

COPY

**WARRICK COUNTY
COMMISSIONERS**

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March 24, 2004

RESOLUTION 2004 - 03

WHEREAS, Warrick County, Indiana recognizes U.S. EPA must adhere to the Clean Air Act to designate areas meeting the criteria of nonattainment as nonattainment; and

WHEREAS, Warrick County understands U.S. EPA is bound by the consent decree to finalize nonattainment designations by April 15, 2004; and

WHEREAS, Warrick County contains three ozone monitors; two monitors demonstrate attainment with the 8-Hour Ozone National Ambient Air Quality Standard (“NAAQS”). The single violating monitor has an 8-Hour design value of .085 ppm, with the 8-Hour standard being set at .084 ppm; and

WHEREAS, U.S. EPA proposes to designate Vanderburgh County and Warrick County as in nonattainment of the 8-Hour Ozone NAAQS, without regard to the wishes of the State of Indiana, the Counties of Vanderburgh and Warrick County, or the City of Evansville, and irregardless of data, the research or demonstrations of attainment by U.S. EPA approved ozone monitors; and

WHEREAS, a nonattainment designation will hinder economic development without requiring any actions to improve air quality until at least 2007; and

WHEREAS, on December 16, 2003, U.S. EPA issued its Deverral of Effective Date of Nonattainment Designations for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas; and

WHEREAS, the Early Action Compact Areas are areas which have signed an Early Action Compact to take measures to reduce ground-level ozone earlier than would be required by the Clean Air Act. In exchange for early reduction measures, U.S. EPA proposes deferring the effective date of the 8-Hour ozone nonattainment designation for these areas until September 30, 200~~7~~; and

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WHEREAS, Warrick County meets the spirit of the requirements of the Early Action Compacts, as described below:

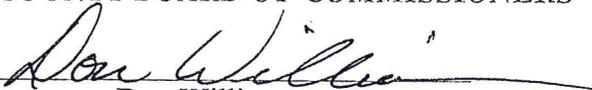
1. Research indicates ozone levels in Southwest Indiana driven by the levels of Nitrogen Oxides (NOx) within our airshed. (See letter from Mayor Weinzapfel to U.S. EPA Region 5 dated February 12, 2004).
2. Warrick County, per U.S. EPA's 1999 National Emission Inventory, contributes 23.3% of the NOx emissions and only 14.7% of the VOC emissions within our 2003 Metropolitan Statistical Area ("MSA").
3. Warrick, Posey and Gibson Counties (within the 2003 MSA) contain major NOx sources, subject to the NOx SIP call.
4. As a result of the NOx SIP call, U.S. EPA predicts a sixty percent to eighty percent (60% - 80%) decrease in NOx emissions.
5. The major sources of NOx within the 2003 MSA have elected to install pollution control equipment to lower NOx emissions, rather than purchasing NOx emission credits. Therefore, this MSA should realize significant NOx reductions and consequently, significant improvement of ozone levels.
6. By U.S. EPA's own modeling and predictions, the NOx emission reductions required by the NOx SIP call will allow Southwestern Indiana to attain the 8-Hour Ozone NAAQS.
7. The effective date of the nonattainment designation must be April 15, 2004 or earlier.
8. The NOx reduction equipment must be operational by May 31, 2004; and

WHEREAS, Warrick County needs five months: from April 15, 2004 to September 30, 2004, to allow Warrick County to demonstrate attainment of the 8-hour ozone standard, and thereby render a nonattainment designation moot;

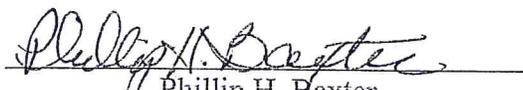
THEREFORE, the Commissioners of Warrick County, Indiana believe that it is in the best interest of the residents of Warrick County, Indiana, that the U.S. EPA defer the effective date of "Nonattainment Designation" so that sufficient time is provided to allow a demonstration of the NOx emissions reductions required by the NOx SIP call will be effective and a nonattainment designation for Warrick will be unnecessary;

BE IT RESOLVED, that the Commissioners of Warrick County, Indiana hereby request that the U.S. EPA defer the effective date of "Nonattainment Designation" for Warrick County until September 30, 200~~5~~⁴.

WARRICK COUNTY BOARD OF COMMISSIONERS


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