and CO plans satisfy the related requirements of part D, title 1 of the Clean Air Act, as amended in 1977:


(3) The demonstration of attainment, submitted December 2, 1983, and the carbon monoxide plan as a whole for the designated nonattainment area in Lake County.

§ 52.774 Determination of attainment.

(a) Based upon EPA’s review of the air quality data for the 3-year period 2007–2009, EPA determined that the Louisville, Kentucky-Indiana PM$_{2.5}$ nonattainment Area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Louisville PM$_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA’s review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM$_{2.5}$ nonattainment Area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM$_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

§ 52.775 Legal authority.

(a) The requirements of §51.232(b) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) East Chicago: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(2) Evansville: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(3) Gary: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(4) Hammond: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(5) Indianapolis: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(6) Michigan City: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(7) Wayne County: (i) Authority to require recordkeeping and to make inspections and conduct tests of air pollution sources is inadequate (§51.230(e) of this chapter).
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§ 52.776 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region.

(b) APC 4-R of Indiana’s “Air Pollution Control Regulations” (emission limitation for particulate matter from fuel combustion sources), which is part of the control strategy for the secondary standards for particulate matter, is disapproved for the Metropolitan Indianapolis Intrastate Region since it does not provide the degree of control needed to attain and maintain the secondary standards for particulate matter. APC 4-R is approved for attainment and maintenance of the primary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region.

(c) APC–3 of Indiana’s Air Pollution Control Regulations (visible emission limitation) is disapproved insofar as the phrase “for more than a cumulative total of 15 minutes in a 24-hour period” will interfere with attainment and maintenance of particulate standards.

(d) [Reserved]

(e) Part D—Conditional Approval—The complete Indiana plan for Clark, Dearborn, Dubois, Marion (except for coke batteries), St. Joseph, Vanderburgh, and Vigo Counties is approved provided that the following condition is satisfied:

(1) The Part D Plan must contain Industrial Fugitive Dust Regulations. The State must submit these by July 31, 1982.

(f) 325 IAC 11–3–2(f), (as amended on August 27, 1981) is not approved as it applies to Lake and Marion Counties, insofar as it does not meet the requirements of section 172(b)(3) of the Clean Air Act.

(g) 325 IAC 11–3–2(g) and 11–3–2(h) (as amended on August 27, 1981) are disapproved insofar as they do not meet the requirements of section 110(a)(2)(D) of the Clean Air Act.

(h) Equivalent Visible Emission Limits (EVEL). (1) A 20% 2-hour opacity