



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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October 2, 2008

Air Docket
Attention Docket ID No. EPA-HQ-OAR-2007-0562
U.S. Environmental Protection Agency
Mail Code 6102T
1200 Pennsylvania Ave., NW
Washington, DC 20460

To Whom It May Concern:

The State of Indiana appreciates the opportunity to comment on the United States Environmental Protection Agency's (U.S. EPA's) proposed designation determinations for the 24-hour PM_{2.5} NAAQS.

For the reasons discussed further below and documented in the attachments to this letter, Indiana respectfully requests that U.S. EPA reconsider its proposals and designate only Marion County in Indiana as non-attainment for the 24-hour PM_{2.5} NAAQS. Indiana originally proposed Lake, Vanderburgh, Tippecanoe and Knox counties also be designated as non-attainment, however, ambient air quality monitoring through the 2nd quarter of 2008, which reflects the positive impacts of significant emission reduction, particularly of NO_x and SO₂, indicates that these counties will attain the 24-hour PM_{2.5} NAAQS for the three year period of 2006-2008.

Indiana understands that the reason U.S. EPA proposed the designation of Porter County, Lawrenceburg Township in Dearborn County, Warrick County, Dubois County, Montgomery Township in Gibson County, Washington Township in Pike County, Ohio Township in Spencer County, Hamilton County, Hendricks County, Johnson County, Morgan County, Clark County, Floyd County, and Madison Township in Jefferson County as non-attainment is because U.S. EPA believes that emission sources in these Counties "cause or contribute" to non-attainment in nearby counties. Indiana believes that U.S. EPA is mistaken that sources in these counties "cause or contribute" to other non-attainment areas and has provided substantial documentation in the attachments to this letter to explain our position.

Before U.S. EPA finalizes its' recommendations, Indiana respectfully requests that U.S. EPA consider and properly address the following issues which are explained in more detail in Attachment A:

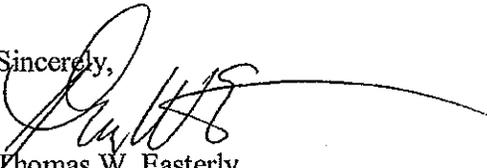
- 1) Indiana urges U.S. EPA to consider the most recent air quality data. 2005 was a very unusual PM_{2.5} year with measured PM_{2.5} values significantly higher than the years before and after 2005. Quality assured data through the middle of 2008 verifies that
- 2) all of Indiana except a small portion of Marion County will meet the 24-hour PM_{2.5} NAAQS for the 2006-2008 period--this most representative air quality data should be used by U.S. EPA to make the final designations.
- 3) U.S. EPA needs to make a documented reasoned determination on Indiana's exceptional events flags for all PM_{2.5} data used to determine compliance with the 24-hour PM_{2.5} NAAQS. The repeated conclusion "Indiana did not fully establish a causal connection to the event and failed to meet the 'but-for' test" does not contain adequate information to understand U.S. EPA's conclusion and what specifically would need to be provided to change U.S. EPA's determination. The fact that U.S. EPA concurred with every exceptional event where the 24-hour concentrations were below 35, but rejected every event where the 24-hour concentration was above 35 appears arbitrary, especially when the rejected episodes all relate to significant wildfires that were widely reported in the news at the time as causing widespread air quality issues (which we indeed saw in our monitoring data).
- 4) U.S. EPA needs to reconsider its desire that the nonattainment areas for the 24-hour PM_{2.5} NAAQS match those for the annual PM_{2.5} NAAQS and the 8-hour Ozone NAAQS. As explained in Attachment A, both the Clean Air Act instructions on nonattainment designations and the observed PM_{2.5} air quality indicate that while there is a significant regional background, actual PM_{2.5} nonattainment is a very local condition typically related to a limited number of local sources.
- 5) U.S. EPA needs to reconsider its determination that Townships with significant power plants should be designated as nonattainment based upon the cause or contribute rationale. At a minimum, U.S. EPA should consider the size of the power plant and the emission controls it has implemented. For example, the only significant source in Madison Township in Jefferson County is IKEC's Clifty Creek power plant. Five of the six 217 MW units at this plant have SCRs and scrubbers are currently under construction for all six units with various start up dates in 2009. Unless there is a documented significant contribution from this plant (or Township) to some nonattainment area, the entire designation and SIP process will accomplish nothing but employ U.S. EPA and Indiana staff in a paperwork process that will not improve the environment at all, and in fact, will divert resources from our fully addressing our actual air quality problem in Marion County.

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Thank you for your careful consideration of these comments. Indiana will also respond to Lynn Buhl's August 18, 2008 letter to Governor Daniels by the October 20 date suggested by that letter. That response will include this information and any additional clarifications that we can provide to help U.S. EPA support appropriate designations for Indiana under the 24-hour PM_{2.5} NAAQS.

If you have any questions regarding these comments, please contact me or Daniel Murray, Assistant Commissioner, Office of Air Quality, at (317) 232-8222 or by email at dmurray@idem.in.gov.

Sincerely,



Thomas W. Easterly
Commissioner

TWE/sad/skr

Attachments:

- Attachment A – Outline of Key Concerns
- Attachment B – Indiana PM_{2.5} Summary - Daily Standard
- Attachment C – NO_x Emissions Information
- Attachment D – Regional Assessment of Daily PM_{2.5} Standard and Technical Support Documents

cc: Lynn Buhl, U.S. EPA Region 5
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