA's finding, the State of Maryland must use the 2017 and 2025 MVEBs for future conformity determinations for the 1997 PM<sub>2.5</sub> NAAQS.

**Table 1. On-Road MVEBs Contained in the Maryland portion of the Martinsburg-Hagerstown, WV-MD 1997 PM<sub>2.5</sub> Nonattainment Area Maintenance Plan for the 1997 PM<sub>2.5</sub> NAAQS**

Year	Motor Vehicle Emissions Budget for PM <sub>2.5</sub> On-Road Emissions (tons per year)	Mobile Vehicle Emissions Budget for NO <sub>x</sub> On-Road Emissions (tons per year)
2017	149.63	4,057.00
2025	93.35	2,774.63



EPA opened the public comment period on the adequacy of the submitted SIP by posting to the EPA Office of Transportation and Air Quality's adequacy review website (<http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>) on February 12, 2014. The comment period closed on March 14, 2014, and no comments were received. EPA will soon publish a notice in the Federal Register announcing this adequacy finding. The Federal Register will also announce the date that the adequacy finding becomes effective. The MVEBs will be available for use on the effective date.

EPA has concluded the MVEBs for the 1997 annual PM<sub>2.5</sub> NAAQS are consistent with maintenance of the 1997 annual PM<sub>2.5</sub> NAAQS. Maryland has demonstrated in their submittal that attainment of the 1997 annual PM<sub>2.5</sub> NAAQS will be maintained in the Maryland portion of the Martinsburg-Hagerstown WV-MD 1997 PM<sub>2.5</sub> Nonattainment Area without the implementation of the Clean Air Interstate Rule (CAIR) or Cross-State Air Pollution Control Rule (CSAPR). Maryland does not rely on either CAIR or CSAPR in the Hagerstown Maintenance Plan for the 1997 PM<sub>2.5</sub> NAAQS, and demonstrates that emission reductions from CAIR or CSAPR are not needed to maintain the standard. In addition, modeling conducted by EPA during the CSAPR rulemaking process also demonstrates that the county in the Maryland portion of the Martinsburg-Hagerstown, WV-MD 1997 PM<sub>2.5</sub> Nonattainment Area will have PM<sub>2.5</sub> levels below the 1997 annual PM<sub>2.5</sub> standard in both 2012 and 2014 without taking into account emissions reductions from CAIR or CSAPR. See "Air Quality Modeling Final Rule Technical Support Document," App. B, B-18, B-19. This modeling is available in the docket for this proposed redesignation action at [www.regulations.gov](http://www.regulations.gov), Docket ID No. EPA-R03-OAR-2014-0281. Therefore, neither the current status of CAIR nor the current status of CSAPR affects any of the criteria for an adequacy finding for the Maryland portion of the Martinsburg-Hagerstown, WV-MD 1997 PM<sub>2.5</sub> Nonattainment Area.

Maryland did not provide emission budgets for sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOCs), or ammonia for the Hagerstown Maintenance Plan because it concluded that emissions of these precursors from motor vehicles are not significant contributors to the area's PM<sub>2.5</sub> air quality problem. The transportation conformity rule provision at 40 CFR 93.102(b)(2)(v) indicates that conformity does not apply for these precursors, due to the lack of motor vehicle emissions budgets for these precursors and state's conclusion that motor vehicle emissions of SO<sub>2</sub>, VOCs, and ammonia do not contribute significantly to the Area's PM<sub>2.5</sub> nonattainment problem. This provision of the transportation conformity rule predates and was not disturbed by the January 4, 2013 decision in the litigation on the PM<sub>2.5</sub> implementation rule.<sup>1</sup> EPA has preliminarily concluded that the State's decision to not include budgets for SO<sub>2</sub>, VOCs, and ammonia is consistent with the requirements of the transportation conformity rule. That decision does not affect EPA's adequacy finding for the submitted direct PM and NO<sub>x</sub> MVEBs for the Hagerstown Maintenance Plan.

EPA has concluded that MVEBs satisfy the requirements of 40 CFR 93.118(e)(4)(iv), which requires that the budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for attainment/maintenance. These MVEBs serve to strengthen the SIP through

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<sup>1</sup> EPA issued conformity regulations to implement the 1997 PM<sub>2.5</sub> NAAQS (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005, respectively). Those actions were not part of the final rule recently remanded to EPA by the Court of Appeals for the District of Columbia in *NRDC v. EPA*, No. 08-1250 (January 4, 2013), in which the Court remanded to EPA the implementation rule for the PM<sub>2.5</sub> NAAQS because it concluded that EPA must implement that NAAQS pursuant to the PM-specific implementation provisions of subpart 4 of Part D of Title I of the CAA, rather than solely under the general provisions of subpart 1.



continued attainment and ensure that motor vehicle emissions remain consistent with the emissions levels provided for in the SIP.

If members of your staff have any questions regarding this finding, they may direct them to Mr. Gregory Becoat, at (215) 814-2036.

Sincerely,

/s/

Cristina Fernandez, Associate Director  
Office of Air Program Planning

Enclosure

cc: Diane Franks (MDE)  
Brian Hug (MDE)  
Howard Simons (MDOT)  
Matthew Mullenax (HEPMPO)

