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

Mr. Nicholas A. Di Pasquale
Secretary, Delaware Department of
Natural Resources and Environmental
Control
89 Kings Highway
Dover, Delaware 19901

April 5, 2001

Dear Mr. Di Pasquale:

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in Environmental Defense Fund (EDF) v. Environmental Protection Agency (EPA), No. 97-1637, that the EPA must make an affirmative determination that the submitted Motor Vehicle Emission Budgets (the budgets) contained in State Implementation Plans (SIPs) are consistent with applicable requirements for attainment of the National Ambient Air Quality Standards (NAAQS) before they are used to test the conformity of Transportation Improvement Programs (TIPs) or Long Range Transportation Plans. In addition, EPA agreed to make these submitted budgets available for public comment and respond to those comments when announcing our determination of their adequacy.

On December 22, 2000, the State of Delaware submitted, "Amendments to Delaware 2002 Rate-Of-Progress (ROP) Plan for Kent and New Castle Counties" and "Delaware 2005 Rate-Of-Progress Plan (ROP) for Kent and New Castle Counties" as SIP revisions to EPA. The December 22, 2000 submittals contained budgets for the years 2002 and 2005. On January 17, 2001, we posted the availability of the budgets in the Conformity Adequacy Review Area on EPA's conformity website for the purpose of soliciting public comment. The comment period closed on February 16, 2001. No comments were submitted.

On March 26, 2001, we sent you a letter informing you that we had reviewed the budgets in accordance with the procedures and criteria in the following sections of the Conformity Rule: 40 CFR Part 93, Sections 93.118(e)(4)(i) through (e)(4)(vi) and Section 93.118(e)(5), and had found them adequate. We enclosed a Technical Support Document (TSD) entitled, "Adequacy Findings for the Mobile Vehicle Emissions Budgets (the Budgets) in the Rate of Progress Plans Submitted by the State of Delaware for the Delaware Portion of the Philadelphia-Wilmington-Trenton Nonattainment Area (Kent and New Castle Counties)."

By this letter, we are rescinding the March 26, 2001 adequacy findings of the budgets for Kent and New Castle Counties and, today, reissuing our findings of their adequacy. Enclosed please find a revised version of the Technical Support Document (TSD) entitled, "Adequacy Findings for the Mobile Vehicle Emissions Budgets (the Budgets) in the Rate of Progress Plans

Submitted by the State of Delaware for the Delaware Portion of the Philadelphia-Wilmington-Trenton Nonattainment Area (Kent and New Castle Counties)," dated April 5, 2001. We are reissuing our adequacy findings to clarify that mobile budgets are being found adequate for each of the two counties. This is consistent with your December 22, 2000 submittal of the ROP plans in which you provide separate mobile budgets for Kent County and for New Castle County. Today's adequacy findings are also consistent with our May 31, 2000 adequacy findings for Kent County's budgets and New Castle County's budgets contained in Delaware's January 24, 2000 submittal of the attainment plan for the Philadelphia-Wilmington-Trenton Nonattainment Area.

We will announce today's adequacy findings for Kent County's and New Castle County's budgets in the Federal Register. Once that notice is published, we will post today's findings on EPA's website at, http://www.epa.gov/oms/traq. The Federal Register announcement will be published as soon as possible. These findings of adequacy of the ROP plans' budgets for Kent County and New Castle County will be effective 15 days after publication of the announcement in the Federal Register.

If you or your staff have any questions please feel free to contact Marcia L. Spink, Associate Director for Air Programs at (215) 814-2104 or Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch at (215) 814-2704.

Sincerely,

Judith M. Katz, Director
Air Protection Division

Enclosure

cc: Mr. Ray Malenfant, DNREC
Mr. Paul Lang, FHWA
Mr. Ted Matley, WILMAPCO
Ms. Juanita Wieczoreck, Dover/Kent MPO