

APPENDIX K

Public Participation Process Documents

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LEGAL NOTICE OF PUBLIC HEARING

Redesignation Petition and Maintenance Plan In Association with the Annual Fine Particle (PM_{2.5}) Standard

Lake and Porter counties, Indiana

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) will hold a public hearing on May 18, 2011. The purpose of this hearing is to receive public comment on the Draft Redesignation Petition and Maintenance Plan in association with the Annual Fine Particle (PM_{2.5}) Standard, for Lake and Porter counties, Indiana. The meeting will convene at 5:30 p.m. (local time) in the large meeting room of the Lake County Public Library-Highland Branch, located at 2841 Jewett Street, Highland, Indiana. All interested persons are invited and will be given opportunity to express their views concerning the draft documents.

Lake and Porter counties, Indiana are part of the Chicago-Gary-Lake IL-IN Nonattainment Area for Fine Particles. This area was designated as nonattainment for the annual standard for fine particles and subject to the requirements of Section 172 of the Clean Air Act (CAA). One of the compliance requirements mandated by Section 172(c) of the CAA, is the development of a plan demonstrating that the area will continue to meet the annual standard for fine particles. This Redesignation Petition and Maintenance Plan is being drafted and submitted consistent with United States Environmental Protection Agency (U.S. EPA) guidance.

Copies of the draft documents will be available on or before April 15, 2011 to any person upon request and at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate, Room N1003, Indianapolis, Indiana.
- Indiana Department of Environmental Management, Northwest Regional Office, 8380 Louisiana Street, Merrillville, Indiana.
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- Whiting Public Library, 1735 Oliver Street, Whiting, Indiana.

The draft documents will also be available on the following web page:

<http://www.in.gov/idem/4658.htm>

Oral statements will be heard, but for the accuracy of the record, statements should be submitted in writing. Written statements may be submitted to the attendant designated to receive written comments at the public hearing.

IDEM will also accept written comments through May 20, 2011. Mailed comments should be addressed to:

**Lake and Porter Counties, Indiana Fine Particle (PM_{2.5})
Redesignation Petition and Maintenance Plan**
Scott Deloney, Chief
Air Programs Branch
Indiana Department of Environmental Management
Office of Air Quality – Mail Code 61-50
100 North Senate Avenue
Indianapolis, IN 46206-2251

A transcript of the hearing and all written submissions provided at the public hearing shall be open to public inspection at IDEM and copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of actions resulting from the hearing.

For additional information contact Mr. Gale Ferris, at the Indiana Department of Environmental Management, Air Programs Branch, Office of Air Quality, Room 1001, Indiana Government Center North, 100 North Senate Avenue, Indianapolis or call (317) 234-3653 or (800) 451-6027 ext. 4-3653 (in Indiana).

Individuals requiring reasonable accommodations for participation in this hearing should contact the IDEM Americans with Disabilities Act (ADA) coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management – Mail Code 50-10
100 North Senate Avenue
Indianapolis, IN 46204-2251

Or call (317) 233-1785 (voice) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours notification.

Public Hearing Script
Lake and Porter Counties, Indiana
Draft Redesignation and Maintenance Plan

This is a public hearing to accept comments concerning the draft Redesignation and Maintenance Plan under the annual National Ambient Air Quality Standard (NAAQS) for fine particles for the Indiana portion of the Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles; Lake and Porter counties, Indiana. This hearing is being held to conform to the provisions in 40 CFR Part 51 regarding public hearings for State Implementation Plan (SIP) submittals.

My name is Scott Deloney. I am the Chief of Indiana Department of Environmental Management's Air Programs Branch. I have been appointed to act as hearing officer for this public hearing. Also, here with me from the Office of Air Quality is Gale Ferris.

Notice of the time and place of the hearing was given as provided by law by publication in the following newspapers:

- 1) The Indianapolis Star, Indianapolis, Indiana
- 2) The Times, Munster, Indiana
- 3) The Post Tribune, Merrillville, Indiana

The purpose of this public hearing is to provide interested persons an opportunity to offer comments to the state regarding the draft Redesignation and Maintenance Plan under the annual NAAQS for fine particles for Lake and Porter counties, Indiana.

Appearance cards have been distributed in the hearing room for all those desiring to be shown appearing on record in this cause. If you have not already filled out the card, please do so and indicate if you are appearing for yourself or on behalf of a group or organization and identify such group or organization. Also, note the capacity in which you appear, such as, attorney, officer or authorized spokesperson.

Any person who is heard or represented at this hearing or who requests notice may be given written notice of the final action taken on this SIP submittal. Please indicate on the appearance card if you wish to receive this notification. When appearance cards have been completed, they should be handed to me and I will include them with the official record of this proceeding.

Oral statements will be heard, but written statements may be handed to me or mailed to the Office of Air Quality on or before close of business on May, 20, 2011. A written transcript of this hearing is being made. The transcript will be open for public inspection and a copy of the transcript will be made available to any person upon payment of the copying cost.

After the conclusion of this public hearing, I will prepare a written report summarizing the comments received at this hearing and recommending changes which may need to be made to this document.

I would like to introduce the following documents into the record:

- 1) The notice of public hearing.
- 2) The Draft Request for Redesignation and Maintenance Plan under the annual NAAQS for fine particles for the Indiana portion of the Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles; Lake and Porter counties, Indiana.

Finally, I would like to briefly go over the contents of the draft documents.

In 1997, the United States Environmental Protection Agency (U.S. EPA) set daily and annual ambient air quality standards for fine particles at 15.0 micrograms per cubic meter on an annual basis and at 65.0 micrograms per cubic meter on a 24-hour or daily basis. Legal challenges to the new standards for fine particles resulted in delayed implementation of the standard until February 2001, when the Supreme Court upheld the standards and ruled that U.S. EPA could proceed with implementation of the new standards. This submittal pertains solely to the 1997 annual standard for fine particles. The Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles complies with both the 1997 and 2006 24-hour standards. Indiana began monitoring for fine particles in 1999. U.S. EPA originally designated counties under the fine particle standards based on 2001 through 2003 monitoring data in December 2004. U.S. EPA formally designated areas throughout the country on April 5, 2005, as attainment, nonattainment, or unclassifiable, including Lake and Porter counties, Indiana, as part of the Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles.

The Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles consists of Lake and Porter counties, Indiana, and Cook, DuPage, Kane, Lake, McHenry, and Will counties, and portions of Grundy (Aux Sable and Goose Lake Townships) and Kendall (Oswego Township) counties, Illinois.

The agencies responsible for assuring the nonattainment area complies with the CAA requirements are:

- The Illinois Environmental Protection Agency, which is responsible for Cook, DuPage, Kane, Lake, McHenry, and Will counties, and portions of Grundy (Aux Sable and Goose Lake Townships) and Kendall (Oswego Township) counties, Illinois; and,
- The Indiana Department of Environmental Management (IDEM), which is responsible for Lake and Porter counties, Indiana.

Indiana and Illinois have worked cooperatively with U.S. EPA Region V to address planning issues.

Lake and Porter counties, Indiana have complied with the annual standard for fine particles six consecutive years with values that are now well below the standard. Furthermore, photochemical modeling conducted by the State of Indiana, the Midwest Regional Planning Organization, and U.S. EPA demonstrates that beginning in 2011, Lake and Porter counties, Indiana will benefit greatly from the implementation of U.S. EPA's proposed Clean Air Transport Rule, with projected design values well below the standard and providing for an ample margin of safety. These modeling results are

considered to be conservative, as they do not include emission reductions that will occur as a result of several federal control programs including substantial off-road diesel fuel and engine reductions.

To meet the regulatory requirements put forth by U.S. EPA in relation to National Ambient Air Quality Standards, IDEM was required to submit a SIP (also known as an attainment SIP) no later than April 5th of 2008. In lieu of an attainment SIP that verifies to U.S. EPA that the area is "on target" to meet the annual NAAQS for fine particles based on monitoring and modeling information, IDEM deemed it more appropriate to submit a redesignation SIP that demonstrates that the area has already met the standard. On April 3, 2008, IDEM submitted a redesignation SIP to U.S. EPA for review and approval including a maintenance plan horizon year of 2020. U.S. EPA has not been able to act on the 2008 redesignation SIP due to a federal court's remand of the Clean Air Interstate Rule (CAIR). This remand prevents U.S. EPA from deeming the emission reductions that aided this area in attaining the standard as being permanent and enforceable. As such, U.S. EPA did not wish to proceed with approval of IDEM's 2008 submittal until a CAIR replacement rule is in place. On July 6, 2010, U.S. EPA proposed a replacement rule referred to as the Clean Air Transport Rule. This rule will be finalized this summer and at that time, U.S. EPA will be able to proceed with approving redesignations. As for the 2008 submittal, the maintenance plan horizon year of 2020 is no longer at least 10 years from the date of potential U.S. EPA approval. As such, IDEM is now submitting this updated redesignation SIP with a maintenance plan horizon year of 2025 as a direct replacement to the submittal from April of 2008.

It is important to note that U.S. EPA viewed IDEM's 2008 submittal for the Lake and Porter counties to be valid until such time that CAIR was remanded. Since that time, air quality has improved even further within the region and a replacement rule for CAIR will soon be in place.

Although Indiana and Illinois have worked together on a comprehensive plan for multi-state areas, each state is required to make a separate submittal for its portion of the planning components to U.S. EPA. As such, this submittal only covers Indiana's portion of the nonattainment area; Lake and Porter counties, Indiana.

The highest most recent design value for the area, based on 2008 through 2010 quality assured ambient air quality monitoring data is 12.7 micrograms per cubic meter. This design value represents fine particle concentrations that are below the NAAQS, thus the area is eligible to be redesignated to attainment under the annual standard for fine particles and classified as maintenance.

IDEM has prepared the draft Redesignation and Maintenance Plan under the annual NAAQS for fine particles for the Indiana portion of the Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles consistent with U.S. EPA guidance. The draft redesignation and maintenance plan outlines a demonstration that the area has attained the standard based on monitored concentrations, and that the reductions in monitored concentrations are attributable to permanent and enforceable reductions in precursor emissions, specifically reductions of nitrogen oxides (NO_x) and sulfur dioxide (SO₂). Furthermore, the draft maintenance plan outlines the following:

- Regional precursor emissions of NO_x and SO₂ will continue to decline in the future.
- Due to existing and future emission controls, the area's air quality is not projected to worsen, and should further improve over time.
- A commitment for all existing emission controls to remain in place.
- A commitment to revise the plan within eight years of redesignation.
- A commitment to adopt and expeditiously implement necessary corrective actions if an action level response is triggered.
 - An action level response is triggered by a violation of the standard (a three year average annual arithmetic mean value of 15.1 µg/m³ or greater) occurs.
- A mobile source budget for transportation conformity purposes.

This concludes my comments regarding the draft Redesignation and Maintenance Plan under the annual NAAQS for fine particles for the Indiana portion of the Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles. Before opening this hearing for public comments, may I once again remind you that this hearing pertains solely to this draft Redesignation and Maintenance Plan in association with the annual NAAQS for fine particles for Indiana's portion of the Chicago-Gary-Lake County, IL-IN Nonattainment Area for Fine Particles, and only comments pertaining to this matter will be considered as part of the public record.

Gale Ferris and I will be available following this hearing to address any questions you may have that do not pertain to this specific matter.

This hearing is now open for public comment. Are there any public comments?

In the absence of any further comments, these proceedings are hereby concluded. This hearing is adjourned.

COPY

LEGAL ADVERTISING

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. _____ Warrant No. _____

IN FAVOR OF

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently
correct
incorrect

I certify that the within claim is true and correct, that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

POST-TRIBUNE, MERRILLVILLE, IN

LEGAL NOTICE OF PUBLIC HEARING Redesignation Petition and Maintenance Plan In Association with the Annual Fine Particle (PM2.5) Standard Lake and Porter counties, Indiana

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) will hold a public hearing on May 18, 2011. The purpose of this hearing is to receive public comment on the Draft Redesignation Petition and Maintenance Plan in association with the Annual Fine Particle (PM2.5) Standard, for Lake and Porter counties, Indiana. The meeting will convene at 5:30 p.m. (local time) in the large meeting room of the Lake County Public Library-Highland Branch, located at 2841 Jewett Street, Highland, Indiana. All interested persons are invited and will be given opportunity to express their views concerning the draft documents.

Lake and Porter counties, Indiana are part of the Chicago-Gary-Lake IL-IN Nonattainment Area for Fine Particles. This area was designated as nonattainment for the annual standard for fine particles and subject to the requirements of Section 172 of the Clean Air Act (CAA). One of the compliance requirements mandated by Section 172(c) of the CAA, is the development of a plan demonstrating that the area will continue to meet the annual standard for fine particles. This Redesignation Petition and Maintenance Plan is being drafted and submitted consistent with United States Environmental Protection Agency (U.S. EPA) guidance. Copies of the draft documents will be available on or before April 15, 2011 to any person upon request and at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate, Room N1003, Indianapolis, Indiana.
- Indiana Department of Environmental Management, Northwest Regional Office, 8380 Louisiana Street, Merrillville, Indiana.
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Scott Deloney, Chief
Air Programs Branch
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100 North Senate Avenue
Indianapolis, IN 46206-2251

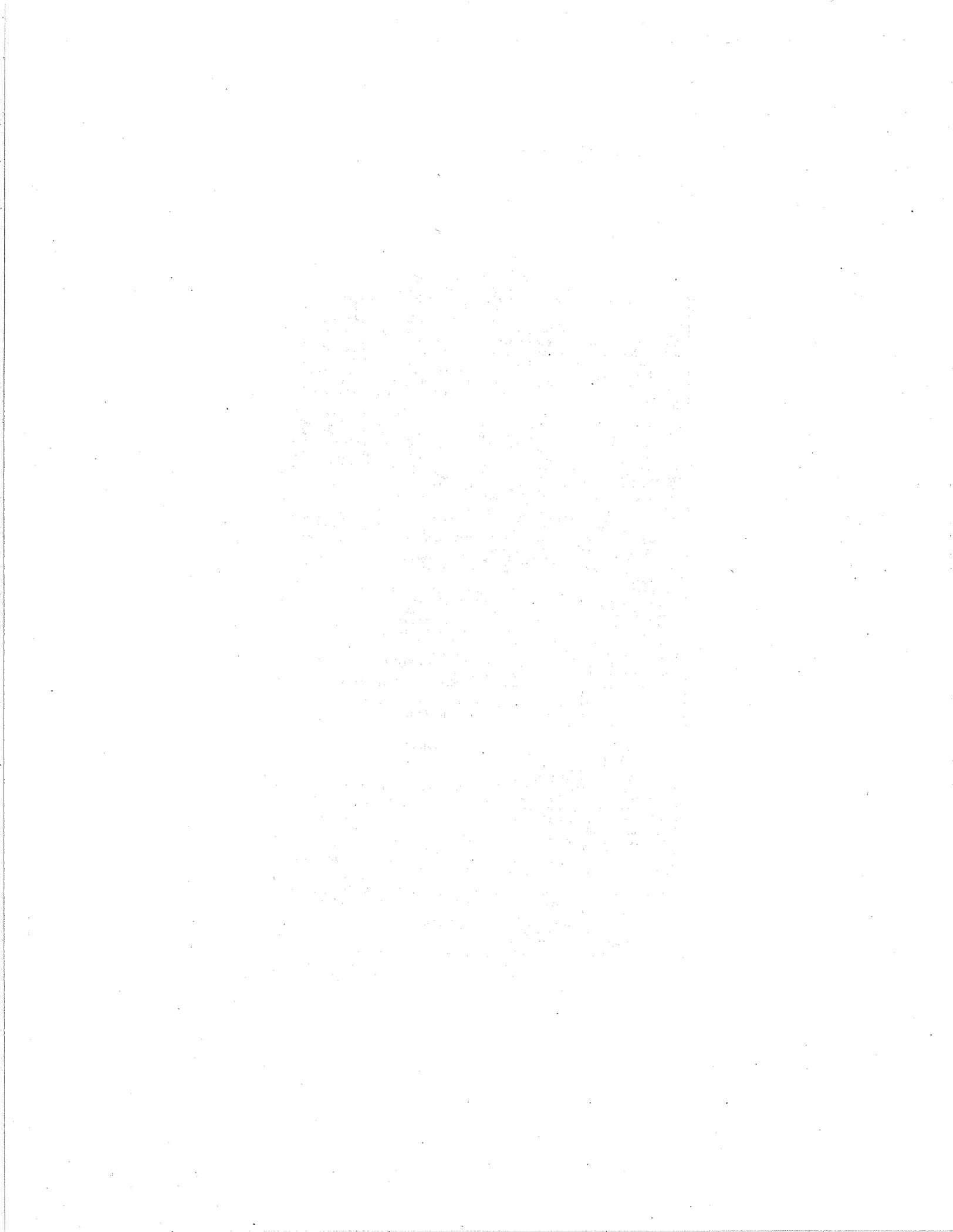
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RECEIVED

APR 20 2011

General Form No. 99P (Rev. 2009A)

Prescribed by State Board of Accounts

IDEM

State of Indiana
Department of Environmental Management
Office of Air Quality
of The Times Media Company

(Governmental Unit)

Porter County, Indiana

1111 Glendale Blvd., Valparaiso, IN 46383

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines -----

Head -- number of lines -----

Body -- number of lines -----

Tail -- number of lines -----

Total number of lines in notice -----

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COMPUTATION OF CHARGES

127 lines, *1* column wide equals *127* equivalent lines at 36.41 cents per line \$ *46.23*

Additional charges for notices containing rule or tabular work (50 per cent of above amount) -----

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) -----

TOTAL AMOUNT OF CLAIM \$ *46.23*

DATA FOR COMPUTING COST

Width of single column in picas 9p4

Size of type 7.0 point.

Number of insertions: 1

26387748

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper one (1) time. The dates of publication being as follows:

April 14, 2011

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

..X.. Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Date *April 15, 2011*

Kate Stephens *[Signature]*

Title: Legal Clerk

Claim No. _____ Warrant No. _____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

correct

That it is apparently incorrect

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

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I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

THE TIMES MEDIA COMPANY, VALPARAISO, IN

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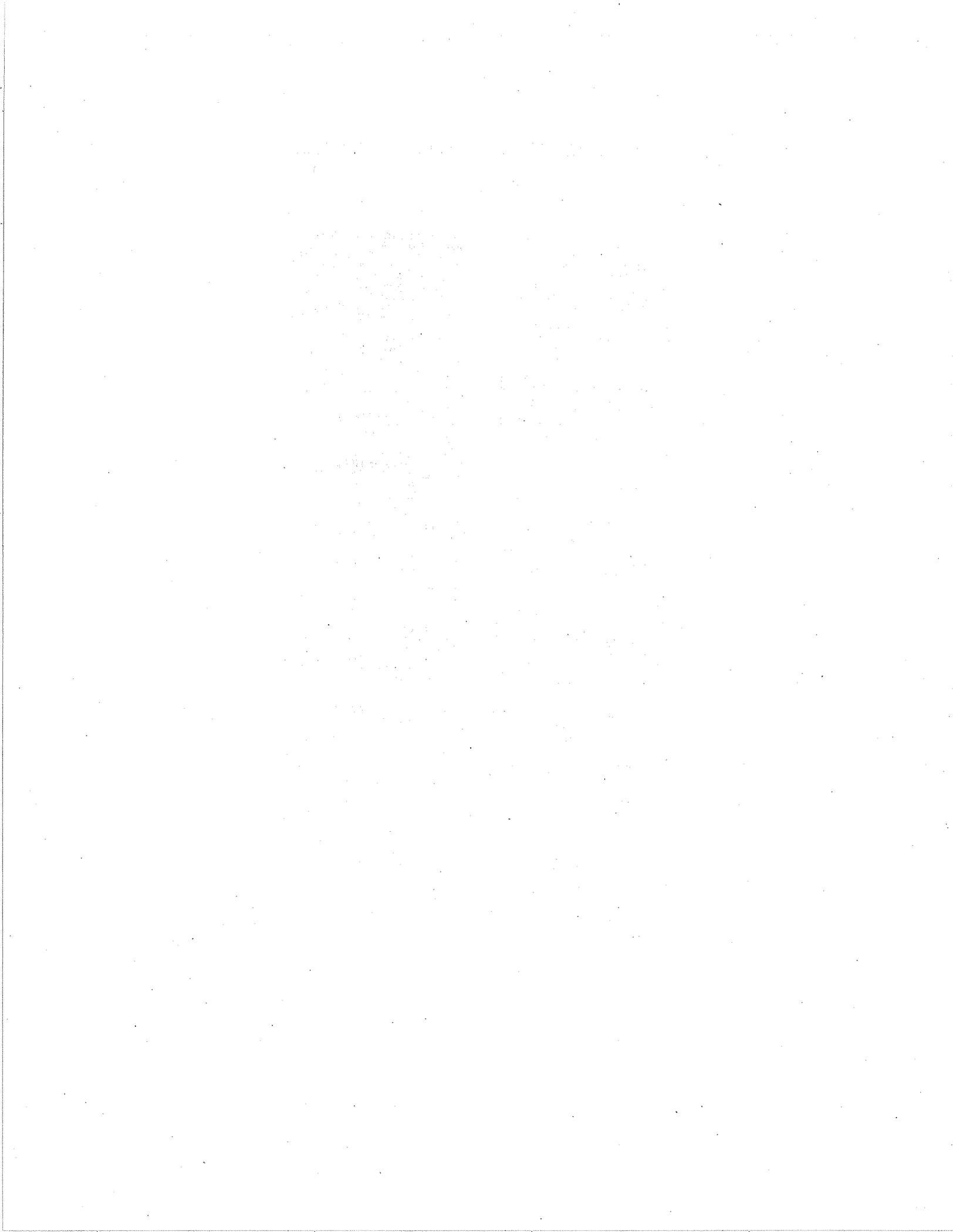
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Or call (317) 233-1785 (voice) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours notification.

4/14 - 20387748



COPY

Prescribed by State Board of Accounts

80315-5797687

General Form No. 99P (Rev. 2009A)

IND DEPT OF ENVIRONMENTAL MANA
MARION COUNTY, INDIANA

To: INDIANAPOLIS NEWSPAPERS
307 N PENNSYLVANIA ST - PO BOX 145
INDIANAPOLIS, IN 46206-0145

PUBLISHER'S CLAIM

LINE COUNT

Display Matter - (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set). - number of equivalent lines
Head - Number of lines
Body - Number of lines
Tail - Number of lines
Total number of lines in notice

RECEIVED
APR 19 2011
State of Indiana
Department of Environmental Management
Office of Air Quality

COMPUTATION OF CHARGES

123.0 lines 2.0 columns wide equals 246.0 equivalent lines at .458 cents per line
Additional charge for notices containing rule and figure work (50 per cent of above amount) \$ 112.67
Charges for extra proofs of publication (\$1.00 for each proof in excess of two) .00
TOTAL AMOUNT OF CLAIM \$ 112.67

DATA FOR COMPUTING COST

Width of single column 5.8 ems Size of type 7
Number of insertions 1.0

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being between the dates of:

04/15/2011 and 04/15/2011

Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper
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Kessy Dodson

DATE: 04/15/2011

Title: Clerk

INDIANAPOLIS STAR AND NEWS, INDIANAPOLIS, IN

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Air Programs Branch
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Or call (317) 233-1785 (voice) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours notification.

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BEFORE THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC HEARING REGARDING DRAFT REDESIGNATION PETITION AND MAINTENANCE PLAN IN ASSOCIATION WITH THE ANNUAL FINE PARTICLE (PM_{2.5}) STANDARD FOR LAKE AND PORTER COUNTIES, INDIANA

COPY

PROCEEDINGS

in the above-captioned matter, before Hearing Officer Scott Deloney, taken before me, Lindy L. Meyer, Jr., a Notary Public in and for the State of Indiana, County of Shelby, at the Lake County Public Library, Highland Branch, 2841 Jewett Street, Highland, Indiana, on Wednesday, May 18, 2011 at 5:37 o'clock p.m.

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

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APPEARANCES:

HEARING OFFICER:
Scott Deloney

OTHERS ON BEHALF OF IDEM:
Gale Ferris

SPEAKERS PRESENT:

Frank Gil
Mark Taylor
Jim Alexander

1 5:37 o'clock p.m.
2 May 18, 2011

3 THE HEARING OFFICER: This is a
4 public hearing to accept comments concerning the
5 draft Redesignation and Maintenance Plan under
6 the National Ambient Air Quality Standards for
7 fine particles for the Indiana portion of the
8 Chicago-Gary-Lake County, Illinois-Indiana
9 Nonattainment Area for Fine Particles,
10 specifically, Lake and Porter Counties, Indiana.

11 This hearing is being held to conform to
12 the provisions of 40 CFR Part 51 regarding public
13 hearings for State Implementation Plan
14 submittals.

15 My name is Scott Deloney. I am the Chief
16 of the Indiana Department of Environmental
17 Management's Air Programs Branch. I have been
18 appointed to act as Hearing Officer for this
19 public hearing. Also here with me from the
20 Office of Air Quality is Gale Ferris.

21 Notice of the time and place for this
22 hearing was given as provided by law by
23 publication in the following newspapers: The

1 Indianapolis Star, located in Indianapolis,
2 Indiana; the Times, located in Munster, Indiana;
3 the Post-Tribune, located in Merrillville,
4 Indiana.

5 The purpose of this public hearing is to
6 provide interested persons an opportunity to
7 comment -- to offer comments to the state
8 regarding the draft Redesignation Petition and
9 Maintenance Plan under the annual National
10 Ambient Air Quality Standards for fine particles
11 for Lake and Porter Counties here in Indiana.

12 Appearance cards are available on the
13 table there next to the doors, and for those
14 desiring to be shown appearing on record for this
15 particular cause, we do ask that you please sign
16 the attendance registries. If you've not filled
17 out a comment card but you do plan on speaking,
18 please do fill out the comment card and indicate
19 if you are appearing for yourself or on behalf of
20 a group or organization and identify such group
21 or organization. Please also note the capacity
22 in which you appear. This will help us make sure
23 that the record properly reflects your

1 information as part of the formal record.

2 Any person who is heard or represented at
3 this hearing or who requests notice may be given
4 written notice of the final action taken on this
5 particular State Implementation Plan submittal.
6 Please indicate on the appearance card if you
7 wish to receive this notification. When
8 appearance cards have been completed, they should
9 be handed to me and I will include them as part
10 of the official record for this proceeding, and I
11 will also call upon you when there's opportunity
12 for you to comment.

13 Oral statements will be heard, but written
14 statements may be handed to me or mailed to the
15 Office of Air Quality if you don't care to offer
16 them orally here in public. Written comments may
17 be submitted to me this evening or to the Office
18 of Air Quality on or before close of business on
19 May 20th, 2011.

20 A written transcript of this hearing is
21 being made. The transcript will be open for
22 public inspection, and a copy of the transcript
23 will be available to any person upon request.

1 After the conclusion of this public
2 hearing, I will prepare a written report
3 summarizing the comments received at this hearing
4 and recommending changes which may need to be
5 made to the documentation as a result.

6 I would like to introduce the following
7 documents into the record: The first of which is
8 a notice for this particular public hearing; the
9 second is the Draft Request for Redesignation and
10 Maintenance Plan under the annual National
11 Ambient Air Quality Standards for fine particles
12 for the Indiana portion of the Chicago-Gary-Lake
13 County, Illinois-Indiana Nonattainment Area for
14 Fine Particles, more specifically, Lake and
15 Porter Counties here in Indiana.

16 Lastly, I would like to briefly go over
17 the contents of the draft documents. In 1997,
18 the United States Environmental Protection Agency
19 set daily and annual ambient air quality
20 standards for fine particles at 15 micrograms per
21 cubic meter on an annual basis and at 65
22 micrograms per cubic meter on a 24-hour or daily
23 basis.

1 Legal challenges to the new standards for
2 fine particles resulted in delayed implementation
3 of the standard until February of 2001, when the
4 Supreme Court upheld the standards and ruled that
5 U.S. EPA could proceed with implementation of the
6 new air quality standards.

7 This submittal pertains solely to the 1997
8 annual standard for fine particles. The
9 Chicago-Gary-Lake County, Illinois-Indiana
10 Nonattainment Area for Fine Particles complies
11 with both the 1997 and 2006 24-hour standards for
12 fine particles.

13 Indiana began monitoring for fine
14 particles in 1999. U.S. EPA originally
15 designated counties under the fine particle
16 standards based on 2001 through 2003 monitoring
17 data in December of 2004.

18 The United States Environmental Protection
19 Agency formally designated areas throughout the
20 country on April 5th, 2005 as attainment,
21 nonattainment or unclassifiable, including Lake
22 and Porter counties here in Indiana as part of
23 the Chicago-Gary-Lake County, Illinois-Indiana

1 Nonattainment Area.

2 The Chicago-Gary-Lake County,
3 Illinois-Indiana Nonattainment Area for fine
4 particles consists of Lake and Porter Counties as
5 well as Cook, DuPage, Kane, Lake, McHenry and
6 Will Counties, as well as portions of Grundy and
7 Kendall Counties in Illinois.

8 The agencies responsible for assuring the
9 nonattainment area complied with the Clean Air
10 Act requirements are: The Illinois Environmental
11 Protection Agency, which is responsible for Cook,
12 DuPage, Kane, Lake, McHenry and Will Counties, as
13 well as portions of Grundy and Kendall Counties
14 in Illinois; and, of course, the Indiana
15 Department of Environmental Management, which is
16 responsible for Lake and Porter Counties here in
17 Northwest Indiana.

18 Indiana and Illinois have worked
19 cooperatively with the United States
20 Environmental Protection Agency, specifically the
21 Region V Office, to address various planning
22 requirements in conjunction with the air quality
23 standards.

1 Lake and Porter Counties, Indiana complied
2 with the annual standard for fine particles for
3 six consecutive years with values that are now
4 well below the standard.

5 Furthermore, photochemical modeling
6 conducted by the State of Indiana as well as the
7 Midwest Regional Planning Organization and the
8 United States Environmental Protection Agency
9 demonstrates that beginning in 2011, Lake and
10 Porter Counties, Indiana will benefit greatly
11 from the implementation of the United States
12 Environmental Protection Agency's proposed Clean
13 Air Transport Rule, which projected design --
14 which projects our monitored concentrations to be
15 even further below the standard and providing for
16 a larger and ample margin of safety.

17 These modeling results are considered to
18 be conservative, and they do not include emission
19 reductions that will occur as a result of several
20 federal control programs, including substantial
21 off-road diesel fuel and engine reductions.

22 To meet the regulatory requirements put
23 forth by the U.S. EPA in relation to the National

1 Ambient Air Quality Standards, IDEM was required
2 to submit a State Implementation Plan, also known
3 as an Attainment Plan, no later an April 5th
4 of 2008.

5 In lieu of this attainment plan that
6 verifies to U.S. EPA that the area is in fact on
7 target to meet the annual National Ambient Air
8 Quality Standard for fine particles, based on
9 monitoring as well as modeling information, the
10 Department of Environmental Management deemed it
11 more appropriate to submit a request to
12 redesignate the area based on a demonstration
13 that the area has already met the air quality
14 standard.

15 On April 3rd, 2008, the Department of
16 Environmental Management submitted a
17 redesignation request to U.S. EPA for review and
18 approval, including a maintenance plan that
19 included a horizon year of 2020, meaning that we
20 demonstrated that the area would continue to meet
21 the standard to the year 2020.

22 U.S. EPA has not been able to act on that
23 2008 submittal due to a Federal Court's remand of

1 the Clean Air Interstate Rule. This remand
2 prevents the U.S. EPA from deeming the emission
3 reductions that aided this area in attaining the
4 standard as being permanent and enforceable.

5 As such, U.S. EPA did not wish to proceed
6 with approving the Department of Environmental
7 Management's 2008 submittal until a replacement
8 rule for this particular federal program was in
9 place.

10 On July 6, 2010, U.S. EPA proposed a
11 replacement rule, referred to as the Clean Air
12 Inter -- Clean Air Transport Rule. This rule
13 will be finalized this summer, and at that time
14 the United States Environmental Protection Agency
15 will be able to proceed with approving
16 redesignation requests such as this.

17 As for the 2008 submittal, the maintenance
18 plan horizon year of 2020 is no longer at least
19 ten years from the date of federal action. As
20 such, the Department of Environmental Management
21 is now submitting this updated implementation
22 plan with a maintenance plan horizon year
23 of 2025. This will be a direct replacement to

1 the submittal from April of 2008.

2 It is important to note that the United
3 States Environmental Protection Agency viewed the
4 Department of Environmental Management's 2008
5 submittal for the Lake and Porter Counties to be
6 valid until such time that the Clean Air
7 Interstate Rule was remanded by a Federal Court.
8 Since that time air quality has improved even
9 further within the region, and a replacement rule
10 for the Clean Air Interstate Rule will soon be in
11 place.

12 Although Indiana and Illinois have worked
13 together on a comprehensive plan for multistate
14 areas, each state is required to make a separate
15 submittal for its portion of the plan and
16 components to the United States Environmental
17 Protection Agency. As such, this submittal only
18 covers Indiana's portion of the nonattainment
19 area, that, again, being limited to just Lake and
20 Porter Counties here in Indiana.

21 The highest most recent design value for
22 the area, based on 2008 through 2010 quality
23 assured ambient air quality monitoring data is

1 12.7 micrograms per cubic meter. This design
2 value represents fine particle concentrations
3 that are below the National Ambient Air Quality
4 Standard, thus the area is eligible to be
5 redesignated to attainment under the annual
6 standard for fine particles and classified as
7 maintenance.

8 IDEM has prepared this draft Redesignation
9 and Maintenance Plan under the annual ambient air
10 quality standards for fine particles for the
11 Indiana portion of the nonattainment area
12 consistent with U.S. EPA guidance.

13 The draft Redesignation and Maintenance
14 Plan outlines a demonstration that the area has
15 attained the standard based on actual monitored
16 concentrations throughout the area, and that the
17 reductions in monitored concentrations are
18 attributable to permanent and enforceable at
19 reductions in precursor emissions, specifically
20 reductions of nitrogen oxides and sulfur dioxide.

21 Furthermore, the draft Maintenance Plan
22 outlines the following: Regional precursor
23 emissions of oxides of nitrogen and sulfur

1 dioxide will continue to decline in the future;
2 due to existing and future emission controls, the
3 area's air quality is not projected to worsen,
4 and should only further improve over time; a
5 commitment for all existing emission controls to
6 remain in place; a commitment to revise the plan
7 within eight years of redesignation; a commitment
8 to adopt and expeditiously implement necessary
9 corrective actions if an action level response is
10 triggered, meaning if there is any unexpected
11 reason air quality should worsen in the area, an
12 action level response would require us to
13 immediately act in order to reverse that trend;
14 this also includes a mobile source emission
15 budget for transportation conformity purposes.

16 This does conclude my comments regarding
17 the draft Redesignation and Maintenance Plan
18 under the annual ambient air quality standards
19 for fine particles for Indiana's portion of the
20 nonattainment area.

21 Before opening this hearing for public
22 comments, may I once again remind you that this
23 hearing pertains solely to this particular

1 Redesignation and Maintenance Plan in conjunction
2 with the annual standard for fine particles, and
3 only comments pertaining to this matter would be
4 considered as part of the official record.

5 Gale Ferris I will available during as
6 well as after the hearing should you have any
7 questions that you care to ask or discuss off the
8 record as well.

9 With that, I would like to now open this
10 hearing for public comments. Are there any
11 comments relative to this topic?

12 Yes, sir.

13 MR. GIL: I don't know if this is
14 related, but USX is -- they're doing that coke
15 plant, the new batteries.

16 THE HEARING OFFICER: Uh-huh.

17 MR. GIL: Do you know what I'm
18 talking about?

19 THE HEARING OFFICER: Yes.

20 MR. GIL: Does that have anything to
21 do with the new standards? Do they have meet
22 that, or are they doing according to the old
23 standard?

1 THE HEARING OFFICER: Yes. Would you
2 mind providing your name just to make sure we can
3 get it on the record properly?

4 MR. GIL: Frank Gil, Hammond.

5 THE HEARING OFFICER: Okay. Gil,
6 G i l?

7 MR. GIL: Yes.

8 THE HEARING OFFICER: Okay. Thanks,
9 Frank. Yeah, basically that is what -- it would
10 be referred to as a permit modification, and
11 it -- but before that project could be complete
12 or operational, our agency, in conjunction with
13 technical staff with the United States
14 Environmental Protection Agency, have to conduct
15 an analysis to determine that the project, once
16 constructed and operational, wouldn't in fact
17 jeopardize our ability to comply with the ambient
18 air quality standards, so it ensures that there's
19 no backsliding with where we're at today.

20 MR. GIL: Is it actually going to
21 improve the quality of the air particles in that
22 immediate area?

23 THE HEARING OFFICER: It -- yeah,

1 actually -- and if -- it's actually a very
2 interesting project, because we have a power
3 plant project in Southern Indiana that's very
4 similar, where you're replacing an older
5 technology with a newer technology, and the newer
6 technology is much -- the technology and the
7 process is much cleaner, so we suspect that the
8 project would contribute to improved air quality
9 in comparison with, you know, how the facility
10 would have operated in previous history.

11 Any other comments or questions?

12 Yes, Frank.

13 MR. GIL: We're so close to Chicago,
14 being a big city, and then you've got Michigan
15 nearby, and then Ohio, they have all of those
16 steel plants and what have you. Are the
17 standards the same nationwide, or --

18 THE HEARING OFFICER: Yeah, they are,
19 they're National Ambient Air Quality Standards.
20 They're established by the Federal Government and
21 they apply nationwide, the lower 48 as well as in
22 Alaska and Hawaii and Puerto Rico.

23 MR. GIL: One more question: We were

1 in the nonattainment zone or whatever you want to
2 call it.

3 THE HEARING OFFICER: Right.

4 MR. GIL: Now all of the sudden -- I
5 heard that we're out of it, but now I hear we're
6 going to go back into it because they're going to
7 have tougher standards.

8 THE HEARING OFFICER: Yeah. First of
9 all, let me address the first part of that, and
10 that is, is that for this particular air quality
11 standard, we measure air quality throughout
12 Northwest Indiana. We have multiple sites in
13 Lake County, multiple sites in Porter, and
14 multiple sites in La Porte, and since 2004 we've
15 measured air quality consistently year-round
16 through 2010, as well as through 2011 to date,
17 that's well below that standard.

18 And if we are successful in getting this
19 area reclassified to attainment, it'll be the
20 first time in decades that Lake and Porter
21 Counties are actually designated attainment for
22 all pollutants, so to us, that's really important
23 because it means that all of the citizens here

1 are breathing air quality that meets the ambient
2 air quality standards, which are health based.

3 But second, it does clear the slate for us
4 to prepare for and respond to new air quality
5 standards as they are developed. Right now the
6 Federal Government reviews the standards once
7 every five years to ensure that they are
8 sufficiently protective of public health.

9 So, each standard, for which there are
10 six, each of those six are reviewed once every
11 five years, so what we end up with is, for a
12 minimum of one, but sometimes two, new air
13 quality standards are released each year, and so
14 the Federal Government is in the process of
15 reviewing and considering a new standard for
16 carbon monoxide, ozone, as well as for
17 particulate matter.

18 Last year they released a new one for
19 nitrogen dioxide as well as for sulfur dioxide,
20 and this year they're scheduled to release a new
21 one for carbon monoxide and ozone. So, as the
22 bar is lowered, there will be situations where
23 new portions of the state, and possibly Northwest

1 Indiana, could be in violation of those standards
2 once they're lowered.

3 The trend in air qualities going like
4 this, but just because you're below this line
5 doesn't mean you're going to be below this line
6 if this line's moved to here. But at this point
7 in time we don't know what those lines are going
8 to be, you know, where they're going to be
9 placed, so we don't know whether the area would
10 be above them or below them.

11 Just to give you an example, the ozone
12 standard, EPA is looking at a range of 60 to 70
13 parts per billion. If the standard is set at 70,
14 the area will be in good shape. If it's set
15 anywhere lower than 70, we may have a challenge.
16 But by the time EPA starts implementing the
17 standard, we may in fact be in attainment of that
18 standard again, even if that's set below 70.

19 So, a lot of it just depends on how fast
20 EPA acts on the standard and then how fast they
21 go through designating areas in conjunction with
22 that standard.

23 Any other comments?

1 MR. TAYLOR: What's this going to
2 mean for local industries besides U.S. Steel?

3 THE HEARING OFFICER: Okay. Do you
4 mind if I --

5 MR. TAYLOR: I'm Mark Taylor, from
6 the Post-Tribune.

7 THE HEARING OFFICER: From the
8 Post-Tribune.

9 MR. TAYLOR: I'm sorry. I should --

10 THE HEARING OFFICER: Okay.

11 MR. TAYLOR: I should have identified
12 my myself.

13 THE HEARING OFFICER: I just want to
14 make sure that --

15 MR. TAYLOR: Yeah.

16 THE HEARING OFFICER: -- Lindy has
17 your name for the record.

18 MR. TAYLOR: No trouble.

19 THE HEARING OFFICER: What it means
20 for -- this particular action, what does it mean
21 for local industry? The most significant,
22 associated with this particular action is, is
23 that it does alleviate certain requirements

1 associated with permitting. The permitting
2 program for Lake and Porter Counties would move
3 from a nonattainment new source review permitting
4 to what would be referred to as an attainment NSR
5 or prevention of significant deterioration
6 program.

7 What that means is, is that it is easier
8 for sources to secure an operating permit. It's
9 less costly to secure an operating permit;
10 however, there is additional burden that's put on
11 the state to ensure that the issuance of that
12 permit doesn't in fact result in any sort of
13 backsliding with regard to what we've achieved
14 with air quality.

15 MR. TAYLOR: How does that part work,
16 to avoid the backsliding?

17 THE HEARING OFFICER: To avoid the
18 backsliding? When we receive a permit
19 application, we have to go through a detailed
20 evaluation of what the impact of that particular
21 project would be. That includes a dispersion
22 modeling test to determine what the actual impact
23 on concentrations for a specific pollutant would

1 be in the area that the project would occur.

2 That becomes part of the technical support
3 document associated with the permit, and I can
4 tell you that the modeling is actually much more
5 conservative than monitoring is, because
6 monitoring is measuring what actual emission
7 levels are or, you know, would be, and then your
8 modeling is always assuming a worst-case
9 scenario, potential to emit, and that potential
10 to emit is usually you quite higher than what the
11 actual emission rates are.

12 MR. TAYLOR: now, the -- we've, of
13 course, had to go through auto emission checks
14 for a long time in Northwest Indiana. If we --
15 if we are being reclassified as an attainment
16 area, if this -- this still requires EPA
17 approval; is that right?

18 THE HEARING OFFICER: Yeah, this
19 particular action does require Federal Government
20 approval, and specifically the Environmental
21 Protection Agency. However, one of the things
22 that I did mention that was included as a
23 commitment within this particular submittal,

1 which is a prerequisite for federal approval, is
2 a commitment on behalf of the state to maintain
3 all existing emission control programs, which
4 means that in order to secure approval, all
5 existing emission control programs, including the
6 vehicle emissions testing program, would remain
7 in place.

8 MR. TAYLOR: So, we're still going to
9 have to go through the emission checks?

10 THE HEARING OFFICER: That's correct.
11 The clean air car check program is here to stay
12 in Northwest Indiana. It has been a very, very
13 important piece to the air quality improvements
14 that have been achieved here.

15 MR. TAYLOR: And this is permanent?

16 THE HEARING OFFICER: Well, certainly
17 at this point in time. You know, the gentleman
18 behind you, Frank, had asked a question earlier
19 with regard to, you know, the possibility of the
20 standards being tightened and us being back in
21 the same boat all over again.

22 MR. TAYLOR: Uh-huh.

23 THE HEARING OFFICER: That's the

1 hurdle that we have with the emissions testing
2 program is, is that before we could possibly jump
3 through the hurdles to eliminate the program
4 here, there would be a new air quality standard
5 in place that would prohibit us from being able
6 to proceed further. The standard that -- the
7 pollutant and the standard that that program was
8 in place for is the ozone standard.

9 MR. TAYLOR: Uh-huh.

10 THE HEARING OFFICER: This pertains
11 to particulate matter or fine particles. EPA is
12 going to be issuing a new ozone standard next --
13 or by the end of this July, no later an July 30th
14 of this year. So -- and that is something that
15 we are anticipating that will likely affect a lot
16 of areas in Indiana, including Northwest Indiana,
17 depending on where that standard is set. But
18 it's those actions that are really going to
19 dictate how long the program remains in place.

20 Frank?

21 MR. GIL: There is a major power
22 plant in Hammond, by Lake Michigan, Chicago
23 border.

1 THE HEARING OFFICER: Uh-huh.

2 MR. GIL: They're going to go out of
3 existence, I hear, in -- by less than --

4 THE HEARING OFFICER: By 2012?

5 MR. GIL: Yeah, pretty soon. They --
6 these new standards that are about to be, do you
7 think that had an influence on that power plant?

8 THE HEARING OFFICER: Yeah. One of
9 the standards that I mentioned from last year was
10 the sulfur -- the new standard for sulfur
11 dioxide. Dominion Energy, which owns the State
12 Line Power Plant, had informed our Department
13 that that new standard was what dictated their
14 time line for closing, because that particular
15 standard would have required the state to
16 establish an emission limit much lower than they
17 were capable of achieving in order to comply with
18 the standard itself.

19 MR. TAYLOR: Is that nitrous oxide,
20 did you say?

21 THE HEARING OFFICER: Sulfur dioxide.

22 MR. TAYLOR: Sulfur dioxide.

23 THE HEARING OFFICER: Yes. In

1 addition to that standard, there are a lot of
2 other new federal requirements that the facility
3 would have to meet, too, and, you know, based on
4 what I've read, which is the same information
5 that you have access to here, you know, it's a
6 combination of those factors that they simply
7 determined it wouldn't be cost effective to
8 continue operating.

9 MR. GIL: That entity had I think
10 it's 120 jobs they're going to lose.

11 THE HEARING OFFICER: Uh-huh.

12 MR. GIL: And there is another -- I
13 live in Hammond -- there is another place called
14 Jupiter Aluminum. Did you ever --

15 THE HEARING OFFICER: Yes.

16 MR. GIL: -- hear of them?

17 THE HEARING OFFICER: Uh-huh.

18 MR. GIL: I think they're not in
19 compliance. It sure the heck smells over there.
20 But do you think that they're going to go away
21 because of these standards?

22 THE HEARING OFFICER: No, I wouldn't
23 make any prediction with regard to what's going

1 to happen with business as air quality standards
2 are tightened. I think one thing that's
3 important to point out is, is where we are at in
4 Northwest Indiana is a better place than we have
5 been in decades. You know, in the past we've had
6 portions of, you know, Lake County designated for
7 multiple standards at the same time.

8 As of today, the standard that we're
9 talking about today is the only standard that the
10 area is designated for, and that -- you know,
11 we're pretty confident that our demonstration is
12 going to receive federal approval, which means
13 that this will be the first time in decades
14 this -- these two counties are going to be in
15 attainment for all air pollutants.

16 Now, when we look at dealing with new air
17 quality standards in the future, certainly it'll
18 present new challenges, but those challenges
19 won't be unlike what we will see elsewhere in the
20 state.

21 I can tell you here in Northwest Indiana
22 another reason why the clean air car check
23 program was so important. When we look at

1 precursor emissions and what the impact is on
2 pollutants like carbon monoxide, ozone, fine
3 particles and nitrogen dioxides, mobile sources,
4 cars and trucks, are the largest contributor.

5 That wasn't the case in the early 1990's,
6 but today, if you were looking at trying to
7 address air quality problems in this region, you
8 would have to look at mobile sources. Industry
9 in Northwest Indiana is controlled to -- in a
10 more stringent fashion than you will find
11 anywhere else in Indiana and in very few other
12 places across the country.

13 MR. GIL: You mentioned trucks. The
14 over-the-road truckers, I think now when they
15 like pull to a truck stop overnight, I think they
16 charge up their engines or motors with
17 electricity now instead of having the engine run.

18 THE HEARING OFFICER: Uh-huh.

19 MR. GIL: Is that going to be the
20 standard, or are they going to be forced
21 nationwide? Is this going to be common now?

22 THE HEARING OFFICER: Well, it's
23 actually a voluntary program. I mean we hope

1 that that's what, you know, all truckers decide
2 to do, but one of the things that's really
3 driving it at a much more rapid pace are fuel
4 prices. You know, one gal -- if you're vehicle
5 is idling, a heavy-duty vehicle is idling, it
6 burns one gallon of fuel every eight hours just
7 idling.

8 And, you know, if diesel fuel is over four
9 dollars a gallon and you own a fleet of 40
10 trucks, you know, that's -- that adds up to real
11 cash. And there are a number of things that you
12 can do that will still provide you all of the
13 creature comforts within your cab that you can,
14 you know, shut your engine off. Electricity is
15 one, shore power, where you plug in at the truck
16 stop.

17 Another is what is referred to as an
18 auxiliary power unit that runs on battery power,
19 or a small gasoline motor that would only burn
20 one gallon of gas for every 30 hours of
21 operation. So, there are a number of things.

22 We have a program, if you're interested,
23 with the Department of Environmental Management

1 referred to as Diesel Wise. If you go to
2 dieselwise.in -- I think it's dieselwise -- or
3 excuse me -- in.gov.dieselwise -- or it's in --
4 yeah, in.gov/dieselwise, but that program is
5 making federal and state money available to
6 municipal as well as private companies across the
7 state that operate diesel vehicles in order to
8 achieve just that, reduction in idling time. The
9 less idling there is, the fewer emissions there
10 are. And diesel-powered vehicles are a very
11 large contributor of particulate matter.

12 So, for us, you know, oxides of nitrogen
13 and soot or particulate from diesel, both of
14 those are coming out at the tailpipe or exhaust
15 pipe on a diesel vehicle and both of those are
16 significant contributors to particulate matter,
17 which is, you know, the air quality standard that
18 we're discussing tonight.

19 MR. TAYLOR: Just to play Devil's
20 advocate, we're located in the Crossroads of
21 America. We have three or four interstates
22 dissecting us. While we are required to get our
23 emissions tested, those of us who live around

1 here, we're also impacted, I don't think in a
2 small way, by all of the passing traffic
3 coming --

4 THE HEARING OFFICER: Uh-huh.

5 MR. TAYLOR: -- you know, from east
6 and west and north and south that are coming
7 through here that -- who aren't being checked.
8 Has there ever been an effort made -- and I'm not
9 even sure how you could test that -- to determine
10 how much of this is, I don't know, alien,
11 foreign, outside of our area?

12 I'm not sure of the right categorization,
13 but I mean I could imagine us being permanently
14 on a non -- I mean even if we are, as you said,
15 in an attainment state, we're still required to
16 do the emissions checks even though it may not be
17 our contributions that are giving us so much of
18 this particular [sic] matter.

19 THE HEARING OFFICER: Yeah, actually
20 there are two things that are done on a very
21 routine basis to determine just exactly what the
22 impact of the local fleet is compared to the
23 fleet that accumulates vehicle miles traveled

1 through Lake and Porter County but originate
2 outside of Lake and Porter County.

3 The first of which is for transportation
4 conformity purposes. We have to determine what
5 portion of that -- that vehicle miles traveled is
6 coming from vehicles registered outside the two
7 counties. That is all incorporated as part of
8 the travel demand model for the Northwest Indiana
9 Regional Planning Commission, which the
10 metropolitan planning organization for the area.
11 They could certainly give you statistics with
12 regard to that, and that's done through a number
13 of travel studies.

14 The second is, is that a component of our
15 vehicle emissions testing program, we have to
16 test a portion of the fleet that's registered
17 outside of the county that's operating within the
18 county. That gives us really valuable
19 statistics. One, it gives us a fraction for what
20 portion of the vehicles that we're capturing
21 roadside are deriving from outside the counties.
22 We get that based on the license plate data.

23 But two, it gives us information on what

1 is the difference in the emission factor coming
2 out of that vehicle compared with the emission
3 factor for a vehicle registered in Lake and
4 Porter County. We're required to collect that
5 information and present it to the U.S. EPA on an
6 annual basis in order to demonstrate whether or
7 not we're meeting the requirements associated
8 with our emissions testing program.

9 You know, we're achieving significant
10 reductions in Lake and Porter County, but at the
11 same time, we'd have to acknowledge that a
12 portion of the emissions that are occurring here
13 are for vehicles that aren't registered in Lake
14 and Porter Counties, but that's no different than
15 where a vehicle emissions testing program is
16 required anywhere else.

17 MR. TAYLOR: Do you know what that
18 percentage would be?

19 THE HEARING OFFICER: It's less than
20 half.

21 MR. TAYLOR: Really? Okay. Less
22 than half is attributable to sources registered
23 outside of Lake and Porter County?

1 THE HEARING OFFICER: (Nodded yes.)

2 MR. TAYLOR: Okay.

3 THE HEARING OFFICER: Yes.

4 MR. ALEXANDER: Yeah, Scott. I'm Jim
5 Alexander. I'm the Air Compliance Manager at
6 U.S. Steel, Gary Works. I just wanted to say
7 that we certainly support the agency's efforts in
8 redesignation.

9 THE HEARING OFFICER: Okay.

10 MR. ALEXANDER: And it's important to
11 recognize the hard work that the agencies have
12 done, that industry, businesses, the citizens and
13 other organizations have done, to improve the
14 quality of air.

15 It's also critical to the economy of
16 Northwest Indiana that we achieve and get
17 recognized for attainment, for some of the
18 permitting reasons that Scott talked about or
19 Frank talked about, the 120 jobs lost. This type
20 of designation makes a type of investment at Gary
21 Works, in the new coke technology that you were
22 discussing, possible. So, I just wanted to state
23 our support for the redesignation effort.

1 THE HEARING OFFICER: Thank you.

2 Any other comments?

3 Frank.

4 MR. GIL: Oh, in Hammond, it's
5 Indianapolis Boulevard, Summer Street, in that
6 area, you've got that Nine Span Bridge over
7 there; are you familiar? They're doing some
8 major work over there. I think it's going to
9 intermodal transportation, something to that
10 effect. Intermodal transportation, is that the
11 in thing now for saving as far as particles in
12 the air?

13 THE HEARING OFFICER: Yeah, any time
14 you're increasing the occupancy rate of travel,
15 it's good for air quality. What I mean by that
16 is, on average, the average vehicle only contains
17 1.2 passengers. Most people drive to work alone
18 and drive home alone. The more people that you
19 get in a vehicle at a time, the better it is for
20 air quality, because that means a car is left
21 behind some place else.

22 So, public transportation, ride sharing,
23 reliance on the South Shore, you know, riding

1 your bike, you know, all of those things are, you
2 know, very, very important to air quality, but in
3 many places they're considered permanent
4 enforceable reduction measures, too. Northwest
5 Indiana is blessed with one of the greatest
6 transportation resources in the country in the
7 South Shore Railroad.

8 MR. TAYLOR: So, how does this -- how
9 do we compare to the rest of the state? I mean I
10 know that you're saying that this would be the
11 first time we've achieved attainment in all
12 categories of pollutants, air pollutants; right?

13 THE HEARING OFFICER: Right.

14 MR. TAYLOR: So, that's Lake and
15 Porter County. Are there other parts of the
16 state that are in the same boat we're in?

17 THE HEARING OFFICER: Indianapolis,
18 Evansville, our portion of Louisville, our
19 portion of Cincinnati -- let's see. I think that
20 that's --

21 MR. FERRIS: Seems like that's it.

22 THE HEARING OFFICER: I think that is
23 it right now.

1 MR. TAYLOR: And those areas are also
2 not in attainment currently?

3 THE HEARING OFFICER: That's correct.

4 MR. TAYLOR: What -- or how does the
5 state benefit by Lake and Porter County becoming
6 an attainment level area?

7 THE HEARING OFFICER: Well, the way
8 that the state benefits --

9 MR. TAYLOR: I mean is there a
10 financial benefit to the state or other things
11 that accrue as a result of our achieving this
12 status?

13 THE HEARING OFFICER: No, I think
14 that the most important aspect for us is, is it
15 cleans the slate, because, you know, EPA will
16 issue a new tighter standard for fine particles
17 in the future.

18 We want to definitely put this chapter
19 behind us so that when we are dealing with that
20 new standard, there's no question with regard to
21 what the requirements apply, because we've closed
22 this chapter. We are designated attainment at
23 the time that we're looking at implementing a new

1 air quality standard.

2 When an area falls under two standards for
3 the same pollutant, it just really makes things
4 extremely complex and muddy when it comes to
5 implementing the various prescribed requirements
6 for that specific pollutant.

7 We ran into that here in Northwest Indiana
8 with the most recent ozone standard. The area
9 was affected under the one-hour ozone standard,
10 EPA revoked it, we hadn't gotten a redesignation
11 secured, and then we were designated under a new
12 eight-hour ozone standard.

13 Well, what happened was is that there were
14 all of these requirements under the one-hour
15 standard that we had to meet that weren't
16 required under the eight-hour standard, and it
17 led to an awful lot of confusion, but also it
18 resulted in us having to do things that we
19 wouldn't have had to do had we gotten
20 redesignated prior to the eight-hour standard
21 kicking in. So, we've learned from past history,
22 starting with a clean slate when you're dealing
23 with a new air quality standard is a good

1 position to be in.

2 MR. TAYLOR: Scott, do you have a
3 copy of what you read us? I was furiously taking
4 notes, but --

5 THE HEARING OFFICER: Oh, yeah, I do.

6 MR. TAYLOR: -- I don't pretend I
7 caught every single word of it.

8 THE HEARING OFFICER: I apol -- I'll
9 let you walk away with one this evening.

10 MR. TAYLOR: All right. Swell.

11 THE HEARING OFFICER: Any other
12 questions or comments?

13 (No response.)

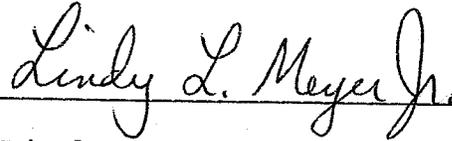
14 THE HEARING OFFICER: If not, I will
15 go -- I am going to go ahead and close the
16 proceedings, but Gale and I are going to continue
17 to be available this evening for any additional
18 questions or discussion that you'd like to have.

19 With that, this public hearing is now
20 closed. Thank you.

21 - - -
22 Thereupon, the proceedings of
23 May 18, 2011 were concluded
at 6:20 o'clock p.m.
- - -

1
2 CERTIFICATE

3 I, Lindy L. Meyer, Jr., the undersigned
4 Court Reporter and Notary Public residing in the
5 City of Shelbyville, Shelby County, Indiana, do
6 hereby certify that the foregoing is a true and
7 correct transcript of the proceedings taken by me
8 on Wednesday, May 18, 2011 in this matter and
9 transcribed by me.

10 

11 Lindy L. Meyer, Jr.,

12 Notary Public in and

13 for the State of Indiana.

14
15 My Commission expires October 27, 2016.
16
17
18
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21
22
23

<p style="text-align: center;">1</p> <p>1.2 [1] - 36:17 12.7 [1] - 13:1 120 [2] - 27:10, 35:19 12922 [1] - 1:22 15 [1] - 6:20 18 [4] - 1:16, 3:1, 40:22, 41:7 1990's [1] - 29:5 1997 [3] - 6:17, 7:7, 7:11 1999 [1] - 7:14</p>	<p style="text-align: center;">6</p> <p>6 [1] - 11:10 60 [1] - 20:12 65 [1] - 6:21 6:20 [1] - 40:22</p>	<p>aided [1] - 11:3 air [39] - 6:19, 7:6, 8:22, 10:13, 12:8, 12:23, 13:9, 14:3, 14:11, 14:18, 16:18, 16:21, 17:8, 18:10, 18:11, 18:15, 19:1, 19:2, 19:4, 19:12, 20:3, 22:14, 24:11, 24:13, 25:4, 28:1, 28:15, 28:16, 28:22, 29:7, 31:17, 35:14, 36:12, 36:15, 36:20, 37:2, 37:12, 39:1, 39:23 Air [19] - 3:6, 3:17, 3:20, 4:10, 5:15, 5:18, 6:11, 8:9, 9:13, 10:1, 10:7, 11:1, 11:11, 11:12, 12:6, 12:10, 13:3, 17:19, 35:5 Alaska [1] - 17:22 Alexander [2] - 2:7, 35:5 ALEXANDER [2] - 35:4, 35:10 alien [1] - 32:10 alleviate [1] - 21:23 alone [2] - 36:17, 36:18 Aluminum [1] - 27:14 ambient [6] - 6:19, 12:23, 13:9, 14:18, 16:17, 19:1 Ambient [7] - 3:6, 4:10, 6:11, 10:1, 10:7, 13:3, 17:19 America [1] - 31:21 ample [1] - 9:16 analysis [1] - 16:15 AND [2] - 1:5, 1:6 annual [12] - 4:9, 6:10, 6:19, 6:21, 7:8, 9:2, 10:7, 13:5, 13:9, 14:18, 15:2, 34:6 ANNUAL [1] - 1:6 anticipating [1] - 25:15 apol [1] - 40:8 appear [1] - 4:22 appearance [2] - 5:6, 5:8 Appearance [1] - 4:12 APPEARANCES [1] - 2:1 appearing [2] - 4:14, 4:19 application [1] - 22:19 apply [2] - 17:21, 38:21 appointed [1] - 3:18 appropriate [1] - 10:11 approval [6] - 10:18, 23:17, 23:20, 24:1, 24:4, 28:12 approving [2] - 11:6, 11:15 April [4] - 7:20, 10:3, 10:15, 12:1 area [27] - 8:9, 10:6, 10:12, 10:13, 10:20, 11:3, 12:19, 12:22, 13:4, 13:11, 13:14, 13:16, 14:11, 14:20, 16:22, 18:19, 20:9, 20:14, 23:1, 23:16, 28:10, 32:11, 33:10, 36:6, 38:6, 39:2, 39:8 Area [5] - 3:9, 6:13, 7:10, 8:1,</p>	<p>8:3 area's [1] - 14:3 areas [5] - 7:19, 12:14, 20:21, 25:16, 38:1 aspect [1] - 38:14 associated [4] - 21:22, 22:1, 23:3, 34:7 ASSOCIATION [1] - 1:5 assuming [1] - 23:8 assured [1] - 12:23 assuring [1] - 8:8 attained [1] - 13:15 attaining [1] - 11:3 attainment [15] - 7:20, 10:5, 13:5, 18:19, 18:21, 20:17, 22:4, 23:15, 28:15, 32:15, 35:17, 37:11, 38:2, 38:6, 38:22 Attainment [1] - 10:3 attendance [1] - 4:16 attributable [2] - 13:18, 34:22 auto [1] - 23:13 auxiliary [1] - 30:18 available [5] - 4:12, 5:23, 15:5, 31:5, 40:17 Avenue [1] - 1:22 average [2] - 36:16 avoid [2] - 22:16, 22:17 awful [1] - 39:17</p>
<p style="text-align: center;">2</p> <p>2001 [2] - 7:3, 7:16 2003 [1] - 7:16 2004 [2] - 7:17, 18:14 2005 [1] - 7:20 2006 [1] - 7:11 2008 [8] - 10:4, 10:15, 10:23, 11:7, 11:17, 12:1, 12:4, 12:22 2010 [3] - 11:10, 12:22, 18:16 2011 [7] - 1:17, 3:1, 5:19, 9:9, 18:16, 40:22, 41:7 2012 [1] - 26:4 2016 [1] - 41:15 2020 [3] - 10:19, 10:21, 11:18 2025 [1] - 11:23 20th [1] - 5:19 24-hour [2] - 6:22, 7:11 27 [1] - 41:15 2841 [1] - 1:15</p>	<p style="text-align: center;">7</p> <p>70 [4] - 20:12, 20:13, 20:15, 20:18</p>	<p style="text-align: center;">8</p> <p>848-0088 [1] - 1:23</p>	<p style="text-align: center;">B</p> <p>backsliding [4] - 16:19, 22:13, 22:16, 22:18 bar [1] - 19:22 based [8] - 7:16, 10:8, 10:12, 12:22, 13:15, 19:2, 27:3, 33:22 basis [4] - 6:21, 6:23, 32:21, 34:6 batteries [1] - 15:15 battery [1] - 30:18 becomes [1] - 23:2 becoming [1] - 38:5 BEFORE [1] - 1:1 began [1] - 7:13 beginning [1] - 9:9 behalf [2] - 4:19, 24:2 BEHALF [1] - 2:3 behind [3] - 24:18, 36:21, 38:19 below [8] - 9:4, 9:15, 13:3, 18:17, 20:4, 20:5, 20:10, 20:18 benefit [3] - 9:10, 38:5, 38:10 benefits [1] - 38:8 better [2] - 28:4, 36:19 big [1] - 17:14</p>
<p style="text-align: center;">3</p> <p>30 [1] - 30:20 30th [1] - 25:13 317 [1] - 1:23 3rd [1] - 10:15</p>	<p style="text-align: center;">A</p> <p>ability [1] - 16:17 able [3] - 10:22, 11:15, 25:5 above-captioned [1] - 1:11 accept [1] - 3:4 access [1] - 27:5 according [1] - 15:22 accrue [1] - 38:11 accumulates [1] - 32:23 ACCURATE [1] - 1:21 achieve [2] - 31:8, 35:16 achieved [3] - 22:13, 24:14, 37:11 achieving [3] - 26:17, 34:9, 38:11 acknowledge [1] - 34:11 act [3] - 3:18, 10:22, 14:13 Act [1] - 8:10 action [7] - 5:4, 11:19, 14:9, 14:12, 21:20, 21:22, 23:19 actions [2] - 14:9, 25:18 acts [1] - 20:20 actual [4] - 13:15, 22:22, 23:6, 23:11 addition [1] - 27:1 additional [2] - 22:10, 40:17 address [3] - 8:21, 18:9, 29:7 adds [1] - 30:10 adopt [1] - 14:8 advocate [1] - 31:20 affect [1] - 25:15 affected [1] - 39:9 agencies [2] - 8:8, 35:11 agency [1] - 16:12 Agency [10] - 6:18, 7:19, 8:11, 8:20, 9:8, 11:14, 12:3, 12:17, 16:14, 23:21 Agency's [1] - 9:12 agency's [1] - 35:7 ahead [1] - 40:15</p>	<p style="text-align: center;">9</p> <p>9:13, 10:1, 10:7, 11:1, 11:11, 11:12, 12:6, 12:10, 13:3, 17:19, 35:5</p>	<p style="text-align: center;">A</p> <p>ability [1] - 16:17 able [3] - 10:22, 11:15, 25:5 above-captioned [1] - 1:11 accept [1] - 3:4 access [1] - 27:5 according [1] - 15:22 accrue [1] - 38:11 accumulates [1] - 32:23 ACCURATE [1] - 1:21 achieve [2] - 31:8, 35:16 achieved [3] - 22:13, 24:14, 37:11 achieving [3] - 26:17, 34:9, 38:11 acknowledge [1] - 34:11 act [3] - 3:18, 10:22, 14:13 Act [1] - 8:10 action [7] - 5:4, 11:19, 14:9, 14:12, 21:20, 21:22, 23:19 actions [2] - 14:9, 25:18 acts [1] - 20:20 actual [4] - 13:15, 22:22, 23:6, 23:11 addition [1] - 27:1 additional [2] - 22:10, 40:17 address [3] - 8:21, 18:9, 29:7 adds [1] - 30:10 adopt [1] - 14:8 advocate [1] - 31:20 affect [1] - 25:15 affected [1] - 39:9 agencies [2] - 8:8, 35:11 agency [1] - 16:12 Agency [10] - 6:18, 7:19, 8:11, 8:20, 9:8, 11:14, 12:3, 12:17, 16:14, 23:21 Agency's [1] - 9:12 agency's [1] - 35:7 ahead [1] - 40:15</p>
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Lake and Porter Counties, Indiana Redesignation Request and Maintenance Plan in Association with the Annual Fine Particle (PM_{2.5}) Standard

Summary/Response to Comments Received at the Public Hearing

On May 18, 2011, the Indiana Department of Environmental Management (IDEM) conducted a public hearing in Highland, Indiana concerning the draft Redesignation Request and Maintenance Plan for Lake and Porter counties, Indiana. No substantive comments pertaining to the redesignation petition and maintenance plan were received at the public hearing.

Summary/Response to Comments Received During the Comment Period

IDEM requested public comment on the draft Redesignation Request and Maintenance Plan for Lake and Porter counties, Indiana from April 8, 2011 to May 20, 2011. IDEM received comments from the following parties:

Legend

- Comment
- Response

Constantine J. Dillon, Superintendent, National Park Service (CD)

- The National Park Service is pleased that IDEM has conducted intensive data collection from Lake and Porter counties, Indiana and are encouraged that the data indicates that these counties have attained the annual standard for fine particles. However, we urge caution in redesignating Lake and Porter counties to attainment and ask that the close proximity of two large coal-fired power plants to the Indiana Dunes National Lakeshore, a federally designated Class II Air Quality site, be taken into consideration. (CD)
- Lake and Porter counties are solely designated nonattainment under the 1997 annual National Ambient Air Quality Standard (NAAQS) for fine particles. NAAQS are set by the United States Environmental Protection Agency (U.S. EPA) at levels determined to be protective of public health and the environment. In 2006, the U.S. EPA determined that the current annual NAAQS for fine particles are sufficiently protective of public health and the environment. Lake and Porter counties have measured air quality that meets the annual NAAQS for fine particles for six consecutive years and are thereby eligible for redesignation under the Clean Air Act (Section 107(d)(3)).

Both NO_x and SO₂ emissions from coal-fired power plants are decreasing substantially in Lake and Porter counties, Indiana, as well as throughout the region in response to national programs affecting all of these types of facilities, such as the Acid Rain program and the NO_x SIP Call. Lake and Porter counties are also subject to the most stringent group of emission controls in the state. This collection of permanent and enforceable controls is as stringent or more stringent than those that apply elsewhere within the nonattainment area. If emissions start increasing after the area is redesignated, or monitored violations occur, as part of the maintenance plan, IDEM commits to taking swift action in order to reverse the trend and take whatever action is necessary to ensure that air quality is reattained as expeditiously as possible.

- The National Park Service does not support any reduction in monitoring requirements for the region and remains skeptical of future decreases in local emissions based on existing and future emission controls. (CD)
- If Lake and Porter counties are redesignated to attainment and classified to maintenance under the annual NAAQS for fine particles, IDEM is committed to assuring that air quality is maintained. The Clean Air Act requires areas with maintenance plans to ensure that no backsliding occurs with regard to measured air quality. Precursor emissions that contribute to fine particle concentrations cannot increase over time.

IDEM is committed to continue operating an appropriate monitoring network in Lake and Porter counties to verify that the area is in compliance (maintenance) with the standard. IDEM will consult with U.S. EPA Region V staff prior to making any changes to the existing Indiana monitoring network through the annual network review should any changes become necessary in the future.

The redesignation petition and maintenance plan addresses future year modeling with national, regional, and local emission control strategies already in place and strategies to be implemented in the next few years. Air quality is projected to improve over the next ten years and the area is expected to continue to attain the current annual NAAQS for fine particles. Indiana has performed an analysis that shows that the improvements in air quality are due to permanent and enforceable measures and that additional significant regional reductions in nitrogen oxides (NO_x) and sulfur dioxide (SO₂) following implementation of the Phase II NO_x SIP Call and the Clean Air Interstate Rule or its replacement rule, will ensure continued compliance (maintenance) with the standard. Furthermore, emission projections indicate that NO_x and SO₂ emissions will continue to decline, ensuring that the area will continue to comply with the standard and provide for an increased margin of safety.

OFFICIAL ELECTRONIC CORRESPONDENCE

No Hard Copy to Follow
NATIONAL PARK SERVICE
Indiana Dunes National Lakeshore
1100 N. Mineral Springs Road
Porter, Indiana 46304-1299

May 20, 2011

N3615(INDU)

Mr. Rob Elstro, Information Specialist
Indiana Department of Environmental Management
Programs Branch, Office of Air Quality
Mail code 61-50 SD IGCN 1001
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

ATTN: Northwest Indiana Area Fine Particle (PM2.5) Redesignation Petition and
Maintenance
Plan

Dear Mr. Elstro:

We are providing comment on the Indiana Department of Environmental Management's (IDEM) petition to change air quality designations for Lake and Porter counties. The petition presents locally derived data that IDEM believes demonstrates compliance with the annual federal standards for fine particulate pollutants. It requests redesignation of Lake and Porter counties from nonattainment areas to attainment areas.

These comments have been prepared under the authority of the National Park Service (NPS) Organic Act of 1916 (16 U.S.C. 1, 2, 3, and 4), the Federal Water Pollution Control Act or Clean Water Act (32 U.S.C. §§ 1251-1387), the Park System Resource Protection Act (16 U.S.C. § 19jj) and are consistent with the intent of the National Environmental Policy Act of 1969.

Indiana Dunes National Lakeshore, a unit of the National Park System, is designated a Class II Air Quality site as defined by the Clean Air Act. The State of Indiana may permit a moderate amount of new air pollution (sulfur dioxide, particulate matter, and nitrogen oxides) as long as neither national ambient air quality standards nor the maximum allowable increases (increments) over established baseline concentrations are exceeded. The national lakeshore is part of a larger geographic area including Chicago and several nearby Illinois counties with several large sources of contaminants including multiple coal fire power plants. In 2005 the United States Environmental Protection Agency (EPA) designated this region as a nonattainment area for fine particulate pollutants.

We are pleased that IDEM has conducted intensive data collection from Lake and Porter counties and are encouraged by their assertion that these data indicate attainment with current standards. However we urge caution by EPA in granting attainment status and ask that the close proximity of two large coal fire power plants to the national lakeshore be taken into consideration. We do not support any reduction in monitoring requirements for the region and remain skeptical of future decreases in local emissions based on existing and future emission controls.

We appreciate your consideration of our comments. If you have any questions please contact Environmental Protection Specialist Charlie Morris at 219-395-1583 or charles_morris@nps.gov.

Sincerely,



Constantine J. Dillon
Superintendent

