



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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March 28, 2013

Ms. Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3950

Dear Ms. Hedman:

Re: Sulfur Dioxide (SO₂) Maintenance Plan
Update for Lake County, Indiana

The Indiana Department of Environmental Management (IDEM) submits the enclosed sulfur dioxide (SO₂) Maintenance Plan Update for Lake County, Indiana. This submittal demonstrates that Lake County, Indiana has remained well below the 1971 SO₂ National Ambient Air Quality Standard (NAAQS) and should remain designated as attainment for the standard. IDEM requests that the United States Environmental Protection Agency (U.S. EPA) process this final submittal for approval as a revision to Indiana's State Implementation Plan.

IDEM provided an opportunity for public hearing on the SO₂ Maintenance Plan Update for Lake County, Indiana if a request was received by February 18, 2013. No request for a public hearing was received and the hearing was cancelled. In addition, IDEM received no comments during the public notice process, which closed on March 11, 2013.

On March 3, 1978, U.S. EPA designated a portion of Lake County, Indiana as a primary nonattainment area for SO₂ under Section 107 of the federal Clean Air Act (CAA). Indiana submitted a Redesignation Request and Maintenance Plan for the Lake County nonattainment area, which was subsequently redesignated to attainment by U.S. EPA on September 26, 2005 (70 FR 56129). As part of that document, Indiana committed to review and, if necessary, revise the Maintenance Plan eight years after the area was redesignated to attainment of the SO₂ standard, as required by Section 175A of the CAA. The submittal of this document honors that commitment.

The Lake County SO₂ Maintenance Plan Update incorporates air quality trend data, projected emission inventory data, and updated monitoring data in order to show maintained attainment of the SO₂ NAAQS. An updated maintenance year of 2025 is also compared to the 2003 base year, as well as the original maintenance year of 2015. These comparisons further support Lake County's continued attainment.

This submittal consists of one (1) hard copy of the required documentation. An electronic version of the submittal in PDF format that is identical to the hard copy has been sent to Doug Aburano, Chief of U.S. EPA Region 5's Attainment Planning and Maintenance Section.

IDEM respectfully requests that U.S. EPA proceed with review of the Maintenance Plan Update and approval as a revision to Indiana's State Implementation Plan for the Lake County, Indiana Maintenance Area under the 1971 SO₂ NAAQS. If you have any questions or need additional information, please contact Scott Deloney, Chief, Air Programs Branch, at (317) 233-5694.

Sincerely,



Keith Baugues
Assistant Commissioner
Office of Air Quality

KB/sad/jrg

Enclosures:

1. Sulfur Dioxide (SO₂) Maintenance Plan Update for Lake County, Indiana

cc: Doug Aburano, U.S. EPA Region 5 (w/ enclosures)
Steve Rosenthal, U.S. EPA Region 5 (no enclosures)
Keith Baugues, IDEM (no enclosures)
Scott Deloney, IDEM (no enclosures)
Jennifer Geisenhaver, IDEM (no enclosures)
File Copy

Sulfur Dioxide (SO₂)
Maintenance Plan Update

For the Lake County Maintenance Area

Lake County, Indiana

Prepared By:
Indiana Department of Environmental Management
Office of Air Quality

March 2013

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TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
2.0	BACKGROUND	1
2.1	Geographical Boundaries.....	2
2.2	National Ambient Air Quality Standard for Sulfur Dioxide.....	4
2.3	Status of Air Quality	4
3.0	MAINTENANCE PLAN REQUIREMENTS	5
3.1	Attainment/Emissions Inventory	5
3.2	Maintenance Demonstration	5
3.3	Monitoring Network/Verification of Continued Attainment.....	6
3.4	Contingency Plan.....	6
4.0	ATTAINMENT/EMISSIONS INVENTORY	6
4.1	Controls and Regulations.....	8
5.0	DEMONSTRATION OF CONTINUED MAINTENANCE.....	9
6.0	MONITORING NETWORK/VERIFICATION OF CONTINUED ATTAINMENT	12
6.1	Quality Assurance.....	12
6.2	Continued Monitoring.....	12
7.0	CONTINGENCY PLAN	12
8.0	COMMITMENT TO REVISE PLAN	13
9.0	PUBLIC PARTICIPATION	13
10.0	CONCLUSION	14

TABLES

Table 2.1	Lake County 2004-2011 Sulfur Dioxide Ambient Monitoring Data (Parts per Million).....	5
Table 4.1	Sulfur Dioxide Emissions for All Permitted Sources in Lake County	7
Table 4.2	Lake County Base Year Point Source Sulfur Dioxide Emissions with Projected 2015, Projected 2025, and Actual 2011 Emissions (Tons/Year).....	8

FIGURES

Figure 2.1 Map of Lake County Sulfur Dioxide Maintenance Area.....	3
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CHARTS

Chart 5.1 Lake County 24-Hour Sulfur Dioxide 2 nd Highest Values, 2004-2011	10
Chart 5.2 Lake County Annual Arithmetic Mean Sulfur Dioxide Values, 2004-2011 ..	10
Chart 5.3 Lake County 3-Hour 2 nd Highest Sulfur Dioxide Values, 2004-2011	11

APPENDICES

Appendix A: August 12, 2005, Request for Redesignation and Maintenance Plan for Sulfur Dioxide Attainment in Lake County	
Appendix B: Federal Register Notice, Approval of Redesignation Request, September 26, 2005, Effective October 26, 2005	
Appendix C: Procedures for Processing Requests to Redesignate Areas to Attainment	
Appendix D: Complete Sulfur Dioxide Emissions Inventory for Lake County	
Appendix E: AQS Quick Look Report Sulfur Dioxide Ambient Monitoring for Lake County for 2004-2011	
Appendix F: Public Participation Process Documents	

ACRONYMS/ABBREVIATION LIST

CAA.....	Clean Air Act
FR.....	Federal Register
IC.....	Indiana Code
IDEM.....	Indiana Department of Environmental Management
NAAQS.....	National Ambient Air Quality Standards
NSR.....	New Source Review
ppb.....	Parts per Billion
ppm.....	Parts per Million
PSD.....	Prevention of Significant Deterioration
U.S. EPA.....	United States Environmental Protection Agency

Sulfur Dioxide Maintenance Plan Update

Lake County, Indiana

1.0 INTRODUCTION

On August 12, 2005, the State of Indiana submitted a Redesignation Request and Maintenance Plan for the Lake County, Indiana sulfur dioxide (SO₂) nonattainment area under the 1971 sulfur dioxide National Ambient Air Quality Standards (NAAQS). The United States Environmental Protection Agency (U.S. EPA) subsequently approved the *Request for Redesignation and Maintenance Plan for Sulfur Dioxide Attainment in Lake County* (September 26, 2005, 70 FR 56129).

Section 175A of the federal Clean Air Act (CAA) sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan that demonstrates attainment for ten years following the initial ten-year period.

As part of that document, Indiana committed to review and, if necessary, revise the Maintenance Plan eight years after the area was redesignated to attainment of the sulfur dioxide standard, as required by Section 175A of the CAA. The submittal of this document honors that commitment.

2.0 BACKGROUND

On March 3, 1978, U.S. EPA designated a portion of Lake County, Indiana as a primary nonattainment area for sulfur dioxide under Section 107 of the CAA.

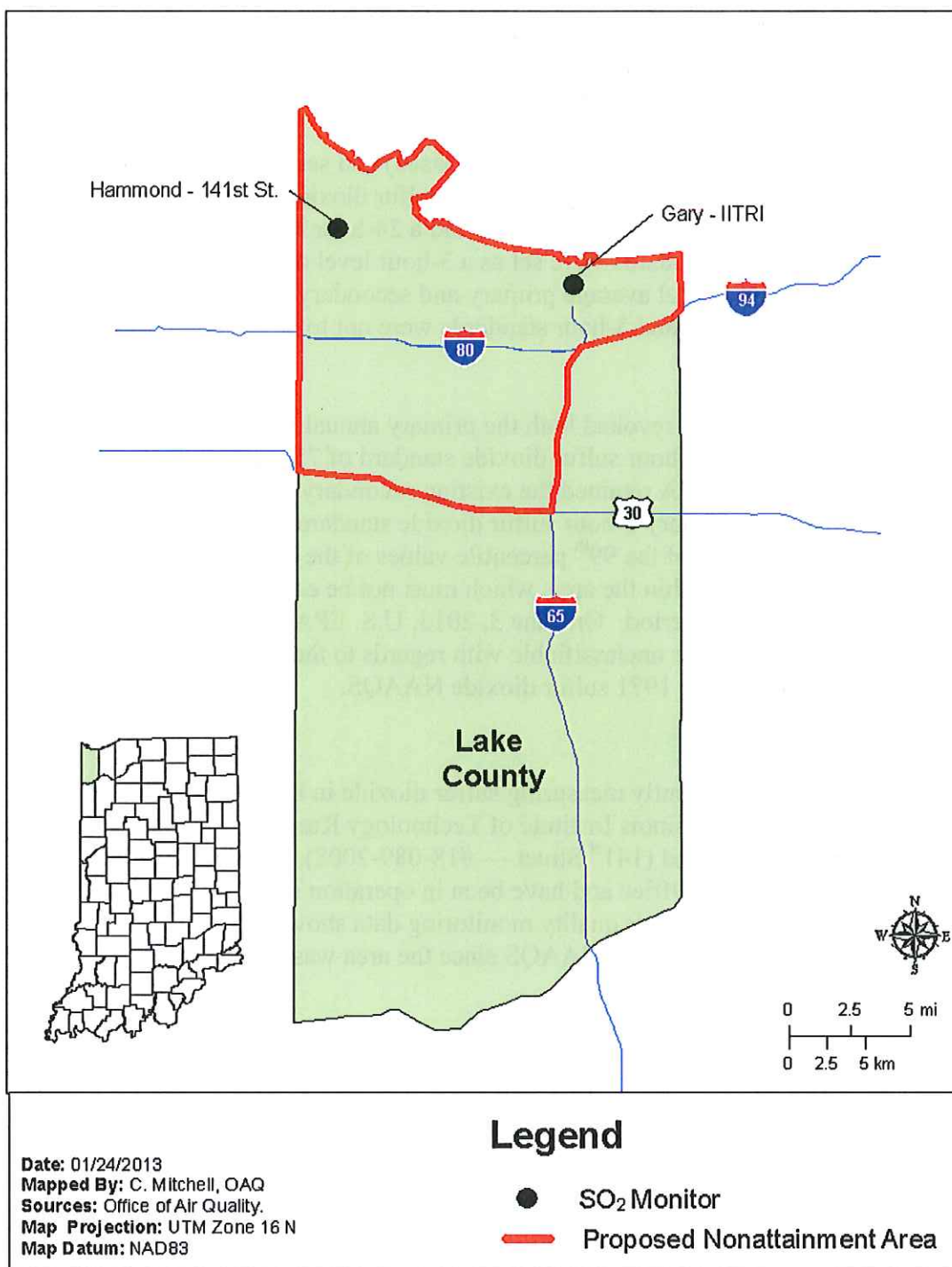
Sulfur dioxide monitors in Lake County have not recorded a violation of the sulfur dioxide NAAQS since before 1980. On August 12, 2005, the Indiana Department of Environmental Management (IDEM) submitted a *Request for Redesignation and Maintenance Plan for Sulfur Dioxide Attainment for Lake County* (Appendix A). U.S. EPA subsequently approved the Redesignation Request on September 26, 2005 (70 FR 56129), with an effective date of October 26, 2005 (Appendix B).

2.1 Geographical Boundaries

The following is a brief description of the maintenance area included in this update.

Lake County is in northwest Indiana. It is surrounded by the Indiana counties of Porter, Jasper, and Newton. The SO₂ nonattainment area of Lake County is bounded by Lake Michigan to the north. To the west it is bounded by the Indiana-Illinois State line. On the south it is bounded by U.S. 30 from the State line to the intersection of I-65 then following I-65 to the intersection of I-94 then following I-94 to the Lake-Porter County line. On the east it is bounded by the Lake-Porter County line. (See Figure 2.1)

Figure 2.1
Map of Lake County Sulfur Dioxide Maintenance Area



2.2 National Ambient Air Quality Standard for Sulfur Dioxide

Sulfur dioxide is part of a group of highly reactive gases known as sulfur oxides (SO_x). It is primarily emitted through fossil fuel combustion at power plants and other industrial facilities. Other sources include industrial processes like the extraction of metal from ore and the burning of high sulfur fuels by locomotives, large ships, and non-road equipment.

U.S. EPA first promulgated the primary (health-based) and secondary (welfare-based) NAAQS for sulfur dioxide in 1971. The primary sulfur dioxide standards were set as an annual average of 0.03 parts per million (ppm) and a 24-hour level of 0.14 ppm. The secondary sulfur dioxide standards were set as a 3-hour level of 0.5 ppm and an annual level of 0.02 ppm. The annual average primary and secondary standards were not to be exceeded, while the 24-hour and 3-hour standards were not to be exceeded more than once per year.

On June 22, 2010, U.S. EPA revoked both the primary annual and 24-hour standards and established a new primary 1-hour sulfur dioxide standard of 75 parts per billion (ppb). On March 20, 2012, U.S. EPA retained the existing secondary 3-hour standard. Attainment of the 2010 primary 1-hour sulfur dioxide standard is determined by evaluating the design value of the 99th percentile values of the daily maximum 1-hour averages at each monitor within the area, which must not be equal to or exceed 75.5 ppb averaged over a three-year period. On June 3, 2013, U.S. EPA will make designations of attainment, nonattainment, or unclassifiable with regards to the 2010 standard. This document only addresses the 1971 sulfur dioxide NAAQS.

2.3 Status of Air Quality

There are two monitors currently measuring sulfur dioxide in Lake County. These monitors, located in Gary (Illinois Institute of Technology Research Institutes (IITRI) — #18-089-0022) and Hammond (141st Street — #18-089-2008), are maintained by the IDEM Northwest Regional Office and have been in operation since 1997 and 1975, respectively. Current ambient air quality monitoring data shows a continued downward trend well below the sulfur dioxide NAAQS since the area was redesignated to attainment, as shown in Table 2.1.

Table 2.1
Lake County 2004-2011 Sulfur Dioxide Ambient Monitoring Data (Parts per Million)

SITE ID	SITE NAME	YEAR	1ST MAX 24-HR	2ND MAX 24-HR	1ST MAX 3-HR	2ND MAX 3-HR	ANNUAL MEAN	NO. OF EXCEED
18-089-0022	Gary - IITRI	2004	0.051	0.033	0.085	0.082	0.005	0
18-089-0022	Gary - IITRI	2005	0.050	0.043	0.165	0.078	0.004	0
18-089-0022	Gary - IITRI	2006	0.030	0.028	0.079	0.078	0.003	0
18-089-0022	Gary - IITRI	2007	0.022	0.021	0.071	0.054	0.003	0
18-089-0022	Gary - IITRI	2008	0.019	0.017	0.095	0.044	0.003	0
18-089-0022	Gary - IITRI	2009	0.020	0.016	0.057	0.053	0.002	0
18-089-0022	Gary - IITRI	2010	0.030	0.024	0.061	0.049	0.002	0
18-089-0022	Gary - IITRI	2011	0.024	0.019	0.060	0.043	0.002	0
18-089-2008	Hammond-141st St	2004	0.022	0.015	0.038	0.035	0.004	0
18-089-2008	Hammond-141st St	2005	0.017	0.016	0.045	0.037	0.003	0
18-089-2008	Hammond-141st St	2006	0.016	0.016	0.029	0.027	0.004	0
18-089-2008	Hammond-141st St	2007	0.022	0.017	0.048	0.036	0.005	0
18-089-2008	Hammond-141st St	2008	0.011	0.010	0.029	0.028	0.004	0
18-089-2008	Hammond-141st St	2009	0.009	0.009	0.035	0.028	0.003	0
18-089-2008	Hammond-141st St	2010	0.012	0.010	0.024	0.023	0.002	0
18-089-2008	Hammond-141st St	2011	0.012	0.012	0.029	0.028	0.003	0

3.0 MAINTENANCE PLAN REQUIREMENTS

Section 107(d)(3)(E) of the CAA lists a number of requirements that must be met by nonattainment areas prior to being considered for redesignation to attainment. U.S. EPA has published guidance entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" in a September 4, 1992 memo from John Calcagni, Director, Air Quality Management Division (Appendix C).

Based on U.S. EPA's guidance, the core provisions that are required to be included in the maintenance plan for sulfur dioxide nonattainment areas are listed below:

3.1 Attainment/Emissions Inventory

The state is required to develop an attainment emissions inventory to identify a level of emissions in the area which is sufficient to attain the NAAQS. For this submittal, a comprehensive emissions inventory of major and minor permitted sources in Lake County, Indiana for the base year (2003) is compared to the most recent emissions inventory (2011), as can be seen in Table 4.1 in Section 4.0.

3.2 Maintenance Demonstration

The state is required to submit a revised maintenance plan eight years after redesignation demonstrating that attainment of the sulfur dioxide NAAQS will be maintained for ten years (2015-2025) following the initial ten-year period (2005-2015).

3.3 Monitoring Network/Verification of Continued Attainment

To verify the attainment status of the area over the maintenance period, the maintenance plan should contain provisions for continued operation of an appropriate U.S. EPA approved air quality monitoring network.

3.4 Contingency Plan

The maintenance plan is required to include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area.

Each of these components is discussed in greater detail in the remaining sections of this document.

4.0 ATTAINMENT/EMISSIONS INVENTORY

The state is required to develop an attainment emissions inventory to identify a level of emissions in the area which is sufficient to attain the NAAQS. For this submittal, the attainment emissions inventory was compared to the most recent emissions inventory.

Table 4.1 below shows the sulfur dioxide emissions for all major and minor permitted sources in Lake County, Indiana and the change in emissions from the original maintenance plan's emissions from 2003. The current emissions are taken from the 2011 emissions reports submitted by each source. The 2011 emissions are the most recent quality assured data available. The complete sulfur dioxide emissions inventory for Lake County can be found in Appendix D.

Table 4.1
Sulfur Dioxide Emissions for All Permitted Sources in Lake County

Source	Source ID	2003	2011	Emission Change from 2011 to 2003
		Emissions in Tons per Year	Emissions in Tons per Year	
BP Products North America Inc., Whiting	00003	3385.33	697.31	-2688.02
Carmeuse Lime Incorporated	00112	544.31	313.45	-230.86
US Steel Co. Gary Works	00121	6952.55	4201.76	-2750.79
Bucko Construction - 15th Street Plant	00179	28.13		-28.13
Jupiter Aluminum Corporation	00201	22.66		-22.66
Cargill, Inc.	00203	205.60	69.55	-136.05
State Line Energy, LLC.*	00210	8010.93	8044.00	33.07
Rhodia Inc.	00242	1751.03	203.56	-1547.47
Safety-Kleen Oil Recovery Co.	00301	97.10	55.29	-41.81
Indiana Harbor East	00316	2316.02	2873.83	557.81
Mittal Steel (ISG Indiana Harbor West)	00318	1939.23	860.00	-1079.23
Indiana Harbor Coke Company	00382	525.90	1897.98	1372.09
Cokenergy, Inc.	00383	6794.08	4891.50	-1902.58
Ironside Energy, LLC.	00448	165.23	118.00	-47.23
Whiting Clean Energy, Inc.	00449			0.00
Lafarge North America	00458	68.94	81.58	12.63
Rieth Riley Construction Co., Inc. #367	00530		15.25	15.25
Lake County Totals		33101.04	24307.80	-8793.24

*Note: State Line Energy, LLC. closed in 2012.

Sulfur dioxide emissions from permitted sources in Lake County have decreased by approximately 8,793.24 tons (26.56%) from 2003 to 2011. The decrease in sulfur

dioxide emissions in Lake County can be attributed to federally mandated programs, in addition to the closing of permitted stationary sources. As stated previously in Section 2.3, Status of Air Quality, there have been no exceedances of the NAAQS for sulfur dioxide measured at the two monitoring sites within Lake County. The above information further demonstrates that all portions of Lake County continue to attain the NAAQS for sulfur dioxide.

The original maintenance plan compared the 2003 base year emissions inventory to a projected 2015 emissions inventory (tons per year). Table 4.2 lists 2003 base year emissions, 2011 actual emissions, and 2015 and 2025 projected emissions. As can be seen by Table 4.2, stationary source sulfur dioxide emissions are expected to continue decreasing in Lake County through 2025, ensuring that air quality within Lake County will continue to improve and provide for an ample margin of safety.

Table 4.2
Lake County Base Year Point Source Sulfur Dioxide Emissions with Projected 2015 and Actual 2011 Emissions (Tons per Year)

Source Type	Base Year Emissions 2003	Actual Emissions 2011	Original 2015 Emissions (as projected in 2005)	Current Projected Emissions 2015	Current Projected Emissions 2025	Difference Between Base Year 2003 and 2025 Projected Emissions
Point Sources	33,101	24,308	43,568	17,880	17,459	-15,642

4.1 Controls and Regulations

The following is a list of several state and federal control measures already in place that continue to ensure that the sulfur dioxide emissions will remain well below levels necessary to maintain the 1971 NAAQS.

Lake County Sulfur Dioxide Rule

Indiana has promulgated revised rules for Lake County sulfur dioxide emissions that reflect the reductions of sulfur dioxide in the area. The limits relating to Lake County are found in 326 IAC 7-4.1.

These rules were submitted to U.S. EPA on April 8, 2005 as a parallel processing request for approval into the Indiana State Implementation Plan. The state rules became effective on June 24, 2005.

Implementation of Past SIP Revisions

The Indiana rules controlling sulfur dioxide emissions are in effect and being enforced. Indiana rule, 326 IAC 7, requires all sulfur dioxide sources in Indiana to be in compliance with specified limits. In 2005, 326 IAC 7-4.1 went into effect, which applies to all new

and existing fossil fuel-fired combustion sources and emissions units subject to 326 IAC 7-1.1 and contains emissions limits for specific sources of sulfur dioxide in Lake County. The rulemaking reflects a reduction of over 30,000 tons of sulfur dioxide per year of allowable emissions from the emission limits set in the 1989 State Implementation Plan.

New Source Review Provisions

Indiana has a long standing and fully implemented New Source Review (NSR) procedure. New Source Review is addressed in rule 326 IAC 2. The rule includes provisions for the Prevention of Significant Deterioration (PSD) in 326 IAC 2-2.

Any facility not listed in the 2003 emissions inventory, or for the closing of which credit was taken in demonstrating attainment, will not be allowed to construct, reopen, modify, or reconstruct without meeting applicable permit rule requirements.

Controls to Remain in Effect

Indiana does not intend to relax any of the control measures already implemented. Indiana hereby commits that any changes to its rules, or emission limits applicable to sulfur dioxide sources, will be submitted to U.S. EPA for approval. Indiana intends to continue enforcing all rules relating to the emission of sulfur dioxide in Lake County.

5.0 DEMONSTRATION OF CONTINUED MAINTENANCE

The maintenance demonstration requirement is considered to be satisfied for nonattainment areas if the most recent three years of ambient monitoring data show that the maintenance area is meeting the NAAQS for sulfur dioxide.

Ambient air quality data from all monitoring sites in Lake County, Indiana indicate that the NAAQS for sulfur dioxide continues to be met. Lake County was redesignated to attainment in 2005, and the current maintenance plan demonstrated that the sulfur dioxide standard would continue to be maintained through 2015. This update to the maintenance plan demonstrates that ambient air quality data should continue to decline. Total emissions of sulfur dioxide from all sources have continued to decline and it is not anticipated that emissions will increase to levels that would alter the downward trend in air quality data for sulfur dioxide. Charts 5.1, 5.2, and 5.3 show maximum value trends in comparison to the primary 24-hour, primary annual, and secondary 3-hour standard, respectively.

Chart 5.1
Lake County 24-Hour Sulfur Dioxide 2nd Highest Values, 2004-2011

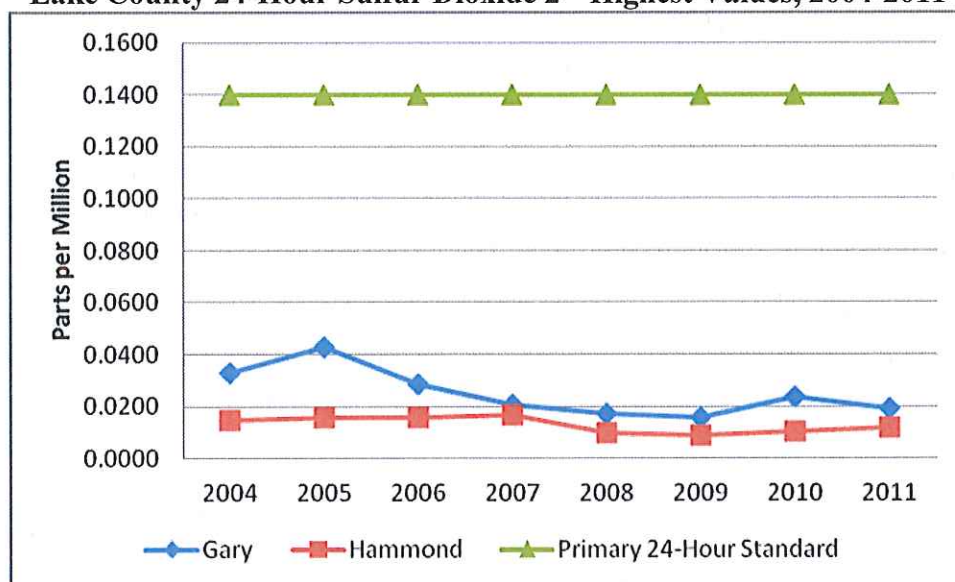


Chart 5.2
Lake County Annual Arithmetic Mean Sulfur Dioxide Values, 2004-2011

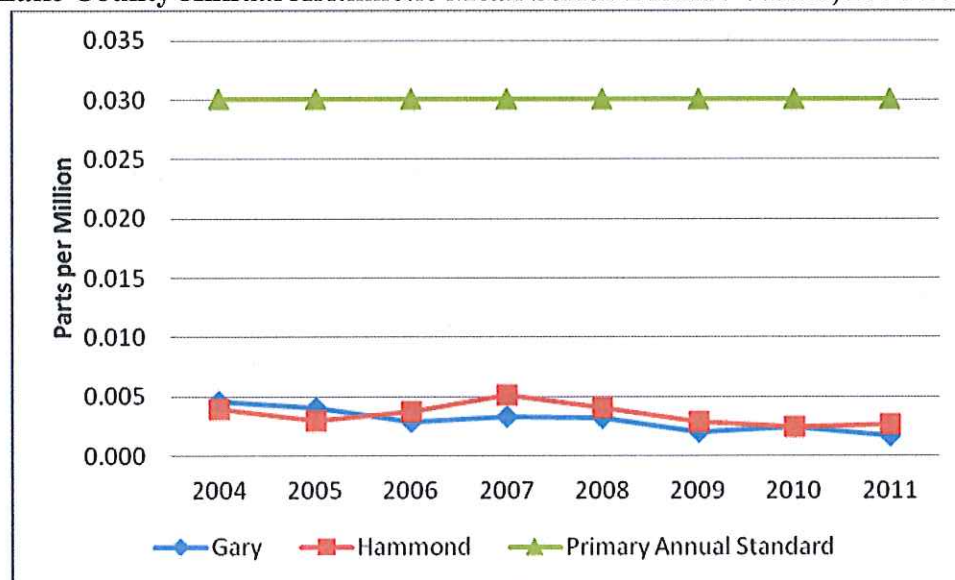
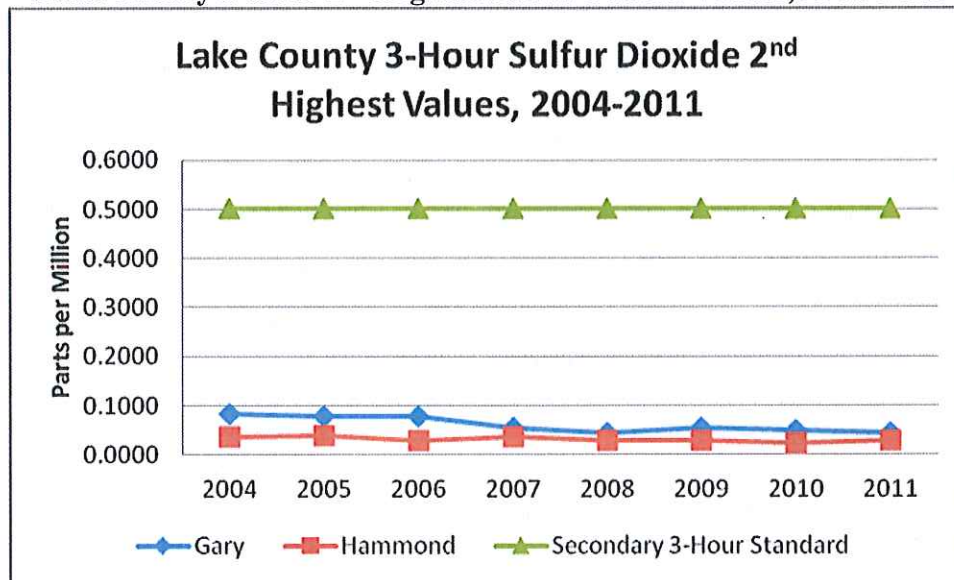


Chart 5.3
Lake County 3-Hour 2nd Highest Sulfur Dioxide Values, 2004-2011



6.0 MONITORING NETWORK/VERIFICATION OF CONTINUED ATTAINMENT

To verify the attainment status of the area over the maintenance period, the maintenance plan should contain provisions for continued operation of an appropriate U.S. EPA approved air quality monitoring network. There are currently two sulfur dioxide monitoring sites operating within Lake County, Indiana. These sites are located in Gary—IITRI (#18-089-0022) and Hammond—141st Street (#18-089-2008) and have been in operation since 1997 and 1975, respectively.

A Quick Look report from U.S. EPA's AQS database which lists the quality assured monitoring data for Lake County is enclosed as Appendix E.

6.1 Quality Assurance

IDEM has quality assured all data shown in the tables above and in Appendix E in accordance with 40 CFR 58.10 and the Indiana Quality Assurance Manual and found the data to be valid. IDEM has recorded the data in the AQS database and thus, the data is available to the public.

6.2 Continued Monitoring

To comply with U.S. EPA guidance, Indiana commits to continue monitoring sulfur dioxide in these areas to ensure that sulfur dioxide concentrations remain well below the sulfur dioxide NAAQS. Should changes become necessary in the future, IDEM will consult with U.S. EPA Region V staff prior to making changes to the existing monitoring network. IDEM will continue to quality assure the monitoring data to meet the requirements of 40 CFR 58. IDEM will continue to enter all data into the AQS database on a timely basis in accordance with federal guidelines.

7.0 CONTINGENCY PLAN

Indiana will closely monitor sulfur dioxide concentrations to determine whether trends indicate higher values or whether emissions appear to be increasing. If it is determined that sulfur dioxide levels and emissions are increasing and action is necessary to reverse that trend, Indiana will take action, prior to a violation of the standard occurring.

Contingency measures will be considered based on those that are deemed appropriate and effective at the time of selection. Because sulfur dioxide emissions are attributed primarily to point sources, the options available are limited to appropriate measures for the types of culpable sources. The steps IDEM will take to determine accountability will include:

- Determine whether the exceedances should be classified as an exceptional event pursuant to the "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events."
- Evaluate meteorological data and conduct modeling studies to determine which point source(s), if any, is the cause of the problem.

- Review the operating records of the source identified in the above steps to identify equipment malfunctions or permit or rule violations.

Although the point sources listed in the inventory will be the primary focus, the study will also encompass any other potential sources of sulfur dioxide.

The selection of measures will be based upon cost-effectiveness, emission reduction potential, and economic and social considerations or other factors that IDEM deems appropriate.

A selected contingency measure can be initiated immediately in response to an action level response and should be in place within eighteen (18) months. No contingency measure will be implemented without providing the opportunity for full public participation during which the relative costs and benefits of individual measures, at the time they are under consideration, can be fully evaluated.

Adoption of any control measure is subject to administrative and legal approval. This includes an opportunity for public hearing and publication of notices on IDEM's website at www.in.gov/idem/5474.htm, as well as other measures required by Indiana law (IC 13-14-8-7) for rule making by Indiana environmental rule boards. This law provides accelerated procedures for adopting interim control measures in the event of an emergency affecting public health.

The sulfur dioxide sources potentially subject to future controls are basically the same as the current list of sources, found in Table 4.1 in Section 4.0. Sources subject to additional controls will be those which the study shows are responsible for triggering the contingency measures and the control of which will most effectively help to ensure compliance with the standards. In addition to reviewing the known sources, the possibility that the problem is attributable to new or previously unknown sources will be considered.

8.0 COMMITMENT TO REVISE PLAN

This submittal satisfies Indiana's commitment to revisit the original maintenance plan. Therefore, no further action is necessary since Lake County, Indiana has maintained its attainment status in the eight years since it was reclassified to attainment.

9.0 PUBLIC PARTICIPATION

Indiana published a solicitation for public comment, as well as a legal notice of public hearing notification, concerning the draft Maintenance Plan Update on IDEM's website at www.in.gov/idem/5474.htm on February 8, 2013.

A public hearing was scheduled for February 27, 2013, as per the legal notice. Because no requests were received, the meeting was cancelled. No comments were received

during the public comment period, which closed on March 11, 2013. A copy of the public notice and a certification of publication are included in Appendix F.

10.0 CONCLUSION

Monitored air quality in Lake County, Indiana has remained well below the 1971 primary and secondary sulfur dioxide NAAQS as a result of national and local control strategies that have been implemented. The current design values in Lake County have remained well below the standard since the county was redesignated and are expected to continue to maintain compliance with the standard.

This plan update demonstrates that Lake County will continue to attain the 1971 primary and secondary sulfur dioxide NAAQS. Indiana has verified that the emission controls adopted to maintain the standard continue to be permanent and enforceable, that there are no new significant sources of sulfur dioxide or increases in background emissions, and that the state has a comprehensive program in place to identify sources of violations and address any violation through enforcement and implementation of a contingency plan.

This plan update also demonstrates that reductions since redesignation have had a positive effect on sulfur dioxide levels, and existing local and national control measures will ensure that air quality in Lake County will continue to improve and provide for an ample margin of safety.

This plan satisfies Indiana's obligation under Section 175(A)(b) of the CAA to submit a plan for maintaining the sulfur dioxide NAAQS for the next ten years beyond the current maintenance plan.

Appendix A:
August 12, 2005, Request for Redesignation and Maintenance Plan for Sulfur
Dioxide Attainment in Lake County

REQUEST FOR REDESIGNATION
AND MAINTENANCE PLAN FOR
SULFUR DIOXIDE ATTAINMENT
IN LAKE COUNTY

Lake County, Indiana

Developed By:
The Indiana Department of Environmental Management

August 12, 2005

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TABLE OF CONTENTS

1.0 INTRODUCTION	
1.1 Background.....	1
1.2 Geographical Boundaries.....	2
1.3 Status of Air Quality.....	2
2.0 REQUIREMENTS FOR REDESIGNATION	
2.1 General.....	2
2.2 Sulfur Dioxide Monitoring.....	3
2.3 Emission Inventory.....	3
2.4 Modeling Demonstration.....	3
2.5 Controls and Regulations.....	4
2.6 Corrective Actions for Potential Future Violations of the Standards.....	4
3.0 SULFUR DIOXIDE MONITORING	
3.1 Monitoring Network.....	4
3.2 Ambient Data.....	6
3.3 Quality Assurance.....	7
3.4 Continued Monitoring.....	7
4.0 EMISSIONS INVENTORY	
4.1 Base Year Inventory.....	7
4.2 Emissions Projections.....	8
4.3 Demonstration of Maintenance.....	8
4.4 Permanent and Enforceable Emissions Reductions.....	8
4.5 Provisions for Future Updates.....	9
5.0 MODELING	
5.1 Modeling Analysis.....	9
6.0 CONTROLS AND REGULATIONS	
6.1 Lake County SO ₂ Rule.....	11
6.2 Implementation of Past SIP Revisions.....	11
6.3 New Source Review Provisions.....	11
6.4 Controls to Remain in Effect.....	11
7.0 CORRECTIVE ACTIONS	
7.1 Commitment to Revise Plan.....	12
7.2 Commitment for Contingency Measures.....	12
7.3 Contingency Measures.....	13
7.4 List of Sources.....	14
8.0 PUBLIC PARTICIPATION.....	14

9.0 CONCLUSION.....	14
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LIST OF FIGURES, TABLES, AND GRAPHS

Figure 3.1	Lake County Nonattainment Area and SO ₂ Monitors	6
Table 3.1	Monitoring Sites with Highest Annual Reading	5
Table 4.1	Lake County SO ₂ Emissions.....	7
Table 4.2	Projected Growth Summary.....	8
Table 5.1.1	Modeling Results for Lake Co. SO ₂ Attainment Demonstration 3-Hour and 24-Hour Results with Desulfurized Limits	9
Table 5.1.2	Modeling Results for Lake Co. SO ₂ Attainment Demonstration 3-Hour and 24-Hour Results with Undesulfurized Limits	10
Table 5.1.3	Modeling Results for Lake Co. SO ₂ Attainment Demonstration Annual Results	10
Graph 4.1	Lake Co. SO ₂ Emissions.....	7

APPENDICES

A	Quick Look Report from AQS Database
B	Lake County SO ₂ Emissions, Plant-wide Totals >10 tons per year Detailed List of Lake County SO ₂ Emissions Data
C	Projected SO ₂ Emissions for 2015
D	Modeling Analysis
E	Proof of Publication and Transcript of Hearing Publishers Affidavits Transcript

REQUEST FOR REDESIGNATION AND
MAINTENANCE PLAN FOR
SULFUR DIOXIDE ATTAINMENT IN
LAKE COUNTY

1.0 INTRODUCTION

This document is intended to support Indiana's request that Lake County be redesignated from nonattainment to attainment of the sulfur dioxide National Ambient Air Quality Standard (SO₂ NAAQS). The Lake County area has recorded three years of complete, quality assured ambient air quality monitoring data for 2002 – 2004 demonstrating attainment with the SO₂ standards.

Section 107(d)(3)(E) of the Clean Air Act (CAA), as amended in 1990, establishes specific requirements to be met in order for an area to be considered for redesignation, including:

- (a) A determination that the area has attained the SO₂ standards;
- (b) An approved State Implementation Plan (SIP) for the area under Section 110(k);
- (c) A determination that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and other federal requirements.
- (d) A fully approved maintenance plan under Section 175A;
- (e) A determination that all Section 110 and Part D requirements have been met.

This document addresses each of these requirements. It also provides additional information to support continued compliance with the SO₂ standards.

1.1 Background

Based on monitored violations, a portion of Lake County in Indiana was designated as primary nonattainment with the SO₂ NAAQS on March 3, 1978. In compliance with the Clean Air Act (CAA), the Indiana Department of Environmental Management (IDEM) developed and implemented rules designed to control emissions of SO₂ in Lake County.

The national primary ambient air quality standards for sulfur oxides measured as sulfur dioxide by the reference methods described in Appendix A of 40 CFR Part 50 are:

- (1) 80 micrograms per cubic meter (ug/m³) (0.03 ppm) annual arithmetic mean.
- (2) 365 ug/m³ (0.14 ppm) maximum 24 hour concentration not to be exceeded more than once per year per site.

The secondary ambient standard for sulfur dioxide is 1300 ug/m³ (0.5 ppm) maximum 3 hour concentration not to be exceeded more than once per year per site.

On January 19, 1989, the U.S. EPA approved Indiana's SO₂ rules for Lake County as meeting all the requirements of Section 110 and Part D of the CAA, 54 FR 2112. In the early 1990's,

Indiana conducted several rulemakings that have amended the Lake County SO₂ rules in 326 IAC 7. On February 8, 1994, U.S. EPA proposed disapproval of certain changes affecting Lake County in those rulemakings that were determined to be relaxations of the SIP (59 FR 5742). On August 29, 2000, other source-specific changes submitted by Indiana were approved into the SIP.

In order to bring Lake County into attainment for the SO₂ NAAQS, Indiana conducted extensive modeling and initiated a rulemaking to amend SO₂ requirements for many sources in the nonattainment area. The completed rulemaking, which will be effective on June 24, 2005, reflects a reduction of over 30,000 tons of SO₂ per year of allowable emissions from the emission limits in the 1989 State Implementation Plan.

1.2 Geographical Boundaries

Following is a brief description of the area of the the county for which redesignation is requested.

Lake County is in northwest Indiana. It is surrounded by the Indiana counties of Porter, Jasper and Newton. The SO₂ nonattainment area of Lake County is bounded by Lake Michigan to the north. To the west it is bounded by the Indiana-Illinois State line. On the south it is bounded by U.S. 30 from the State line to the intersection of I-65 then following I-65 to the intersection of I-94 then following I-94 to the Lake-Porter County line. On the east it is bounded by the Lake-Porter County line. (See Figure 3.1.)

1.3 Status of Air Quality

Air quality in Lake County has improved significantly in the past two decades and SO₂ levels measured in the nonattainment area have been well below the air quality standard for more than ten years. This fact, accompanied by decreases in emission levels discussed in Section 4.0, justifies a redesignation to attainment for the subject area based on Section 107(d)(3)(D) of the CAA.

2.0 REQUIREMENTS FOR REDESIGNATION

2.1 General

Section 110 and Part D of the CAA list the requirements that must be met before nonattainment areas can be considered for redesignation to attainment. In addition, U.S. EPA has published detailed guidance in a document entitled, "Procedures for Processing Requests to Redesignate Areas to Attainment," issued September 4, 1992, to Regional Air Directors. This document is hereafter referred to as the "Redesignation Guidance". This Request for Redesignation and Maintenance Plan is based on the Redesignation Guidance, supplemented with additional guidance received from staff of the Criteria Pollutant Section of U.S. EPA Region V.

The subsections below refer in greater detail to the requirements listed in Section 1.0 of this document. Each subsection describes how the applicable requirement has been met.

2.2 Sulfur Dioxide Monitoring

- (1) A demonstration that the NAAQS for SO₂, as published in 40 CFR 50.4, have been attained. Monitoring data must show the annual standard is not exceeded in a calendar year and the 24-hour standard not exceeded more than once per calendar year.
- (2) Ambient monitoring data that has been quality assured in accordance with 40 CFR 58.10, recorded in the Air Quality System (AQS) database, and available for public view.
- (3) A commitment that, once redesignated, the State will continue to operate an appropriate monitoring network to verify the maintenance of the attainment status.

2.3 Emission Inventory

- (1) A comprehensive emission inventory of major sources of sulfur dioxide completed for the base year (2003).
- (2) A projection of the emission inventory to a year at least 10 years following redesignation (2015).
- (3) A demonstration that the projected level of emissions is sufficient to maintain the standard.
- (4) A demonstration that improvement in air quality between the year that violations occurred (pre-1979) and the year attainment was achieved (2004) is based on permanent and enforceable emission reductions and not on temporary adverse economic conditions or unusually favorable meteorology.
- (5) Provisions for future annual updates of the inventory to enable tracking of the emission levels including an annual emission statement from major sources.

2.4 Modeling Demonstration

Supplemental dispersion modeling is required to comprehensively evaluate source impacts and to determine the areas of expected high concentration based upon current conditions.

The plan must identify and describe the dispersion model or other air quality model used to project ambient concentrations. Modeling conducted to demonstrate attainment in the original federally approved Part D SIP may generally be grandfathered from new modeling requirements.

Original modeling may be scaled to reflect any changes in emissions. However, new modeling may be required. The State will need to consider whether and to what extent the siting of new sources or modifications will affect points of maximum concentration such that air quality may

no longer be accurately represented by existing modeling. The State must also consider changes in U.S. EPA's Air Quality Modeling Guideline and the amount of time since the demonstration of attainment was completed.

Each plan must contain a summary of the air quality concentrations expected to result.

2.5 Controls and Regulations

- (1) An U.S. EPA approved SIP control strategy that includes Reasonably Available Control Technology (RACT) requirements for existing stationary sources covered by Control Technology Guidelines (CTG) and non-CTG RACT.
- (2) Evidence that control measures required in past SIP revisions have been fully implemented.
- (3) Acceptable provisions to provide for New Source Review.
- (4) Assurances that existing controls will remain in effect after redesignation, unless the State demonstrates through modeling that the standard can be maintained without one or more controls.
- (5) If appropriate, a commitment to adopt a requirement that all transportation plans conform with, and are consistent with, the SIP.

2.6 Corrective Actions for Potential Future Violations of the Standards

- (1) A commitment to submit a revised plan eight years after redesignation.
- (2) A commitment to enact and implement expeditiously additional contingency control measures in response to exceeding specified predetermined levels (triggers) or in the event that future violations of the ambient standards occur.
- (3) A list of potential contingency measures that would be implemented in such an event.
- (4) A list of sulfur dioxide sources potentially subject to future controls.

3.0 SULFUR DIOXIDE MONITORING

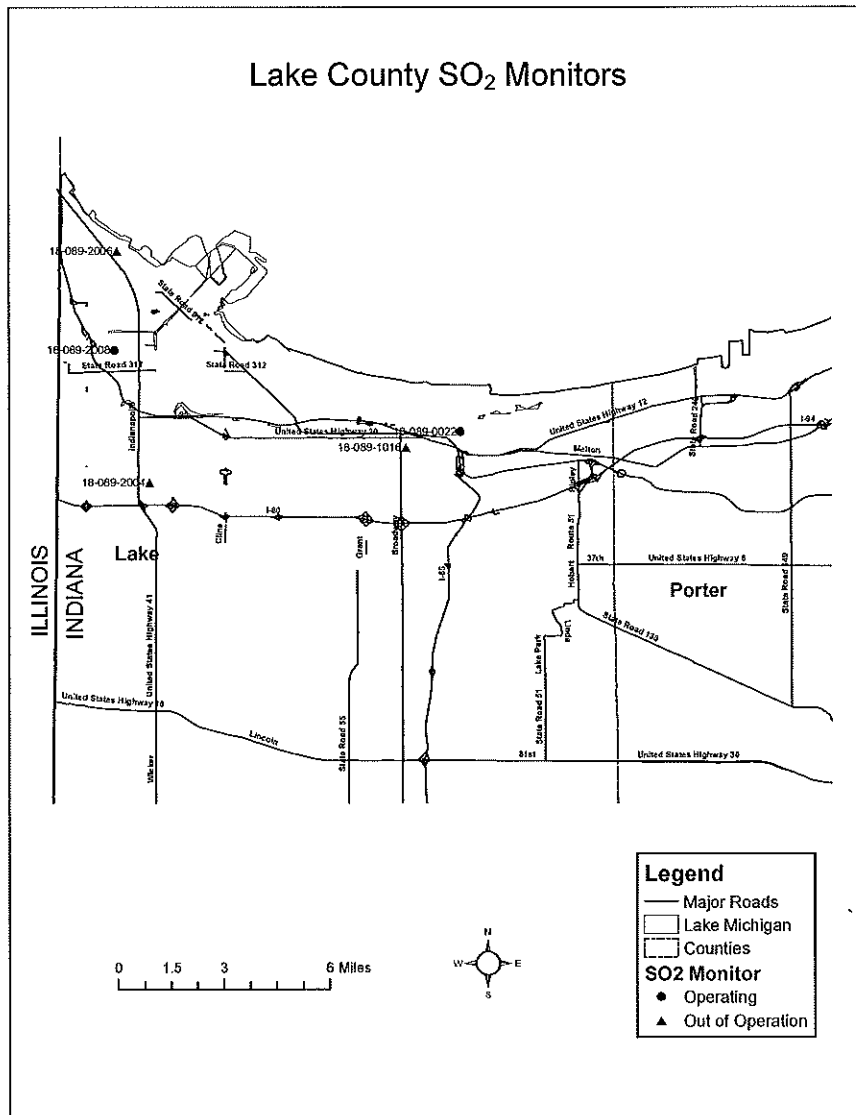
3.1 Monitoring Network

There are currently two monitors measuring sulfur dioxide concentrations in Lake County. These monitors are operated by the IDEM Office of Air Quality. A listing of the sites in use since 1996 with the highest reading at each from 1996 through 2004 is shown in Table 3.1. The monitor locations are shown in Figure 3.1.

Table 3.1
Summary of Monitoring Results Since 1996

SITE ID	CITY	ADDRESS	YEAR	1ST MAX 24-HR	1ST MAX 3-HR	ANNUAL MEAN	NO. OF EXCEED
18-089-0022	Gary	201 MISSISSIP	1997	0.047	0.133	0.0053	0
18-089-0022	Gary	201 MISSISSIP	1998	0.025	0.079	0.0054	0
18-089-0022	Gary	201 MISSISSIP	1999	0.039	0.094	0.0058	0
18-089-0022	Gary	201 MISSISSIP	2000	0.049	0.068	0.0058	0
18-089-0022	Gary	201 MISSISSIP	2001	0.033	0.083	0.0049	0
18-089-0022	Gary	201 MISSISSIP	2002	0.037	0.094	0.006	0
18-089-0022	Gary	201 MISSISSIP	2003	0.034	0.079	0.0044	0
18-089-0022	Gary	201 MISSISSIP	2004	0.051	0.084	0.0049	0
18-089-1016	Gary	Federal Bldg	1996	0.041	0.112	0.0028	0
18-089-1016	Gary	Federal Bldg	1997	0.03	0.163	0.0025	0
18-089-2008	Hammond	1300 141 ST S	1996	0.036	0.11	0.0073	0
18-089-2008	Hammond	1300 141 ST S	1997	0.032	0.085	0.0076	0
18-089-2008	Hammond	1300 141 ST S	1998	0.075	0.171	0.0087	0
18-089-2008	Hammond	1300 141 ST S	1999	0.04	0.081	0.0068	0
18-089-2008	Hammond	1300 141 ST S	2000	0.029	0.106	0.0059	0
18-089-2008	Hammond	1300 141 ST S	2001	0.031	0.082	0.0059	0
18-089-2008	Hammond	1300 141 ST S	2002	0.015	0.054	0.004	0
18-089-2008	Hammond	1300 141 ST S	2003	0.019	0.085	0.0035	0
18-089-2008	Hammond	1300 141 ST S	2004	0.022	0.037	0.004	0

Figure 3.1
Lake County Nonattainment Area and SO2 Monitors



3.2 Ambient Data

A Quick Look report from the AQS database is provided in Appendix A.

As shown in Table 3.1 and Appendix A, there have been no exceedances of the annual (0.03 ppm), 24 hour (0.14 ppm), or 3 hour (0.5 ppm) standards in Lake County since before 1980.

Therefore, the monitoring data demonstrates that the NAAQS for sulfur dioxide have been attained in Lake County.

3.3 Quality Assurance

All the data shown in Appendix A have been quality assured in accordance with 40 CFR 58.10, as well as the Indiana Quality Assurance Manual and found to be valid. The data have been recorded in the AQS database and through it, made available to the public.

3.4 Continued Monitoring

Indiana commits to continue monitoring sulfur dioxide levels at the current National Air Monitoring Sites (NAMS) and State and Local Air Monitoring Sites (SLAMS) indicated in Section 3.1. IDEM will consult with U.S. EPA Region V staff prior to making any changes to the existing monitoring network should changes be necessary in the future. IDEM will continue to quality assure the monitoring data to meet the requirements of 40 CFR 58. Connection to a central station and updates to the IDEM website (www.in.gov/idem) will provide real time availability of the data and knowledge of any exceedances. IDEM will enter all data into AQS on a timely basis in accordance with federal guidelines.

4.0 EMISSION INVENTORY

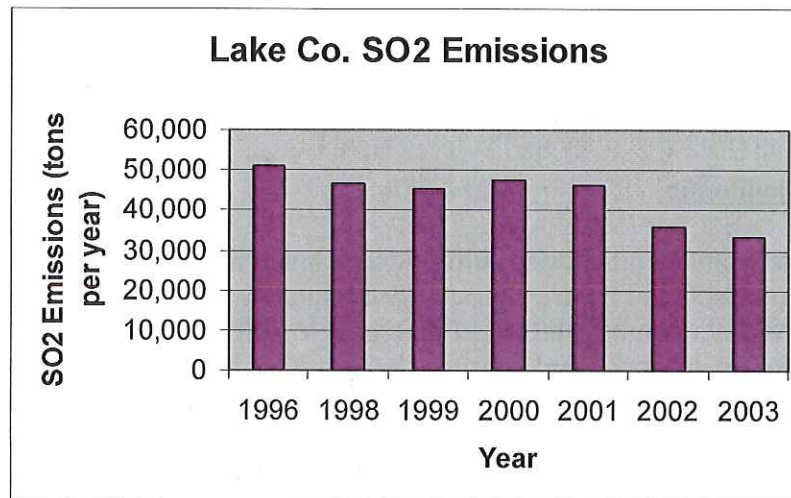
4.1 Base Year Inventory

A summary of the SO₂ emission data for Lake County is shown in Table 4.1 and Graph 4.1.

Table 4.1
Lake County SO₂ Emissions (tons per year)

1996	1998	1999	2000	2001	2002	2003
50,736	46,629	45,171	47,693	46,329	35,940	33,086

Graph 4.1



A more detailed list of Lake County SO₂ emissions is in Appendix B.

4.2 Emission Projections

Table 4.2
SO₂ Emissions for Lake County Projected to 2015 (tons per year)

2002	2015
35,957	43,568

Details of SO₂ emissions for Lake County are in Appendix C.

4.3 Demonstration of Maintenance

Ambient air quality data from all monitoring sites indicate that the SO₂ NAAQS are being met through 2004. Total emissions of SO₂ from all sources are projected to increase between 2004 and 2015 due to economic growth in the area. Although emissions in 2015 are projected to be higher than 2002 and 2003, emissions in 2001 and prior years were higher than the projections for 2015. During this time, monitoring data was never higher than 29% of the annual standard, and in only one instance, 54% at the Hammond site in 1998, did the maximum 24-hour value exceed 36% of that standard. The 3-hour maximum values have been one-third of that secondary standard or less. Therefore, attainment is expected to be maintained through the maintenance horizon year of 2015.

In addition, the modeling results demonstrating attainment assume a potential to emit of 120,800 tons per year of SO₂. Therefore, the projected growth in actual emissions to 43,568 tons SO₂ in 2015 will not cause a violation of the SO₂ NAAQS.

4.4 Permanent and Enforceable Emissions Reductions

One of the requirements for approval of the redesignation SIP is a demonstration that improvement in air quality between the year that violations occurred (pre-1979) and the year that attainment was achieved (2003) was the result of permanent and enforceable emission reductions and not because of temporary adverse economic conditions or unusually favorable meteorology.

Permanent and enforceable reductions of SO₂ emissions in Lake County contributed to the attainment of the SO₂ standards. Some of the reductions are attributable to the closure of stationary sources or emissions units. In addition, substantial reductions were made at U.S. Steel-Gary Works in accordance with a 1996 Agreed Order with IDEM, and Cargill, Ispat Inland, and Carmeuse Lime have reduced emission limits for certain units to help achieve reductions of SO₂ emissions.

4.5 Provisions for Future Updates

As required by Section 175A(b) of the CAA, Indiana commits to submit to the Administrator, eight years after redesignation, an additional revision of this SIP. The new revision will contain Indiana's plan for maintaining the national primary sulfur dioxide air quality standard for 10 years beyond the first 10-year period after redesignation (2015-2025).

5.0 MODELING

5.1 Modeling Analysis

The attainment demonstration modeling reflects the current regulatory air quality model, emissions inventory, and building dimensions. Six years of meteorological data were used for this attainment demonstration. The year 1987 and the five years of 1991 to 1995 were selected to model. The year 1987 was included because this was the worst case year modeled from the original Lake County SO₂ SIP. The results of the air quality modeling show attainment of the 3-hour, 24-hour and annual SO₂ NAAQS. IDEM believes this attainment demonstration accurately represents the current SO₂ air quality in Lake County necessary to support redesignation of the affected portion of Lake County to attainment.

The results of the air quality modeling are as follows.

Table 5.1.1

**Modeling Results for Lake County SO₂ Attainment Demonstration
3-Hour and 24-Hour Results with Desulfurized* Limits**

Year	3-Hour Modeled (ug/m³)	Concentration Background (ug/m³)	Total (ug/m³)	24-Hour Modeled (ug/m³)	Concentration Background (ug/m³)	Total (ug/m³)
NAAQS			1300			365
1987	816.9	7.9	824.8	303.8	11.0	314.8
1991	1077.3	9.6	1086.9	331.3	12.7	344.0
1992	1125.3	7.9	1133.2	338.8	10.7	349.5
1993	1140.0	7.0	1147.0	341.9	11.7	353.6
1994	1124.6	7.9	1132.5	338.0	10.2	348.2
1995	844.9	7.9	852.8	303.5	11.8	315.3

*Desulfurized limits means when the coke oven gas desulfurization emissions unit at U.S. Steel-Gary Works is operating.

Table 5.1.2

**Modeling Results for Lake County SO₂ Attainment Demonstration
3-Hour and 24-Hour Results with Undesulfurized* Limits**

Year	3-Hour Modeled (ug/m³)	Concentration Background (ug/m³)	Total (ug/m³)	24-Hour Modeled (ug/m³)	Concentration Background (ug/m³)	Total (ug/m³)
NAAQS			1300			365
1987	843.0	10.5	853.5	317.9	11.0	328.9
1991	900.7	7.9	908.6	352.1	11.1	363.2
1992	933.4	14.0	947.4	343.2	10.6	353.8
1993	961.1	7.9	969.0	351.5	12.7	364.2
1994	1005.1	7.9	1013.0	356.4	8.0	364.4
1995	1052.1	11.4	1063.5	346.7	11.8	358.5

*Undesulfurized limits means when the coke oven gas desulfurization emissions unit at U.S. Steel-Gary Works is not operating. Results listed in Table 5.1.2 are for U.S. Steel-Gary Works Undesulfurized Scenario 1.

Table 5.1.3

Modeling Results for Lake County SO₂ Attainment Demonstration
Annual Results

Year	Annual Modeled (ug/m³)	Concentration Background (ug/m³)	Total (ug/m³)
NAAQS			80
1987	64.3	11.4	75.7
1991	67.4	11.3	78.7
1992	67.1	11.1	78.2
1993	63.0	11.3	74.3
1994	65.0	11.2	76.2
1995	65.5	11.3	76.8

A detailed modeling analysis was submitted to U.S. EPA Region V with the request for parallel processing of the Lake Co. SO₂ rules on April 8, 2005. Further information on the modeling analysis is in Appendix D.

Based on the above, Indiana hereby requests that the submitted modeling be used to satisfy the modeling requirement of the CAA.

6.0 CONTROLS AND REGULATIONS

This section provides specific information on the control measures implemented in Lake County, including CAA requirements and additional state or local measures implemented beyond CAA requirements.

6.1 Lake County SO₂ Rule

Indiana has promulgated revised rules for Lake County SO₂ emissions that reflect the reduction of SO₂ in the area. The limits relating to Lake County are found in 326 IAC 7-4.1.

These rules were submitted to U.S. EPA on April 8, 2005, as a parallel processing request for approval into the Indiana State Implementation Plan. The state rules will become effective on June 24, 2005.

6.2 Implementation of Past SIP Revisions

Sulfur dioxide emissions in Lake County have been regulated by 326 IAC 7-4-1.1, which contained limits for specific sources. The Lake County section of the Indiana SO₂ rule was in effect from 1991 to 2005 and was revised several times. That rule has been replaced by the new

rule, 326 IAC 7-4.1, that will be effective on June 24, 2005, and contains revised emission limits for specific sources of SO₂ in Lake County. The completed rulemaking reflects a reduction of over 30,000 tons of SO₂ per year of allowable emissions from the emission limits in the 1989 State Implementation Plan.

In Lake County, compliance is monitored by inspectors from the Hammond Air Pollution Control Department, the Gary Division of Air Pollution Control, and IDEM's Northwest Regional Office.

6.3 New Source Review Provisions

Indiana has a longstanding and fully implemented New Source Review (NSR) program. This program is addressed in rule 326 IAC 2. The rule includes provisions for the Prevention of Significant Deterioration (PSD) in 326 IAC 2-2. Indiana's PSD program has been approved by U.S. EPA as part of its SIP. (Final program approval - May 20, 2004, 69 FR 29071)

Any facility that is not listed in the 2003 emissions inventory, or for the closing of which credit was taken in demonstrating attainment, will not be allowed to construct, reopen, modify or reconstruct without meeting applicable permit rule requirements. The review process will be identical to that used for new sources. Once the area is redesignated, IDEM will implement NSR through the PSD program which requires an air quality analysis to ensure that the new source will not threaten to exceed the NAAQS.

6.4 Controls to Remain in Effect

Indiana commits to maintain the control measures listed above after redesignation. Further, Indiana commits that any changes to its rules, or emission limits applicable to SO₂ sources, as required for maintenance of the SO₂ standards in Lake County, will be submitted to U.S. EPA for approval as a SIP revision. This will include, where appropriate, a demonstration based on modeling that the standard will be maintained.

Indiana does intend, upon redesignation, to apply 326 IAC 2-2 (Prevention of Significant Deterioration Requirements) rather than 326 IAC 2-3 (Emission Offset) for permitting any new sources or modifications. Indiana, through IDEM's Office of Compliance and Enforcement, has the legal authority and necessary resources to actively enforce any violations of its rules or permit provisions. After redesignation, Indiana intends to continue enforcing all rules that relate to the emission of sulfur dioxide in Lake County.

7.0 CORRECTIVE ACTIONS

7.1 Commitment to Revise Plan

As noted in Section 4.5 above, Indiana hereby commits to review its Maintenance Plan eight (8) years after redesignation, as required by Section 175A of the CAA.

7.2 Commitment for Contingency Measures

Indiana hereby commits to adopt and implement expeditiously necessary corrective actions in the following circumstances:

Warning Level Response:

A Warning Level Response will be prompted whenever a monitored annual value or second-high 24-hour value exceed 90 percent of their standards within the maintenance area. A Warning Level Response will consist of a study to determine whether there is a trend toward higher SO₂ values or whether emissions appear to be increasing. The study will evaluate whether the trend, if any, is likely to continue and, if so, the control measures necessary to reverse the trend taking into consideration ease and timing for implementation, as well as economic and social considerations. Completion of the study in response to a Warning Level Response trigger will take place as expeditiously as possible, but in no event later than twelve (12) months from the time that IDEM is aware that the violation occurred.

Should it be determined through the Warning Level study that action is necessary to reverse the noted trend, the procedures for control selection and implementation outlined under "Action Level Response" shall be followed.

Action Level Response

An Action Level Response will be prompted whenever a violation of the sulfur dioxide standard occurs within the maintenance area. In the event that the Action Level is triggered and is not due to an exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, IDEM will determine additional control measures needed to assure future attainment of NAAQS for SO₂. In this case, measures that can be implemented in a short time will be selected in order to be in place within eighteen (18) months from the time that IDEM is aware that the violation occurred.

Control Measure Selection and Implementation

Adoption of any additional control measures is subject to the necessary administrative and legal process. This process will include publication of notices, an opportunity for public hearing, and other measures required by Indiana law for rulemaking by state environmental boards.

If a new measure/control is already promulgated and scheduled to be implemented at the federal or state level, and that measure/control is determined to be sufficient to address the upward trend in air quality, additional local measures may be unnecessary. Furthermore, Indiana will submit to U.S. EPA an analysis to demonstrate the proposed measures are adequate to return the area to attainment.

7.3 Contingency Measures

Contingency measures to be considered will be selected which are deemed appropriate and effective at the time the selection is made. Because sulfur dioxide emissions are attributed primarily to point sources, the options available are limited to appropriate measures for the types of culpable sources. The steps IDEM will take to determine culpability will include:

- determination of whether the exceedance should be classified as an exceptional event pursuant to "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events."
- Evaluation of meteorological data and conduct modeling studies to determine which point source(s), if any, is the cause of the problem.
- review of operating records of source identified in the above steps to identify equipment malfunctions or permit or rule violations.

Although the point sources listed in the inventory will be the primary focus, the study will not be limited to these sources but will encompass any other potential sources of SO₂.

The selection of measures will be based upon cost-effectiveness, emission reduction potential, economic and social considerations or other factors that IDEM deems appropriate. IDEM will solicit input from all interested and affected persons in the maintenance area prior to selecting appropriate contingency measures.

A selected contingency measure can be initiated immediately in response to an action level response and should be in place within eighteen (18) months. No contingency measure shall be implemented without providing the opportunity for full public participation during which the relative costs and benefits of individual measures, at the time they are under consideration, can be fully evaluated.

7.4 List of Sources

The sulfur dioxide sources potentially subject to future controls is the current list of major sources which is found in Appendix B. As noted in Sections 7.2 and 7.3 above, sources subject to additional controls will be those which the study shows are responsible for triggering the contingency measures and the control of which will most effectively help to ensure compliance with the standards. In addition to reviewing the known sources, the possibility that the problem is attributable to new or previously unknown sources will be considered.

8.0 PUBLIC PARTICIPATION

In accordance with Section 100(a)(2) of the CAA, public participation in the SIP is provided for as follows:

Notice of availability of the SO₂ redesignation documents and the time and date of the public hearing has been published in the Indianapolis Star, the Gary Post-Tribune, and the Munster Times.

The Public hearing will be held as follows:

Tuesday, July 26, 2005 at 6:00 p.m. in the Multi-Purpose Room of the Business, Science & Administration Building at Ivy Tech State College, 1440 East 35th Avenue, Gary, Indiana 46409.

Indiana published notification for a public hearing and solicitation for public comment concerning the draft Redesignation Petition and Maintenance Plan in several publications, including the primary Evansville newspaper on or before March 18, 2005. A public hearing was conducted on April 19, 2005 and a number of comments were received. The public comment period closed on April 22, 2005. Appendix E includes a copy of the public notice, certifications of publication, the transcript from the public hearing, copies of all written comments received, and a summary of all comments received that includes IDEM's responses, as applicable.

Copies of the proof of publication and the transcript of the hearing can be found in Appendix E.

9.0 CONCLUSION

Lake County, Indiana has attained the federal ambient sulfur dioxide standards and complied with the applicable provisions of the 1990 Amendments to the Clean Air Act regarding redesignations of primary sulfur dioxide nonattainment areas. Documentation to that effect is contained herein. A State Implementation and Maintenance Plan has been prepared that meets the requirement of Section 110(a)(1) of the 1990 Clean Air Act. Appendix C addresses all requirements of the Plan including some that may not be covered above.

The State of Indiana hereby requests that Lake County be redesignated to sulfur dioxide attainment simultaneously with the U.S. EPA approval of the Indiana State Implementation Plan provisions contained herein.

Appendix B: Federal Register Notice, Approval of Redesignation Request, September 26, 2005, Effective October 26, 2005

[Federal Register Volume 70, Number 185 (Monday, September 26, 2005)]
[Rules and Regulations]
[Pages 56129-56132]
From the Federal Register Online via the Government Printing Office
[www.gpo.gov]
[FR Doc No: 05-19065]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[R05-OAR-2005-IN-0004; FRL-7972-6]

Approval and Promulgation of Implementation Plans and Designation
of Areas for Air Quality Planning Purposes; Indiana; Lake County Sulfur
Dioxide Regulations, Redesignation and Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision for the control of sulfur dioxide (SO₂) emissions in Lake County, Indiana. The SIP revision submitted by the Indiana Department of Environmental Management (IDEM) amends 326 Indiana Administrative Code (IAC) Article 7. Indiana's revised SO₂ rule consists of changes to 326 IAC 7-4 which sets forth facility-specific SO₂ emission limitations and recordkeeping requirements for Lake County. The rule revision also reflects updates to company names, updates to emission limits currently in permits, deletion of facilities that are already covered by natural gas limits, and other corrections and updates. Due to changes in section numbers, references to citations in other parts of the rule have also been updated. EPA is also approving a request to redesignate the Lake County nonattainment area to attainment of the SO₂ National Ambient Air Quality Standards (NAAQS). In conjunction with these actions, EPA is also approving the maintenance plan for the Lake County nonattainment area to ensure that attainment of the NAAQS will be maintained. The SIP revision, redesignation request and maintenance plan are approvable because they satisfy the requirements of the Clean Air Act (Act).

DATES: This final rule is effective on October 26, 2005.

ADDRESSES: EPA has established a docket for this action under Regional Material in EDocket (RME) Docket ID No. R05-OAR-2005-IN-0004. All documents in the docket are listed in the RME index at [http://](http://www.epa.gov/edocket/)

docket.epa.gov/rmepub/, once in the system, select ``quick search,'' then key in the appropriate RME Docket identification number. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

[[Page 56130]]

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. We recommend that you telephone Christos Panos, Environmental Engineer, at (312) 353-8328 before visiting the Region 5 office. This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328.
panos.christos@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ``we,'' ``us,'' or ``our'' is used, we mean EPA. This supplemental information section is arranged as follows:

- I. What Is the Background for This Action?
- II. What Comments Did We Receive on the Proposed Action?
- III. What Action Is EPA Taking Today?
- IV. Statutory and Executive Order Reviews

I. What Is the Background for This Action?

On July 29, 2005 (70 FR 43820) EPA proposed to approve into the Indiana SIP SO₂ emission limitations applicable in Lake County, Indiana. Specifically, EPA proposed to approve amendments to rules 326 IAC 7-1.1-1, 326 IAC 7-1.1-2, 326 IAC 7-2-1, and newly created 326 IAC 7-4.1. The revised rules were adopted by the Indiana Air Pollution Control Board on March 2, 2005, and were submitted by IDEM to EPA on April 8, 2005. IDEM submitted a supplement to its submission on July 6, 2005, indicating that the revised rules became effective June 24, 2005, and were published in the Indiana Register on July 1, 2005. EPA proposed to approve the SO₂ redesignation request submitted by the State of Indiana on June 21, 2005 to redesignate the Lake County SO₂ nonattainment area to attainment of the SO₂ NAAQS. IDEM submitted a supplement to its submission on August 11, 2005, indicating that the State's public comment period concluded on July 29, 2005, and that no comments were received. Finally, EPA proposed to approve the maintenance plan submitted for this area.

EPA proposed this action because the State's submittal for the Lake County SO₂ nonattainment area met the requirements of the Act. The revised rules amend SO₂ requirements for many sources in the nonattainment area, and reflect a reduction of over 30,000 tons of SO₂ per year of allowable emissions compared

to the emission limits in the previously approved 1989 SIP. The SIP revision provides for attainment and maintenance of the SO₂ NAAQS and satisfies the requirements of part D of the Act applicable to SO₂ nonattainment areas. Further, EPA proposed to approve the maintenance plan and redesignation of the Lake County SO₂ nonattainment area to attainment because the State has met the redesignation and maintenance plan requirements of the Act. A more detailed explanation of how the State's submittal meets these requirements is contained in our July 29, 2005 proposal.

II. What Comments Did We Receive on the Proposed Action?

EPA provided a 30-day review and comment period on the proposal published in the Federal Register on July 29, 2005 (70 FR 43820). We received no comments on our proposed rulemaking.

III. What Action Is EPA Taking Today?

EPA is approving the SIP revision for the control of SO₂ emissions in Lake County, Indiana, as requested by the State on April 8, 2005, and supplemented on July 6, 2005. The revision consists of the amended rule at 326 Indiana Administrative Code (IAC) Article 7. In this rule, the requirements in the Table in 326 IAC 7-4-1.1 have been divided into separate sections for each facility for clarity and ease of future rule actions. The new rule, 326 IAC 7-4.1, replaces 326 IAC 7-4-1.1, which will be repealed. Because the State has complied with the requirements of section 107(d)(3)(E) of the Act, EPA is also approving the redesignation of the Lake County nonattainment area to attainment of the SO₂ NAAQS, as requested by the State on June 21, 2005. In conjunction with these actions, EPA is also approving Indiana's maintenance plan for the Lake County SO₂ nonattainment area as a SIP revision because it meets the requirements of section 175A of the Act.

IV. Statutory and Executive Order Reviews

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget.

Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Because it is not a "significant regulatory action" under Executive Order 12866 or a "significant energy action," this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

Regulatory Flexibility Act

This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial

number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

[[Page 56131]]

Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ``Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

National Technology Transfer Advancement Act

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 25, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: September 13, 2005.

Bharat Mathur,
Acting Regional Administrator, Region 5.

0

For the reasons stated in the preamble, part 52, chapter I, of title 40 of the Code of Federal Regulations is amended as follows:

PART 52--[AMENDED]

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1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart P--Indiana

0

2. Section 52.770 is amended by adding paragraph (c)(172) to read as follows:

Sec. 52.770 Identification of plan.

* * * * *

(c) * * *

(172) On April 8, 2005, and as supplemented on July 6, 2005, Indiana submitted a State Implementation Plan (SIP) revision for the control of sulfur dioxide (SO₂) emissions in Lake County, Indiana. The SIP revision submitted by the Indiana Department of Environmental Management (IDEM) amends 326 Indiana Administrative Code (IAC) Article 7. Indiana's revised SO₂ rule consists of changes to 326 IAC 7-4 which sets forth facility-specific SO₂ emission limitations and recordkeeping requirements for Lake County. The rule revision also reflects updates to company names, updates to emission limits currently in permits, deletion of facilities that are already covered by natural gas limits, and other corrections and updates. Due to changes in section numbers, references to citations in other parts of the rule have also been updated.

(i) Incorporation by reference.

(A) Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 7 SULFUR DIOXIDE RULES, Rule 1.1 Sulfur Dioxide Emission Limitations, sections 326 IAC 7-1.1-1, ``Applicability'', 326 IAC 7-1.1-2 ``Sulfur Dioxide Emission Limitations'', and 326 IAC 7-2-1 ``Reporting Requirements: Methods to Determine Compliance''; newly created 326 IAC 7-4.1, ``Lake County Sulfur Dioxide Emission Limitations'', adopted by the Indiana Air Pollution Control Board on March 2, 2005. Filed with the Secretary of State May 25, 2005, effective June 24, 2005.

0

3. Section 52.795 is amended by adding a new paragraph (h) to read as follows:

Sec. 52.795 Control strategy: sulfur dioxide.

* * * * *

(h) Approval--On June 21, 2005, and as supplemented on August 11, 2005, the State of Indiana submitted a request to redesignate the Lake County sulfur dioxide (SO₂) nonattainment area to attainment of the NAAQS. In its submittal, the State also requested that EPA approve the maintenance plan for the area into the Indiana SO₂ SIP. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

PART 81--DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

0

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

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2. Section 81.315 is amended by revising the entry for Lake County in the table entitled ``Indiana--S02'' to read as follows:

Sec. 81.315 Indiana.

* * * * *

[[Page 56132]]

Indiana--S02			
		Does not meet	Does not
meet	Better than		
Cannot be	Designated area	primary	secondary
classified	national	standards	standards
	standards		

Lake County.....	X	* * * * *
.....	
		* * * * *

* * * * *

[FR Doc. 05-19065 Filed 9-23-05; 8:45 am]
BILLING CODE 6560-50-P

Appendix C: Procedures for Processing Requests to Redesignate Areas to Attainment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

4 SEP 1992

AIR PROGRAMS BRANCH

RECEIVED
SEP 8 1992

EPA-REGION IV
ATLANTA, GA.

MEMORANDUM

SUBJECT: Procedures for Processing Requests to Redesignate Areas to Attainment

FROM: John Calcagni, Director
Air Quality Management Division (MD-15)

TO: Director, Air, Pesticides and Toxics Management Division, Regions I and IV
Director, Air and Waste Management Division, Region II
Director, Air, Radiation and Toxics Division, Region III
Director, Air and Radiation Division, Region V
Director, Air, Pesticides and Toxics Division, Region VI
Director, Air and Toxics Division, Regions VII, VIII, IX, and X

Purpose

The Office of Air Quality Planning and Standards (OAQPS) expects that a number of redesignation requests will be submitted in the near future. Thus, Regions will need to have guidance on the applicable procedures for handling these requests, including maintenance plan provisions. This memorandum, therefore, consolidates the Environmental Protection Agency's (EPA's) guidance regarding the processing of requests for redesignation of nonattainment areas to attainment for ozone (O_3), carbon monoxide (CO), particulate matter (PM-10), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead (Pb). Regions should use this guidance as a general framework for drafting Federal Register notices pertaining to redesignation requests. Special concerns for areas seeking redesignation from unclassifiable to attainment will be addressed on a case-by-case basis.

Background

Section 107(d)(3)(E) of the Clean Air Act, as amended, states that an area can be redesignated to attainment if the following conditions are met:

1. The EPA has determined that the national ambient air quality standards (NAAQS) have been attained.
2. The applicable implementation plan has been fully approved by EPA under section 110(k).
3. The EPA has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions.
4. The State has met all applicable requirements for the area under section 110 and Part D.
5. The EPA has fully approved a maintenance plan, including a contingency plan, for the area under section 175A.

Each of these criteria is discussed in more detail in the following paragraphs. Particular attention is given to maintenance plan provisions at the end of this document since maintenance plans constitute a new requirement under the amended Clean Air Act. Exceptions to the guidance will be considered on a case-by-case basis.

1. Attainment of the Standard

The State must show that the area is attaining the applicable NAAQS. There are two components involved in making this demonstration which should be considered interdependently. The first component relies upon ambient air quality data. The data that are used to demonstrate attainment should be the product of ambient monitoring that is representative of the area of highest concentration. These monitors should remain at the same location for the duration of the monitoring period required for demonstrating attainment. The data should be collected and quality-assured in accordance with 40 CFR 58 and recorded in the Aerometric Information Retrieval System (AIRS) in order for it to be available to the public for review. For purposes of redesignation, the Regional Office should verify that the integrity of the air quality monitoring network has been preserved.

For PM-10, an area may be considered attaining the NAAQS if the number of expected exceedances per year, according to 40 CFR 50.6, is less than or equal to 1.0. For O₃, the area must show that the average annual number of expected exceedances, according to 40 CFR 50.9, is less than or equal to 1.0 based on data from all monitoring sites in the area or its affected downwind environs. In making this showing, both PM-10 and O₃ must rely on 3 complete, consecutive calendar years of quality-assured air quality monitoring data, collected in accordance with 40 CFR 50, Appendices H and K. For CO, an area may be considered attaining the NAAQS if there are no violations, as determined in accordance

with 40 CFR 50.8, based on 2 complete, consecutive calendar years of quality-assured monitoring data. For SO₂, according to 40 CFR 50.4, an area must show no more than one exceedance annually and for Pb, according to section 50.12, an area may show no exceedances on a quarterly basis.

The second component relies upon supplemental EPA-approved air quality modeling. No such supplemental modeling is required for O₃ nonattainment areas seeking redesignation. Modeling may be necessary to determine the representativeness of the monitored data. For pollutants such as SO₂ and CO, a small number of monitors typically is not representative of areawide air quality or areas of highest concentration. When dealing with SO₂, Pb, PM-10 (except for a limited number of initial moderate nonattainment areas), and CO (except moderate areas with design values of 12.7 parts per million or lower at the time of passage of the Clean Air Act Amendments of 1990), dispersion modeling will generally be necessary to evaluate comprehensively sources' impacts and to determine the areas of expected high concentrations based upon current conditions. Areas which were designated nonattainment based on modeling will generally not be redesignated to attainment unless an acceptable modeling analysis indicates attainment. Regions should consult with OAQPS for further guidance addressing the need for modeling in specific circumstances.

2. State Implementation Plan (SIP) Approval

The SIP for the area must be fully approved under section 110(k),¹ and must satisfy all requirements that apply to the area. It should be noted that approval action on SIP elements and the redesignation request may occur simultaneously. An area cannot be redesignated if a required element of its plan is the subject of a disapproval; a finding of failure to submit or to implement the SIP; or partial, conditional, or limited approval. However, this does not mean that earlier issues with regard to the SIP will be reopened. Regions should not reconsider those things that have already been approved and for which the Clean Air Act Amendments did not alter what is required. In contrast, to the extent the Amendments add a requirement or alter an existing requirement so that it adds something more, Regions should consider those issues. In addition, requests from areas known to be affected by dispersion techniques which are inconsistent with EPA guidance will continue to be considered unapprovable under section 110 and will not qualify for redesignation.

¹Section 110(k) contains the requirements for EPA action on plan submissions. It addresses completeness, deadlines, full and partial approval, conditional approval, and disapproval.

3. Permanent and Enforceable Improvement in Air Quality

The State must be able to reasonably attribute the improvement in air quality to emission reductions which are permanent and enforceable.² Attainment resulting from temporary reductions in emission rates (e.g., reduced production or shutdown due to temporary adverse economic conditions) or unusually favorable meteorology would not qualify as an air quality improvement due to permanent and enforceable emission reductions.

In making this showing, the State should estimate the percent reduction (from the year that was used to determine the design value for designation and classification) achieved from Federal measures such as the Federal Motor Vehicle Control Program and fuel volatility rules as well as control measures that have been adopted and implemented by the State. This estimate should consider emission rates, production capacities, and other related information to clearly show that the air quality improvements are the result of implemented controls. The analysis should assume that sources are operating at permitted levels (or historic peak levels) unless evidence is presented that such an assumption is unrealistic.

4. Section 110 and Part D Requirements

For the purposes of redesignation, a State must meet all requirements of section 110 and Part D that were applicable prior to submittal of the complete redesignation request. When evaluating a redesignation request, Regions should not consider whether the State has met requirements that come due under the Act after submittal of a complete redesignation request.³

²This is consistent with EPA's existing policy on redesignations as stated in an April 21, 1983 memorandum titled "Section 107 Designation Policy Summary." This memorandum states that in order for an area to be redesignated to attainment, the State must show that "actual enforceable emission reductions are responsible for the recent air quality improvement." This element of the policy retains its validity under the amended Act pursuant to section 193. [Note: other aspects of the April 21, 1983 memorandum have since been superseded by subsequent memorandums; interested parties should consult with OAQPS before relying on these aspects, e.g. those relating to required years of air quality data.]

³Under section 175A(c), however, the requirements of Part D remain in force and effect for the area until such time as it is redesignated. Upon redesignation to attainment, the requirements that became due under section 175A(c) after submittal of the complete redesignation request would no longer be applicable.

However, any requirements that came due prior to submittal of the redesignation request must be fully approved into the plan at or before the time EPA redesignates the area.

To avoid confusion concerning what requirements will be applicable for purposes of redesignation, Regions should encourage States to work closely with the appropriate Regional Office early in the process. This will help to ensure that a redesignation request submitted by the State has a high likelihood of being approved by EPA. Regions should advise States of the practical planning consequences if EPA disapproves the redesignation request or if the request is invalidated because of violations recorded during EPA's review. Under such circumstances, EPA does not have the discretion to adjust schedules for implementing SIP requirements. As a result, an area may risk sanctions and/or Federal implementation plan implementation that could result from failure to meet SIP submittal or implementation requirements.

a. Section 110 Requirements

Section 110(a)(2) contains general requirements for nonattainment plans. Most of the provisions of this section are the same as those contained in the pre-amended Act. We will provide guidance on these requirements as needed.⁴

b. Part D Requirements

Part D consists of general requirements applicable to all areas which are designated nonattainment based on a violation of the NAAQS. The general requirements are followed by a series of subparts specific to each pollutant. The general requirements appear in subpart 1. The requirements relating to O₃, CO, PM-10, SO₂, NO₂, and Pb appear in subparts 2 through 5. In those instances where an area is subject to both the general nonattainment provisions in subpart 1 as well as one of the pollutant-specific subparts, the general provisions may be subsumed within, or superseded by, the more specific requirements of subparts 2 through 5.

If an area was not classified under section 181 for O₃, or section 186 for CO, then that area is only subject to the provisions of subpart 1, "Nonattainment Areas in General." In addition to relevant provisions in subpart 1, an O₃ and CO area, which is classified, must meet all applicable requirements in subpart 2, "Additional Provisions for Ozone Nonattainment Areas," and subpart 3, "Additional Provisions for Carbon Monoxide

⁴General guidance regarding the requirements for SIP's may be found in the "General Preamble to Title I of the 1990 Clean Air Act Amendments," 57 FR 13498 (April 16, 1992).

Nonattainment Areas," respectively, before the area may be redesignated to attainment. All PM-10 nonattainment areas (whether classified as moderate or serious) must similarly meet the applicable general provisions of subpart 1 and the specific PM-10 provisions in subpart 4, "Additional Provisions for Particulate Matter Nonattainment Areas." Likewise, SO₂, NO₂, and Pb nonattainment areas are subject to the applicable general nonattainment provisions in subpart 1 as well as the more specific requirements in subpart 5, "Additional Provisions for Areas Designated Nonattainment for Sulfur Oxides, Nitrogen Dioxide, and Lead."

i. Section 172(c) Requirements

This section contains general requirements for nonattainment plans. A thorough discussion of these requirements may be found in the General Preamble to Title I [57 FR 13498 (April 16, 1992)]. The EPA anticipates that areas will already have met most or all of these requirements to the extent that they are not superseded by more specific Part D requirements. The requirements for reasonable further progress, identification of certain emissions increases, and other measures needed for attainment will not apply for redesignations because they only have meaning for areas not attaining the standard. The requirements for an emission inventory will be satisfied by the inventory requirements of the maintenance plan. The requirements of the Part D new source review program will be replaced by the prevention of significant deterioration (PSD) program once the area has been redesignated. However, in order to ensure that the PSD program will become fully effective immediately upon redesignation, either the State must be delegated the Federal PSD program or the State must make any needed modifications to its rules to have the approved PSD program apply to the affected area upon redesignation.

ii. Conformity

The State must work with EPA to show that its SIP provisions are consistent with section 176(c)(4) conformity requirements. The redesignation request should include conformity procedures, if the State already has these procedures in place. Additionally, we currently interpret the conformity requirement to apply to attainment areas. However, EPA has not yet issued its conformity regulations specifying what areas are subject to the conformity requirement. Therefore, if a State does not have conformity procedures in place at the time that it submits a redesignation request, the State must commit to follow EPA's conformity regulation upon issuance, as applicable. If the State submits the redesignation request subsequent to EPA's issuance of the conformity regulations, and the conformity requirement became applicable to the area prior to submission,

the State must adopt the applicable conformity requirements before EPA can redesignate the area.

5. Maintenance Plans

Section 107(d)(3)(E) of the amended Act stipulates that for an area to be redesignated, EPA must fully approve a maintenance plan which meets the requirements of section 175A. A State may submit both the redesignation request and the maintenance plan at the same time and rulemaking on both may proceed on a parallel track. Maintenance plans may, of course, be submitted and approved by EPA before a redesignation is requested. However, according to section 175A(c), pending approval of the maintenance plan and redesignation request, all applicable nonattainment area requirements shall remain in place.

Section 175A defines the general framework of a maintenance plan. The maintenance plan will constitute a SIP revision and must provide for maintenance of the relevant NAAQS in the area for at least 10 years after redesignation. Section 175A further states that the plan shall contain such additional measures, if any, as may be necessary to ensure such maintenance. Because the Act requires a demonstration of maintenance for 10 years after an area is redesignated (not 10 years after submittal of a redesignation request), the State should plan for some lead time for EPA action on the request. In other words, the maintenance demonstration should project maintenance for 10 years, beginning from a date which factors in the time necessary for EPA review and approval action on the redesignation request. In determining the amount of lead time to allow, States should consider that section 107(d)(3)(D) grants the Administrator up to 18 months from receipt of a complete submittal to process a redesignation request. The statute also requires the State to submit a revision of the SIP 8 years after the original redesignation request is approved to provide for maintenance of the NAAQS for an additional 10 years following the first 10-year period [see section 175A(b)].

In addition, the maintenance plan shall contain such contingency measures as the Administrator deems necessary to ensure prompt correction of any violation of the NAAQS [see section 175A(d)]. The Act provides that, at a minimum, the contingency measures must include a requirement that the State will implement all measures contained in the nonattainment SIP prior to redesignation. Failure to maintain the NAAQS and triggering of the contingency plan will not necessitate a revision of the SIP unless required by the Administrator, as stated in section 175A(d).

The following is a list of core provisions that we anticipate will be necessary to ensure maintenance of the relevant NAAQS in an area seeking redesignation from

nonattainment to attainment. We therefore recommend that States seeking redesignation of a nonattainment area consider these provisions. However, any final EPA determination regarding the adequacy of a maintenance plan will be made following review of the plan submittal in light of the particular circumstances facing the area proposed for redesignation and based on all relevant information available at the time.

a. Attainment Inventory

The State should develop an attainment emissions inventory to identify the level of emissions in the area which is sufficient to attain the NAAQS.⁵ This inventory should be consistent with EPA's most recent guidance on emission inventories for nonattainment areas available at the time and should include the emissions during the time period associated with the monitoring data showing attainment.⁶

Source size thresholds are 100 tons/year for SO₂, NO₂, and PM-10 areas, and 5 tons/year for Pb based upon 40 CFR 51.100(k) and 51.322, as well as established practice for AIRS data. The source size threshold for serious PM-10 areas is 70 tons/year

⁵Where the State has made an adequate demonstration that air quality has improved as a result of the SIP (as discussed previously), the attainment inventory will generally be the actual inventory at the time the area attained the standard.

⁶The EPA's current guidance on the preparation of emission inventories for O₃ and CO nonattainment areas is contained in the following documents: "Procedures for the Preparation of Emission Inventories for Carbon Monoxide and Precursors of Ozone: Volume I" (EPA-450/4-91-016), "Procedures for the Preparation of Emission Inventories for Carbon Monoxide and Precursors of Ozone: Volume II" (EPA-450/4-91-014), "Emission Inventory Requirements for Ozone State Implementation Plans" (EPA-450/4-91-010), "Emission Inventory Requirements for Carbon Monoxide Implementation Plans" (EPA-450/4-91-011), "Guideline for Regulatory Application of the Urban Airshed Model" (EPA-450/4-91-013), "Procedures for Emission Inventory Preparation: Volume IV, Mobile Sources" (EPA-450/4-81-026d), and "Procedures for Preparing Emission Inventory Projections" (EPA-450/4-91-019). The EPA does not currently have specific guidance on attainment emissions inventories for SO₂. In lieu thereof, States are referred to the guidance on emissions data to be used as input to modeling demonstrations, contained in Table 9.1 of EPA's "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R), July 1987, which is generally applicable to all criteria pollutants. Emission inventory procedures and requirements documents are currently being prepared by OAQPS for PM-10 and Pb; these documents are due for release by summer 1992.

according to Clean Air Act section 189(b)(3). However, the inventory should include sources below these size thresholds if these smaller sources were included in the SIP attainment demonstration. Where sources below the 100, 70, and 5 tons/year-size thresholds (e.g., areas with smaller source size definitions) are subject to a State's minor source permit program, these sources need only be addressed in the aggregate to the extent that they result in areawide growth.

For O_3 nonattainment areas, the inventory should be based on actual "typical summer day" emissions of O_3 precursors (volatile organic compounds and nitrogen oxides) during the attainment year. This will generally correspond to one of the periodic inventories required for nonattainment areas to reconcile milestones. For CO nonattainment areas, the inventory should be based on actual "typical CO season day" emissions for the attainment year. This will generally correspond to one of the periodic inventories required for nonattainment areas.

b. Maintenance Demonstration

A State may generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. Under the Clean Air Act, many areas are required to submit modeled attainment demonstrations to show that proposed reductions in emissions will be sufficient to attain the applicable NAAQS. For these areas, the maintenance demonstration should be based upon the same level of modeling. In areas where no such modeling was required, the State should be able to rely on the attainment inventory approach. In both instances, the demonstration should be for a period of 10 years following the redesignation.

Where modeling is relied upon to demonstrate maintenance, each plan should contain a summary of the air quality concentrations expected to result from application of the control strategy. In the process, the plan should identify and describe the dispersion model or other air quality model used to project ambient concentrations (see 40 CFR 51.46).

In either case, to satisfy the demonstration requirement the State should project emissions for the 10-year period following redesignation, either for the purpose of showing that emissions will not increase over the attainment inventory or for conducting modeling.⁷ The projected inventory should consider future growth, including population and industry, should be consistent

⁷Guidance for projecting emissions may be found in the emissions inventory guidance cited in footnote 6.

with the attainment inventory, and should document data inputs and assumptions. All elements of the demonstration (e.g., emission projections, new source growth, and modeling) should be consistent with current EPA modeling guidance.⁸ For O₃ and CO, the projected emissions should reflect the expected actual emissions based on enforceable emission rates and typical production rates.

For CO, a State should address the areawide component of the maintenance demonstration either by showing that future CO emissions will not increase or by conducting areawide modeling. Preferably, the State should carry out hot-spot modeling that is consistent with the Guideline on Air Quality Models (Revised), in order to demonstrate maintenance of the NAAQS. In particular, if the nonattainment problem is related to a pattern of hot-spots then hot-spot modeling should generally be conducted. However, hot-spot modeling is not automatically required. For example, if the nonattainment problem was related solely to stationary point sources, or if highway improvements have been implemented and the associated emission reductions and travel characteristics can be qualitatively documented, then hot-spot modeling is not required. In such cases, adequate documentation as well as the concurrence of Headquarters is needed.

Any assumptions concerning emission rates must reflect permanent, enforceable measures. In other words, a State generally cannot take credit in the maintenance demonstration for reductions unless there are regulations in place requiring those reductions or the reductions are otherwise shown to be permanent. Therefore, the State will be expected to maintain its implemented control strategy despite redesignation to attainment, unless such measures are shown to be unnecessary for maintenance or are replaced with measures that achieve equivalent reductions (see additional discussion under "Contingency Plan"). Emission reductions from source shutdowns can be considered permanent and enforceable to the extent that those shutdowns have been reflected in the SIP and all applicable permits have been modified accordingly.

Modeling used to demonstrate attainment may be relied upon in the maintenance demonstration where the modeling conforms to current EPA guidance and where the State has projected no significant changes in the modeling inputs during the intervening time. Where the original attainment demonstration may no longer be relied upon, States will be expected to remodel using current

⁸The EPA-approved modeling guidance may be found in the following documents: "Guideline on Air Quality Models (Revised)," OAQPS, RTP, NC (EPA-450/2-78-027R), July 1986; and "PM-10 SIP Development Guideline," OAQPS, RTP, NC (EPA-450/2-86-001), June 1987.

EPA referenced techniques.⁹ This may be necessary where, for example, there has been a change in emissions or a change in the siting of new sources or modifications such that air quality may no longer be accurately represented by the existing modeling.

c. Monitoring Network

Once an area has been redesignated, the State should continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification. In cases where measured mobile source parameters (e.g., vehicle miles traveled congestion) have changed over time, the State may also need to perform a saturation monitoring study to determine the need for, and location of, additional permanent monitors.

d. Verification of Continued Attainment

Each State should ensure that it has the legal authority to implement and enforce all measures necessary to attain and to maintain the NAAQS. Sections 110(a)(2)(B) and (F) of the Clean Air Act, as amended, and regulations promulgated at 40 CFR 51.110(k), suggest that one such measure is the acquisition of ambient and source emission data to demonstrate attainment and maintenance.

Regardless of whether the maintenance demonstration is based on a showing that future emission inventories will not exceed the attainment inventory or on modeling, the State submittal should indicate how the State will track the progress of the maintenance plan. This is necessary due to the fact that the emission projections made for the maintenance demonstration depend on assumptions of point and area source growth.

One option for tracking the progress of the maintenance demonstration, provided here as an example, would be for the State to periodically update the emissions inventory. In this case, the maintenance plan should specify the frequency of any planned inventory updates. Such an update could be based, in part, on the annual AIRS update and could indicate new source growth and other changes from the attainment inventory (e.g., changes in vehicle miles travelled or in traffic patterns). As an alternative to a complete update of the inventory, the State may choose to do a comprehensive review of the factors that were used in developing the attainment inventory to show no significant change. If this review does show a significant change, the State should then perform an update of the inventory.

⁹See references for modeling guidance cited in footnote 8.

Where the demonstration is based on modeling, an option for tracking progress would be for the State to periodically (typically every 3 years) reevaluate the modeling assumptions and input data. In any event, the State should monitor the indicators for triggering contingency measures (as discussed below).

e. Contingency Plan

Section 175A of the Act also requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. These contingency measures are distinguished from those generally required for nonattainment areas under section 172(c)(9) and those specifically required for O_3 and CO nonattainment areas under sections 182(c)(9) and 187(a)(3), respectively. For the purposes of section 175A, a State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved. However, the contingency plan is considered to be an enforceable part of the SIP and should ensure that the contingency measures are adopted expeditiously once they are triggered. The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State. As a necessary part of the plan, the State should also identify specific indicators, or triggers, which will be used to determine when the contingency measures need to be implemented.

Where the maintenance demonstration is based on the inventory, the State may, for example, identify an "action level" of emissions as the indicator. If later inventory updates show that the inventory has exceeded the action level, the State would take the necessary steps to implement the contingency measures. The indicators would allow a State to take early action to address potential violations of the NAAQS before they occur. By taking early action, States may be able to prevent any actual violations of the NAAQS and, therefore, eliminate the need on the part of EPA to redesignate an area to nonattainment.

Other indicators to consider include monitored or modeled violations of the NAAQS (due to the inadequacy of monitoring data in some situations). It is important to note that air quality data in excess of the NAAQS will not automatically necessitate a revision of the SIP where implementation of contingency measures is adequate to address the cause of the violation. The need for a SIP revision is subject to the Administrator's discretion.

The EPA will review what constitutes a contingency plan on a case-by-case basis. At a minimum, it must require that the State will implement all measures contained in the Part D nonattainment

plan for the area prior to redesignation [see section 175A(d)]. This language suggests that a State may submit a SIP revision at the time of its redesignation request to remove or reduce the stringency of control measures. Such a revision can be approved by EPA if it provides for compensating equivalent reductions. A demonstration that measures are equivalent would have to include appropriate modeling or an adequate justification. Alternatively, a State might be able to demonstrate (through EPA-approved modeling) that the measures are not necessary for maintenance of the standard. In either case, the contingency plan would have to provide for implementation of any measures that were reduced or removed after redesignation of the area.

Summary

As stated previously, this memorandum consolidates EPA's redesignation and maintenance plan guidance and Regions should rely upon it as a general framework in drafting Federal Register notices. It is strongly suggested that the Regional Offices share this document with the appropriate States. This should give the States a better understanding of what is expected from a redesignation request and maintenance plan under existing policy. Any necessary changes to existing Agency policy will be made through our action on specific redesignation requests and the review of section 175A maintenance plans for these particular areas, both of which are subject to notice and comment rulemaking procedures. Thus, in applying this memorandum to specific circumstances in a rulemaking, Regions should consider the applicability of the underlying policies to the particular facts and to comments submitted by any person. If your staff members have questions which require clarification, they may contact Sharon Reinders at (919) 541-5284 for O₃- and CO-related issues, and Eric Ginsburg at (919) 541-0877 for SO₂-, PM-10-, and Pb-related issues.

cc: Chief, Air Branch, Regions I-X
John Cabaniss, OMS
Denise Devoe, OAQPS
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Rich Ossias, OGC
John Rasnic, SSCD
John Seitz, OAQPS
Mike Shapiro, OAR
Lydia Wegman, OAQPS

Appendix D: Complete Sulfur Dioxide Emissions Inventory for Lake County

State Facility Identifier	Facility Name	Year	Emissions in Tons per Year
00003	BP Products North America Inc., Whiting	2004	1515.35
00003	BP Products North America Inc., Whiting	2005	2041.07
00003	BP Products North America Inc., Whiting	2006	1072.96
00003	BP Products North America Inc., Whiting	2007	592.40
00003	BP Products North America Inc., Whiting	2008	777.04
00003	BP Products North America Inc., Whiting	2009	563.26
00003	BP Products North America Inc., Whiting	2010	622.47
00003	BP Products North America Inc., Whiting	2011	697.31
00112	Carmeuse Lime Incorporated	2004	565.84
00112	Carmeuse Lime Incorporated	2005	310.63
00112	Carmeuse Lime Incorporated	2006	310.63
00112	Carmeuse Lime Incorporated	2007	535.54
00112	Carmeuse Lime Incorporated	2008	215.80
00112	Carmeuse Lime Incorporated	2009	210.23
00112	Carmeuse Lime Incorporated	2010	210.23
00112	Carmeuse Lime Incorporated	2011	313.45
00121	US Steel Co. Gary Works	2004	5305.16
00121	US Steel Co. Gary Works	2005	3599.06
00121	US Steel Co. Gary Works	2006	4816.75
00121	US Steel Co. Gary Works	2007	4857.71
00121	US Steel Co. Gary Works	2008	4801.82
00121	US Steel Co. Gary Works	2009	3600.26
00121	US Steel Co. Gary Works	2010	4030.33
00121	US Steel Co. Gary Works	2011	4201.76
00179	Bucko Construction – 15 th Street Plant	2004	28.13
00201	Jupiter Aluminum Corporation	2004	17.66
00201	Jupiter Aluminum Corporation	2005	15.54
00203	Cargill, Inc.	2004	145.70
00203	Cargill, Inc.	2005	140.67
00203	Cargill, Inc.	2006	61.35
00203	Cargill, Inc.	2007	41.30
00203	Cargill, Inc.	2008	42.50
00203	Cargill, Inc.	2009	15.77
00203	Cargill, Inc.	2010	45.85
00203	Cargill, Inc.	2011	69.55
00210	State Line Energy, LLC.	2004	9701.31
00210	State Line Energy, LLC.	2005	7949.23
00210	State Line Energy, LLC.	2006	7348.07
00210	State Line Energy, LLC.	2007	9333.23
00210	State Line Energy, LLC.	2008	11625.14
00210	State Line Energy, LLC.	2009	9776.17
00210	State Line Energy, LLC.	2010	10567.32
00210	State Line Energy, LLC.	2011	8044
00242	Rhodia, Inc.	2004	921.22
00242	Rhodia, Inc.	2005	395.65
00242	Rhodia, Inc.	2006	343.71
00242	Rhodia, Inc.	2007	297.41
00242	Rhodia, Inc.	2008	357.58

State Facility Identifier	Facility Name	Year	Emissions in Tons per Year
00242	Rhodia, Inc.	2009	332.01
00242	Rhodia, Inc.	2010	202.95
00242	Rhodia, Inc.	2011	203.56
00301	Safety-Kleen Oil Recovery Co.	2004	38.93
00301	Safety-Kleen Oil Recovery Co.	2005	45.15
00301	Safety-Kleen Oil Recovery Co.	2006	59.06
00301	Safety-Kleen Oil Recovery Co.	2007	52.24
00301	Safety-Kleen Oil Recovery Co.	2008	65.98
00301	Safety-Kleen Oil Recovery Co.	2009	47.66
00301	Safety-Kleen Oil Recovery Co.	2010	51.09
00301	Safety-Kleen Oil Recovery Co.	2011	55.29
00316	Indiana Harbor East	2004	3503.74
00316	Indiana Harbor East	2005	2702.23
00316	Indiana Harbor East	2006	3224.15
00316	Indiana Harbor East	2007	3036.41
00316	Indiana Harbor East	2008	2905
00316	Indiana Harbor East	2009	2412.59
00316	Indiana Harbor East	2010	4758.34
00316	Indiana Harbor East	2011	2873.83
00318	Mittal Steel (ISG Indiana Harbor West)	2004	1969.94
00318	Mittal Steel (ISG Indiana Harbor West)	2005	1624.86
00318	Mittal Steel (ISG Indiana Harbor West)	2006	2032.24
00318	Mittal Steel (ISG Indiana Harbor West)	2007	1678.95
00318	Mittal Steel (ISG Indiana Harbor West)	2008	1569.26
00318	Mittal Steel (ISG Indiana Harbor West)	2009	281.51
00318	Mittal Steel (ISG Indiana Harbor West)	2010	428.07
00318	Mittal Steel (ISG Indiana Harbor West)	2011	860
00382	Indiana Harbor Coke Company	2004	645.08
00382	Indiana Harbor Coke Company	2005	374.63
00382	Indiana Harbor Coke Company	2006	776.13
00382	Indiana Harbor Coke Company	2007	758.67
00382	Indiana Harbor Coke Company	2008	1162.50
00382	Indiana Harbor Coke Company	2009	1401.75
00382	Indiana Harbor Coke Company	2010	1476
00382	Indiana Harbor Coke Company	2011	1897.98
00383	Cokenergy, Inc.	2004	6846.70
00383	Cokenergy, Inc.	2005	6499.50
00383	Cokenergy, Inc.	2006	6009.34
00383	Cokenergy, Inc.	2007	5911.01
00383	Cokenergy, Inc.	2008	5621.70
00383	Cokenergy, Inc.	2009	5475.18
00383	Cokenergy, Inc.	2010	5214
00383	Cokenergy, Inc.	2011	4891.50
00448	Ironside Energy, LLC.	2004	253.15
00448	Ironside Energy, LLC.	2005	147.84
00448	Ironside Energy, LLC.	2006	115.20
00448	Ironside Energy, LLC.	2007	223.15
00448	Ironside Energy, LLC.	2008	209.03
00448	Ironside Energy, LLC.	2009	47.10
00448	Ironside Energy, LLC.	2010	64.38
00448	Ironside Energy, LLC.	2011	117.99
00449	Whiting Clean Energy, Inc.	2004	11.82

State Facility Identifier	Facility Name	Year	Emissions in Tons per Year
00458	Lafarge North America	2004	125.83
00458	Lafarge North America	2005	99.37
00458	Lafarge North America	2006	92.19
00458	Lafarge North America	2007	107.09
00458	Lafarge North America	2008	81.60
00458	Lafarge North America	2009	68.68
00458	Lafarge North America	2010	68.06
00458	Lafarge North America	2011	81.58
00530	Rieth Riley Construction Co., Inc. #367	2010	15.25
00530	Rieth Riley Construction Co., Inc. #367	2011	15.25

Appendix E: AQS Quick Look Report Sulfur Dioxide Ambient Monitoring for Lake County for 2004-2011
United States Environmental Protection Agency
Air Quality System
Quick Look Report (AMP 450)

EXCEPTIONAL DATA TYPES
0 NO EVENTS
1 EVENTS EXCLUDED
2 EVENTS INCLUDED
5 EVENTS WITH CONCURRENCE EXCLUDED

Sulfur dioxide (42401)			Indiana			Parts Per Billion (PPB)														
SITE ID	P O C	PQAO	CITY	COUNTY	ADDRESS	YEAR	METH	OBS	COMP QTRS	1ST MAX 1-HR	2ND MAX 1-HR	1ST MAX 3-HR	2ND MAX 3-HR	99TH PCTL 1-HR	1ST MAX 24-HR	2ND MAX 24-HR	Days >24HR STD	ARITH MEAN AN-STD	CERT	EDT
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2004	060	8375	4	176.0	164.0	84.6	82.0	111.0	50.6	32.8	0.0	4.61	y	0
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2005	060	8198	4	216.0	125.0	164.6	78.3	115.0	49.9	42.5	0.0	4.03	y	0
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2006	060	8387	4	110.0	84.0	79.0	77.6	78.0	29.5	28.3	0.0	2.90		0
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2007	060	8657	4	121.0	120.0	70.6	54.0	66.0	22.1	20.6	0.0	3.30	y	0
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2008	060	8599	4	150.0	79.6	95.4	44.2	67.0	19.1	17.3	0.0	3.25		0
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2009	060	8556	4	75.2	72.0	57.1	53.0	58.6	20.4	15.8	0.0	1.96		0
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2010	060	8476	4	74.0	64.8	61.1	48.9	57.2	30.1	23.5	0.0	2.42		0
18-089-0022	1	0520	Gary	Lake	201 Mississippi St litri Bunker	2011	060	8466	4	74.2	70.8	60.4	42.5	58.0	24.4	19.0	0.0	1.68		0
18-089-2008	1	0520	Hammond	Lake	1300 141 ST Street	2004	061	8463	4	67.0	56.0	37.6	35.3	39.0	21.6	14.5	0.0	3.93	y	0
18-089-2008	1	0520	Hammond	Lake	1301 141 ST Street	2005	061	8354	4	57.0	44.0	44.6	37.0	42.0	17.3	15.5	0.0	3.02	y	0
18-089-2008	1	0520	Hammond	Lake	1302 141 ST Street	2006	061	8360	4	52.0	40.0	29.3	26.6	36.0	16.1	15.5	0.0	3.74	y	0
18-089-2008	1	0520	Hammond	Lake	1303 141 ST Street	2007	061	8354	4	67.0	64.0	48.0	35.6	50.0	22.2	16.8	0.0	5.13	y	0
18-089-2008	1	0520	Hammond	Lake	1304 141 ST Street	2008	000	8206	4	42.0	40.0	28.6	28.0	37.0	11.3	9.9	0.0	4.07		0
18-089-2008	1	0520	Hammond	Lake	1305 141 ST Street	2009	060	8673	4	49.2	46.4	35.0	28.0	36.5	9.0	8.6	0.0	2.86		0
18-089-2008	1	0520	Hammond	Lake	1306 141 ST Street	2010	060	8499	4	43.2	42.6	24.0	22.7	34.3	11.7	10.4	0.0	2.46		0
18-089-2008	1	0520	Hammond	Lake	1307 141 ST Street	2011	060	8598	4	49.6	48.9	29.4	28.4	40.4	12.1	11.8	0.0	2.66		0

Appendix F:
LEGAL NOTICE OF PUBLIC HEARING

Maintenance Plan Update in association with the 1971 Sulfur Dioxide Standard for Lake County, Indiana Area

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) is accepting written comments and providing an opportunity for public hearing regarding the Draft Maintenance Plan Update in association with the 1971 sulfur dioxide standard, for the Lake County, Indiana area. The area is bounded by the following: Lake Michigan to the north, the Indiana-Illinois State line to the west, U.S. 30 from the State line to the intersection of I-65 then following I-65 to the intersection of I-94 then following I-94 to the Lake-Porter county line on the south, and the Lake-Porter County line on the east. All interested persons are invited and will be given reasonable opportunity to express their views concerning the submittal of the proposed Maintenance Plan Update in association with the 1971 sulfur dioxide standard for the Lake County, Indiana area.

The Lake County, Indiana area was designated as “nonattainment” for the 1971 sulfur dioxide standard in 1978 and was redesignated to “attainment” in 2005. One of the compliance requirements mandated by Section 175A of the Clean Air Act is the revision and subsequent update of the Redesignation Request and Maintenance Plan eight years after redesignation. This Maintenance Plan Update is being drafted and submitted consistent with United States Environmental Protection Agency (U.S. EPA) guidance.

Copies of the draft documents will be available on or before February 8, 2013, to any person upon request at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, Room N1003, Indianapolis, Indiana.
- Indiana Department of Environmental Management, Northwest Regional Office, 8380 Louisiana Street, Merrillville, Indiana.
- Lake County Public Library-Highland Branch, located at 2841 Jewett Street, Highland, Indiana.
- Crown Point Community Library, 214 South Court Street, Crown Point, Indiana.
- Gary Public Library, 220 West 5th Avenue, Gary, Indiana.
- Hammond Public Library, 564 State Street, Hammond, Indiana.

- Whiting Public Library, 1735 Oliver Street, Whiting, Indiana.

The draft documents will also be available on the following web page:

<http://www.in.gov/idem/airquality/2398.htm>

Any person may submit written comments on the Maintenance Plan Update in association with the 1971 sulfur dioxide standard, for the Lake County, Indiana area on or before March 11, 2013. Written comments should be directed to Ms. Jennifer Geisenhaver, Mail Code 61-50, Office of Air Quality, Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana 46204; or fax (317) 233-5967; or email at jgeisenh@idem.in.gov. Interested parties may also present oral or written comments at the public hearing, if held. Oral statements will be heard, but for the accuracy of the record, statements should be submitted in writing. Written statements may be submitted to the attendant designated to receive written comments at the public hearing.

A public hearing on the Maintenance Plan Update in association with the 1971 sulfur dioxide standard for the Lake County, Indiana area will be held if a public hearing request is received by February 18, 2013. A hearing has been scheduled for February 27, 2013. The hearing will convene at 6:00 p.m. local time at the Lake Station—New Chicago Branch Public Library located at 2007 Central Avenue, Lake Station, Indiana 46405. If a request for a public hearing is not received by February 18, 2013 the hearing will be cancelled. Interested parties can check the online IDEM calendar at <http://www.in.gov/idem/5390.htm> or contact Ms. Jennifer Geisenhaver at (317) 233-8628, after February 18, 2013, to see if the hearing has been cancelled or will convene.

A transcript of the hearing and all written submissions provided at the public hearing shall be open to public inspection at IDEM and copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of actions resulting from the hearing.

For additional information contact Ms. Jennifer Geisenhaver, at the Indiana Department of Environmental Management, Office of Air Quality, Room N1001, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, IN 46204 or call (317) 233-8628 or (800) 451-6027 ext. 3-8628 (in Indiana).

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Individuals requiring reasonable accommodations for participation in this hearing, if held, should contact the IDEM Americans with Disabilities Act (ADA) coordinator at:

Attn: ADA Coordinator
 Indiana Department of Environmental Management – Mail Code 50-10
 100 North Senate Avenue
 Indianapolis, IN 46204-2251

Or call (317) 233-1785 (voice) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours notification.