



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

Mr. Darryl Tyler
Environmental Program Administrator
Air Quality Management Section
Delaware Department of Natural Resources
& Environmental Control
156 South State Street
Dover, Delaware 19901-1401

May 31, 2000

Dear Mr. Tyler:

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 to respond to those comments when announcing our determination of the adequacy of those submitted budgets.

By a transmittal letter dated January 24, 2000 letter, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted revisions to its 2005 attainment demonstration (attainment plan) for the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. On February 3, 2000, DNREC submitted its rate-of-progress (ROP) plan for Kent and New Castle Counties, the Delaware portion of the Philadelphia-Wilmington-Trenton area. The ROP plan is for the milestone year 2002. The ozone attainment plan and the ROP plan are collectively termed the Phase II Plan.

On March 2, 2000, a notice was posted on EPA's website at <http://www.epa.gov/oms/traq>, for the purpose of opening EPA's 30-day public comment period on the adequacy of the budgets in your revised Phase II Plan. That notice also informed the public that DNREC had posted its revised Phase II Plan on its website. EPA's March 2, 2000 website notice provided a link to and the address for the DNREC website where interested members of the public could access the Revised Phase II Plan. EPA's public comment period closed on April 3, 2000. Enclosed please find the Technical Support Document (TSD) prepared in support of our findings regarding the adequacy of your revised budgets. Please see Section II of the TSD regarding the comments received.

We have reviewed the budgets in your revised Phase II Plan in accordance with the procedures and criteria for review 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). The enclosed TSD details our review of the revised budgets. Based upon that review and after consideration of the comments received, EPA finds that the budgets in your revised Phase II Plan are adequate for transportation conformity purposes.

We will be posting today's findings on EPA's website at, <http://www.epa.gov/oms/traq> and we will also announce today's findings on the motor vehicle emission budgets in the Federal Register. That announcement will be published in approximately one week. The findings of adequacy of the budgets in Delaware's revised Phase II Plan for the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Kent & New Castle Counties) 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: Mark McNulty (Delaware DOT)
Paul Lang (FHWA, DE)
David Saladino (WILMAPCO)
Ray Malenfant (DNREC)