



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Governor

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

October 20, 2009

Re: Indiana Infrastructure (Section 110(a)(1) and (2))
State Implementation Plan Submittal

Dear Mr. Mathur:

I am writing to confirm that the State of Indiana continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program, and effectively enforce all applicable requirements of Section 110 of the Clean Air Act. Specifically, the Indiana Department of Environmental Management (IDEM) can implement and satisfactorily complete the Section 110 requirements listed below. We satisfy these requirements for the current and any prospective future air quality standards, including the 2006 24-hour Fine Particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS).

The SIP elements listed below are required under section 110(a)(1) and (2). Section 110(a)(1) provides the procedural and timing requirements for State Implementation Plans (SIPs). Section 110(a)(2) lists the basic or "infrastructure" elements that all SIPs must contain. Following each Section 110(a)(2) element is IDEM's discussion as to the department's ability to fulfill the requirement.

Section 110(a)(2) elements

Section 110(a)(2)(A)—Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, and schedules for compliance.

IDEM continues to update and implement needed revisions to Indiana's SIP as necessary to meet ambient air quality standards. The authority to adopt emission standards and compliance schedules is found at Indiana Code 13-14-8, IC 13-17-3-4, IC 13-17-3-11, and IC 13-17-3-14.

Section 110(a)(2)(B)—Ambient air quality monitoring/data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to EPA upon request.

In accordance with its SIP, IDEM operates an ambient air monitoring network. The data are used to determine compliance with U.S. EPA's NAAQS. Indiana's 2010 Ambient Air Monitoring Annual Network Plan documents the framework for establishment and maintenance of Indiana's air quality surveillance system and lists any changes that are proposed to take place to the current network during the 2010 season.

Section 110(a)(2)(C)—Program for enforcement of control measures: Section 110(a)(2)(C) requires SIPs to include a program providing for enforcement of all SIP measures and the regulation of construction of new and modified stationary sources to meet prevention of significant deterioration (PSD) and nonattainment NSR requirements.

IDEM maintains an enforcement program to ensure compliance with SIP requirements. Indiana Code 13-14-1-12 provides the commissioner with the authority to enforce rules "consistent with the purposes of the air pollution control laws". The commissioner also has the authority, under IC 13-14-2-7 and IC 13-17-3-3, to assess civil penalties and obtain compliance with any applicable rule a board has adopted in order to enforce air pollution control laws. Additionally, IC 13-14-10-2 allows for an emergency restraining order that will prevent "any person causing or contributing to the alleged pollution to stop the...introduction of contaminants causing or contributing to the pollution."

Section 110(a)(2)(D)—Interstate transport provisions: Section 110(a)(2)(D) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one State from contributing significantly to nonattainment, or interfering with maintenance, or the NAAQs in another State, or from interfering with measures required to prevent significant deterioration of air quality or to protect visibility in another State.

IDEM has adopted and implemented the various major programs related to the interstate transport of pollution. Indiana Administrative Code (IAC) 326 IAC 1-7 (Stack Height Provisions), 326 IAC 21-1 (Acid Deposition Control), and 326 IAC 10-4 (Nitrogen Oxides Budget Trading Program), all address Congressional and U.S. EPA concerns over the transport of emissions of regulated pollutants that could significantly contribute to nonattainment or interfere with maintenance in any other state. When the U.S. EPA promulgates new rules concerning interstate transport, IDEM will address these issues also.

Indiana also has a rule that addresses the requirements associated with the federal Clean Air Interstate Rule (326 IAC 24-1, 326 IAC 24-2, 326 IAC 24-3). As with the federal Clean Air Interstate Rule, Indiana's rule remains in effect, has been implemented, and is being enforced. Indiana will amend its rule once the federal Clean Air Interstate Rule is amended or replaced.

Indiana's SIP approved prevention of significant deterioration (PSD) rules are found in 326 IAC 2-2. Early next year, 2010, IDEM will be submitting the final Regional Haze SIP, including Best Available Retrofit Technology (BART) requirements, to U.S. EPA to address Indiana's contribution to visibility in Class 1 areas.

Section 110(a)(2)(E)—Adequate resources: Section 110(a)(2)(E) requires SIPs to provide for adequate personnel, funding, and legal authority under State law to carry out its SIP, to contain requirements addressing potential conflicts of interest, and to provide necessary assurances that the state retains responsibility for ensuring adequate implementation of the SIP where the state relies on a local or regional government for implementation of any SIP provision.

IDEM's biennial budget and the Performance Partnership Grant (PPG) agreement document funding and personnel plans for the agency. Beginning in 2009, IDEM no longer relies on local or regional governments for implementation of SIP provisions, therefore, there is no potential for conflicts of interest.

Section 110(a)(2)(F)—Stationary source monitoring system: Section 110(a)(2)(F) requires States to establish a system to monitor emissions from stationary sources, to submit periodic emissions reports, to correlate the emissions reports with the corresponding SIP emission limits and standards, and to make emissions reports available to the public.

Indiana's rules for monitoring requirements contained in 326 IAC 3 include rules that specify the continuous monitoring of emissions, minimum performance and operating specifications, quality assurance requirements, record keeping requirements, source sampling procedure, and fuel sampling and analysis procedures. Additional emission reporting requirements are found in 326 IAC 2-6. Currently the state rules at 326 IAC 3 are being revised and when completed, the revised rules will be submitted to U.S. EPA for SIP approval. Emission reports are available upon request by U.S. EPA or other interested parties.

Section 110(a)(2)(G)—Emergency episodes: Section 110(a)(2)(G) requires States to provide for authority to address activities causing imminent and substantial endangerment to public health and to provide for adequate contingency plans to implement the emergency episode provisions in their SIPs.

326 IAC 1-5 (Episode Alert Levels) establishes air pollution episode levels based on concentrations of criteria pollutants. The rule requires that emergency reduction plans (ERP) be submitted to the commissioner by applicable major air pollution sources. The ERP's shall state those actions that will be taken when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants. There have been no 24-hour PM_{2.5} levels greater than 140.4 µg/m³ in Indiana since the standard was established in 2006, or since Indiana began monitoring in 1999. IDEM certifies that it has appropriate general emergency powers to address PM_{2.5} related episodes, but given the existing monitored levels of PM_{2.5}, it should not be necessary to implement the emergency powers, which include the authority to issue Commissioner Orders.

Section 110(a)(2)(H)—Future SIP revisions: Section 110(a)(2)(H) requires States to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate.

IDEM continues to update and implement needed revisions to Indiana's SIP as necessary to meet ambient air quality standards. Authority to adopt emissions standards and compliance schedules is found at Indiana Code 13-14-8, IC 13-17-3-4, IC 13-17-3-11, and IC 13-17-3-14.

Section 110(a)(2)(J)—Consultation with government officials: Section 110(a)(2)(J) requires SIPs to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements.

IDEM actively participates in the regional planning efforts that include state rule developers, representatives from the Federal Land Managers and other affected stakeholders.

Section 110(a)(2)(J)—Public notification: Section 110(a)(2)(J) further requires States to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measure that can be taken to prevent exceedances.

IDEM monitors air quality daily and when necessary reports the daily air quality index to the interested public and media. IDEM participates and submits information to U.S. EPA's AIRNOW program. Additionally, IDEM maintains SmogWatch which is an informational tool created by IDEM to share air quality forecasts each day. SmogWatch provides daily information about ground-level ozone, particulate matter concentration levels, health information, and monitoring data for seven regions in Indiana.

Section 110(a)(2)(J)—PSD and visibility protection: Section 110(a)(2)(J) also requires SIPs to meet applicable requirements of part C related to prevention of significant deterioration and visibility protection.

Indiana's SIP-approved prevention of significant deterioration (PSD) rules are found in 326 IAC 2-2. Early next year, 2010, IDEM will be submitting the final Regional Haze SIP, including Best Available Retrofit Technology (BART) requirements, to U.S. EPA to address Indiana's contribution to visibility in Class 1 areas.

Section 110(a)(2)(K)—Air quality modeling/data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling for predicting effects on air quality of emissions of any NAAQS pollutant and submission of such data to EPA upon request.

IDEM reviews the potential impact of major and some minor new sources. Indiana's rules regarding air quality monitoring modeling are contained in 326 IAC 2-2-4, 326 IAC 2-2-5, 326 IAC 2-2-6, and 326 IAC 2-2-7. Modeling data are available upon request by U.S. EPA or other interested parties.

Section 110(a)(2)(L)—Permitting fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, acting upon, implementing, and enforcing a permit until such fee requirement is superseded by EPA approval of a fee program under Title V of the Clean Air Act.

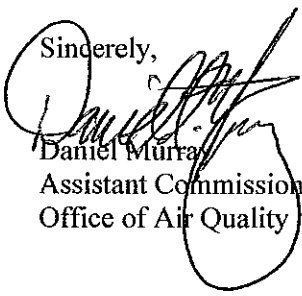
IDEM continues to implement the approved Title V program, including requiring major sources to pay permit fees. The authority to establish Title V permit fees are found at Indiana Code 13-17-8. The fees for Title V are found at 326 IAC 2-7-19. Additional fees that may apply to Title V sources are found at 326 IAC 2-1.1-7. Fees for FESOPs are found at 326 IAC 2-8-16 and 326 IAC 2-8-18. IDEM is currently reorganizing the rule structure so these citations are expected to change once the work is completed.

Section 110(a)(2)(M)—Consultation/participation by affected local entities: Section 110(a)(2)(M) requires SIPs to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

IDEM rulemaking procedures contained in the Indiana Code 13-14-9 allow for public participation in the SIP development process. IDEM also ensures that the requirements of 40 CFR 51.02 are satisfied during the SIP development process.

I believe that the IDEM meets or exceeds all of the necessary infrastructure needs, enabling us to continue to satisfy these requirements of the Clean Air Act. If you have any questions, please feel free to contact Mr. Scott Deloney, Chief, Air Programs Branch at (317) 233-5694.

Sincerely,



Daniel Murray
Assistant Commissioner
Office of Air Quality

DM/as

cc: Steve Rosenthal
Thomas W. Easterly
Dan Murray
Scott Deloney
Commissioner SIP file
Rules SIP file