



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

SEP 12 2014

Ali Mirzakhilili, Director
Delaware Department of Natural Resources and Environmental Control
89 Kings Highway, P.O. Box 1401
Dover, Delaware 19903

Dear Mr. Mirzakhilili:

Thank you for the December 12, 2012, submittal of the maintenance plans for the Delaware portion of the Philadelphia-Wilmington-New Jersey 1997 and 2006 fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) Maintenance Areas (Maintenance Plans) 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_x) for the Delaware portion of the Philadelphia-Wilmington-New Jersey 1997 and 2006 PM_{2.5} NAAQS Maintenance Areas.

Pursuant to 40 CFR 93.118(e)(4) of the Transportation Conformity Rule (40 CFR part 93, subpart A), EPA has reviewed the Maintenance Plans as well as the MVEBs contained in the maintenance plans, 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.

The Maintenance Plans contain MVEBs for direct PM and NO_x for 2017 and 2025. The MVEBs are 199 tons per year for direct PM and 6,273 tons per year NO_x for 2017 and 199 tons per year for direct PM and 6,273 tons per year NO_x 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 Delaware must use the 2017 and 2025 MVEBs for future conformity determinations for the 1997 and 2006 PM_{2.5} NAAQS. The Maintenance Plans were approved by EPA on August 5, 2014 (79 FR 45350); therefore the MVEBs have been approved as a part of the Delaware SIP, but will be found adequate through the adequacy process.

EPA opened the public comment period on the adequacy of the submitted MVEBs 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 December 19, 2013. The comment period closed on January 21, 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.

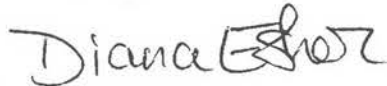


Delaware did not provide emission budgets for sulfur dioxide (SO₂), volatile organic compounds (VOCs), or ammonia for the Maintenance Plans because it concluded that emissions of these precursors from motor vehicles are not significant contributors to the area's PM_{2.5} air quality problem. The transportation 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 SO₂, VOCs, and ammonia do not contribute significantly to the area's PM_{2.5} 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_{2.5} implementation rule.¹ EPA has preliminarily concluded that the State's decision to not include budgets for SO₂, 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_x MVEBs for the Maintenance Plans.

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 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 Ms. Asrah Khadr, at (215) 814-2071.

Sincerely,



Diana Esher, Director
Air Protection Division

¹ EPA issued conformity regulations to implement the 1997 PM_{2.5} 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_{2.5} 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.

