



# DNREC Virtual Public Hearing

**Proposed Revisions to:**

**Delaware State Implementation Plan Revision Serious Classification  
Requirements for New Castle County for the 2015 8-Hour Ozone National  
Ambient Air Quality Standard**

**(Docket # 2025-R-A-0015)**

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# Division of Air Quality

Proposed SIP Revisions for Delaware's Serious  
Classification Requirements for New Castle County for the 2015  
8-hour Ozone National Ambient Air Quality Standard  
(Docket #2025-R-A-0015)

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## Agenda

- What is a State Implementation Plan (SIP)?
- Ozone Background
- Ozone National Ambient Air Quality Standards (NAAQS)
- Delaware's Ozone Attainment History
- 107 Clean Air Act Redesignation and Clean Data Determination
- Proposed SIP Revisions
- Proposed Withdrawal of Moderate Ozone SIP Components Associated With the Attainment Date

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## **Delaware's State Implementation Plan**

- Identifies how Delaware will attain and maintain air quality
- Delaware's State Implementation Plan (SIP) - Title 40 of the Code of Federal Regulations at Part 52, Subpart I

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## **Ozone Background**

- Ground level ozone, one of the principal components of “smog,” is a serious air pollutant that harms human health and the environment.
- High levels of ozone can damage the respiratory system and cause breathing problems, throat irritation, coughing, chest pains, and greater susceptibility to respiratory infection.

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## Ozone NAAQS

- The Environmental Protection Agency (EPA) promulgated a revised National Ambient Air Quality Standard (NAAQS) for ground-level ozone in 2015 of 70 parts per billion (ppb).
- New Castle County was designated as **non-attainment** for this new standard.
- Kent and Sussex Counties were designated as **attainment** for this new standard.

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## **Delaware's Ozone Attainment History**

- On June 4, 2018, the EPA designated 51 areas of the country as “non-attainment” under the 2015 8-hour Ozone NAAQS.
- Among those non-attainment areas was the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Non-Attainment Area (Philadelphia NAA), including New Castle County in Delaware.

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## **Ozone Attainment History**

- The Philadelphia NAA was designated as “marginal.”
- The attainment deadline for “marginal” NAAs was August 3, 2021.
- The Philadelphia area failed to meet the “marginal” attainment deadline.
- Failing to attain by the applicable attainment date requires that “marginal” NAAs be reclassified to “moderate” non-attainment for the 2015 Ozone NAAQS.

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## **Ozone Attainment History**

- The Philadelphia NAA was designated as “moderate.”
- The attainment deadline for “moderate” NAAs was August 3, 2024.
- The Philadelphia area failed to meet the “moderate” attainment deadline.
- Failing to attain by the applicable attainment date requires that “moderate” NAAs be reclassified to “serious” non-attainment for the 2015 Ozone NAAQS.

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## **Delaware's Ozone Attainment History**

- Because attainment status is based on the previous year's ozone season, Delaware knew well ahead of the attainment date that the Philadelphia Area would not meet the serious attainment date deadline.
- Delaware along with the other states in the NAA proactively requested voluntary reclassifications to serious non-attainment.

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## **Delaware's Ozone Attainment History**

- On July 30, 2024, the EPA redesignated New Castle County for the Philadelphia NAA as serious for the 2015 8-hour ozone NAAQS.
- Areas reclassified to serious face more stringent Clean Air Act (CAA) requirements designed to achieve attainment of the NAAQS by no later than August 3, 2027.

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## **Delaware's Ozone Attainment History**

- Accordingly, the state air agencies in the Philadelphia NAA were required to:
  - Submit SIP revisions
  - Implement requirements to satisfy the statutory and regulatory requirements for “serious” areas for the 2015 Ozone NAAQS

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## **107(d)(3)(D) CAA Redesignation**

- On August 15, 2025, Delaware requested that EPA revise the boundaries of the Philadelphia NAA for 2008 and 2015 Ozone NAAQS, under Section 107(d)(3)(D) of the CAA.
- Delaware requested the creation of a stand-alone Non-Attainment Area for New Castle County, thereby removing Delaware from the existing Philadelphia Non-Attainment Area.
- Justification:
  - New Castle County has been meeting the 2015 Ozone NAAQS since 2019.
  - Delaware showed that New Castle County did not contribute to violations of the Ozone NAAQS in the Philadelphia NAA.

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## **107(d)(3)(D) CAA Redesignation**

- Purpose of request:
  - It is no longer reasonable or scientifically justifiable for New Castle County to be included in the larger Philadelphia NAA.
  - Provide Delaware with the flexibility and independence needed to meet the CAA's nonattainment area planning and emissions control requirements.
  - Promote more effective and efficient air quality management in the region.
- On June 4, 2026, EPA issued a final rule, creating a standalone New Castle County, DE NAA.

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## **Clean Data Determination**

- On June 4, 2026 the EPA issued a Clean Data Determination (CDD) for New Castle County for the 2015 and 2008 ozone NAAQS, which indicates the area is attaining the ozone standards.
- Due to the CDD, EPA determined state implementation plan requirements related to the attainment demonstration and Reasonable Further Progress are suspended.

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## **Proposed SLP Revision for Serious Classification Requirements**

- This public hearing is to propose a SLP revision for the serious classification requirements associated with the 2015 8-hour Ozone NAAQS for the New Castle County, DE NAA.

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## **The major components of this SIP revision:**

- Delaware's updated **2017 Base Year Inventory**
- Previously approved Control Measures
- Clean Fuels Vehicle Program Requirements
- Reasonable Available Control Technology (RACT)

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## **The major components of this SIP revision:**

- Transportation Conformity Requirements
  - No new mobile budgets set
- Ozone Air Quality Status and Trends Analysis
- Performance Standard Modeling and Certification of the Enhanced Inspection and Maintenance Program

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## **Proposed Withdrawal of Moderate Ozone SIP Components Associated With the Attainment Date**

- Clean Data Determination
  - Provisions related to attainment demonstration and the scheduled incremental reductions through Reasonable Further Progress no longer apply to the New Castle County NAA.
- Delaware submitted its moderate Ozone State Implementation Plan to the Environmental Protection Agency on March 4, 2024.

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## **Proposed Withdrawal of Moderate Ozone SIP Components Associated With the Attainment Date**

- In addition, Delaware is submitting a letter to the EPA, to withdraw the following suspended components of the previously submitted moderate ozone SIP:
  - Reasonable Further Progress,
  - Revised 2017 Base Year Emissions Inventory,
  - 2023 Mobile Budgets for Transportation Conformity,
  - Reasonably Available Control Measures,
  - Attainment Demonstration,
  - Control Measures, and
  - Contingency Measures.

## Hearing Exhibit List:

- **Exhibit 1:** Environmental Protection Agency's Final Rule. 2015 Ozone NAAQS, Reclassification of Areas Classified as Serious.
- **Exhibit 2:** Environmental Protection Agency's Final Rule. 107 Clean Air Act Redesignation and Clean Data Determinations.
- **Exhibit 3:** Delaware's State Implementation Plan "Moderate Non-Attainment Plan for New Castle County for the 2015 8-hour Ozone National Ambient Air Quality Standard", as submitted to EPA on March 4, 2024.
- **Exhibit 4:** Register Notice for the proposed revision to Delaware's State Implementation Plan "Proposed Revision to Delaware State Implementation Plan Revision Serious Classification Requirements for New Castle County for the 2015 8-Hour Ozone National Ambient Air Quality Standard", published in Delaware Register of Regulations on September 1, 2026.
- **Exhibit 5:** Affidavit and legal notice in the August 12, 2026 Delaware State News.
- **Exhibit 6:** Affidavit and legal notice in the August 12, 2026 News Journal.
- **Exhibit 7:** Hearing notice on the State of Delaware Public Meeting Calendar, August 17, 2026.
- **Exhibit 8:** Legal notice as posted on the website for the Department of Natural Resources and Environmental Control's Public Notices, dated August 14, 2026.
- **Exhibit 9:** "Proposed Delaware State Implementation Plan Revision for Serious Classification Requirements for New Castle County for the 2015 8-Hour Ozone National Ambient Air Quality Standard" (with Appendices), as published in the September 1, 2026 Delaware Register.
- **Exhibit 10:** The Department's presentation at today's hearing.



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Thank you for joining us. We will accept comments on this matter through October 7, 2026.

Comments may be submitted in writing

Via online form at <https://de.gov/dnrecomments>, via email to  
[DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or USPS mail:

Theresa Smith, Hearing Officer  
DNREC – Office of the Secretary  
89 Kings Highway, Dover, DE 19901

The full verbatim transcript will be posted when it becomes available.

For more information, find the event page for this hearing on the DNREC Public Hearings page at  
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