



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

JUN 29 2011

The Honorable Jack Markell
Governor of Delaware
William Penn Street, 2nd Floor
Dover, Delaware 19901

Dear Governor Markell:

Thank you for providing recommendations on Delaware's air quality designations for the revised nitrogen dioxide (NO₂) primary National Ambient Air Quality Standard (NAAQS) to the U.S. Environmental Protection Agency (EPA).

This letter is in response to Delaware's designation recommendations, provides an opportunity for revisions to the previous recommendations for area boundaries, and provides information on EPA's approach for completing the designations for the revised NO₂ NAAQS.

On January 22, 2010, EPA strengthened the health-based NAAQS for NO₂ by setting a new 1-hour NO₂ standard at the level of 100 parts per billion (ppb). This new standard will protect against adverse health effects associated with short-term exposure to NO₂, including respiratory effects that can result in admission to a hospital. EPA also retained with no change, the annual average NO₂ standard of 53 ppb. This suite of standards will protect public health by limiting people's exposures to short-term peak concentrations of NO₂ and by limiting community-wide NO₂ concentrations to levels below those that have been linked to respiratory-related emergency department visits and hospital admissions in the United States. To determine compliance with the new standard, EPA established new ambient air monitoring and reporting requirements for NO₂. In urban areas, monitors are required near major roads as well as in other locations where maximum concentrations are expected. Additional monitors will be required in some large urban areas to measure the highest concentrations of NO₂ that occur more broadly across communities.

In the preamble to the 2010 NO₂ NAAQS and in EPA's October 2010 letter to you requesting designation recommendations, the Agency stated that it expected to designate most areas of the country as unclassifiable, indicating that there are insufficient data to determine whether or not an area is attaining the revised NO₂ NAAQS. This approach took into account that the new monitoring network requirements established with the revised NO₂ NAAQS will not be effective until January 2013 and that air quality data from these new monitors will not be available to inform these initial designations.

EPA reviewed the recommendations and will designate all monitored areas throughout the nation, including the State of Delaware, as unclassifiable/attainment rather than unclassifiable. Based on air quality data from 2008-2010, all monitored areas in the country meet the 2010 NO₂ NAAQS. While EPA acknowledges that the existing NO₂ monitoring network does not provide adequate evidence to determine whether or not the new NAAQS is met in all areas, there currently is no evidence of

violations anywhere in the country. The unclassifiable/attainment designation better reflects the current air quality conditions. EPA intends to redesignate areas, as appropriate, after sufficient air quality data from the new monitoring network are available.

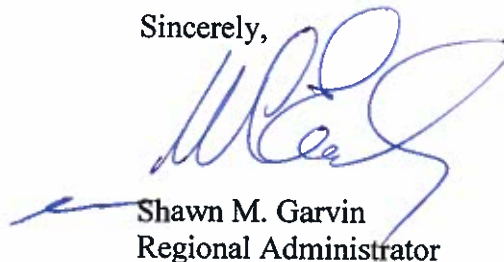
EPA intends to designate the State of Delaware as unclassifiable/attainment using the boundaries the State of Delaware recommended to EPA in January 2011 or any revised boundaries you may provide in response to this letter. In past designations, for the majority of states, the area of the state where the air quality could not be classified or was better than the national standards, was given a statewide, or rest of state designation. However, EPA recommends that states carefully consider the implications for the Prevention of Significant Deterioration (PSD) program of having the entire state designated as a single area versus having the state designated as smaller areas (e.g., counties, groups of counties, etc.) to ensure that the unclassifiable/attainment designation(s) are consistent with their objectives for managing air quality deterioration and economic growth. EPA also recommends that state permitting staff be consulted on the boundary issues as they may have insights on how the size of designated areas will affect the state's permitting program as well as air quality and economic growth objectives.

If your state has additional information that EPA should consider with respect to EPA's designation recommendations, please submit it to EPA by August 29, 2011. EPA's preliminary designation decisions and supporting documentation will be available to the general public for review and a thirty day public comment period upon publication in the *Federal Register*. EPA plans to review and respond to comments and promulgate the final designations by October 31, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2010 NO₂ NAAQS.

If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Amie Howell, EPA's Delaware Liaison, at (215) 814-5722.

Sincerely,



Shawn M. Garvin
Regional Administrator

cc: Honorable Collin P. O'Mara, Secretary
Department of Natural Resources and Environmental Control
Ms. Gina McCarthy, Assistant Administrator
for Air and Radiation