



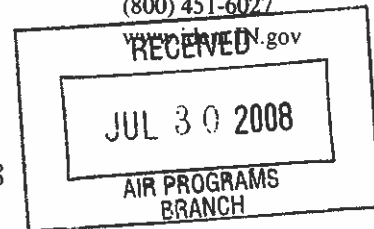
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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July 24, 2008

John Mooney
Chief, Criteria Pollutant Section
Air Programs Branch (AR-18J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Attention: *Docket No. EPA-R05-OAR-2007-1044; Approval and Promulgation of Air Quality Implementation Plans; Illinois and Indiana; Finding of Attainment for 1-Hour Ozone for the Chicago-Gary-Lake County, IL-IN Area*

Dear Mr. Mooney:

On July 7, 2008, the U.S. EPA proposed to issue a finding of attainment for the 1-hour ozone standard for the Chicago-Gary-Lake County, IL-IN Area. This is an important matter to the state of Indiana, and this letter outlines the Indiana Department of Environmental Management's (IDEM) comments to the docket in reference to this proposed action.

First, I wish to express IDEM's support of the U.S. EPA's proposal to issue a finding of attainment. Additionally, IDEM is very pleased with and supports the U.S. EPA's proposed determination that the area not be subject to the imposition of section 185 penalty fees.

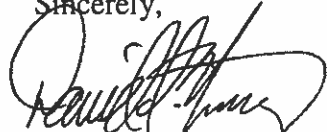
With that said, IDEM encourages the U.S. EPA to give further consideration to and provide guidance regarding the appropriate New Source Review thresholds applicable to the Chicago-Gary-Lake County, IL-IN Area. Per the State of Indiana's request for a clean data/finding of attainment, our portion of the Chicago-Gary-Lake County, IL-IN Area has met all obligations under the 1-hour ozone standard. Furthermore, per the U.S. EPA's proposed finding of attainment, the area attained the 1-hour ozone standard at the close of the 2004 ozone season, prior to the mandated deadline of November 15, 2007, and prior to the 1-hour ozone standard itself being revoked on June 15, 2005. The area was designated moderate non-attainment under the 8-hour ozone standard effective June 15, 2004, one year prior to the 1-hour ozone standard being revoked. Although the area was clearly eligible for redesignation under the 1-hour standard, the area could not have been redesignated to attainment prior to the 1-hour standard being revoked.

As you know, the implementation rule for the 8-hour ozone standard clearly indicated that attainment redesignation under the 1-hour standard was not necessary because the classifications under the 8-hour ozone standard superseded all 1-hour classifications once the 1-hour ozone standard was revoked on June 15, 2005. Accordingly, the implementation rule concluded that the 8-hour designations alone would govern the applicability of New Source Review to areas. However, this portion of the implementation rule was later determined to constitute backsliding for areas that failed to meet obligations under the 1-hour ozone standard prior to it being revoked, and, as noted in the proposed finding of attainment, the U.S. EPA is developing a separate NSR policy to address these areas.

Importantly, the Chicago-Gary-Lake County, IL-IN Area, which had met all obligations, including monitored compliance, prior to revocation of the 1-hour ozone standard, is not such an area. Therefore, the State of Indiana strongly feels that the New Source Review provisions for the Chicago-Gary-Lake County, IL-IN Area should be based solely on the area's classification under the 8-hour ozone standard. IDEM encourages the U.S. EPA to address this matter with greater specificity within its final action concerning the proposed finding of attainment.

Indiana respectfully submits these comments and asks that they be considered prior to finalizing this proposed finding. Should you have any questions regarding these comments, please contact me at (317) 232-8222 or by email at dmurray@idem.in.gov.

Sincerely,



Daniel Murray
Assistant Commissioner
Office of Air Quality

DM/sad

cc: Lynn Buhl, U.S. EPA Region V
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