



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

November 17, 2014

Mr. George T. Czerniak
Director, Air and Radiation Division
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3950

Re: Request for Withdrawal of the
Attainment Demonstration and Technical
Support Document for the Muncie,
Delaware County, Indiana Lead
Nonattainment Area

Dear Mr. Czerniak:

The Indiana Department of Environmental Management (IDEM) is hereby withdrawing the Final Attainment Demonstration and Technical Support Document for the Muncie, Delaware County, Indiana Lead Nonattainment Area. The Attainment Demonstration and amendments to Indiana's State Implementation Plan (SIP) for lead were submitted to your agency for review and approval on March 14, 2013. Pursuant to Section 191 of the Clean Air Act (CAA), Indiana was required to submit an attainment demonstration consistent with the requirements of Section 172 of the CAA demonstrating how the plan would provide for attainment of the 2008 National Ambient Air Quality Standard (NAAQS) for lead as expeditiously as possible, but no later than five years after the effective date of nonattainment designation, i.e., December 31, 2015.

This letter is in response to a request by your staff seeking clarification regarding the contingency measure requirements contained in Section 172(c)(9) of the CAA. Consistent with the general requirements as outlined in the final rule promulgating the 2008 lead NAAQS, contingency measures must be fully adopted rules or control measures that are ready to be implemented as expeditiously as practicable upon determination by U.S. EPA that the measures will be implemented without further action (or only minimal action) by the state or by the Administrator.

According to your staff, contingency measure(s) should provide for emission reductions that are at least equivalent to one year's worth of reductions (20% of total emissions) needed for the area to meet the reasonable further progress requirements, based on linear progress towards achieving the overall level of reductions needed to demonstrate attainment. These measure(s) are required to be implemented at Exide Technologies, as the facility is the primary source for elevated lead concentrations in the area, within 60 days of the U.S. EPA notifying the Indiana Department of Environmental Management (IDEM) that a violation of the 2008 lead NAAQS has occurred.

Exide Technologies submitted a significant permit modification application to their Title V permit (#035-22535-00028), issued September 7, 2007, to IDEM in May, 2013 to construct and install two new bag houses to existing processes. The permit limited total lead point source emissions to 2.59 tons per year. Under the national emission standards for hazardous air pollutants (NESHAP) for secondary lead smelters at 40 Code of Federal Regulations (CFR) 635.44, Exide Technologies total point source emissions, are currently limited to 1.73 tons per year. As such, lead emission reductions associated with the limits under the attainment demonstration versus the previous permit limit is 0.81 tons per year. Therefore, contingency measure(s) would need to account for approximately 0.17 tons of lead emissions in order to satisfy reasonable further progress requirements.

IDEM identified a list of potential contingency measures that would target fugitive emissions through better housekeeping. However, based on discussions with your staff, there is no precedence for incorporating these types of contingency measures or way to accurately quantify emission reductions associated with these measures.

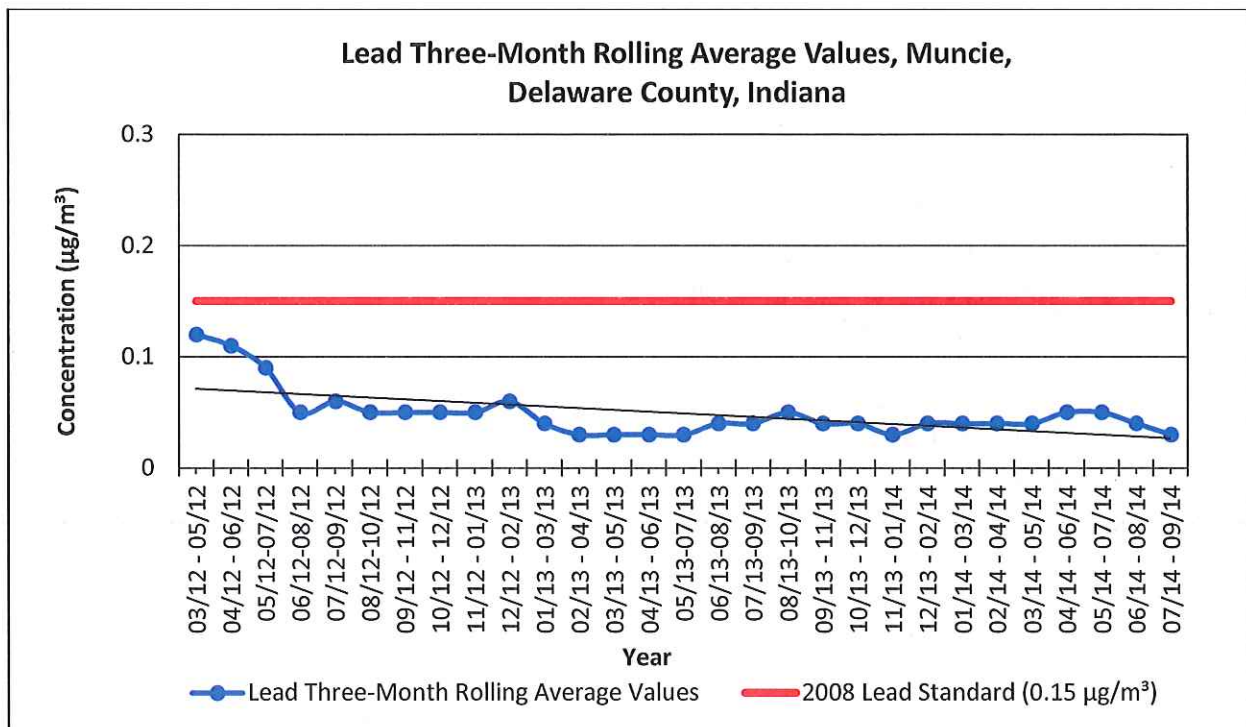
Emission limits modeled under the NESHAP for secondary lead smelters assumed no fugitive emissions would be emitted from the facility as the rule requires Exide Technologies to operate process and other fugitive lead dust sources within total enclosures that are maintained under negative pressure and vented to a control device. Therefore, modeled attainment was predicted solely through the new permitted emission limits based on potential to emit calculations instead of actual emissions. At the modeled emission rate, the predicted concentration was well below the 2008 lead NAAQS.

Placing a 20% throughput limit on Exide's permitted lead point sources appears to be the only viable contingency measure available that would provide for emission reductions that are at least equivalent to one year's worth of reductions. In order to provide a legal mechanism to enforce a throughput limit, the State of Indiana would have to amend the state rule and submit the amendment to your agency as a revision to the SIP. The state rule making process typically takes a minimum of 18 months and your agency has up to 12 months to act on a SIP revision. Assuming a 20% throughput

limit were deemed to be an acceptable control measure through the state rule making process, it will likely take 2-3 years to complete. As such, the state does not have adequate time to approve this SIP revision before the area's attainment date, i.e., December 31, 2015.

As no viable contingency measure(s) exist that would provide for emission reductions needed for the area to meet rate of further progress requirements, IDEM is withdrawing the Final Attainment Demonstration and Technical Support Document for the Muncie, Delaware County, Indiana Lead Nonattainment Area as it does not satisfy Indiana's obligation under Section 172(c) of the Clean Air Act.

In conjunction with withdrawing the Attainment Demonstration, IDEM is requesting that your agency make a clean data determination finding for the area as soon as three (3) years of complete, quality-assured ambient air quality monitoring data are available. IDEM is also requesting that your agency suspend the area's obligations to submit an attainment demonstration, reasonable available control measures (RACM), reasonable further progress, contingency measures and other planning requirements related to attainment for as long as the area continues to attain the standard. Such action is supported by the fact that air quality in the area has been trending downward over time and will continue to improve and achieve attainment of the lead standard by June, 2015 (close of calendar year 2015). The chart below shows that rolling three-month averages for the time period of May 2012 through September 2014 have been well below 2008 NAAQS for lead. Existing lead emission control measures at Exide Technologies, including those recently implemented under the NESHAP for secondary lead smelters will ensure the area attains and continues to maintain the standard with an increasing margin of safety over time.



IDEM does not believe withdrawing the Attainment Demonstration or suspending SIP elements related to attaining the standard will have any impact on the amendments to Indiana's SIP for lead. The submittal consists of revisions to Indiana's lead rules at 326 IAC 15, the addition of 326 IAC 20-13.1 concerning updates to the national emission standards for hazardous air pollutants for secondary lead smelters, updates to 326 IAC 20-13, and the scheduled repeal of 326 IAC 20-13 in two parts to coincide with the compliance schedule in the new provisions in 326 IAC 20-13.1. Throughout the development of these amendments to Indiana's existing rules, IDEM staff worked with U.S. EPA, to ensure that any potential concerns regarding the submission were addressed. Therefore, IDEM respectfully requests that your agency proceed with its review and approval of the amendments to Indiana's state rules for lead separately from the Attainment Demonstration.

An electronic version of this request in PDF format has been sent to Doug Aburano, Chief of U.S. EPA Region 5's Attainment Planning and Maintenance Section.

If you have any questions or need additional information concerning this matter, please contact Scott Deloney, Chief, Air Programs Branch, at (317) 233-5694 or sdeloney@idem.IN.gov.

Sincerely,



Keith Baugues
Assistant Commissioner
Office of Air Quality

KB/sad/ghf

cc: Doug Aburano, U.S. EPA Region 5
Sarah Arra, U.S. EPA Region 5
Fred Ganster, Exide Technologies
Keith Baugues, IDEM
Scott Deloney, IDEM
Jeff Stoakes, IDEM
Gale Ferris, IDEM
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