



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 20 2008

REPLY TO THE ATTENTION OF:

(AR-18J)

Ron Holder, Engineer
Hammond Department of Environmental Management
Air Pollution Control Division
5925 Calumet Avenue
Hammond, IN 46320

Dear Mr. Holder:

I am responding to your October 23, 2008, letter to Cheryl Newton, Acting Division Director, Air and Radiation Division, U. S. Environmental Protection Agency Region 5. In your letter, you state that as a result of a settlement agreement dated May 4, 2007, with the Indiana Department of Environmental Management (IDEM), the Hammond Department of Environmental Management, and the Jupiter Aluminum Corporation, EPA must provide written approval prior to construction or operation of any Subpart RRR Group 1 or Group 2 furnaces. EPA is aware that Jupiter Aluminum Corporation has proposed to install a new furnace, Furnace 9, at its Hammond facility, and that IDEM permit provided public notice of the proposed permit on August 14, 2008.

Given that EPA is not a signatory to the May 4, 2007, settlement agreement, we are not bound by the conditions of that agreement. In addition, there is no Clean Air Act provision or mechanism under which EPA formally approves State construction permits. Please note, however, that during the public comment period EPA did provide comments on the draft permit to IDEM. This approach is consistent with an inter-agency Implementation Agreement between EPA and IDEM, the positive and cooperative working relationship that EPA has maintained with the permitting staff and management at IDEM, and the respective responsibilities of each agency as established by Congress under the Clean Air Act.

If you have any further questions, please feel free to contact me at (312) 886-4447.

Sincerely yours,

A handwritten signature in cursive script that reads "Pamela Blakley".

Pamela Blakley, Chief
Air Permits Section