

US EPA ARCHIVE DOCUMENT



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

The Honorable Jack Markell  
Governor of Delaware  
William Penn Street, 2<sup>nd</sup> Floor  
Dover, Delaware 19901

DEC 09 2011

Dear Governor Markell:

Thank you for your March 18, 2009 and October 28, 2011 recommendations on air quality designations for the revised 2008 National Ambient Air Quality Standards (NAAQS) for ozone throughout Delaware. I appreciate the information Delaware shared with the U.S. Environmental Protection Agency (EPA) as we move forward to improve ozone air quality. This letter is to notify you of EPA's preliminary response to Delaware's recommendations and to inform you of our approach for completing the designations for the revised ozone standards.

On March 12, 2008, EPA revised its NAAQS for ground-level ozone to provide increased protection of public health and the environment. EPA lowered the primary 8-hour ozone standard from 0.08 parts per million (ppm) to 0.075 ppm to protect against health effects associated with ozone exposure, including a range of serious respiratory illnesses and increased premature death from heart or lung disease. EPA revised the secondary 8-hour ozone standard, making it identical to the primary standard, to protect against welfare effects, including impacts on sensitive vegetation and forested ecosystems.

History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, EPA is implementing the standards using a common sense approach that improves air quality and minimizes the burden on state and local governments. As part of this routine process, EPA is working with the states to identify areas in the country that meet the standards and those that need to take steps to reduce ozone pollution. Within one year after a new or revised air quality standard is established, the Clean Air Act (CAA) requires the Governor of each state to submit to EPA a list of all areas in the state, with recommendations for whether each area meets the standard. As a first step in implementing the 2008 ozone standards, EPA asked states to submit their designation recommendations, including appropriate area boundaries by March 12, 2009. In September 2009, EPA announced it was reconsidering the 2008 ozone standards. EPA later took steps to delay the designation process for the 2008 ozone standards pending outcome of the reconsideration. However, in September 2011, the Office of Management and Budget returned to EPA the draft final rule addressing the reconsideration of the 2008 ozone standards. On September 22, 2011, EPA restarted the implementation effort by issuing a memorandum to clarify for state and local agencies the status of the 2008 ozone standards and to outline plans for moving forward to implement them. EPA indicated that it would proceed with initial area designations for the 2008 standards, and planned to use the recommendations states made in 2009 as updated by the most current, certified air quality data from 2008-2010. While EPA did not request that states submit updated designation recommendations, the EPA provided the opportunity for states to do so.

As required by the CAA, EPA will designate an area as nonattainment if it is violating the 2008 ozone standards or contributing to a violation of the standards in a nearby area. Consistent with designations for previous ozone standards, EPA intends to designate an area as unclassifiable/attainment if there are certified, quality-assured air quality monitoring data showing the area is meeting the ozone standards or if there are no monitoring data for the area, and EPA has not made a determination that the area is contributing to a violation in a nearby area.

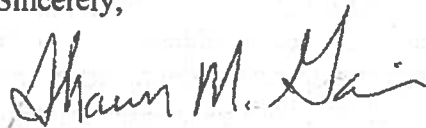
After considering Delaware's March 18, 2009 and October 28, 2011 ozone designation recommendations and other relevant technical information, including 2008-2010 air quality data, EPA intends to modify Delaware's recommended area designations and boundaries for the Philadelphia-Wilmington-Atlantic City and Seaford areas. In addition, EPA has reviewed Delaware's recommendation for a large multi-state nonattainment area and has concluded that this is not in keeping with a plain reading of the CAA section 107(d) related to the contribution in a "nearby" area. The CAA has other provisions to address regional transport. The enclosed Technical Support Document provides a detailed analysis to support our preliminary decisions. EPA intends to designate all other areas of the state as unclassifiable/attainment.

EPA will continue to work with state officials regarding the appropriate boundaries for the areas in Delaware. If Delaware has additional information that you would like EPA to consider, please submit it to us by February 29, 2012. EPA will also make its preliminary designation decisions and supporting documentation available to the general public for review and comment. We will be announcing a 30-day public comment period shortly in the *Federal Register*. After considering additional information we receive, EPA plans to promulgate final ozone designations in spring of 2012.

EPA is committed to working with the states and tribes to share the responsibility of reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce ozone-forming pollution and will protect public health in communities across the country.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 ozone standards. If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Amie Howell, EPA's Delaware Liaison, at (215) 814-5722.

Sincerely,



Shawn M. Garvin  
Regional Administrator

Enclosure

cc: The Honorable Collin P. O'Mara, Secretary  
Department of Natural Resources and Environmental Control