



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

December 14, 2001

Mr. John Hoertz, Program Manager
Regional Environmental Office - Eastern Region
Air Force Regional Environmental Office
60 Forsyth Street, SW - Suite 8M80
Atlanta, GA 30303-8801

Dear Mr Hoertz:

Thank you for your letter dated March 12, 2001 to EPA Region III regarding possible deficiencies in the Delaware title V operating permit program. Your letter was in response to EPA's announcement made in the Federal Register on December 11, 2000, that members of the public, during the 90-day period that followed our announcement, could identify deficiencies they perceive exist in State and local agency operating permits programs required by title V of the Clean Air Act. Pursuant to that notice, EPA is required to respond by letter addressing each of the issues raised in your March 12, 2001 letter. In addition to this response, a notice will appear in the Federal Register responding to those comments which EPA has determined, pursuant to 40 CFR 70.10(b), identify deficiencies with the Virginia operating permit program.

Your letter outlined how Delaware has failed to issue a title V operating permit to the Dover Air Force Base in a timely manner. The EPA believes that this alleged implementation deficiency merits special consideration. A number of permitting authorities have not issued permits at the rate required by the Clean Air Act. For many permitting authorities, because of the sheer number of permits that remain to be issued, EPA believes that a period of up to two years will be needed for the permit authority to be in full compliance with the permit issuance requirements of the Clean Air Act. If the permitting authority has submitted a commitment to correct this deficiency, EPA interprets that the permit authority has already taken "significant action" to correct the problem and thus does not consider it a deficiency at this time.

On December 13, 2001, the State of Delaware submitted a commitment letter including a schedule that provides that a proportional number of Delaware's outstanding permits will be issued during each 6-month period leading to issuance of all outstanding permits. According to Delaware's commitment letter, all outstanding permits will be issued as expeditiously as practicable, but no later than December 1, 2003. EPA will monitor Delaware's compliance with its commitment – performing semiannual evaluations. For so long as Delaware issues permits consistent with its semi-annual milestones, EPA will continue to consider that Delaware has taken "significant action" such that a notice of deficiency is not warranted. If Delaware fails to meet its milestones, EPA will issue a notice of deficiency and determine the appropriate time to provide for the State to issue the outstanding permits. A copy of Delaware's commitment letter, including the permit issuance schedule is enclosed.

Customer Service Hotline: 1-800-438-2474

It is our understanding that the Dover Air Force Base received its final title V operating permit on July 4, 2001. EPA appreciates the Air Force's concern regarding the timeliness of permit issuance in Delaware and will continue to monitor the State's performance in the area. Again, thank you for your comment letter. Although we do not agree that the issue you raised constitutes a program deficiency, we believe that your interest has made a difference in improving the part 70 operating permit program in the State of Delaware. If you have any questions, please contact Makeba Morris, Chief, Permits and Technical Assessment Branch at (215) 814-2187.

Sincerely,

/s/

Judith M. Katz, Director
Air Protection Division

Enclosure

cc: Nicholas A. DiPasquale, Secretary
Delaware Department of Natural Resources
and Environmental Control