



STATE OF DELAWARE
OFFICE OF THE GOVERNOR
 TATNALL BUILDING, SECOND FLOOR
 WILLIAM PENN STREET, DOVER, DE 19901

JACK A. MARKELL
 GOVERNOR

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JAN 19 2011

EPA, REGION III
 OFFICE OF REGIONAL ADMINISTRATOR

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January 13, 2011

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Mr. Shawn M. Garvin (3RA00)
 Regional Administrator
 U. S. Environmental Protection Agency
 Region III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029

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Division Director (3AP00)

Dear Administrator Garvin:

On January 22, 2010, the U.S. Environmental Protection Agency (EPA) strengthened the National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO₂) by adding a new 1-hour primary standard of 100 parts per billion (ppb) (3-year average of the 98th percentile daily maximum 1-hour concentration). Section 107(d) of the Clean Air Act (CAA) requires the Governor of each State to submit to the EPA a list of all areas (or portions thereof) in the State, designating each as nonattainment, attainment, or unclassifiable. This letter fulfills Delaware's obligations under Section 107(d) of the CAA.

Area Description and Monitoring Data

Delaware is composed of three counties, namely New Castle, Kent and Sussex, laying from north to south. The northern portion of New Castle County lies above the Chesapeake and Delaware Canal, a waterway that connects the Chesapeake Bay with the Delaware Bay. This part of New Castle County is more metropolitan and industrialized than the remainder of Delaware. The remainder of Delaware lies south of the Chesapeake and Delaware Canal, and comprises the southern portion of New Castle County, and all of Kent and Sussex Counties.

Delaware currently monitors NO₂ at its monitoring site near Martin Luther King Boulevard, which is located in the city of Wilmington (New Castle County). The measured ambient NO₂ concentrations for 2007 through 2009 at this monitor are shown in the table below.

NO ₂ Concentration (ppb)			
Year	1 st max 1-hour Concentration	2 nd max 1-hour Concentration	98 th Percentile Daily Maximum 1-hour Concentration
2007	75	73	64
2008	149	75	68
2009	68	62	54
3-year average of 98 th Percentile Daily Maximum 1-hour Concentration			62

Mr. Shawn M. Garvin (3RA00)
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Page Two

This monitoring data indicates that NO₂ concentrations in Delaware's air are well below the 100 ppb NAAQS. However, Delaware notes that its NO₂ monitor has experienced significant down time due to repair, and data completeness is somewhat low (i.e., less than 75% for 2007 and 2009).

Along with the new hourly NO₂ NAAQS, the EPA has established new near-road monitoring network requirements that are anticipated to go into effect January 2013. Delaware does not operate a near-roadway monitor, and understands that it will not be required to perform near-roadway monitoring under these new requirements. With this understanding, Delaware believes its current NO₂ monitoring network is adequate and complete.

Attainment/Nonattainment Recommendation

Because Delaware does not have the required 75% data completeness from its existing NO₂ monitoring network, all three counties in Delaware should be designated as unclassifiable for the new 1-hour NO₂ NAAQS. Despite this unclassifiable recommendation, we believe the data we do have strongly indicates that the air quality in Delaware currently is in attainment for the new NO₂ standard. Delaware anticipates requesting re-designation to attainment once 3-years of complete data are obtained.

Thank you for your consideration of the above recommendations. If you have any questions concerning this submittal or would like to discuss it further, please contact Mr. Ali Mirzakhali, the Director of our Division of Air Quality, at (302)739-9402.

Sincerely,



Jack A. Markell
Governor

pc: Diana Esher, EPA, Region III
Collin P. O'Mara, DNREC
Dave Small, DNREC
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