



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
AIR AND RADIATION DIVISION  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

June 30, 2020

**MEMORANDUM**

**SUBJECT:** Denial of Request for Extension of Comment Period for the Indiana NO<sub>x</sub> RACT Exemption for Lake and Porter Counties

**FROM:** Kathleen Mullen  
Environmental Engineer, Attainment Planning and Maintenance Section

**THROUGH:** John Mooney  
Acting Director  
Air and Radiation Division

**TO:** Docket File EPA-R05-OAR-2020-0031  
Proposed Approval of the Indiana NO<sub>x</sub> RACT Exemption for Lake and Porter Counties

On May 20, 2020, the following anonymous comment was made on the proposed approval of the Indiana NO<sub>x</sub> RACT Exemption for Lake and Porter Counties:

EPA must extend the comment period for this action until the COVID-19 pandemic is over. How is someone supposed to review these documents if they don't have internet, libraries aren't open, and anywhere you could go to get a paper copy isn't "essential" and therefore is closed? For that matter, how is someone without internet able to know EPA has proposed this action at all? I'm able to make this comment because I'm lucky enough to have internet and can access regulations.gov. But that's not everyone! People in northern Indiana can't freely move around without risking their health and they shouldn't have to risk to just to make a comment on this proposal. EPA must keep this comment period open until after COVID19 restrictions are over!

For the reasons discussed below, we are not granting this request.

The primary basis for this request, was that some portion of the public may be precluded from commenting on this action due to an inability to access the internet during the COVID-19 pandemic. EPA has learned that free WiFi is available in the parking lot outside of the Porter County Public Library. Additionally, according to the Lake County Public Library website, free WiFi is available in several branch parking lots seven days a week from 9AM-9PM.

In addition, granting requests like this is problematic because of the indeterminate amount of time that is being asked for. At this time, no one knows when the pandemic will end or when the current pandemic restrictions will be lifted. It is, therefore, not reasonable to deny Indiana's request indefinitely.

It should also be noted that no adverse comments were submitted to Indiana during the comment period at the state level.

We do not view this as an adverse comment because it did not suggest any different course of action on the proposal to approve the NO<sub>x</sub> RACT Exemption.

It should also be noted that similar requests have been submitted on other proposals around the country and the Regions have been given the authority to evaluate each request on a case-by-case basis. We have consulted with both OAQPS and OGC on this request, and both offices have concurred that denying the request is justified.

For the above reasons, the request for an extension of the comment period should not be granted, and EPA should proceed with a final rulemaking as proposed.