



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103-2852**

Mr. Douglas S. Atkin  
Federal Highway Administration  
Delaware Division Administrator  
1201 College Park Drive (Suite 102)  
Dover, Delaware 19904

Via email at [doug.atkin@dot.gov](mailto:doug.atkin@dot.gov)

Dear Mr. Atkin:

The United States Environmental Protection Agency (EPA) has reviewed the conformity determination for Dover/Kent County Metropolitan Planning Organization (DKCMPO) for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) Conformity Determination for the Fiscal Year (FY) 2023-2026 Transportation Improvement Program (TIP) and the 2045 Metropolitan Transportation Plan (MTP). EPA has reviewed the conformity determination in accordance with the procedures and criteria of the Transportation Conformity Rule contained in 40 CFR part 93.

EPA's review of the conformity determination indicates that the determination meets the requirements of the Clean Air Act and the applicable regulations promulgated under 40 CFR part 93. Enclosed, please find EPA's detailed evaluation titled "Technical Support Document (TSD) - Review of the 1997 8-Hour Ozone national ambient air quality standards (NAAQS) Conformity Determination for the Fiscal Year (FY) 2023-2026 Transportation Improvement Program (TIP) and the 2045 Metropolitan Transportation Plan (MTP) for the Kent County Portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-NJ 8-Hour Ozone NAAQS nonattainment area submitted by the Dover/Kent County Metropolitan Planning Organization (DKCMPO)." It should be noted that in the technical support document, EPA is deferring to the Federal Highway Administration (FHWA) on the question of whether the 2045 MTP and TIP are fiscally constrained. EPA concurs on the overall conformity determination based on the FHWA's determination that the 2045 LRTP and TIP are fiscally constrained.

Please do not hesitate to contact Mr. Michael Gordon, Chief, Planning & Implementation Branch, at 215-814-2039, or Mr. Gregory Becoat, at 215-814-2036, if you have any questions pertaining to this review.

Sincerely,

Cristina Fernández, Director  
Air and Radiation Division

Enclosure

Cc: Lindsay Donnellon, FHWA (via email at [lindsay.donnellon@dot.gov](mailto:lindsay.donnellon@dot.gov))  
Timothy Lidiak, FTA (via email at [timothy.Lidiak@dot.gov](mailto:timothy.Lidiak@dot.gov))