INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

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November 19, 2004

Administrator Michael Leavitt
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW 1101A
Washington, D.C. 20460

Re: Nonattainment Designations for the Fine Particle (PM2.5) Standard

Dear Governor Leavitt:

U.S. EPA will be making designations soon for the fine particle standard. These determinations will be based on monitoring data from 2001-2003. Given that states will very soon have another complete year of monitoring data, I am writing to urge you to take 2004 data into consideration in making your final decisions.

Much is at stake with these designations. Nonattainment designations have significant consequences for local communities, including tougher air permitting requirements that could make needed economic development more difficult. The most up-to-date information should be considered before taking this action, in particular where those data show progress in meeting the health standard.

Indiana has two such counties. U.S. EPA has proposed St. Joseph and Elkhart Counties as a single nonattainment area, despite the fact that St. Joseph County's three monitors already meet the fine particle standard (15 ug/m3) using 2001-2003 data. The only monitor in the two-county area that shows a violation based on 2001-2003 data is the monitor at Pierre Moran School in Elkhart. The 2001-2003 average is 15.2, but both the 2002 and 2003 values are below 15 and the first three quarters of 2004 average 13.25. If these lower values continue through the last quarter of 2004, and we expect they will due to a variety of control measures already in place (in particular, new mobile source requirements and the NOx SIP Call), both counties would be eligible for an attainment designation.

Earlier this year, Governor Kernan asked you to delay ozone designations until after the 2004 ozone season for the same reason. U.S. EPA made the designations on April 15, 2004, and now we are in the process of redesignating six of the counties just six months later because ozone values decreased over the summer. Again we ask that you not place St. Joseph and Elkhart Counties in nonattainment when it is almost a certainty that they will be eligible for attainment in a short time.

I recognize that U.S. EPA is under a consent decree to issue the designations by the end of 2004. An approach where U.S. EPA designates Elkhart and St. Joseph Counties as unclassifiable, pending availability of 2004 data, would assure that U.S. EPA could meet its obligations under the Consent Decree. It is IDEM's intent to make quality assurance of the Elkhart monitor our highest priority, so we expect fully quality assured data for 2004 very soon after the end of the year.

We are committed to meeting the fine particle standard here in Indiana and to the goal of clean air for all our citizens. We do not recommend this approach for all counties, only for those where there is a strong indication that 2004 data would change the designation from nonattainment to attainment or from attainment to nonattainment. The goal of expeditious achievement of the standard will not be compromised by U.S. EPA taking our recommended approach.

I would be pleased to discuss this important matter with you further. I can be reached at 317/232-8611.

Sincerely,

Lori F. Kaplan

Lori F. Kaplan
Commissioner

Cc: Bharat Mathur
Steve Rothblatt