INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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Ms. Louise Gross
Legislation/Clean Air Act
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3950

11-25-2008

Re: Supplemental Information
Clean Air Act Section 110(l) Demonstration
and State Implementation Plan Revisions for
Clark and Floyd Counties, Indiana

Dear Ms. Gross:

This letter is to reaffirm/clarify the supplemental information provided to you on August 18, 2008 regarding a legal review of the applicable statutory procedure for implementation of a vehicle inspection and maintenance (I/M) program in Clark and Floyd counties. This review was conducted at your request in order to further explain how this procedure works in conjunction with the Clean Air Act Section 110(l) Demonstration and State Implementation Plan (SIP) Revision, demonstrating that I/M would be a viable contingency measure for the applicable attainment and maintenance SIPs (fine particles and ozone). Based on this legal review, Indiana statute does, in fact, permit the State of Indiana the authority to timely implement a vehicle I/M program whenever necessary, if it is found to be an appropriate and effective control measure. IDEM would then notify the budget agency of the need to consider and approve implementation of I/M in Clark and Floyd counties. IDEM does reserve the right to select and implement additional control measures in lieu of I/M if they are deemed to be more cost-effective, provide equivalent emissions reductions, and sufficiently addresses the air quality problem.

IDEM believes that this supplemental information in conjunction with the Clean Air Act 110(l) Demonstration, provides the necessary weight of evidence to demonstrate that I/M is a viable contingency measure for the applicable attainment and maintenance SIPs. IDEM also believes that its non-interference demonstration submitted to the U.S. EPA with a request for parallel processing on October 10, 2006 and a final submission on November 15, 2006 to support the discontinuation of the I/M program in Clark and Floyd counties, Indiana remains valid, with no adverse impacts evident for the area.

Therefore, IDEM hereby respectfully requests that the U.S. EPA proceed with final review and approval of the Clean Air Section 110(l) Demonstration for Clark and Floyd counties. If you have any questions or need additional information, please contact Scott Deloney, Chief, Air Programs Branch, at (317) 233-5694 or sdeloney@idem.in.gov or Ann Long, Attorney, Office of Legal Counsel, at (317) 232-8551 or along@idem.in.gov.

Sincerely,

Daniel Murray, Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental Management

DM/sd

cc: Cheryl Newton, U.S. EPA
John Mooney, U.S. EPA
Scott Deloney, IDEM
Ann Long, IDEM