



**Sierra Club
Hoosier Chapter**

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**Save the Dunes
Council**

444 Barker Road
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**Hoosier
Environmental
Council**

3951 N. Meridian, #100
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February 17, 2009

Bharat Mathur, Acting Regional Administrator
U.S. EPA Region V
77 W. Jackson Blvd.
Chicago, IL 60604

RE: Indiana Department of Environmental Management

Dear Mr. Mathur:

We are writing in follow-up to your January 20, 2009 letter to Thomas Easterly, Commissioner of the Indiana Department of Environmental Management ("IDEM"), concerning significant changes IDEM proposes to make to Indiana's environmental programs. We believe IDEM's changes are, at worst, a violation of Indiana's federally authorized, delegated and/or approved environmental programs. At best, they reflect an opaque, imprudent process of state environmental agency decision-making.

While our concerns about IDEM's decision-making extend to many wide-ranging changes in their enforcement programs, our immediate concern is termination of funding for local air quality programs in Indianapolis, Hammond, Terre Haute, Anderson, Evansville and Gary. Based on many years of observing local air pollution control agencies at work, we believe that local agencies have far more capacity and know-how to protect the public's health on a day-to-day basis than does a state agency.

Rather than terminating these local contracts, our groups -- the largest environmental organizations in Indiana -- suggest that a more reasonable solution is for US EPA to order that the funding conditions of 2008 be extended to 2009. We further ask that the Indiana Air Pollution Control Board prepare a report identifying feasible ways to improve the efficiency of state and local air pollution control agencies without loss of effectiveness. A draft of that report should then be presented to the Indiana General Assembly's Environmental Quality Service Council (EQSC) in the summer of 2009 for public discussion and comment.

Our concerns about termination of the local air pollution agency contracts are based on our experience with the work of the City of Indianapolis agency. Indianapolis has done a very respectable job for decades in implementing the Clean Air Act in a manner professional to businesses and respectful and responsive to citizens and

stakeholder groups such as ours. The City has used the Clean Air Act as the baseline/floor and then aimed for higher standards of air quality protection in its actions.

IDEM, on the other hand, routinely stops at the minimum levels, maintaining that such levels are good enough. As a result, while the City of Indianapolis has earned the trust of businesses, environmental and public health groups and citizens over the years, IDEM appears to have credibility on air issues only with a subset of the business community. Clearly, Indianapolis businesses on the whole do not accept the take-over of air quality services by the State of Indiana, since the Indianapolis Chamber of Commerce expressed vigorous objections to the air contract terminations in a letter addressed to Indianapolis Mayor Greg Ballard and IDEM.

No state agency has the structural ability to give credible, consistent attention to the quality of air pollution control services that a complex, major, growing metropolitan community requires in the face of national policy changes.

All major metropolitan areas in the United States have, to the best of our knowledge, their own air pollution control agencies. Their businesses and civic leaders understand the unique value of a local, on-the-ground agency. They also realize that potential federal penalties for non-compliance are too high to risk. For the State of Indiana and IDEM to shut down city agencies at this critical time is unthinkable. For US EPA to condone it is, in our view, a step backward in air pollution protection. Further, IDEM's decision is not consistent with our understanding of the Obama Administration's renewed focus on enhancement of environmental protections.

We submit that IDEM's decision will hurt central Indiana's public health and economic development in the decades ahead. The results of this decision will greatly impair the ability of citizens to have site-specific air complaints addressed fairly and quickly.

We urge you to investigate our concerns with both the City of Indianapolis staff and State of Indiana staff and move toward reinstatement of the 2008 contracts for 2009 as well as development of a detailed air program analysis. We request that these meetings be open to the public so that we can fully understand the implications. At the least, we ask to observe the discussions and, hopefully, the positive resolutions.

Thank you for your attention to this matter. We look forward to your reply.

Hoosier Chapter Sierra Club



David Maidenber, Director

Hoosier Environmental Council



Jesse Kharbanda, Executive Director

Save the Dunes Council



Tom Anderson, Executive Director

cc: Governor Mitch Daniels
Commissioner Thomas Easterly
Mayor Gregory Ballard