



## Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment.*

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Michael R. Pence  
Governor

Carol S. Comer  
Commissioner

February 11, 2016

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

Re: RACM/RACM Determination for Indiana's  
Portion (Lawrenceburg Township,  
Dearborn County) of the Cincinnati-  
Hamilton, OH-KY-IN 1997 Annual Fine  
Particle Nonattainment Area

Dear Mr. Czerniak:

Pursuant to Section 172(c)(1) of the Clean Air Act (CAA), the Indiana Department of Environmental Management (IDEM) submits supporting information regarding Reasonably Available Control Measures (RACM)/Reasonably Available Control Technology (RACT) for Indiana's portion (Lawrenceburg Township, Dearborn County) of the Cincinnati-Hamilton, OH-KY-IN, 1997 annual fine particle nonattainment area. Section 172(c)(1) of the CAA requires a demonstration that the State has adopted all reasonable and available control measures to demonstrate attainment as expeditiously as practicable and that no additional measures are reasonably available that will or would have advanced the attainment date. IDEM submitted a final Redesignation Petition and Maintenance Plan for Lawrenceburg Township to U.S. EPA on January 25, 2011. U.S. EPA subsequently redesignated Lawrenceburg Township to attainment and classified it as maintenance under the 1997 annual fine particle standard on December 23, 2011 (76 FR 80253).

This letter is in response to the federal Sixth Circuit Court of Appeals' March 18, 2015, vacatur of U.S. EPA's conclusion that the Cincinnati-Hamilton metropolitan area had attained the 1997 annual fine particles (PM<sub>2.5</sub>) standard. The Sierra Club challenged U.S. EPA's determination because they believed that the states of Indiana and Ohio had declined to develop rules imposing RACM /RACT for fine particles on sources within the area. The court agreed with this argument and held that Indiana and Ohio's failure to impose RACM/RACM invalidated U.S. EPA's conclusion that the states' portion of the Cincinnati nonattainment area was in attainment of the standard. The court's decision did not implicate Kentucky's portion of the nonattainment area for procedural reasons.

Monitored air quality in the Cincinnati area through the year 2014 continues to attain the 1997 annual fine particle standard. Air quality improvements in the area are due to permanent and enforceable measures that have achieved significant emission reductions that will ensure continued compliance (maintenance) with the standard with an increasing margin of safety over time. No further control measures are necessary to advance the attainment date as the Cincinnati area has attained and continues to attain the 1997 annual fine particle standard. Indiana commits to maintain existing control measures after redesignation or submit to U.S. EPA, as a state implementation plan (SIP) revision, any changes to its rules or emission limits applicable to PM<sub>2.5</sub> and/or fine-particle precursor emission sources, as required for maintenance of the 1997 annual fine particle standard in Lawrenceburg Township, Dearborn County, Indiana.

Indiana met its obligation to submit an attainment SIP to U.S. EPA for its portion of the nonattainment area on July 3, 2008. This attainment demonstration showed that existing permanent and enforceable controls would provide for timely attainment of the 1997 PM<sub>2.5</sub> standard by the attainment deadline of April 5, 2009. IDEM's attainment demonstration was validated by quality assured monitoring data at the close of 2009. Indiana's attainment demonstration and weight of evidence analysis for Lawrenceburg Township, Dearborn County, Indiana, clearly demonstrated existing permanent and enforceable emission control measures will ensure that the area will continue to maintain compliance with the 1997 annual fine particle standard with an increasing margin of safety over time. As such, Indiana is confident that no other reasonably available measures were available or necessary to attain or advance attainment of the standard.

The primary source for PM<sub>2.5</sub> precursor emissions within Indiana's portion of the nonattainment area is the Tanners Creek power plant. The location of this power plant, combined with the volume of precursor emissions was the primary rationale for U.S. EPA's inclusion of Lawrenceburg Township within the nonattainment area. Within Indiana's attainment SIP, the Clean Air Interstate Rule (CAIR) was cited as the critical permanent and enforceable control measure that would aid in providing for attainment of the area. The implementation of this rule demonstrated significant emission reductions to occur at the Tanners Creek power plant. It should be noted, as the result of a settlement with U.S. EPA to resolve violations of the CAA's new source review (NSR) requirements, American Electric Power (AEP) permanently retired its Tanners Creek Generating Station located in Lawrenceburg Township, Dearborn County (i.e. all four coal-fired electric generating units) on June 1, 2015. This will ensure that the facility does not restart without proper permitting under the CAA. As a result of the closure of this facility, direct PM<sub>2.5</sub> and fine particle precursor emissions in Dearborn County, Indiana, have decreased significantly further improving air quality in the Cincinnati-Hamilton, OH-KY-IN, nonattainment area, above and beyond what Indiana demonstrated as necessary to support ongoing attainment of the area.

Based on the information provided herein, Indiana respectfully requests U.S. EPA act on the portion of Indiana's attainment plan for Lawrenceburg Township that addresses RACM/RACT, submitted on July 3, 2008 to U.S. EPA, which is still before U.S. EPA. Indiana believes that it has satisfied its obligation under Section 172 (c)(1) of the CAA.

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This submittal consists of one (1) hard copy of this letter. An electronic version of this letter, 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, please contact Scott Deloney, Chief, Air Programs Branch, at (317) 233-5694 or [sdeloney@idem.in.gov](mailto:sdeloney@idem.in.gov).

Sincerely,



Keith Baugues  
Assistant Commissioner  
Office of Air Quality

kb/sd/bc/gf/lf

cc: John Summerhays, U.S. EPA Region 5  
Doug Aburano, U.S. EPA Region 5  
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