



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

June 4, 2010

Ms. Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard - R19J  
Chicago, IL 60604-3950

Re: Transportation Conformity State Implementation  
Plan for the State of Indiana

Dear Ms. Hedman:

With this letter the Indiana Department of Environmental Management (IDEM) submits the Transportation Conformity State Implementation Plan (SIP) for the State of Indiana. This submittal is a combination of two parts meeting the requirements of the federal conformity rule (40 CFR Parts 51 and 93). Although the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) does not require IDEM to include copies of state rules with this submittal, the first component of the SIP is the state incorporation by reference of federal rules related to transportation conformity that can be found in 326 IAC 19-2-1. The incorporation by reference stays current through annual updates of 326 IAC 1-1-3. The second component of the SIP includes the Transportation Conformity Process and Procedures detailed in Attachments A through L. IDEM conducted a public hearing concerning the Transportation Conformity State Implementation Plan for the State of Indiana on Tuesday, May 11, 2010. The public comment period concluded on Friday, May 14, 2010. On May 18, 2010, three comments were received from the United States Environmental Protection Agency's (U.S. EPA) Office of Transportation and Air Quality (OTAQ). Although these comments were submitted after the close of the comment period, they will be addressed later in this letter.

Pursuant to Section 110 of the 1990 Clean Air Act and Title 13 of the Indiana Code, IDEM submits a revision to the Transportation Conformity State Implementation Plan for the State of Indiana. This revision consists of incorporation by reference of the federal conformity rule, a State and Federal Agency Memorandum of Understanding (MOU), an Interagency Consultation Group Conformity Consultation Guidance document, ten (10) Metropolitan Planning Organization (MPO) specific conformity procedures documents and ten (10) formally adopted MPO Resolutions related to the transportation conformity process, Public Participation Documents and supporting materials to address the comments from EPA's OTAQ. Together, these documents outline the process and procedures for transportation conformity both statewide and within each of the ozone and particulate matter nonattainment and maintenance areas of Indiana.

As stated previously, a Public Hearing for the Transportation Conformity SIP for the State of Indiana was conducted at the Indianapolis-Marion County Library West Branch on May 11, 2010. There were no public comments received at this Public Hearing. U.S. EPA's OTAQ request for wording clarifications are being addressed within this cover letter. This approach results in no changes to the documents made available for public review, including Attachments A through L as detailed below as well as the Legal Notice of Public Hearing and initial draft of this cover letter. The public participation documents for the Public Hearing that was held on May 11, 2010, including the Notice of Public Hearing and the written transcript of the hearing, are included in this submittal as Attachment M.

The MOUs, Consultation Guidance Document and MPO specific documents were established through extensive consultation among the affected transportation partners in each of the ozone and particulate matter nonattainment and maintenance areas of Indiana. Together, the attachments below fully address the requirements associated with the federal conformity rule

In order to assist with your review of this SIP amendment, the following documents are enclosed:

**Attachment A:** State and Federal Agency MOU

**Attachment B:** Interagency Consultation Group Conformity Consultation Guidance Document

**Attachment C:** Delaware-Muncie Metropolitan Plan Commission "Resolution of Approval Regarding Transportation Air Quality Conformity Protocol and Procedures" and "Delaware County Transportation Air Quality Conformity Protocol"

**Attachment D:** Evansville Metropolitan Planning Organization (EMPO) "Resolution Approving MPO Specific Transportation Air Quality Conformity Protocol" and the EMPO "Transportation Air Quality Conformity Protocol"

**Attachment E:** Indianapolis Metropolitan Planning Organization (IMPO) "Metropolitan Development Commission of Marion County: Resolution No. 09-T-009" and "Central Indiana Transportation Air Quality Conformity Protocol"

**Attachment F:** Kentuckiana Regional Planning and Development Agency "Memorandum of Understanding among Kentuckiana Regional Planning and Development Agency, Indiana Department of Transportation, Kentucky Transportation Cabinet, Indiana Department of Environmental Management, Louisville Metro Air Pollution Control District, Transit Authority of River City, Federal Highway Administration, Federal Transit Administration, Environmental



Protection Agency and other Affected Agencies for Process and Procedures for Consultation and Determination of Transportation Conformity per 40 CFR Parts 51 and 93”

**Attachment G:** Michiana Area Council of Governments “Approval of MPO Specific Transportation Air Quality Conformity Procedures: Resolution 20-08” and “Transportation Air Quality Conformity Protocol”

**Attachment H:** Madison County Council of Governments “Resolution 9-08: Madison County/Delaware County Transportation Air Quality Conformity Protocol and Procedures,” “Madison County Transportation Air Quality Conformity Protocol,” “Resolution 12-08: Central Indiana MPOs Specific Transportation Air Quality Conformity Protocol and Procedures” and “Central Indiana Transportation Air Quality Conformity Protocol”

**Attachment I:** Northeastern Indiana Regional Coordinating Council “Approval of MPO Specific Transportation Air Quality Conformity Protocol” and “Transportation Air Quality Conformity Protocol: Conformity Procedures”

**Attachment J:** Northwestern Indiana Regional Planning Commission “Resolution 08-07: “A Resolution of the Northwestern Indiana Regional Planning Commission to Adopt the Transportation Air Quality Protocol” and “Transportation Air Quality Conformity Protocol: Conformity Procedures”

**Attachment K:** Ohio-Kentucky-Indiana Regional Council of Governments “Resolution of the Board of Directors of the Ohio-Kentucky-Indiana Regional Council of Governments Concerning the Execution of the Transportation Conformity Consultation Memorandum of Understanding” and “Memorandum of Understanding among the Ohio-Kentucky-Indiana Council of Governments, the Ohio Environmental Protection Agency, the Indiana Department of Environmental Management, the Indiana Department of Transportation, the Miami Valley Regional Planning Commission, the Ohio Department of Transportation, the United States Environmental Protection Agency – Region 5, the Federal Highway Administration – Ohio Division, the Federal Highway Administration – Indiana Division, the Federal Transit Administration – Region 5”

**Attachment L:** West Central Indiana Economic Development District “Transportation Policy Committee: Resolution 031808-04” and “Transportation Air Quality Conformity Protocol: Conformity Procedures”

**Attachment M:** Public Participation Documents

**Attachment N:** Indiana Department of Environmental Management “Public Records Request Policy”

**Attachment O:** Indiana Department of Transportation “Public Involvement Manual”

The public comment period for the Indiana Transportation Conformity Process and Procedures State Implementation Plan closed on May 14, 2010. On May 18, 2010, U.S. EPA’s OTAQ requested three wording clarifications for consistency between the State and Federal Agency MOU and the Conformity Rule. Due to the significant time that is required to obtain signatures for state and federal documents such as the State and Federal Agency MOU, IDEM commits to provide U.S. EPA – Region 5 a revised MOU within eighteen months of this SIP submittal. The following summarizes the requests made by OTAQ and IDEM’s responses thereto:

**Clarification #1:**

*U.S. EPA’s request:* “Appendix A. Public Involvement, page 13/20. Please clarify that the cost of copies (if there will be any cost) will be consistent with the fee schedule in 49 CFR 7.43.”

*IDEM’s response:* State of Indiana statute (IC 5-14-3-8) states that the Indiana department of administration shall establish a uniform copying fee of 10 cents or a higher number, if the average cost to state agencies to copy is greater. IDEM believes that the language of IC 5-14-3-8 is consistent with 49 CFR 7.43. In addition, IDEM has an agency-wide policy (A-017-OEA-08-P-PR2), included as Attachment N, that is also consistent with 49 CFR 7.43 and IC 5-14-3-8. That notwithstanding, IDEM will better clarify this in a future revision of the State and Federal Agency MOU.

**Clarification #2:**

*U.S. EPA’s request:* “Appendix A. Public Involvement, page 13/20. The availability of documentation for public review of hot spot analysis is not clear. The web address for INDOT is a PowerPoint presentation and should be the policy document which gives details on public participation or another document with sufficient detail.”

*IDEM’s response:* At the time of development of the State and Federal Agency MOU, INDOT was unable to refer IDEM to a specific policy document giving details on INDOT’s public participation process. IDEM has subsequently located the “INDOT Public Involvement Manual” which can be found at <http://www.in.gov/indot/files/ApprovedINDOTPIManual.pdf> and is included in this submittal as Attachment O. This document and Web link will be incorporated into a future revision of the State and Federal Agency MOU.

**Clarification #3:**




*U.S. EPA's request:* "Appendix A. Resolving Conflict, page 14/20. Document did not allow a delegation of authority for the Governor. This is the language that needs to be added. "The Governor may delegate his or her role in this process, but not to the head or staff of the State or local air agency, State department of transportation, State transportation commission or board, or an MPO."

*IDEM's response:* IDEM will incorporate the recommended language related to delegation of authority into a future revision of the State and Federal Agency MOU. In the interim, the affected parties understand and agree to resolve conflicts in accordance with the language provided by U.S. EPA's OTAQ.

IDEM requests that the United States Environmental Protection Agency proceed with review and approval of this submittal. If you have any questions or need additional information, please contact Shawn Seals, Senior Environmental Manager, Air Programs Branch, at (317) 233-0425 or SSeals at idem.IN.gov.

Sincerely,



Keith Baugues  
Assistant Commissioner  
Office of Air Quality

KB/sms  
Attachments

cc: Pat Morris, U.S. EPA Region 5 (w/ enclosures)  
Steve Rosenthal, U.S. EPA Region 5 (w/ enclosures)  
Chris Panos, U.S. EPA Region 5 (w/ enclosures)  
Shawn Seals, IDEM-OAQ (w/ enclosures)  
John Summerhays, U.S. EPA Region 5 (no enclosures)  
Ed Doty, U.S. EPA Region 5 (no enclosures)  
Cheryl L. Newton, U.S. EPA Region 5 (no enclosures)  
John Mooney, U.S. EPA Region 5 (no enclosures)  
Scott Deloney, IDEM-OAQ (no enclosures)  
Christine Pedersen, IDEM-OAQ (no enclosures)