



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL**

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

Office of the  
Secretary

Phone: (302) 739-4403  
Fax: (302) 739-6242

Secretary's Order No. **2005-A-0017**

Re: Amendments to Delaware Phase II Attainment Demonstration: Mid-Course Review  
on Progress toward Attainment of the 1 hour Ozone National Ambient Air Quality  
Standard

Date of Issuance: **March 8, 2005**

Effective Date: **March 8, 2005**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control under 29 Del. C. §§8001 *et seq.*, the following findings and conclusions are entered as an Order of the Secretary:

1. Based on the record developed, as reviewed in the Hearing Officer's Report ("Report"), dated March 7, 2005, and appended hereto and incorporated herein, I find and conclude that the record supports approval in final form of the proposed "Amendments to Delaware Phase II Attainment Demonstration: Mid-Course Review on Progress Toward Attainment of the 1 hour Ozone National Ambient Air Quality Standard" (hereinafter "MCR"). The proposed MCR was prepared by the Department's Air Quality Management ("AQM") Section within the Division of Air and Waste Management.

2. The record supports the Department's approval of the proposed MCR as the final MCR. The MCR demonstrates that Delaware's measures to control VOC and

NOx emissions have been adequate to meet the federal one-hour ozone standard. In addition, when supplemented by additional control measures to go into effect in 2005 and by those to be developed and implemented in the future years, Delaware should be able to meet the more stringent 8-hour standard by 2010, particularly if the federal government or other states also take steps to reduce the ozone and precursors that are produced in other states and then transported by the wind into Delaware.

3. The MCR approved by this Order shows that New Castle and Kent Counties will reduce VOC and/or NOx emissions by the required 42% target amount based upon the existing control measures and those to be implemented in 2005.

4. In order to meet the current 2010 standards, the MCR shows that Delaware will need 1) additional state control measures to be implemented before 2010, and 2) federal regulation to control ozone and ozone precursor transported into Delaware.

5. The draft MCR, as published in the November 2004 *Delaware Register of Regulations*, should be adopted as the Department's final action, and be published as a Notice in the *Delaware Register of Regulations* in the next available issue.

6. The Department provided adequate notice of the public hearing in a manner required by the applicable law and regulations.

7. The Department has an adequate record for its decision, and no further public hearing is appropriate or necessary.

s/ [John A. Hughes](#) \_\_\_\_\_

John A. Hughes  
Secretary