



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

NOV - 7 2013

Ali Mirzhakalili, Director
Division of Air Quality
156 South State Street
Dover, Delaware 19901

Dear Mr. Mirzhakalili:

Thank you for the April 25, 2012, supplemental submittal of the attainment plan demonstration for the Delaware portion of the Philadelphia-Wilmington-New Jersey 1997 Fine Particulate (PM_{2.5}) national ambient air quality standard (NAAQS) nonattainment area as a state implementation plan (SIP) revision. The April 25, 2012 submittal was a formal supplement to the SIP revision that was submitted on April 3, 2008 in order to: (1) replace the MOBILE6.2 model on-road mobile emission budget with a budget that is based on the Motor Vehicle Emissions Simulator (MOVES) model for milestone year 2009; (2) demonstrate that the MOVES-based mobile source budget is consistent with attainment of the 1997 PM_{2.5} NAAQS by 2010; (3) demonstrate that the contingency requirements of the Clean Air Act (CAA) are met; and (4) establish out-year 2012 on-road mobile emissions budget for direct PM and nitrogen oxides (NO_x). This letter addresses the U.S. Environmental Protection Agency's (EPA) review of the adequacy of the motor vehicle emissions budgets (MVEBs) for direct PM and NO_x in the Delaware portion of the Philadelphia-Wilmington-New Jersey 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 1997 PM_{2.5} NAAQS Attainment Plan as well as the MVEBs contained in the attainment plan demonstration, which were developed with MOVES. EPA has determined that these MVEBs are adequate for transportation conformity purposes.

Delaware's 1997 PM_{2.5} NAAQS Attainment Plan for the Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area has MVEBs for direct PM and NO_x for 2009 and out-year 2012. The MVEBs are 257 tons per year for direct PM and 8,448 tons per year NO_x for 2009 and 199 tons per year for direct PM and 6,273 tons per year NO_x for out-year 2012. 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 out-year 2012 MVEBs for future conformity determinations for the 1997 PM_{2.5} NAAQS. 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.

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 September 9, 2013. The comment period closed on October 9, 2013, 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 Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area 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 Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area.

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. 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 Mr. Gregory Becoat, at (215) 814-2036.

Sincerely,



Cristina Fernandez, Associate Director
Office of Air Program Planning

¹ EPA issued conformity regulations to implement the 1997PM_{2.5} NAAQS in July 2004 and May 2005 (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 (Jan. 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.