

Improving Kids' Environment

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June 29, 2007

John M. Mooney, Chief
Criteria Pollutant Section
Air Programs Branch (AR-18)
US Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Ill 60604

Submitted by Email and Fax

Re: Redesignation Petition and Maintenance Plan for Lake and Porter Counties Indiana

Dear Mr. Mooney:

On behalf of Improving Kids' Environment, Inc., I am writing to express IKE's objection to USEPA's proposal, published on May 31, 2007, to redesignate Lake and Porter Counties, Indiana, to the status of maintenance counties for the 8 hour ozone standard. Improving Kids' Environment, Inc. is a not-for-profit organization that works to reduce environmental threats to children's health in Indiana. IKE appreciates the opportunity to provide these comments.

Redesignation of the Indiana counties is not the best way to achieve public health and economic goals for the region, and will undermine the 15 year commitment among the Lake Michigan states to work collectively to solve this regional challenge. Redesignation is also inappropriate at this time because the area does not, in fact, meet the ozone health standard.

Ozone is a lung irritant, and can trigger an asthma attack or cause other respiratory symptoms, especially in children, the elderly, and those with lung or heart disease. High ozone levels adversely affect children with asthma throughout the Lake Michigan region. According to the 2004 report "The Burden of Asthma in Indiana," compiled by the Indiana State Department of Health and the Indiana Joint Asthma Coalition, 4162 of children enrolled in Medicaid in FY03 in Lake County and 522 children in Porter County had been diagnosed with asthma—10.5% and 10.4% of the total number of children on Medicaid.¹ This is comparable to the statewide average for children enrolled in Medicaid, but there is a greater proportion of children enrolled in Medicaid in Lake County than in the state as a whole. The Asthma Burden Report found, at page 9, that low income Hoosiers were twice as likely to have asthma as Hoosiers with annual household incomes of \$25,000 or more. In Lake County, the second most populous county in Indiana, 12.7% of the

¹ <http://www.in.gov/isdh/programs/asthma/pdfs/BurdenAsthmaIndiana1-24-05.pdf>, accessed July 3, 2006.

population is considered low income, according to US Census Bureau figures, compared to a statewide poverty rate of 10%.² Therefore, while childhood asthma is a serious health concern throughout the state, it has an extra impact in this region because of the local demographics.

Indiana and other states in the eastern United States have been battling ozone for several decades, and have made substantial progress with programs to reduce motor vehicle emissions, power plant emissions, and programs that address local emissions (such as local industry controls, cleaner fuels and the like). The number of days each summer when ozone levels are unhealthy has been declining in recent years, and the ozone levels on those unhealthy days are much lower than they used to be a decade ago. This is good news for the citizens of Lake and Porter Counties. There is no doubt that significant decreases in emissions from motor vehicles, industry and other activities have contributed to this improvement in air quality. It is also clear that regulatory programs continue to be implemented that will further reduce emissions of ozone precursors.

However, the ozone levels monitored so far this summer show that Lake and Porter Counties are not truly in attainment of the current 8 hour ozone standard and the three year average of 2004-2006 values meets the standard only because of one extremely cool year. Furthermore, studies of the impacts of ozone on public health are showing that ozone has adverse effects at lower levels than the current standard, as evidenced by USEPA's very recent proposal to lower the standard to somewhere in the range of 70-75 parts per billion.

IKE appreciates the public policy reasons why the Indiana Department of Environmental Management is seeking redesignation. For that reason, IKE has not opposed redesignation of other Indiana counties where air quality shows attainment. However, for the reasons stated below, IKE cannot at this time support redesignating the Lake and Porter counties to maintenance status.

The Best Approach to Improved Air Quality and Economic Success In Northwest Indiana Is a Regional Approach. Lake and Porter Counties are an integral part of the southern Lake Michigan area economy and airshed. Maintaining a strong economy and satisfactory air quality in this region has long been recognized to require close cooperation among all four states. In the 1980s, Wisconsin and Illinois were pointing fingers at each other in federal court about who was responsible for the high levels of smog in one of the nation's most populous urban areas. At that time, Indiana was also unwilling to address emissions that were contributing to unhealthy air outside the state. Because ozone is a regional pollutant, caused by emissions over a wide geographic area, air quality that meets the standard at a monitor in Gary does not mean that Indiana industry and motorists are not contributing to someone else's poor air quality. The truth is that all four states in the region contribute to the occasional poor air quality. By the late 1980s, the four states put their differences behind them, dropped litigation and formed a partnership through the Lake Michigan Air Directors Consortium, an organization through which Indiana, Illinois, Michigan and Wisconsin could work together, first to understand the complex behavior of air pollution in the Lake Michigan region and second to collectively develop and implement appropriate plans to improve air quality, with each state taking responsibility for its contributions to the problem.

The four states have worked well together for over 15 years and cooperatively made great strides in improving air quality in the region. It is critical that the attainment designations for areas of the four states remain coupled until the mutual air quality challenge is met in all four states in the

² <http://quickfacts.census.gov/qfd/states/18000.html>, accessed July 3, 2006.

most cost-effective, equitable and efficient manner possible. The alternative of lawsuits under the Clean Air Act between states is worse for all concerned.

It is critical that the State of Indiana not break ranks with Illinois and the other states on this regional effort. A separation now will impair Indiana's ability to work cooperatively to encourage other states to make reductions that help us on ozone and on solving our other pressing regional environmental challenges to public health and to economic viability such as fine particle pollution.

Activities in Lake and Porter Counties Contribute Significantly to Areas Downwind.

The Petition incorrectly asserts that emissions from Lake and Porter Counties make a minimal contribution to downwind areas. Tables in the Petition show that individual categories of emissions (e.g., motor vehicles, power plants, etc.) contribute at most 3.7% of the ozone at downwind monitors in Michigan and Wisconsin. Given how close many of the monitors are to exceeding the health standard, this level of contribution is indeed significant. Moreover, the important number is not the percentage from an individual source category, but rather the **total** contribution from Indiana sources, when all categories are added together. When emissions are totaled, the contribution from Lake and Porter Counties is 10.61% to the monitor in Holland, Michigan; 13.63% to the monitor in Coloma, Michigan; 6.88% to the monitor in Chikwaukee, Wisconsin; and 10.01% to the monitor in South Milwaukee, Wisconsin. See Petition at 38-39. The contributions in parts per million to these monitors are .009 (Holland), .0106 (Coloma), .0060 (Chikwaukee) and .0081 (South Milwaukee). Table 7.5, Petition at 37. These data show that emissions from Lake and Porter Counties are still contributing significant amounts of pollution to neighboring states.

The Air Quality Data Do Not Support Redesignation At This Time. In order to seek redesignation, Indiana must show that the area meets the ozone health standard. This standard is met if the average of the 4th highest ozone values from the most recent three year period from each monitor is less than 85 parts per billion (ppb). Indiana's monitoring data only meet that test because of the extraordinarily cool weather in 2004. Of the five ozone monitors in Lake and Porter Counties, four of them had a 4th high value greater than 85 ppb in 2005 (ranging from 87 ppb to 90 ppb). Had the weather not been so unusually cool in 2004,³ it is highly unlikely that all of the monitors would have met the standard.

The monitored ozone levels thus far this summer are bearing this out. Over the June 15-17, 2007 weekend, 5 monitors in Northwest Indiana had levels of 85 ppb or higher on at least one day, with the highest at Whiting (94 ppb). The Whiting monitor has had four values so far this summer in excess of 85 ppb.

In conclusion, IKE urges USEPA to disapprove Indiana's petition for redesignation and continue to work with Indiana, Illinois, Wisconsin and Michigan in a joint effort to improve air quality and, ultimately, a joint petition for redesignation. When it is clear that all areas within the airshed to which Indiana and Illinois sources contribute substantially are meeting the health standard under typical weather conditions, and if Illinois and Indiana can make a joint request, IKE believes that a redesignation petition will be more appropriate and defensible.

³ According to the Petition, the average number of days where temperatures exceeded 90° F is 17.5 at the Lowell monitoring station in Lake County. The number of ≥ 90° days in 2003, 2004, and 2005 was 8, 4, and 38 respectively. Throughout the Midwest region, weather conditions in 2004 were unusually cool and cloudy, with unsurprisingly low ozone levels throughout the region as well.

Again, thank you for the opportunity to submit these comments. If you have any questions, please don't hesitate to contact me.

Very truly yours,



Janet G. McCabe
Executive Director

cc: Dick van Frank
Bharat Mathur, USEPA Region V
Dan Murray, IDEM/OAQ