



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
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Office of the
Secretary

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Secretary's Order No. 2007-A-0021

Re: Approval as Final Plans the Proposed a) 2002 Base Year Ozone State Implementation Plan's Emissions Inventory for Volatile Organic Compounds, Nitrogen Oxides, and Carbon Monoxide for the State of Delaware; and b) Delaware State Implementation Plan for Attainment of the 8-Hour Ozone National Ambient Air Quality Standard (Reasonable Further Progress and Attainment Demonstration)

Date of Issuance: June 13, 2007
Effective Date: June 13, 2007

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") under 29 *Del. C.* §§8001 *et seq.* and 7 *Del. C.* §6010(c), the following findings, reasons and conclusions are entered as an Order of the Secretary in the above-referenced matter.

The United States Environmental Protection Agency ("EPA") delegated authority to the Department to administer certain responsibilities in Delaware under the federal Clean Air Act, as amended, 42 *U.S.C.* §§7401 *et seq.* ("CAA"). The delegation included preparing Delaware's State Implementation Plan ("SIP"), which is required by EPA's regulations known as the National Ambient Air Quality Standard ("NAAQS"). In April 2004, EPA designated 126 areas as "non-attainment" in meeting NAAQS's 8-hour ozone rule, including the Philadelphia-Wilmington-Atlantic City area. This area, including all of Delaware, was classified as moderate non-attainment. The EPA regulation requires that this area attain the 8-hour ozone NAAQS by 2010.

Ground level ozone is a principal component of the air quality condition commonly known as smog. Ozone poses a major health risk, particularly to children, the elderly and anyone with impaired ability to breathe. The precursors of ozone formation are oxides of nitrogen (“NOx”), volatile organic compounds (“VOCs”) and carbon monoxide (“CO”). EPA’s regulations require that the Department periodically submits to EPA various SIP revisions for EPA’s review and approval.

The Department’s technical experts within the Division of Air and Waste Management, Air Quality Management Section, along with consultants, prepared two extensively researched studies to submit as SIP revisions to comply with the EPA regulations. These studies were based upon extensive data from air monitoring and air emission sources. One study, entitled proposed “2002 Base Year Ozone State Implementation Plan’s Emissions Inventory for Volatile Organic Compounds, Nitrogen Oxides, and Carbon Monoxide for the State of Delaware” sets forth in a comprehensive detail the sources of ozone forming pollution in Delaware. The study relied on source emissions data and computer modeling of air emissions, weather conditions, and numerous other factors to determine the level of emissions in the base year 2002.

The second study was the proposed plan entitled “Delaware State Implementation Plan for Attainment of the 8-Hour Ozone National Ambient Air Quality Standard (Reasonable Further Progress and Attainment Demonstration).” This study demonstrated the regulatory actions being undertaken in Delaware, and actions taken by other areas within the modeling domain achieve sufficient VOC and NOx emission reductions in 2009, thus enabling the State and the entire moderate non-attainment area to meet the 8-

hour ozone NAAQS by 2010. This study concluded that the regulatory actions taken will allow Delaware to meet the 8-hour ozone NAAQS in 2010.

On May 1, 2007, the Department provided public notice of the two studies and held a public hearing on May 24, 2007 in order to receive public comments. One person from the public attended the hearing but did not make any comment. Prior to the May 24, 2007 public hearing, the EPA provided written comments, the Department responded to these comments, and as a result made several non-substantive changes to the SIP revisions. Ron Amirikian, David Fees, and Mohammed Majeed of the Department's Division of Air and Waste Management, Air Quality Management Section developed the record at the hearing.

Based upon the public record, the Department's presiding hearing officer, Robert P. Haynes, recommended that the Department approve the two SIP revisions. I agree that the proposed SIP revisions should be approved as the Department's final plans and submitted to the EPA to comply with the CAA and EPA's CAA regulations.

In conclusion, the following findings and conclusions are entered:

1. The Department, acting through this Order of the Secretary hereby approves as reasonable studies adequately supported by considerable technical expertise:
 - a) "2002 Base Year Ozone State Implementation Plan's Emissions Inventory for Volatile Organic Compounds, Nitrogen Oxides, and Carbon Monoxide for the State of Delaware,"
 - and b) "Delaware State Implementation Plan for Attainment of the 8-Hour Ozone National Ambient Air Quality Standard (Reasonable Further Progress and Attainment Demonstration)" in the their final versions as introduced into the May 24, 2007 public hearing record.

2. The Department shall have this Order published in the *Delaware Register of Regulations* and in newspapers in the same manner as the notice of the proposed plans.

s/John A. Hughes
John A. Hughes,
Secretary