



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

February 17, 2005

Mr. Bharat Mathur
Acting Regional Administrator
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

RE: Fine Particle (PM2.5) Nonattainment
Designations

Dear Mr. Mathur:

I am writing to urge U.S. EPA to limit the fine particle (PM2.5) nonattainment designations to the three Indiana counties that monitor actual violations of the annual standard, Marion, Clark and DuBois, based on quality-assured 2004 monitoring data. On December 17, 2004, U.S. EPA announced its designations for fine particle nonattainment area boundaries. These designations were subsequently outlined in the *Federal Register* on January 5, 2005, and an effective date of April 5, 2005 was established. Indiana is pleased that the U.S. EPA is accepting 2004 monitoring data for the PM 2.5 annual standard and will consider the reclassification of certain areas based on the data prior to the effective date. As such, enclosed you will find quality assured 2004 monitoring data for Indiana's PM 2.5 network. The 2004 data is referenced as Enclosure 1.

Although the 2001 through 2003 design value for the Elkhart County PM 2.5 monitor resulted in a nonattainment designation for Elkhart and St. Joseph counties, the 2002 through 2004 monitored design values for all monitor sites in both counties are below the annual PM 2.5 standard. Likewise, the 2001 through 2003 annual design value for the East Chicago monitor site in Lake County resulted in a nonattainment designation for Lake and Porter counties. However, the 2002 through 2004 design values for all sites in Lake and Porter counties are below the annual PM 2.5 standard. Therefore, the nonattainment designations for Elkhart, Lake, Porter, and St. Joseph counties are eligible for withdrawal and reclassification to attainment.

Attached to Enclosure 1 is a PM 2.5 monitoring trends analysis (Attachment 1). This document summarizes the trends associated with the annual average of PM 2.5 by Indiana region, as well as statewide from 2000 through 2004. In short, PM 2.5 monitored concentrations continued to decline in 2004, resulting in just three Indiana counties having a three-year design value above the annual standard, and only one Indiana county registering an average annual means above the standard. Based on this fact, and reasons outlined in this letter and the enclosed documents, Indiana firmly believes that the nonattainment boundaries for the annual PM 2.5 standard should be limited to Marion, Clark and DuBois counties. These are the only counties in Indiana that possess a three-year average monitor-based design value above the annual PM 2.5 standard.

While Indiana shares U.S. EPA's goal of clean air for all Hoosiers, we are disappointed that your designations did not reflect important information that we presented regarding this critical matter. Because nonattainment designations have such a great impact on economic development in our state, and anticipated regional rules such as the Clean Air Interstate Rule and cleaner engine and fuel standards are expected to go far in helping states meet the air quality standards, U.S. EPA should have granted states like Indiana every benefit of the doubt in considering the evidence regarding designations.

The Clean Air Act, Section 107 (d)(1)(A)(i), requires designation as nonattainment any area that either violates the air quality standard or that is contributing to air quality in an area that is violating the standard. We take issue with your interpretation and inconsistent application of the latter part of that provision, which led to nonattainment designations of:

- Indiana counties with monitors that measure air quality that meet the PM2.5 annual standard yet are adjacent to counties that violate the standard;
- Indiana counties or portions of counties that have power plants relatively near counties that violate the annual standard, some of which are actually downwind of the violating monitor; and
- select Central Indiana suburban counties, including a downwind county, while excluding others.

A number of U.S. EPA's designations are contrary to the evidence provided by IDEM and in many instances inconsistent with designations of similar counties elsewhere. In addition, U.S. EPA has failed to provide sufficient evidence, scientific or otherwise, to justify the designation of counties that measure air quality in compliance with the standard, or counties that do not have monitoring data.

B. Mathur
Page 3.

Indiana is especially disappointed with U.S. EPA's designation of a single six-county nonattainment area in southwestern Indiana that includes most of the Evansville Urban Area, despite Indiana's request that the rural and urban counties within the region be designated separate nonattainment areas. The U.S. EPA appears to have based the designation of a single six-county nonattainment area on a single monitored violation of the standard in central Dubois County, a rural county to the east-northeast of Evansville. IDEM provided sound reasoning for separate nonattainment boundaries, and compelling facts that demonstrate sources within the Evansville Urban Area are not influencing monitored PM 2.5 concentrations in Dubois County.

There are three PM 2.5 monitors in the Evansville Urban Area. From 2001 through 2003, all three sites measured values above the annual standard, however, as with PM 2.5 concentrations statewide, the measured values for PM 2.5 in the Evansville Urban Area continued to trend downward in 2004. In fact, the 2002 through 2004 monitor design values for all three sites in the Evansville Urban Area represent air quality that is in compliance with the PM 2.5 annual standard. Consequently, had the U.S. EPA designated the Evansville Urban Area as a separate nonattainment area, Vanderburgh and Warrick counties, along with Montgomery Township in Gibson County, would be eligible for the nonattainment designation to be withdrawn prior to the effective date.

Indiana strongly disagrees with the U.S. EPA's assumption that sources outside of Dubois County are influencing monitored PM 2.5 concentrations within the central part of the county. As such, I am enclosing additional technical information referenced as Enclosure 2 to demonstrate that, while monitored PM 2.5 concentrations at the Dubois County site show regional influence, levels are affected more so by local sources and activities. Once again, Indiana urges the U.S. EPA to reconsider its six-county designation, and at a minimum reclassify the region as two separate nonattainment areas and withdraw the nonattainment designation for the Evansville urban area based on the 2004 monitoring data.

Enclosure 3 is a culmination of all formal communications and technical documentation furnished to the U.S. EPA by Indiana concerning this matter. Upon your review of Enclosures 1 and 2, and re-evaluation of Enclosure 3, I hope the U.S. EPA reconsiders its nonattainment designations for Indiana.

We look forward to further consultation with U.S. EPA on this critical issue. If you or your staff has questions about this letter or the materials enclosed, please contact me at (317) 232-8611, or Kathryn Watson of the Office of Air Quality at 317/233-5694.

Sincerely,



Thomas W. Easterly

Enclosures

cc: Steve Rothblatt, Region 5
Jay Bortzer, Region 5