



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF AIR QUALITY
STATE STREET COMMONS
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**DIRECTOR'S
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July 18, 2024

Ms. Cristina Fernandez
Air and Radiation Division Director
US Environmental Protection Agency, Region III
1600 John F Kennedy Blvd
Philadelphia, PA 19103

Regarding: Reclassification Request
2015 70 ppb 8-hour Ozone National Ambient Air Quality Standard
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Non-Attainment Area

Dear Ms. Fernandez,

In 2015, the United States Environmental Protection Agency (EPA), set the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone at 70 ppb. EPA also classified New Castle County Delaware as part of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Non-Attainment Area (NAA), which includes part of Pennsylvania, New Jersey, Maryland and Delaware. Delaware has been vocal about the challenges of controlling ozone due to air pollution transport and our frustration with the lack of action from many upwind areas and from EPA. Delaware has requested changes to the Non-Attainment Area to address these issues (the establishment of a large regional ozone NAA or Delaware as a stand-alone ozone NAA), but no action has been taken.

Delaware maintains that further reductions in our state or within the NAA, will likely not bring the area into attainment. Action is needed from upwind areas to control stationary emissions sources and from EPA to address mobile source pollution. Lawsuits delaying the full implementation of the Good Neighbor Plan do not delay attainment dates in the Clean Air Act (CAA), but they do delay much needed progress toward cleaner air in downwind states. EPA has taken some steps to address mobile source pollution, however these must be sustained, and the efforts must be expanded.

At present, New Castle County Delaware has a three-year (2023, 2022, 2021) design value (DV) of 66 ppb, which is well below the 2015 ozone NAAQS. The monitors in the rest of Delaware likewise demonstrate that the actual air quality in Delaware attains the NAAQS. Delaware's hard work and efforts have achieved this despite years of data and modeling that show that Delaware contributes very little towards ozone pollution in our state. Although New Castle County, Delaware has attained the standard, this is not true for all monitors in the NAA. As a result, Delaware is facing a bump up to serious non-attainment after the moderate attainment date, August 3, 2024. Delaware believes that a bump up is not warranted because all non-trivial volatile organic carbon (VOC) and nitrogen oxide (NOx) emitting sources in Delaware are well controlled, Delaware has attained the 2015 standard, and the remainder of the non-attainment problem in the NAA is due to controllable emissions in upwind areas and slow progress to address mobile source emissions.

In early 2024, Delaware prepared and submitted an exceptional event demonstration to EPA, for concurrence, pursuant to Section 319(b) of the CAA. This was done with the intention of demonstrating that the 4th highest ozone value for all monitors in New Castle County, Delaware, were in attainment with the 70 ppb standard for the 2023 ozone season, with the intent of requesting a 1-year extension to attain the standard. Similar actions were taken by the other states in the NAA. Unfortunately, EPA has not concurred on the exceptional event demonstration at this time. Without concurrence, and in consideration of preliminary 2024 monitoring data throughout the NAA, the NAA is not eligible for a 1-year extension of the August 3, 2024, attainment date—this is true even though Delaware's DV is in attainment with the standard.

Therefore, as Delaware faces a pending bump up to Serious non-attainment, and while the other states in the NAA are making a similar request, Delaware requests a voluntary reclassification for New Castle County, pursuant to Clean Air Act Section 181(b)(3), as part of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Non-Attainment Area from Moderate to Serious. This will set the new attainment date to August 3, 2027.

Delaware appreciates EPA's acknowledgement that Delaware has made significant progress to reduce emissions and improve air quality. In addition, Delaware values EPA's expressed commitment to work with the NAA states to find contingency measures during the development of the Serious ozone attainment plan. Delaware requests that EPA continue to work on review of the exceptional event demonstration for June 1, 2023. The 4th High Daily Maximum 8-hour value for 2023 has regulatory significance for Delaware, and the other states in the NAA, to demonstrate compliance with the NAAQS with a 2025 Design Value, prior to the August 3, 2027 Serious attainment deadline.

Please contact me should there be any questions regarding this matter.

Sincerely,



Angela D. Marconi, P.E.
Director, Air Quality

Enclosures

cc: Shawn M. Garvin, Secretary DNREC
Richard Ruvo, Air and Radiation Division Director, EPA Region II
Christopher Hoagland, Air Director, Maryland Department of the Environment
Francis Steitz, Air Director, New Jersey Department of Environmental Protection
Nick Lazor, Air Director, Pennsylvania Department of Environmental Protection