

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

03 DEC 2003

REPLY TO THE ATTENTION OF

R-19J

Honorable Joseph E. Kernan  
Governor of Indiana  
Indianapolis, Indiana 46204-2797

Dear Governor Kernan

Thank you for making recommendations on 8-hour ozone air quality designations. Pursuant to the Clean Air Act (CAA), the United States Environmental Protection Agency (EPA) is required to promulgate designations for new or revised standards, such as the 8-hour ozone standard. Earlier this year, we entered into a consent decree that requires us to promulgate 8-hour ozone designations by April 15, 2004.

We have reviewed your July 15, 2003, and October 7, 2003, letters submitting Indiana's recommendations. Consistent with section 107(d)(1) of the CAA, this letter is to inform you that, based on the information contained in your letter, and in the absence of additional substantiation for your recommendations, EPA intends to make modifications to Indiana's recommended designations and boundaries. If you would like to provide additional information about the areas in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations. Also, please note that EPA will address designations of Tribal lands through a separate concurrent process with the Tribes in Indiana.

The CAA defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. EPA guidance indicates that Indiana should use the larger of the Consolidated Metropolitan Statistical Area, Metropolitan Statistical Area, or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance provides 11 factors that Indiana should consider in determining whether to modify the

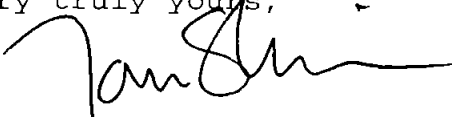
presumptive boundaries. We have reviewed your supporting information to modify the presumptive nonattainment areas.

The enclosure to this letter identifies the counties that should be included in each nonattainment area. We are also providing a written summary of our reasoning for modifying your recommendations, explaining why we believe your recommendation is not consistent with the statutory definition of a nonattainment area in light of the 11 factors provided in our guidance.

Thank you for the 2001-2003 8-hour ozone design values for Indiana. We understand that this data has been quality assured. Please continue to submit your final 2003 monitoring data into the Air Quality System as quickly as possible. In addition, please submit the 1-hour ozone design values and expected 1-hour exceedance rate for each State and EPA recommended nonattainment area listed in the enclosure to Stephen Rothblatt, of my staff, by official letter by December 17, 2003.

We look forward to a continued dialog with Indiana as we work to finalize the designations for the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information Indiana wishes to submit on these recommendations. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Thomas V. Skinner  
Regional Administrator

Enclosure

cc: Lori F. Kaplan, Commissioner  
Indiana Department of Environmental Management

Christopher Jones, Director  
Ohio Environmental Protection Agency

Renee Cipriano, Director  
Illinois Environmental Protection Agency

Henry C. List, Secretary  
Kentucky Department of Environmental Quality

Enclosure

The following table identifies the individual areas and counties comprising those areas within Indiana that EPA intends to designate as nonattainment. Following the table is a description of areas where EPA intends to modify Indiana's recommendation and the basis for such modification. EPA intends to designate as attainment/unclassifiable all counties not identified in the table below.

<b>Area</b>	<b>Indiana Recommended Nonattainment Counties</b>	<b>EPA Recommended Nonattainment Counties</b>
Chicago-Gary-Lake County IL-IN (*)	Lake Porter	Lake Porter
LaPorte IN	LaPorte	LaPorte
South Bend/Elkhart IN	Elkhart St. Joseph	Elkhart St. Joseph
Louisville KY-IN	Clark Floyd	Clark Floyd
Fort Wayne IN	Allen	Allen Huntington
Central Indiana (Indianapolis)	Marion Boone Hendricks Morgan Johnson Shelby Hancock Madison Hamilton	Marion Boone Hendricks Morgan Johnson Shelby Hancock Madison Hamilton
Muncie IN	Delaware	Delaware
Cincinnati OH-KY-IN	None	Dearborn
Greene County IN	County affected by Overwhelming Transport	Greene
Jackson County IN	County affected by Overwhelming Transport	Jackson

Evansville IN-KY	None or only Warrick	Warrick Vanderburgh
Terre Haute IN	Vigo	Vigo

\*The ozone design value site for this area is currently the Chiwaukee Prairie monitoring site in Kenosha County, Wisconsin.

### **Modifications to Indiana's Recommendations**

#### **Cincinnati Area**

Indiana recommended that Dearborn and Ohio Counties be attainment. A modification was made to include Dearborn County with the Cincinnati nonattainment area. This was done because the county is within the presumptive nonattainment area and it has significant oxides of nitrogen (NO<sub>x</sub>) emissions. The NO<sub>x</sub> emissions in Dearborn County contribute 17% of the total NO<sub>x</sub> emissions in the consolidated metropolitan statistical area (CMSA). The majority of the NO<sub>x</sub> emissions are from one power plant in Dearborn County. However, there is no indication, at this time, that the source will be installing control equipment therefore, there was not a compelling argument to exclude this county.

#### **Fort Wayne Area**

Indiana recommended that only Allen County be nonattainment and the other 5 Counties in the metropolitan statistical area (MSA) to be attainment. A modification was made to include Huntington County with the Fort Wayne nonattainment area. This was done because the county is within the presumptive nonattainment area, and Allen County alone has only about 64% of the population and 55% of the emissions of the 6 County MSA. Huntington has a monitor that is currently just below the standard but was violating with 2000-2002 data. Huntington is upwind of the county with the violating monitor (Allen County) and has some emissions, and potential growth that may be affecting the area. Huntington County is within the presumptive boundary and there was not a compelling argument to exclude this county.

#### **Evansville Area**

Indiana recommended that the Evansville area be attainment or that only Warrick County be nonattainment because Warrick County is the only County with a violation. A modification was made to include Warrick, and Vanderburgh Counties as the Evansville MSA nonattainment area. Warrick County has a violating monitor when

considering the 2001-2003 ozone monitoring data Vanderburgh County is within the presumptive nonattainment area and has significant emissions and population. Although Posey County had a violating monitor based on 2000-2002 ozone monitoring data, Posey County is now monitoring attainment of the standard. Posey County has less emissions and significantly less population than the other Counties in the MSA and thus would not be expected to be a significant contributor to the nonattainment problem.

**Jackson County:**

Indiana recommended that Jackson County be classified as affected by overwhelming transport. EPA is modifying the State's recommendation because counties with a violating monitor are defined by the CAA as nonattainment and thus must be designated nonattainment. The CAA does not have a transport designation.

**Greene County:**

Indiana recommended that Greene County be classified as affected by overwhelming transport. EPA is modifying the State's recommendation because counties with a violating monitor are defined by the CAA as nonattainment and thus must be designated nonattainment.