

**Environmental Protection Agency**

**§ 52.426**

[63 FR 67410, Dec. 7, 1998, as amended at 64 FR 12087, Mar. 11, 1999; 64 FR 32189, June 16, 1999; 64 FR 48963, Sept. 9, 1999; 64 FR 52659, Sept. 30, 1999; 65 FR 2051, Jan. 13, 2000; 65 FR 12483, Mar. 9, 2000; 66 FR 9211, Feb. 7, 2001; 66 FR 27462, May 17, 2001; 66 FR 32234, June 14, 2001; 67 FR 70316, Nov. 22, 2002; 69 FR 34287, June 21, 2004; 70 FR 65848, Nov. 1, 2005; 71 FR 70884, Dec. 7, 2006; 72 FR 15840, Apr. 3, 2007]

**§ 52.421 Classification of regions.**

The Delaware plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Philadelphia Interstate .....	I	I	III	I	I
Southern Delaware Intrastate .....	III	III	III	III	III

[37 FR 10856, May 31, 1972, as amended at 39 FR 16345, May 8, 1974]

**§ 52.422 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of part D, title 1, of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980, for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b) Letter of February 26, 1993, from the Delaware Department of Natural Resources and Environmental Control transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

[45 FR 14558, Mar. 6, 1980, as amended at 58 FR 50848, Sept. 29, 1993]

**§ 52.423 1990 Base Year Emission Inventory.**

EPA approves as a revision to the Delaware State Implementation Plan the 1990 base year emission inventories for the Delaware ozone nonattainment

areas submitted by the Secretary of the Department of Natural Resources and Environmental Control on May 27, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>).

[61 FR 1841, Jan. 24, 1996]

**§ 52.424 Conditional approval.**

(a)-(d) [Reserved]

[62 FR 27197-27199, May 19, 1997, as amended at 63 FR 1368, Jan. 9, 1998; 63 FR 16435, Apr. 3, 1998; 64 FR 32189, June 16, 1999; 64 FR 52660, Sept. 30, 1999; 64 FR 55141, Oct. 12, 1999; 66 FR 9211, Feb. 7, 2001; 66 FR 32234, June 14, 2001]

**§ 52.425 [Reserved]**

**§ 52.426 Control strategy plans for attainment and rate-of-progress: ozone.**

(a) EPA fully approves, as a revision to the Delaware State Implementation Plan, the 15 Percent Rate of Progress Plan for the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment, namely Kent and New Castle Counties, submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on February 17, 1995.

(b)(1) EPA approves revisions to the Delaware State Implementation Plan consisting of the Post 1996 ROP plans

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for milestone years 1999, 2002, and 2005 for the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area, namely Kent and New Castle Counties. These revisions were submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on December 29, 1997, and revised on June 17, 1999, February 3, 2000, and December 20, 2000.

(2) EPA approves Delaware's contingency plans for failure to meet ROP in the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area, namely Kent and New Castle Counties, for milestone years 1999, 2002 and 2005. These revisions were submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on December 29, 1997, June 17, 1999, February 3, 2000, and December 20, 2000.

(c) EPA approves the attainment demonstration SIP for the Philadelphia-Wilmington-Trenton area submitted by the Secretary of the Delaware Department of Natural Resources and Environmental Control on May 22, 1998, and amended October 8, 1998, Jan-

uary 24, 2000, December 20, 2000, and October 9, 2001 including its RACM analysis and determination. EPA is approving the enforceable commitments made to the attainment plan for the Philadelphia-Wilmington-Trenton severe ozone nonattainment area submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on January 24, 2000 and December 20, 2000. The enforceable commitments are to:

(1) Submit measures by October 31, 2001 for additional emission reductions as required in the attainment demonstration test, and to revise the SIP and motor vehicle emissions budgets by October 31, 2001 if the additional measures affect the motor vehicle emissions inventory,

(2) [Reserved]

(3) Perform a mid-course review by December 31, 2003.

(d) EPA is approving the following mobile budgets, explicitly quantified as sub-budgets for each of Kent and New Castle Counties, of the Post 1996 ROP Plans and the 1-Hour Ozone Attainment Demonstration Plan:

TRANSPORTATION CONFORMITY EMISSION BUDGETS FOR THE DELAWARE PORTION OF THE PHILADELPHIA AREA

Type of control strategy SIP	Year	Kent County		New Castle County		Effective date of adequacy determination or SIP approval
		VOC	NO <sub>x</sub>	VOC	NO <sub>x</sub>	
Post-1996 ROP Plan .....	1999	7.55	11.17	22.49	29.41	April 29, 1999, (64 FR 31217, published June 10, 1999).
Post-1996 ROP Plan .....	2002	6.30	9.81	18.44	27.29	June 23, 2000, (65 FR 36440, published June 8, 2000).
Post-1996 ROP Plan .....	2005	4.84	7.90	14.76	22.92	May 2, 2001, (66 FR 19769, published April 17, 2001).
Attainment Demonstration .....	2005	5.14	8.42	15.08	21.28	SIP approval on December 5, 2003; Effective on February 3, 2004.

(1)-(2) [Reserved]

(e) EPA approves Delaware's revised 2005 VOC and NO<sub>x</sub> motor vehicle emission budgets for the 1-hour ozone attainment plan for the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area as a SIP revision. The revisions were submitted by the Delaware Department of Natural Resources and Environmental Control on September 2, 2003. Submittal of these revised MOBILE6-based motor vehicle emissions budgets

was a requirement of EPA's approval of the attainment demonstration under paragraph (c) of this section.

[64 FR 55141, Oct. 12, 1999, as amended at 66 FR 54614, Oct. 29, 2001; 68 FR 67952, Dec. 5, 2003]