Attachment A

Delaware's Comments on the Environmental Protection Agency's Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard

The Transport NODA addresses steps 1 and 2 of the four-step CSAPR framework,[1] using preliminary modeling for 2023 to identify projected nonattainment and maintenance receptors and identifying upwind states that contribute to these receptors. EPA notes that states may choose to modify or supplement these data when developing their Good Neighbor SIPs, and/or EPA may update these data for potential future analyses or regulatory actions related to interstate ozone transport for the 2015 ozone NAAQS. As Delaware and many areas within the Ozone Transport Region (OTR) continue to monitor nonattainment of the 2015 ozone NAAQS, it is critical that Good Neighbor requirements for the 2015 ozone NAAQS are addressed on schedule. However, the Transport NODA, in its current form, is not technically sound and should not be considered an acceptable technical underpinning of a Good Neighbor SIP for the following reasons:

1. The EPA methodology does not comply with the Clean Air Act (CAA) because it does not protect all required downwind areas. Section 110(a)(2)(D) of the CAA requires that Good Neighbor SIPs contain "*adequate provisions--prohibiting... any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will--contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard*."

   EPAs 2023 projected average and maximum ozone design values for each modeled Delaware receptor are shown in Table 1 below.

Table 1 – Delaware's Base Period and Projected Design Values From the 2015 Transport NODA

Monitor ID	State	County	2009-2013 Base Period Average Design Value	2009-2013 Base Period Maximum Design Value	2023 Projected Average Design Value	2023 Projected Maximum Design Value
100010002	Delaware	Kent	74.3	78	57.1	59.9
100031007	Delaware	New Castle	76.3	80	57.0	59.7
100031010	Delaware	New Castle	75.3	78	56.3	58.4
100031013	Delaware	New Castle	77.7	80	58.2	59.9
100032004	Delaware	New Castle	75.0	75	56.2	56.2
100051002	Delaware	Sussex	77.3	81	57.6	60.4
100051003	Delaware	Sussex	77.7	81	61.5	64.1

[1] The four-step CSAPR framework is detailed in EPA's final rule for the Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS (81 FR 74504, October 26, 2016).

The EPA selected 2023 as the projected analysis year. The year 2023 was selected because it coincides with the attainment date for moderate nonattainment areas under the 2015 ozone NAAQS. Because all Delaware receptors have both a 2023 projected average and a 2023 projected maximum design value below the level of the 2015 ozone NAAQS, no area of Delaware is projected to have attainment or maintenance problems in 2023. Given this, EPA is in essence advising upwind states that no action is necessary for them to satisfy the Good Neighbor provisions of the CAA relative to Delaware. If the EPA modeling is inaccurate and Delaware were not in attainment in 2023, and not able to maintain attainment at all times after 2023, and not able to meet CAA redesignation and maintenance plan criteria, the onus will be on Delaware to address the problem without any state having had to comply with the Good Neighbor provisions of the CAA relative to Delaware. Note that the EPA's previous forecasts for attainment with ozone standards were incorrect. For example, in 2012 the EPA published a technical note to docket # EPA-HQ-OAR-2010-0885, February 2012. "*The Hypothetical Nonattainment Area Projections of 2008- 2010 Design Values to 2015*." In this prior forecast the EPA projected that the State of Connecticut would attain the 2008 ozone NAAQS in 2015, and this was not correct and Connecticut (and New York and New Jersey) were required to perform an attainment demonstration under the 2008 ozone NAAQS.

Table 2 compares 2015 and preliminary 2016 monitored design values (DVs) at the 23 worst sites in the OTR with 2017 modeled future DVs from EPA's CSAPR Update Rule. The differences are substantial, with all but two sites underpredicted by the CSAPR Update Rule modeling for 2017. The results in Table 2 show that the 2017 CSAPR Update Rule projections underpredicted the preliminary 2016 DVs by 5 ppb or more at 15 sites, and by 10 ppb or more at 4 sites. Some of the largest differences occur at the Connecticut coastal sites (e.g. Westport, Greenwich and Stratford) which recorded the highest preliminary 2016 DVs in the OTR. For comparison, Table 2 also shows 2017 DVs predicted by the OTC with the Community Multi-Scale Air Quality (CMAQ) model, which are somewhat higher than EPA's projections, but still tend to underpredict the preliminary 2016 measured DVs. Although EPA's Tier 3 Motor Vehicle Emission and Fuel Standards commence in 2017, EPA projects the program will provide an average decrease in ozone DVs of only about 0.6 ppb in 2018[2]. Even lower ozone benefits are projected by EPA[3] for Connecticut from the CSAPR Update in 2017.

[2] US EPA, *Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards Final Rule*, Regulatory Impact Analysis EPA-420-R-14-005, (Office of Transportation and Air Quality, March 2014).
[3] US EPA, *Ozone Transport Policy Analysis Final Rule TSD*, August 2016.

Table 2 – Monitored and Modeled Results at Top 2023 Ozone Monitors in OTR by 2016 Design Value (in ppb)

State	County	Site	AQS Code	2016 DV (Prelim.)	2015 DV	2017 EPA CSAPR Update DV[4]	2017 OTC CMAQ DV[5]
CT	Fairfield	Westport Sherwood Island	90019003	85	84	76	83
CT	Fairfield	Greenwich Point Park	90010017	82	81	74	77
CT	Fairfield	Stratford	90013007	81	83	75	77
CT	Middlesex	Middletown	90070007	79	80	69	70
CT	Fairfield	Western Conn State Univ	90011123	78	76	71	74
PA	Philadelphia	North East Airport (NEA)	421010024	77	73	73	73
PA	Bucks	Bristol	420170012	77	75	70	70
CT	New Haven	Criscuolo Park-New Haven	90090027	76	76	66	67
NY	Richmond	Susan Wagner HS	360850067	76	74	75	78
MD	Cecil	Fair Hill	240150003	76	73	69	73
CT	New Haven	Hammonasset State Park	90099002	76	78	76	77
CT	Hartford	McAuliffe Park	90031003	75	76	65	66
CT	Litchfield	Mohawk Mt-Cornwall	90050005	74	70	61	62
NJ	Middlesex	Rutgers University	340230011	74	72	70	71
NY	Westchester	White Plains	361192004	74	73	71	73
NJ	Bergen	Leonia	340030006	74	74	68	68
NJ	Mercer	Wash Crossing	340219991	73	71	66	66
NJ	Ocean	Colliers Mills	340290006	73	72	71	72
NJ	Gloucester	Clarksboro	340150002	73	73	72	74
CT	Tolland	Stafford	90131001	73	76	65	67
PA	Chester	New Garden	420290100	73	69	64	66
MD	Harford	Edgewood	240251001	73	71	78	81
MD	Harford	Aldino	240259001	73	70	66	70

Table 3 shows the same information as Table 2, but for the monitors in Delaware. Similarly it can be seen that the modeling for the CSAPR Update Rule underpredicted most of Delaware's monitors, with the largest difference of 8 ppb between the actual (preliminary) DV for 2016 vs the modeled DV for 2017. As with other monitors in the OTR, the 2017 DVs predicted by the OTC with the CMAQ model are somewhat higher than EPA's projections, but still below the 2016 actual DVs (in most cases).

[4] US EPA, "Data File with Ozon0e Design Values and Ozone Contributions," August 2016.

[5] Ozone Transport Commission, *Technical Support Document for the 2011 Ozone Transport Commission/Mid-Atlantic Northeastern Visibility Union Modeling Platform*, Washington, DC (OTC, November 15, 2016).

Table 3 – Monitored and Modeled Results at Delaware Monitors By 2016 Design Value (in ppb)

State	County	Site	AQS Code	2016 DV (Prelim.)	2015 DV	2017 EPA CSAPR Update DV	2017 OTC CMAQ DV
DE	New Castle	Brandywine	100031010	74	69	66	67
DE	New Castle	Bellefonte	100031013	70	68	65	67
DE	Sussex	Lewes	100051003	69	69	68	69
DE	New Castle	Lums	100031007	68	66	63	67
DE	Kent	Killens	100010002	66	65	63	66
DE	Sussex	Seaford	100051002	65	64	65	67

The projections used in the 2017 CSAPR Update Rule are clearly underpredicting current DVs in the OTR, often by large amounts. Since the projections contained in the Transport NODA rely on the same underlying platform and many of the same methodologies, the 2023 projections are likely to underpredict as well. As a result, the Transport NODA modeling should not be used as the basis for any 110(a)(2)(D) SIPs for areas that could contribute to nonattainment or interfere with maintenance of the ozone NAAQS in the OTR.

Section 110(a) of the CAA requires states to submit Good Neighbor SIPs not later than 3 years after the EPA promulgates a new or revised NAAQS. EPA is required to make final area designations within 2 years of promulgation of a NAAQS. Given this timing, the areas to be protected by Good Neighbor SIPs are the areas the EPA establishes at the time of final designations made pursuant to 107 of the CAA; and not areas projected to have problems at some future time based on uncertain modeling.

2. <u>The EPA methodology does not comply with the CAA relative to required content of Good Neighbor SIPs.</u> Section 110(a)(2)(D) of the CAA requires that Good Neighbor SIPs contain "*adequate provisions-prohibiting... any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will-contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard.*"

   Similar to the discussion above, the EPA methodology uses projected 2023 emission and growth estimates that rely on the quantity and timing of numerous unenforceable emissions reductions, economic dispatch model assumptions (e.g., IPM) and on other factors like weather and meteorology. For example, electric generating unit (EGU) emissions are based on IPM modeling which assumes the MATS rule, CSAPR Update Rule, and Clean Power Plan will be in place. The IPM modeling has sometimes projected changes in generation resources that have not come to occur, likely due to technical and market forces that the IPM economic model was unable to properly project. Planning activities based solely on flawed IPM projects may therefore not properly address true underlying EGU emissions impacts. The current projections include substantial reductions from the Clean Power Plan, which was recently stayed by the Supreme Court pending judicial review. If the rule is ultimately vacated, or if significant delays occur during the judicial review process, then the anticipated emission reductions will not occur by 2023. If EPA does continue to include the Clean Power Plan in its future projections, it should consider using a more conservative approach for determining future year emissions. The mass-based, no-interstate-trading approach likely overestimates future emission reductions. The Regional Greenhouse Gas Initiative (RGGI) is already in place in the Northeastern US, so a trading-based approach to the Clean Power Plan is far more likely in this region. In addition, the CSAPR Update Rule, which is scheduled to take effect in the 2017 ozone season, may be eliminated under a proposed Congressional Review Act disapproval resolution. This would mean that states relying on the modeling presented in this Transport NODA would be taking enforceable emissions reduction credit based on a rule whose outcome is uncertain at this time. Any Good Neighbor SIP that relies on emission reductions that are ultimately not enforceable must be disapproved by EPA. States should quantify these emission reductions to include in their Good Neighbor SIPs if they choose to use EPA's platform.

A number of EGUs have installed post-combustion NOx controls by the 2011 baseline and may not consistently operate those controls at high levels of control effectiveness. Many of these control installations on EGUs in states upwind of Delaware were performed to provide flexibility for the subject EGUs to participate in the EPA's NOx emissions allowance trading programs. Participation in the NOx allowance trading programs, absent stringent short term fallback NOx emission rates, has facilitated the subject EGUs' operation of the NOx controls "at will" without regard to impact on downwind air quality. EPA has indicated that they recognize that some EGUs have not been effectively operating their post combustion NOx controls in recent years, and factored this into the assignment of NOx emission rates for 30 EGUs in IPM V5.16, as discussed in the EPA's document *EPA Base Case v.5.16 for 2015 Ozone NAAQS Transport NODA Using IPM Incremental Documentation*. The 30 EGUs identified in EPA Base Case v.5.16 as not effectively operating their post combustion controls in recent ozone seasons were identified as being located in nine separate states. It is of particular interest to Delaware that the EPA's modeling has indicated that seven of those nine states are states that negatively impact Delaware's ozone NAAQS compliance.

Delaware's review of EPA AMPD NOx emission rate information for states upwind of Delaware indicated that many more EGUs than those identified by the EPA in EPA Base Case v.5.16 do not consistently operate their post-combustion NOx controls such that there has been a large variation in average NOx emission rates among recent ozone seasons. It is Delaware's opinion that operation of the post-combustion NOx controls "at will" not only remains a viable option for the 30 EGUs identified by the EPA, but will also become more attractive to other EGUs in upwind states. This will occur unless additional a federal or state regulation is put into place that effectively requires the operation of those controls on a continuous basis consistent with good pollution control practices.

Further, analysis of emissions and modeling data indicates that under some meteorological conditions, certain EGU facilities located in states upwind of Delaware can have a significant impact on Delaware's ozone NAAQS compliance even when those facilities are operating with daily NOx mass emission rates far less than the highest observed daily NOx mass emissions from the facility. As an example, ozone source apportionment CAMx modeling performed for Delaware by Sonoma Technologies Inc. indicated that on September 13, 2011 the Brunner Island EGU facility, located in Southeast Pennsylvania, contributed 1.33 ppb to the ozone value measured at the Martin Luther King monitor, located in New Castle County, Delaware. On September 13, 2011, the EPA's AMPD data indicated that the Brunner Island facility emitted 27.4 tons of NOx, which is approximately 46% of the facility's highest 2011 ozone season NOx emissions day, and approximately 42% of the facility's 2011 annual NOx emissions day. Issues that this situation highlights include the following:

- A comprehensive Good Neighbor SIP requires the consideration of the impact of individual facilities on air quality in downwind areas.

- NOx emission controls must be designed, installed, and operated (on a continuous basis) to ensure short term NOx emissions are maintained below levels that have been demonstrated to negatively impact the ability of downwind areas to be in compliance with the ozone NAAQS.

- NOx emission limits that effectively control the short term emissions from subject facilities are necessary to ensure that the emissions over any particular day are controlled at levels that prohibit the particular facility from significantly impacting the air quality in downwind areas. Any regulatory control strategy that facilitates averaging (either over multiple days, seasonal, multi-facility, etc.) may not result in the emissions from a particular facility being at levels that do not negatively impact downwind air quality at all times the facility is in operation.

- Modeling multiple meteorological conditions is necessary to identify a facility's acceptable level of emissions such that an emissions limitation may be identified to prohibit that facility from negatively impacting downwind air quality at any time.

Applying future year SIP enforceable emission reductions is an acceptable part of a Good Neighbor SIP. However, if a state's contribution is limited by controls or assumptions projected by, for example IPM, then to comply with 110(a)(2)(D) the effect of the projection must be adopted and placed in the state SIP. As such, EPA’s current use of future year emission projections to make attainment/nonattainment determinations and to identify the need for additional remedies is problematic.

The IPM-projected 2023 emission estimates rely on unenforceable emissions reductions. EPA’s current IPM modeling runs assume that all unenforceable emission reductions will occur on time so that only the remedy from the resulting assessment would be needed. This assumption is overly optimistic. This is especially true considering the uncertain future of some of the regulatory initiatives, such as the Clean Power Plan, that were incorporated in the modeling assumptions.

Meeting ozone attainment ultimately depends on a monitoring demonstration, while modeling analyses are applied to demonstrate that plans are on the right track to meet attainment requirements. Stretching the application of future year modeling to determine which areas will and will not be in attainment, and then developing a remedy for only those areas is highly problematic. This approach assumes knowledge of future economic strength and energy-based market forces, and future weather patterns, all of which affect emissions as well as monitored and predicted ozone levels. Inaccurate assumptions or calculations including use of unenforceable emission limits could mean the remedy fails.

Future year projections should not be used as the basis for assessing state contributions to interstate ozone transport. Significantly contributing states should be identified using the known emissions of a base year. Applying already-identified future year enforceable emission reductions is an acceptable part of the remedy. If additional controls are necessary to address a state's contribution, then such a remedy needs to be adopted and made enforceable in the Good Neighbor SIP.

3. The EPA methodology puts well controlled states at a disadvantage. All Delaware emission sources are well controlled (see Delaware's Good Neighbor SIP that was submitted to the EPA in 2012). Because Delaware emission sources are well controlled, there is nothing Delaware can do to further reduce this impact. In contrast, many upwind states' sources that impact Delaware are not well controlled, and these states have the ability to require cost effective emission controls on their sources, which would reduce the impact on both themselves and on the downwind areas they impact.

Delaware compared the maximum concentration the EPA modeling indicates each state will contribute to itself and the maximum contribution other states contribute to it, in 2023 (i.e., intrastate versus interstate impact). Table 4 below shows this data for the eight states where contribution from other states comprises more than 50% of the NAAQS.

Table 4 – States Where Maximum Contribution from Other States Is >50% of the NAAQS

State	Max Contribution from Own State (% of NAAQS)	Max Contribution from Other States (% of NAAQS)	Avg Contribution from Own State (% of NAAQS)
Michigan	31%	63%	14%
Connecticut	14%	61%	8%
Wisconsin	19%	58%	9%
New York	25%	54%	15%
New Jersey	18%	52%	12%
Rhode Island	7%	51%	4%
Massachusetts	28%	51%	17%
Delaware	8%	51%	3%

Six of these eight states that are overwhelmed by transport are in the OTR, and many of these OTR states have aggressively controlled their emissions sources. For example, Delaware has developed SIPs that have provided a 68% reduction in VOC and a 67% reduction in NOx emission levels between 1990 and 2014. The next ton of ozone precursor reduction in Delaware is estimated to cost above $5,300, and the next ton NOx reduced from an EGU in Delaware will cost approximately $8,800. Absent any upwind obligations under the Good Neighbor provisions of the CAA, the EPA methodology effectively allocates the management of Delaware's air resources to upwind states.

4. The EPA methodology arbitrarily bases this critically important CAA requirement on a single year of emissions and meteorological conditions. The EPA indicated the meteorological conditions during the summer of 2011 were generally conducive for ozone formation across much of the U.S., particularly the eastern U.S. Delaware agrees and does not have a problem with the use of 2011; however, Delaware does have a problem with EPA basing modeled impacts on a single year of meteorology. There are a number of meteorological conditions that lead to downwind impact. At times Delaware is significantly impacted by emissions from the south, at others from the west, and at others from the north.

   While research has shown that 2011 was conducive to ozone formation and thus an appropriate choice in many ways, 2011 meteorology also had some notable air flow differences from other high ozone years in our region. One specific concern is that the 2011 meteorology contains a relatively weak southerly air flow compared to other modeled years (2002, 2005, and 2007) and consequently produces significant differences in the state contribution modeling results.

   Historically, the southwesterly airflow pattern which carries ozone and its precursors up the Atlantic coast, when combined with westerly upper level transport, can lead to ozone exceedances in the OTR. When such airflows occur, states such as North Carolina can become contributors to ozone nonattainment in our region. An analysis by Sonoma Technologies, Inc. (detailed in Attachment B) of the major air flow patterns impacting the Lewes, Delaware monitor over a number of years helps to illustrate this. As Figure 1 shows, the southerly transport pattern during high ozone days was relatively weak in 2011 compared to many other years. Figure 2, which compares air flows from 2011 to the other seven years analyzed, further illustrates the lack of transport from the south in 2011 compared to other recent years. This meteorological difference likely contributed to the exclusion of southern states as significant contributors to the OTR according to the 2011-based modeling, even though previous CSAPR modeling identified these states as significant contributors for modeled years with more prominent southerly air flow (e.g., in 2007).[6]

[6] US EPA, *Air Quality Modeling: Final Rule Technical Support Document*, Research Triangle Park, NC, Technical Support Document (Office of Air Quality Planning and Standards, June 2011).

Figure 1 – Difference comparison maps for Lewes for high-ozone days versus all ozone-season days (2008–2015). Arrows indicate major flow patterns. Dashed circles in 2011 and 2015 indicate lack of flow from certain areas[7]

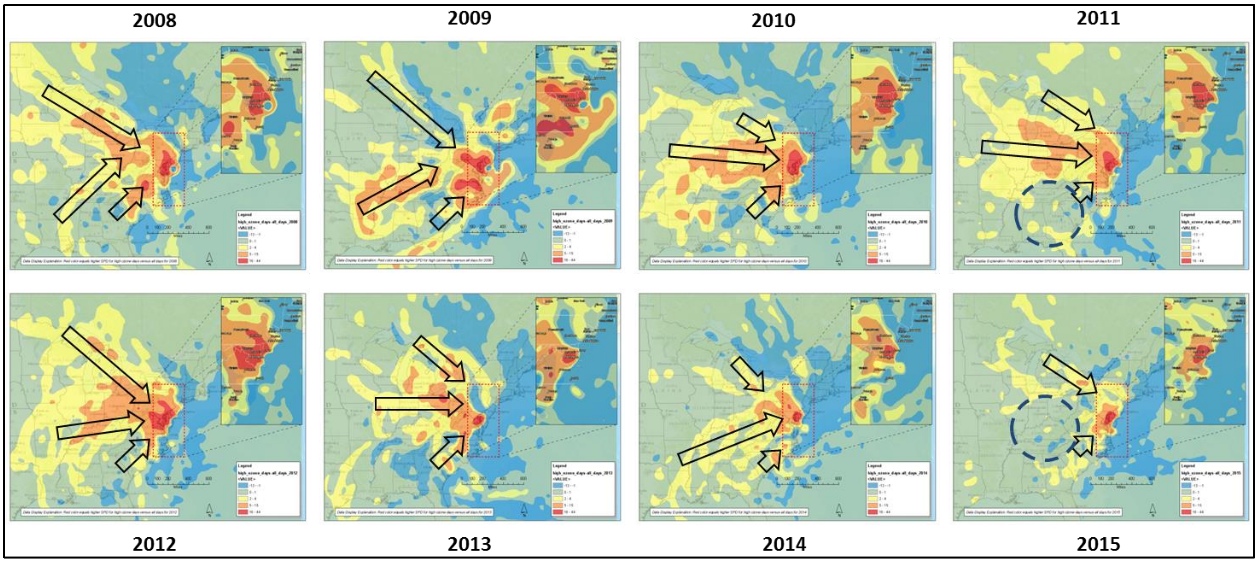
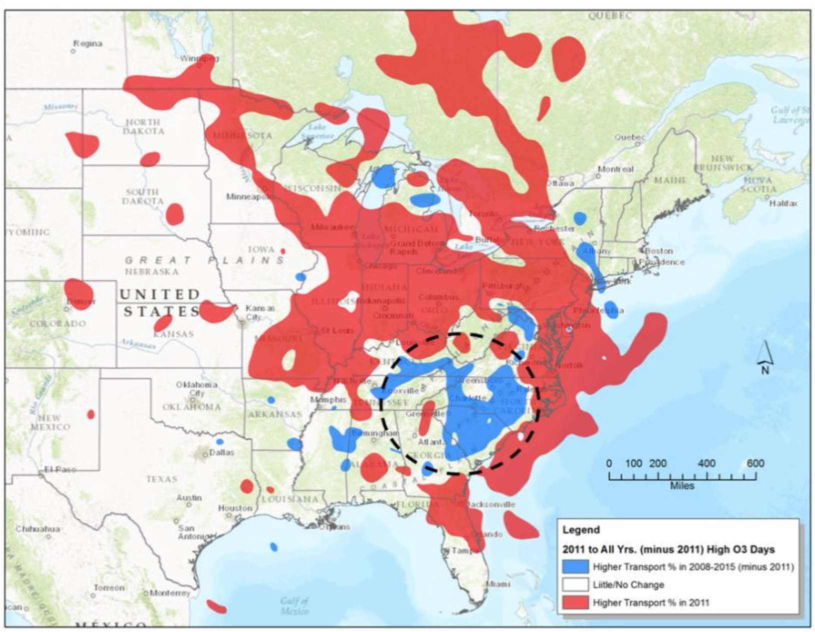


Figure 2 – Difference comparison composite map for high-ozone days in 2011 versus high ozone days in all other years at the Lewes monitoring site. The dashed circle indicates there was less southwesterly air flow in 2011 compared to all other years[8]



In its Response to Comments document for the CSAPR Update Rule,[9] the EPA even agrees that modeling additional meteorological years could provide additional information, as commenters suggested. Delaware requests that future EPA analyses

[7] Sonoma Technology, Inc., "Delaware Trajectory Assessment," Technical Memorandum, (October 6, 2016).
[8] Ibid.
[9] EPA-HQ-OAR-2015-0500-0572, page 5

consider all meteorological regimes, including the southerly transport flows that have been shown to contribute to ozone transport into the Northeast. This could be accomplished by using 2015 and 2016 meteorology for future transport modeling efforts or by including projections from 2012 (reflecting 2012 meteorology) in addition to 2011.

Table 5 below compares Delaware's impact on the monitors it impacts by more than 0.50 ppb in either of the two modeling efforts for this Transport NODA and the CSAPR Update Rule. Delaware's modeled NOx and VOC emissions inventory decreased by 18% and 4%, respectively, between these two modeling runs. The highlighted monitors are the ones where Delaware's impact increased between the 2017 and 2023 modeling runs.

Table 5 – Monitors Which Delaware Impacts More than 0.50 ppb

Receptor Site ID	State	County	2017 DE	2023 DE	% Change
100010002	Delaware	Kent	1.92	1.48	-23%
100031007	Delaware	New Castle	0.49	0.51	4%
100031010	Delaware	New Castle	2.07	2.37	14%
100031013	Delaware	New Castle	2.75	3.19	16%
100051002	Delaware	Sussex	0.77	0.82	6%
100051003	Delaware	Sussex	6.65	5.31	-20%
250070001	Massachusetts	Dukes	0.55	0.36	-35%
340010006	New Jersey	Atlantic	2.42	1.66	-31%
340071001	New Jersey	Camden	1.59	1.36	-14%
340110007	New Jersey	Cumberland	2.88	2.13	-26%
340150002	New Jersey	Gloucester	2.32	1.61	-31%
340170006	New Jersey	Hudson	0.60	0.46	-23%
340210005	New Jersey	Mercer	0.57	0.49	-14%
340230011	New Jersey	Middlesex	0.63	0.89	41%
340290006	New Jersey	Ocean	0.75	0.14	-81%
360610135	New York	New York	0.65	0.61	-6%
360850067	New York	Richmond	0.66	0.55	-17%
361192004	New York	Westchester	0.50	0.49	-2%
420110011	Pennsylvania	Berks	0.28	0.61	118%
420170012	Pennsylvania	Bucks	1.30	1.26	-3%
420450002	Pennsylvania	Delaware	2.57	1.97	-23%
420910013	Pennsylvania	Montgomery	0.36	0.70	94%
421010004	Pennsylvania	Philadelphia	1.11	1.17	5%
421010024	Pennsylvania	Philadelphia	1.32	1.21	-8%
421011002	Pennsylvania	Philadelphia	1.27	1.16	-9%

Regarding the Delaware monitors, Delaware's modeled impact on all Delaware monitors had no average decrease or increase between 2017 and 2023, although there was a shift in impact to Delaware’s northern monitors. Regarding the New Jersey and Pennsylvania monitors where Delaware’s impact increased, there was an average decrease of about

24% at the other monitors identified in the table above, and no decrease or increase when averaging all the monitors identified in New Jersey and Pennsylvania above. Delaware requests that the EPA evaluate this impact further, as the validity of the results seem questionable, when emissions in Delaware have historically and continually been going down, most monitors in the region around Delaware have reduced impacts in the future, yet a handful of monitors have inexplicable increases in impacts from Delaware between 2017 and 2023.

5. <u>The EPA methodology does not comply with the CAA requirement that attainment be achieved "*as expeditiously as practicable*."</u> Section 181(a)(1) of the CAA establishes attainment dates for areas designed nonattainment for the primary ozone NAAQS as, "*expeditiously as practicable but not later than the date provided in table 1*." The requirement that nonattainment areas attain at expeditiously as practicable is repeated in the implementing federal regulations at 40 CFR 51.1103(a).

   The modeling data in this EPA proposal and other EPA data clearly demonstrate that cross state air transport is a major contributor to ozone concentrations in downwind areas. Anthropogenic emissions in Delaware account for about 8% of Delaware's ozone problem. The EPA has typically established small, local nonattainment area boundaries, so the Good Neighbor provisions of the CAA are the main tool (although not the best tool) EPA is using to address cross state air pollution. Given this, Delaware believes the EPA identifying the areas to be protected by the Good Neighbor provisions of the CAA on a 2023 projection year is inconsistent with the requirement for areas to attain as expeditiously as practicable.

   Delaware recommends that the EPA establish the areas protected by Good Neighbor SIPs as those designated nonattainment, and require contributing states to demonstrate that their SIPs have adequate measures not later than 3 years after EPA adopts or revises a NAAQS. Any other timeframe is in violation of 110(a)(2) and 181(a) of the CAA.