SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from April 18, 2018, through May 18, 2018, on IDEM's draft rule language. IDEM received comments from the following parties:

Anonymous (A1)
Anonymous (A2)
Anonymous (A3)
Anonymous (A4)
Anonymous (A5)
Abby Vaal (AV)
Alice Farrar (AF)
Amanda Rodenberg (AR)
Ashley Olibas (AO)
B. Paul Consulting (BPC)
Ben Sutphin (BS)
Brad Manes (BM)
Cherrish S. Pryor (CSP)
Chuck and Janet Botsko (CJB)
David C. LeBlanc (DCL)
Dina Brooks (DB)
Deborah Major (DMa)
Deborah Malitz (DM)
Elizabeth Driscoll (ED)
Fred A. Meyer (FAM)
Hilary Mark Nelson (HMN)
Hoosier Environmental Council (HEC)
Hoosier State Press Association (HSPA)
Janet E. Boardman (JEB)
Jean Z. Gadziola (JZG)
Jim Sweeney (JS)
Judith Roepke (JR)
Kandice Cole (KC)
Karen Garnica (KG)
Kate Riordan (KR)
Kris Lasher (KL)
Kyle Lee Holt (KLH)
LaVonne Dodson (LD)
Linda Hanson (LH)
Following is a summary of the comments received and IDEM's responses thereto.

**Comment:** We recommend that IDEM consider adding provisions to the rule requiring that draft permits issued under the Title V and NSR (PSD and NNSR) permit programs be posted, for the duration of the public comment period, on a public web site identified by IDEM, as further described below:

On October 18, 2016, EPA published the final rule “Revisions to Public Notice Provisions in Clean Air Act Permitting Programs” (81 FR 71613). This rule requires that when a permitting authority adopts electronic notice (e-notice) as its consistent method to provide public notice of a draft permit, it must electronically post, for the duration of the public comment period, the draft permit on a publicly accessible Web site identified by the permitting authority (e-access). See 40 CFR § 51.165(i)(1) for NNSR permits, 40 CFR § 51.166(q)(2)(iii) for PSD permits, and 40 CFR § 70.7(h)(1) for Title V permits. Section IV(C) of the preamble to this final rule states, “In this final rule, EPA supports the position that program revisions for converting part 70 programs to e-notice will generally be nonsubstantial given that the permitting authority needs only to revise its permitting rules to clarify its implementation of e-notice and e-access.” (emphasis added). 81 FR 71618 (October 18, 2016).

We acknowledge that IDEM’s current practice already includes electronic posting of draft permits on its Web site. However, adding such provisions to the rule itself would make the regulatory language consistent with the applicable requirements for Title V and NSR permit
programs. We also suggest IDEM consider adding similar provisions to the FESOP and minor NSR program rules for consistency. (USEPA)

Response: IDEM appreciates U.S. EPA’s input on the unintentional omission of rule language specifying electronic access to draft permit documents within the draft rule. IDEM has added this language to the draft rule in order to ensure consistency between the rule language and the federal requirements.

IDEM also appreciates U.S. EPA’s comment to consider adding similar provisions for the FESOP and minor NSR programs because it demonstrated a need to clarify the effect of the draft rule language published during the Second Notice of Comment Period. IDEM’s intent as reflected in the draft rule language published at Second Notice is to change the primary and consistent method of noticing Title V and NSR permit actions to publication on the agency website and to use the same method of notification for other permit actions related to Title V and NSR permits and any other permit actions currently requiring newspaper notice by IDEM for consistency across the program. This will result in one location for air permit notices that is available to the public. The specific public notice for air permit actions affected by this rulemaking includes at least the following:

- Transitions from one permit level to another in 326 IAC 2-1.1-7.5(c).
- Modifications or substitutions of models for air quality impact analyses in 326 IAC 2-2-5(d)(3)(B).
- Prevention of Significant Deterioration permits in 326 IAC 2-2-15(b).
- Changes to plant-wide applicability limitations in 326 IAC 2-2.4-5, 326 IAC 2-3.4-5, 326 IAC 2-2.4-11(c), and 326 IAC 2-3.4-11(c).
- Construction and operating permits for new sources in 326 IAC 2-5.1-3(g) and 326 IAC 2-5.1-4(a)(3).
- Significant permit revisions of Minor Source Operating permits in 326 IAC 2-6.1-6(i)(2)(c)(i).
- Significant source modifications for Part 70 sources in 326 IAC 2-7-10.5(h)(4)(B) and 326 IAC 2-7-10.5(k).
- Minor permit modifications for Part 70 sources in 326 IAC 2-7-12(b)(4).
- Significant permit modifications for Part 70 sources in 326 IAC 2-7-12(d)(2).
- Significant permit revisions for FESOP sources in 326 IAC 2-8-11.1(f)(2)(D).

Comment: Providing electronic notice of IDEM permitting actions improves public awareness of IDEM permitting actions by making the information more accessible and more timely. The broad shift from paper publications to electronic publications in our country has created situations where local print news sources are not as widely available as they once were nor published as frequently, which has decreased both the availability and speed of information through print resources. In addition, switching to electronic publication of IDEM permitting information improves the efficiency of the process by enabling the agency to publish information about permitting actions more quickly, thus reducing the time permit applicants have to wait for their permits to be issued. As a result, BPC supports IDEM’s efforts to adopt electronic publication methods in light of US EPA directives.

BPC, however, recommends IDEM also incorporate electronic public notice provisions for interim approval actions pursuant to 326 IAC 2-13. Under the current rules, petitioners for
some interim approvals must notify the public that the petition has been submitted by publishing a notice in a newspaper of general circulation in the county where the project will occur.

As with other print-based forms of public notice, the requirement for interim approval petitioners to publish a notice in a local newspaper suffers from the same timing and inefficiency problems as the public notices published by IDEM for traditional permitting actions. Some counties may not have a newspaper of general circulation, or the local newspaper may only publish on an infrequent basis (i.e., weekly or bi-weekly). These timing issues unnecessarily slow down the permitting process in an age where information can be made widely available almost instantly.

BPC suggests two changes related to the publication of notices for interim approvals. First, the rules should be changed to allow electronic publication of public notices for interim approvals. Second, given the ease and speed in which IDEM can arrange for electronic public notices, the responsibility for publishing electronic notices should be shifted from the petitioner to IDEM. This would enable IDEM to publish all permit related notices, for both traditional permits and interim approvals, in the same manner. This will improve public awareness since there interested members of the public will not have to follow publication of notices in both electronic and print publications in order to understand when permitting actions are taking place. It will also improve the credibility of the process since the public notice will be originating from IDEM instead of a petitioner for the interim approval.

When the interim approval rules were originally established, the burden of publishing the public notice for some interim approval was placed on the petitioner for the interim approval in order to reduce delays in the process. The petitioner could submit their petition to IDEM at the same time it was submitting the request for the local paper to publish the public notice, which allowed for a shorter time frame in the interim approval process. In today’s world of electronic publishing, the delays which would have resulted from IDEM publishing a notice of an interim approval in a local paper no longer exist if IDEM can publish a notice of interim approval electronically in the same manner it is publishing other permitting actions. (BPC)

Response: IDEM agrees that publication of notices on the agency website improves awareness of permitting actions by making the information more accessible and more timely. Not only has overall newspaper readership been declining, but newspaper notices are only available to subscribers of that newspaper while electronic notices are available to everyone. Electronic notices can be posted as soon as they are ready and the more frequently occurring delays of newspaper notices can be avoided.

IDEM appreciates the comment about changing notices for interim permits that are currently published in newspapers by the permit applicant to notices handled by IDEM electronically on the agency website. IDEM will not address notices for interim permits in this rulemaking, but will consider the implications of making this change and may address it in a future rulemaking during which input from affected applicants can be requested.

Comment: The Hoosier State Press Association repeats its recommendation that the Indiana Department of Environmental Management reject a proposed rule change that would eliminate the publication requirement in Indiana newspapers for notices of New Source Review and Title V permit programs. HSPA would wager that the majority of the time when the public opposes a government-floated proposal by a margin of 551-2, that would be end of the proposal.
In this case though, IDEM only begrudgingly admits that “some Indiana residents still prefer to read newspapers as the main source of information for permit actions.” What ratio is required before IDEM would admit the majority of Hoosiers prefer public notice advertising be published in their local newspapers. In 2017, American Opinion Research (AOR) found that 63 percent of Hoosiers want notices published in newspapers even when told it may cost a government agency several thousand dollars.

IDEM ignores the public’s desire though, arguing electronic posting is “at least as effective, and in many cases, more effective, in providing notice to the public about draft air permits.” Yet, IDEM’s original argument and response to the 551 opposing comments fails to present the average weekly unique visitors to its website page where its currently posting its notices. The last time it responded to the Hoosier State Press Association, the answer was 105 unique visitors per week on average.

IDEM doesn’t explain how that is more effective than placement of notices in a local newspaper. AOR found 60 percent of Hoosiers reported that they read public notice advertising and 2.9 million Hoosiers read a newspaper at least once a week. The number jumps to 3.6 million when you throw in Hoosiers who access their newspapers electronically.

The statistics don’t mean those 3.6 million read every notice every week, but no matter how you slice it more Hoosiers are exposed to the information IDEM is trying to give the public than will see it - hidden in plain sight - on IDEM’s website.

Since IDEM is already posting the notices on its website, the elimination of the publication of notices clearly is a reduction in the number of Hoosiers who will see the notice. HSPA hopes it isn’t the case, but it almost seems like IDEM prefers a method where fewer Hoosiers have the opportunity to speak out on a permit that would impact their local air quality.

Such a view could be supported by IDEM’s chief complaint – “publication delays are occurring more frequently, which negatively affects the timely issuance of agency permits. Consequently, this negatively impacts businesses seeking permits.” No concern given about the public’s ability to attend the hearing. No mention as to whether a permit should or shouldn’t be approved. Only the concern over how fast a permit can be approved.

IDEM argues a printed public notice doesn’t have the same impact as a story written by a newspaper reporter, which is true. You need look no further than the example given by the Public Notice Resource Center’s example from Michigan. The Michigan Department of Environmental Quality posted a notice of Nestle Waters North America’s request to extract significantly more ground water in Osceola County for its Ice Mountain bottling plant for 42 days, which did not garner one comment.

A Grand Rapids Press story on the proposal sparked 1,100 email messages to MDEQ within three days. Several months later, MDEQ Director Heidi Grether said she had received 35,000 emails herself on the subject. She publicly stated, “Was (the Nestle Waters proposal) advertised and noticed in the way it should have been? Probably not, it appears to me.”

IDEM misses the point that a public notice advertisement in a newspaper is more effective than IDEM’s website posting. The fact a published notice will increase the chance that a newspaper will also write a story about the permit, which increases the number of Hoosiers who will be informed, is icing on the cake.

IDEM discounts newspaper publication because the publication is printed on a particular day. It doesn’t recognize that papers have shelf lives of several days. It doesn’t acknowledge that
public notices, by law, are also uploaded to a newspaper’s website, where it remains available for reading for weeks if not months. IDEM probably isn’t aware that HSPA-member newspapers also upload their pages so public notices can be posted on indianapublicnotices.com website, where notices can be searched by subject matter, city or county, or by newspaper. So IDEM’s webpages offer no advantage over newspaper publication.

HSPA agrees that the newspaper publication doesn’t carry all available information on the permit application. That isn’t the point of public notices. The point is to give the public information that the General Assembly believes is so important that it requires publication, so an interested citizen can act upon that notice – perhaps to even take advantage of additional information that IDEM does make available on its website.

IDEM is fooling itself if they believe Hoosiers will fall into the habit of checking the IDEM website at least once a month to see if a permit application has been filed for one’s community. Hoosiers are comfortable with the fact information on government activity from all levels - state, county and local - will be placed in their local newspaper without the need for them sign up for mailing lists, email notification lists, making trips to the local library to get Internet service, etc.

When it claims newspapers “were used to provide public notice because there was no comparable alternative to disburse widespread notices” prior to the Internet, IDEM demonstrates it doesn’t fully understand the policy considerations that originally gave rise to newspaper-published notices.

Newspaper publication has been the preferred way for public notice for decades over all 50 states because:

It brings into the process an independent forum with an incentive to make sure the notice is published timely. Hoosiers don’t have to worry about whether the fox will alert them that he’s near the henhouse. Our country was founded on a healthy mistrust that government will always work in their best interest.

A printed notice becomes a piece of history – a record of the government action. The Indiana State Library, Indiana University Library, and local libraries preserve and archive newspapers as the first draft of history.

Newspapers still remain accessible, as noted by the 2017 AOR survey to the vast majority of Hoosiers. Local newspapers remain the trusted source of information for Hoosiers, not a government-run website.

Publication of notices in newspapers is a verifiable document, acceptable in any court that the public was given proper notice at the proper time. With printed newspaper notice, any government agency can defend itself from a charge that it kept the public in the dark. A hacker can’t alter what date a newspaper rolled off the press or what was printed on a particular page.

Ignoring the public’s desire for public notices that are published in newspapers, IDEM argues that saving $17,000 it costs to publish them justifies its proposal. Even if you take the $40,000 that IDEM budgets for all public notices, not just the air permit applications – the annual taxpayer cost for 5.47 million adult Hoosiers is less than a penny per person. Out of a $1.2 million budget for air quality, $17,000 to inform Hoosiers of how the air they breathe may be impacted by IDEM action is an insignificant amount.

It’s not a cost that Hoosiers begrudge, which should be apparent to IDEM based on a 551-2 disapproval of IDEM’s proposed policy.
Hoosier State Press Association requests IDEM drop this request and give Hoosiers the notice they want, not what a bureaucracy prefers to give. (HSPA)

Comment: On behalf of the members of Indiana’s largest environmental public policy organization, I’m writing to you in opposition to plans in LSA #17-395 to eliminate newspaper notification of NSR/Title V draft permits.

Government has a responsibility to actively, extensively, and accessibly inform the public about its decision-making, especially when those decisions could impact the air that kids, senior citizens, expectant mothers, and those facing chronic illness could breathe.

By eliminating newspapers and corresponding websites as means to reach Hoosiers about draft air permits, IDEM is eliminating a means by which it can reach up to 3.6 million weekly. While not quite analogous, note that when Michigan’s DEQ posted on its website about a Nestle Water groundwater extraction proposal, it attracted no public comment for 42 days, but when a newspaper story was written about Nestle’s plans, it drew 80,000 comments.

When people are, effectively, left in the dark as to a potentially air polluting source coming into their community, it is inevitably going to lead to far less public comment and participation in public hearings. Depressed participation could, in turn, lead to IDEM approving permits for polluting facilities that communities -- if they were truly informed -- don't want (for health or quality of life reasons), and could lead to IDEM approving permits with looser restrictions on certain air pollutants than would have happened had the public been truly informed and engaged. Both of these scenarios would lead to outcomes contrary to the mission of IDEM to “protect human health”.

Please note that advancing this proposal would be in total defiance of expressed public views, which were 250 to 1 in opposition to this proposal, per the Sept. to Oct. 2017 comment period.

This decision would also be in contradiction of Governor Holcomb's pledge to deliver "great government service". Keeping large swathes of Hoosiers in the dark is the opposite of that aim.

Rather than elimination of notification by newspaper, IDEM should be expanding its funding for notification -- such as providing a meaningful budget for social media advertising -- which directs people to IDEM's website to learn more.

We very much hope that IDEM will not move forward with this proposal and instead pursue a more multi-prong notification strategy to increase citizen engagement in government decision-making. (HEC)

Response: IDEM appreciates the comment submitted by the Hoosier State Press Association and the Hoosier Environmental Council. This rulemaking will make draft air permits available to the broadest scope of the public as possible. For those individuals who do not have access to the internet or prefer printed notices, they may request to have their name added to IDEM’s Office of Air Quality Permits Interested Parties list. Individuals on this list receive a paper copy of the public notice through the regular postal service any time a permit action in their area goes to public notice, and again once the permit is issued. People can choose to have their names added to the list for permit actions in a specific county or multiple counties, or for permit actions pertaining to just one source or multiple sources. This allows interested parties to receive the information directly at their home or business so that they do not have to navigate an online webpage. Anyone who would like their name added to the Office of Air Quality Permits
Interested Parties list may contact IDEM at (317) 233-6875. Additionally, individuals may subscribe to the agency email notification system to receive email notifications for public notices based on geographic region, by visiting http://www.in.gov/idem/5474.htm.

IDEM has used both newspaper notices and electronic notices on the agency website concurrently for air permit actions since 1999 to request comment on draft air permits. IDEM does not track the number of comments received, but few, if any, comments are usually received, and there is no way to determine how an individual learned about the permit. IDEM is required to make information about permit actions available to the public and believes posting the information on the agency website provides access to the greatest number of Indiana’s citizens. Individuals can choose to access information via computer just as they can choose to subscribe to a newspaper. In either case, the individual must proactively seek to receive information. IDEM provides an alternative for individuals that prefer to receive air permit action information in printed form simply by letting IDEM know they wish to receive it.

The purpose of this rulemaking is to change the consistent method of offering the opportunity for public participation in the processing of air permits from publication in a newspaper available to subscribers to posting on the agency website available to anyone via computer access or by requesting notices of interest by mail or electronic mail. This rulemaking does not preclude IDEM from publishing public notices in newspapers, nor does it preclude news agencies from reporting on particular postings they feel would be important or pertinent to their readers. IDEM appreciates the suggestion in regard to expanding its funding for public notices, including an increased budget for social media advertising. This will not be addressed in the current rulemaking, but is a developing area and may be considered and addressed in a future rulemaking.

Comment: Please accept this letter in reference to Electronic Notice for Air Permits #17-395, as my opposition to the Indiana Department of Environmental Management (IDEM) proposal to adopt electronic notices as the primary and consistent means for community air permit notices to the public. By adopting electronic notices my fear is that there will be a significant group of people whose voice will not be heard on issues that directly affect them. Having newspapers as the primary means for notices ensures that IDEM reach the most people. Not everyone in Indiana has access to the internet and there are individuals who do not know how to use the internet. For these individuals, IDEM will allow them to request to receive the notices in the mail. People will then have to opt into receiving the information. If the purpose of public notice is to gain the most feedback from the public then the goal should be to try and inform the most people, not just individuals concerned about environmental policy.

Changing the primary means of notices from newspapers to electronic switches the responsibility of IDEM to inform the public to the public informing themselves. Currently there are IDEM programs that publish public notices electronically on the department webpage. The public then needs to actively check IDEMs webpage or join their list serve to know of public notices instead of IDEM getting the information to them.

While newspaper circulations are on the decline, there are still many that use print papers as their primary news source. And given that many newspapers have an online presence it will make sure that you capture a larger audience.

IDEM may save some money by changing their primary mode for delivering air permit
notices, but you cannot place a monetary value on greater public participation. The greater the public is informed on changes happening in their community the better the public policy.

It is the responsibility of IDEM to ensure Hoosiers are easily informed about issues and projects that will affect them. Hiding or making it almost impossible for large segments of our society to have easy access to information goes against every effort our state has made to be more transparent and make a more informed citizenry. I urge you to reconsider adopting electronic notices as the primary means for community air permit notices to the public. (CSP)

Response: IDEM is responsible for providing information about air permits to citizens of Indiana in the most widely available format possible, which is what this rulemaking seeks to achieve. Streamlining the air permit notification process by providing direct links to air permit documents on IDEM’s webpage, as well as providing the option to receive notice by postal service or electronic mail, makes air permitting information available to anyone interested in obtaining it. Additionally, public notices published in newspapers will only reach those individuals who subscribe to the specific newspaper where the notice is published. Public notices and permits on IDEM’s website are available to the public with no restriction.

Comment: It strikes me that putting notices where no one sees them is not open government. It appears to be an effort to make things easier and quicker for government to do things without giving citizens who would be affected by the air quality applicants and any changes in air quality these citizens might experience any reasonable opportunity to a) be aware of the application and b) take any action to investigate and/or have the opportunity to protest if they feel the need to do that. (MM)

Comment: I would like to express my opposition to IDEM, ceasing to inform the public through any, and all ways, including the newspaper. I am not comfortable with such hearings information being, wholly through IDEM’s website and through sign up to their e-mail list. There would be a lack of transparency, I and others are not comfortable with. (DB)

Comment: I am writing to request that the publication notifications regarding air permit hearings continue to appear in our newspapers. These notifications have been alerting the public for years and for good reason, we the public, hold clean air as a high priority for our quality of life. Please do not reverse this service and keep it status quo. (AF)

Comment: I feel it’s important to distribute this information widely and publishing in newspapers allows those who consume their information this way access to these notices. Publishing in this fashion also allows the newspapers’ online readers access to this information that they can then consume on their devices and share via email and social media with their comments, further increasing visibility. IDEM’s transparency in issuing air permits is vitally important to the public. (AV)

Comment: Do Not Eliminate Public Notices for Air Permit Applications in Newspapers. 1.) 3.6 million Hoosiers read a printed newspaper and/or newspaper’s affiliated website at least once a week. 2.) Public notices have, for years, appeared in the Classified section of newspapers, where they can be reliably viewed. 3.) Such notices appear once a week, for four weeks, up until the date of an IDEM air permit hearing. 4.) In contrast, IDEM’s public notice page gets, on average, just 105 unique visitors a week.
5.) Newspaper publication of an air permit hearing increases the likelihood that a reporter will write a story about it — increasing scrutiny and transparency of proposed polluting activity.

6.) Having the ability to know about an air permit hearing in my community makes all the difference in terms of participating in a hearing, and thereby helping to safeguard my family’s health and quality of life. (A1)

Comment: As a life-long Indiana resident, I am writing you today to express my opposition for the plan to stop publishing notices for air permit hearings in local newspapers. The public opposition to this has been quite clear. I work in the Information Technology center, so I do understand the move towards using more modern forms of communication, but there are millions of Hoosiers who still read print publications. There are others, myself included, who subscribe to electronic versions of newspapers. This is where we get our information about local events. Hearings about important decisions being made in our communities need to be communicated to as many people as possible and eliminating the notices in local newspapers is contrary to this. (LB)

Comment: I am very concerned about the proposal to eliminate publication of public notices and hearings in Indiana newspapers. I think this is a very bad idea in many ways. I am a millennial and I guarantee I would never know if it weren’t published in the paper. How will the older generations fare with this? You have a duty to inform and protect. Please do not adopt this and eliminate the use of newspapers. People need to know what is happening. (ED)

Comment: Please continue to put these reports in the newspaper. People have the right to know, there is no reason why it shouldn’t be posted in the papers. (A2)

Comment: I am a Hoosier resident and always have been. I also worked for 13 years as an environmental manager who had to comply with the above rule. We were Title V permit holders and it was no trouble at all to publish what we were doing. The public deserves to know what is going on. I urge you to please not eliminate this requirement. (MaM)

Comment: I Would Urge IDEM to Not Eliminate Public Notices for Air Permit Applications in Newspapers. There are many reasons that these notifications need to be available but I believe I can summarize it all in the following: Having the ability to know about an air permit hearing in your community makes all the difference in terms of participating in a hearing, and thereby helping to safeguard your family’s health and quality of life. And who doesn’t want the right to protect their families? Not everyone, especially the poor and the elderly, have access to a smartphone or an online account and they depend on their daily newspaper. They should be afforded the same opportunity that all others have in terms of accessing the news to protect their family. (SKH)

Comment: IDEM’s website has of yet not proved to be a way to reach many Hoosiers, as it requires people to seek out information on a regular basis on the website or signing up for an email list versus being presented with it in their daily newspaper. Further, not everyone has access to the internet. Moving to remove the requirement to publish public notices is moving away from the transparency to which Indiana’s people are entitled, especially as this concerns the air we breathe. This state has seen recent environmental issues in the form of chromium spillage from a steel mill where the perpetrator brazenly requested confidential treatment. Indiana’s citizens deserve better. Polluters should not feel able to request special treatment. Making information harder to access takes away from public awareness in a way which serves polluters’ interests. This requirement should not be removed. (KLH)
Comment: I am writing to voice my opposition to removing air permit hearing notifications from local newspapers and instead use the IDEM website exclusively. Public scrutiny and input should be a part of this process. It would seem that since 3.5 million Hoosiers read a newspaper or its affiliated website at least once a week, but only an average of 105 people visit the IDEM website weekly, you are trying to stifle participation in the process. This is not the democratic process. I realize that there is some expense involved in publishing notices in newspapers. However, that should be a part of IDEM's budget. (LD)

Comment: I was born and raised in southern Indiana in what the USA Today calls the area of super polluters. I have no plans to move. I own a home and am raising two kids within 10 minutes of both of their grandparents' home. The wrong people have been making decisions concerning the fate of our air quality. This new proposal of hushing up public information about air permit hearing feels like yet another stab in our backs. Please do the right thing and help keep this as public knowledge as it should be. (AR)

Comment: I strongly urge the IDEM to not move forward with the proposal to eliminate newspaper notification of hearings regarding air polluting facilities. This would undermine efforts to inform the public of activities that impact their health and quality of life. Persons who would be affected need more government transparency regarding the environment they live in, and newspaper notice of hearings reaches more people.

Busy Hoosiers will not always be able to check the IDEM website in a timely manner to view notices. Busy Hoosiers do not want to filter through IDEM emails for those notices which are specific to their concerns and the area in which they live. I hope that the intent of this proposal was not to reach less people, though I am skeptical.

Indiana’s air quality in certain areas is poor. Indiana’s record on environmental management is also a concern. I think Indiana could do better, and public input is a way to do that. Continue newspaper notifications and let more Hoosiers have a voice in their state. (SV)

Comment: Please do not get rid of the rule requiring IDEM to publish these permit applications. Public disclosure is important to a well run democracy and Indiana should be doing all it can to make sure its citizens are informed. (A3)

Comment: When Indiana consistently ranks 46th to 50th nationally in air pollution and suffers from high rates of related diseases and effects (cancers, infant mortality, asthma, cardiovascular diseases, Parkinson's, special education, etc., rates), such a change in policy is unconscionable. The notices are already printed in newspapers in a tiny font, but at least we have access to it in a public form. Were this proposal to be adopted by IDEM, it is my understanding that the public would know about such hearings only through IDEM’s website and through signing up to their e-mail list. I am writing to express my strong opposition to IDEM’s proposal to eliminate publication of notices of air permit hearings in Indiana newspapers. Here are some relevant facts:
1.) 3.6 million Hoosiers read a printed newspaper and/or newspaper’s affiliated website at least once a week.
2.) Public notices have, for years, appeared in the Classified section of newspapers, where they can be reliably viewed.
3.) Such notices appear once a week, for four weeks, up until the date of an IDEM air permit hearing.
4.) In contrast, IDEM’s public notice page gets, on average, apparently just 105 unique visitors a week.

5.) Newspaper publication of an air permit hearing increases the likelihood that a reporter will write a story about it — increasing scrutiny and transparency of proposed polluting activity.

6.) Having the ability to know about an air permit hearing in your community makes all the difference in terms of participating in a hearing, and thereby helping to safeguard your family’s health and quality of life. (RE)

Comment: I am a resident of Muncie, Indiana, and I would be directly affected by the change in rules concerning public notices in print newspapers. I am against the proposed rules change. IDEM’s supposition that few people read print or online newspapers is not relevant here in Muncie. Our local paper is avidly followed in print and digitally. We have many people in Delaware County who do not have access to digital outlets, including the elderly and others. Discontinuing public notices in newspapers would restrict access to knowledge about an important local issue: we have a secondary lead smelter in our county and many of us are very concerned about lead, arsenic and other contaminants in our air, water, soil and bodies. We need readily available access to every outlet to be able to stay current with new information regarding this local facility and others. Your claim that information is easily accessed on your website in my opinion is false, as we have tried repeatedly to find files in your “digital file cabinet” pertaining to our local situation and have had major difficulty finding relevant documents. Along with a user-unfriendly and disorganized website, IDEM proposes a rule change whose effect would be to curtail access to Public Notices. The information in Public Notices affects our health and well-being, and they need to be as widely disseminated as possible. IDEM appears completely tone deaf to anything related to openness and transparency. This proposal, hiding behind the veneer of saving money, appears to be another attempt to tamp down public awareness and questioning. This latest proposed change adds to the perception of an IDEM hiding from the public. The rule change would hamper the right of every citizen in Indiana to be informed about IDEM activities that directly affect our health. (DM)

Comment: I'm writing in opposition to IDEM's proposal to eliminate newspaper notifications of air quality hearings. Indiana already has very poor air quality and residents need to be aware of changes that could worsen it. Only publishing the information on IDEM's website makes it more difficult for residents to be aware of changes. (KR)

Comment: I'd like to express my feelings about the possibility of no longer publishing newspaper notifications. I strongly am against this decision and would like to add my input and urge you to not do this. Please keep the postings in newspapers. (KC)

Comment: I am opposed to the proposal to only post notices on the IDEM website concerning permits and regulations for clean air, water, and other environmental notices. While many "print" sources are also available as RSS feeds and subscriptions, your website is not. And many people are unaware that you even exist. To fulfill your duty as an open resource public agency that fully informs the public, you need consider these as resources that help you share your information and message. Please continue, until you find a reasonable way to transition to enotices that will reach a majority of Hoosiers, to utilize the printed press for notices. (TH)

Comment: Air quality is something that affects all Hoosiers, and it’s vital that the public be widely informed about proposals for air pollution permits. If anything, public notification of these applications needs to be expanded, not reduced and confined to a website that hardly
anyone visits. Do the right thing, and require IDEM to continue publishing air permit proposals in newspapers. (BS)

Comment: We feel we have a right to know what our air quality is here in southwest Indiana. Aware that it is already bad, it doesn’t feel fair to keep this from us. Please give this consideration and keep it published. (WJT)

Comment: I am objecting to the discontinuation of public environmental notices in newspapers. I fortunately have and am comfortable using Internet communication. Not so for many of my elderly neighbors. My community as a whole subscribe to our local papers. The southwest portion of the state has especially high air pollution due to coal fired energy and a steel plant. There are ozone days during the summer. More methods of communication are better than less. (DMa)

Comment: The proposed change will limit the number of people who are aware of the permits, since the public doesn’t routinely monitor government websites. It is, however, a good idea to also have the information on your website. So to maximize availability to the public, do both—newspapers and the web. Since it costs virtually nothing to post a page to your website, this would not result in any additional costs. (HML)

Comment: I live in one of the most polluted counties in the country, Spencer County Indiana. I am appalled to think that the IDEM would take away public notices in newspapers about Air Permit Applications. You should know that your public notice page only gets approximately 105 hits a week when newspapers or newspapers websites in Indiana are read by 3.6 million Hoosiers per week. The people of Indiana deserve to have these notices readily available in printed form as well as your website. As a taxpayer in the State of Indiana, I expect the state agencies to make every effort to keep the citizens informed of any Air Permit Applications. That is your job. Please do not keep the people of Indiana in the dark and keep us informed so we can participate in the hearings and keep a vigilant eye on our health and wellbeing. (MVH)

Comment: I oppose changes on public notification regarding air pollution emissions. I live in East Chicago, an Environmental Justice community, where the largest industrial infrastructure in the state and where 36% of residents live below the poverty line. Many residents either cannot afford internet access in my community or they are elderly and are not technologically knowledgeable. This community has the most concentration of sources of toxic releases and this would add to the communities burdened to be well informed in a timely way. (TF)

Comment: I urge the Indiana Department of Environmental Management to continue its current practice of publishing public notices for air permits in local newspapers, while also continuing to provide electronic notice. The point of public notices is to reach the public, and with the array of media available today, posting public notices only on a website that citizens would have to monitor raises questions about transparency, accessibility, and accountability—all qualities we should be able to expect in our government. IDEM's proposed rule change would greatly reduce the availability and ease of access for Hoosiers to IDEM's air permitting decisions that impact our communities. Please do not approve the proposed elimination of newspaper publication for air permitting notices (LSA Document #17-395, Electronic Notice for Air Permits). (LH)
Comment: I was sorry to see the proposed change in notification of the public. At a time when the public is cynical about government and governance, I think it is very important to have free and open discussion of proposed policy changes. That occurs with widespread notice of the public. Please do not change that policy. (FAM)

Comment: I’m against IDEM’s plan to stop posting public notices in local newspapers. As long as there is a segment of our society without internet access, IDEM must continue posting notices in newspapers. Taxpayers and the neighboring communities living nearby these facilities have a right to learn of any changes these facilities make and it’s IDEM’s responsibility to get that information to the people. Newspapers often create a story about the proposed change which brings more attention to the notice. IDEM should make every effort to go above and beyond to ensure the public can easily find these important notices instead of making it more complicated than it should be. (RK)

Comment: Against the taking away of public awareness. Just make me think, what in the world are we doing to this planet and each other, pollution of many sources, fake and toxic food, nitrates from cafo farms and crops sprayed from manure runoffs into lakes rivers and streams killing water and fish, all for the love of money! God help us all! (A4)

Comment: Please continue to publish permit notices in local newspapers and not require citizens to come to your site. Living in a rural area can mean spotty and sometimes no internet service. We count on important information being in our local papers. (KL)

Comment: I protest your proposal to change procedures for public notice. The point of public notices is to reach the public and with the array of media available today posting public notices only on a website that citizens would have to monitor raises questions about transparency, accessibility, and accountability—all qualities we should be able to expect in our government. (JZG)

Comment: I object to IDEM's proposal to end the publication of pollution reports in the newspaper. I do not regularly visit government websites nor, I believe, do most people. Our Indiana government agencies should be serving the public, not hiding public information. (MY)

Comment: We are strongly opposed to IDEM's proposal to eliminate newspaper notifications of air permit applications. Believe it or not, there are still many Indiana citizens that are not computer/technology savvy and rely on newspapers for their information. You must be fair to all citizens. (SNS)

Comment: I am saying no to IDEM's plan to no longer post public notices for permits in local newspapers. (WBG)

Comment: Keep Indiana state's environmental regulation requirement to notify Hoosiers whenever a proposed polluter seeks a permit by publishing a notice in the local newspaper. Clean water air and land are more important than money! (BM)

Comment: I urge all decision makers to deny the requests to rescind any/all requirements for public notifications of air pollution permits to be published in local & regional newspapers. Public awareness, of this and many other issues, is essential to public health and civic participation. Newspapers, as our founding fathers recognized, play an essential role in our society. The public has the need and right to transparency in government. Public notification of government activity is essential. Easy access to that information is a right. (MW)
Comment: Notifying the public concerning clean air is extremely important. It should reach as many people as possible. Just posting changes on your website will not inform as many people of possible polluters. (MN)

Comment: I want to say no to this legislation. It will reduce public awareness of changes proposed in environmental issues and thus reduce transparency thereby depressing voter knowledge! More transparency not less is needed! By the way not all voters have computers! (JR)

Comment: I oppose the IDEM initiative to stop printing public notices in local newspapers. Newspapers are still read by millions of Indiana citizens every day and most of the public do not monitor the IDEM website for public notices. This is a critical component of a democracy. (JS)

Comment: I am strongly urging IDEM to not move forward with your proposal to eliminate notification in newspapers of hearings pertaining to air polluting facilities. Newspapers are still the most widely read form of news with social media coming in far behind. These hearings are a matter of health and quality of life which as many citizens of our state as possible have the right to know about and to attend. By making it more difficult for people to know about these, it seems that your department is not interested in receiving public comment, interested in our well-being, nor transparency. We, the people of Indiana, have already spoken out loud and clear previously we do not want this change to occur! (NM)

Comment: By a ratio of 250 to 1, Hoosiers expressed opposition to IDEM’s proposal to eliminate publication of notices of air permit hearings in Indiana newspapers. Were this proposal to be adopted by IDEM, it would mean that the public would know about such hearings wholly through IDEM’s website and through sign up to their e-mail list. Despite overwhelmingly opposition to the plans to eliminate noticing through newspapers, IDEM is still considering this proposal and has opened up a second comment period that ends on May 18, 2018. I am dismayed. It appears you no longer work to protect the people of Indiana. I urge you to re-evaluate your service to the public and the ethics that should stand behind that service. The people of Indiana want clean air to breathe, and clean water to drink. (KG)

Comment: Please be advised that I want to continue to see notices posted in my newspaper. This issue is important to me as I watch in dismay as we so often harm our environment. (JEB)

Comment: We are sending our objections to the above referenced document which would change the way citizens would be notified of air permits and public hearings. Local newspapers have a wider coverage and readership. IDEM Air Permit Notices have a greater chance of being seen and read, and increase public participation in the process. Not everyone has internet access. Why would IDEM consider this attempt to restrict coverage of air permit hearings? I don't believe that the newspapers around the state are complaining about having to publish these notices for the required number of weeks. Again, we are against changing the way Indiana citizens receive air permit notifications. Against receiving them only through e-mails or the IDEM website. Keep posting Air Permit Notices, etc. in the local papers! (CJB)

Comment: Dropping the newspaper notification and relying solely on your website for notification, restricts instead of expands the notification. Instead of restricting you should be expanding. Do both, and look for other formats to add, such as radio notification, without removing the newspapers. (LW)
Comment: The public needs transparency and the ability to be a part of the process. To hide breeds discontent and fosters the belief that you are not above board with practices. If you feel that the newspaper is antiquated, think of all the people who still read it, and then post to social media. (AO)

Comment: I am unhappy to read that IDEM no longer plans to publish public notices for permits in local newspapers. I object most strongly to this and feel there will be no way for the general public to know what is going on. I say no to your plan!!! (MC)

Comment: I strongly urge you to drop the proposal to discontinue public notices of pending permit applications in newspapers. Public notice and open discourse about proposed government actions is a fundamental part of our American democracy. Most people will not regularly check an IDEM website to inform themselves about pending decision-making at the agency, but they will regularly look at their local newspaper. News casts about this issue indicated that the state would save a mere $17,000 per year. While I understand that any politician will claim that “Every tax dollar spent is important”, you and I both know that the state spends much more money on far more questionable items compared to informing the public and maintaining civic discourse in support of democracy. Given the relatively small amount of money that would be saved, the proposal to discontinue public notices in newspapers looks more like a way to reduce transparency and accountability in governmental decision-making than it does prudent money management. In the interest of maintaining effective civic discourse and accountability, I sincerely hope this ill-conceived proposal is rejected. (DCL)

Comment: Although fewer people read the print newspapers these days, it is a major source of information for older Hoosiers who haven’t adapted to getting their information on-line and for rural Hoosiers who have limited or unreliable broadband access. Until those barriers are overcome, I urge continuation of newspaper notification. (SE)

Comment: I am writing in opposition to this rule change. The purpose of public comment is to hear from all members of the public, including those who don't regularly visit the DNR website. This proposal seems to be a deliberate attempt to eliminate public input. I speak on behalf of the White River Watchers of Madison County, and One Nation indivisible of Madison County. Both organizations are deeply concerned about environmental issues that affect us all. (SM)

Comment: Please say “no” on document #17-395. Sharing information is easier now than ever before. (A5)

Response: IDEM received a total of 56 comments during the second comment period for this rulemaking. IDEM appreciates the time and effort of the members of the public who submitted comments for this rulemaking, and each comment has been considered in IDEM's response.

As the newspaper industry has continued to decline over the years, printed newspaper advertisements have become less effective in providing widespread public notice of permit actions. This results in more frequent publication delays and negatively affects the timely issuance of agency permits. Additional delays are caused by newspapers that have reduced print circulation to just once or twice per week, or newspapers that shut down for periods of time over holiday breaks.

With the majority of Hoosiers today having access to the internet and mobile broadband services, IDEM has a responsibility to keep pace with advances in technology and changes in societal uses of technology over time. Because information on the internet is plentiful and available to anyone, electronic publication is at least as effective, if not more so, than newspapers in providing
public notice about draft air permits. When considering that the availability of public notices online reaches additional audiences who may not subscribe to their local newspaper, but are able to access the notice and associated documents for their county or surrounding counties, this wide availability becomes even more apparent.

Several of IDEM's program areas already publish public notices on the department webpage. These notices can be found at http://www.in.gov/idem/5474.htm. Additionally, IDEM's air permitting program has a searchable online database for the public to use that links directly to the public notices and is found at http://www.in.gov/ai/appfiles/idem-caats/. Public notices posted on IDEM's webpage can be accessed for the duration of the public comment period, as opposed to only one day in a newspaper ad.

Members of the public who are interested in knowing about permit actions that affect the area where they live can have their name added to IDEM's Office of Air Quality Permits Interested Parties list. Individuals on this list receive a paper copy of the permit action through the regular postal service any time a permit action in their area goes to public notice, and again once the permit is issued. People can choose to have their names added to the list for permit actions in a specific county or multiple counties, or for permit actions pertaining to just one source or multiple sources. This allows interested parties to receive the information directly at their home or business so that they do not have to navigate an online webpage. Anyone who would like their name added to the Office of Air Quality Permits Interested Parties list may contact IDEM at (317) 233-6875. Individuals may subscribe to the agency email notification system to receive email notifications for public notices based on geographic region, by visiting http://www.in.gov/idem/5474.htm.

The public notices that are currently printed in newspapers only give a brief description of the permit action, along with further information on how to locate copies of the documents. In contrast, a published article about a permit action on the front page of the newspaper, or featured within the newspaper, provides the reader with significantly more information and is far more likely to be seen and read by newspaper subscribers. Nothing in this proposed rulemaking action limits the ability of journalists to cover permitting actions they feel are relevant or important to their readers. IDEM encourages newspaper staff to visit IDEM's public notice webpage or request to receive mailed copies of notices related to actions that may be of interest to their subscribers, and provide information to their readers through an article about the permit action.

IDEM understands the concerns that some citizens have regarding access to computers for the elderly population, those living in a rural location, or those having low education or socio-economic status. However, public libraries are a great resource for free computer use and internet access available to all members of the public, and so IDEM does not believe that these groups would be significantly or adversely affected by this rule. This rule also does not prevent IDEM from using newspaper notices as a supplement to electronic notices. This rule simply changes the required consistent method of providing an opportunity for public participation in air permit actions from publication in a newspaper to posting on the agency website.

The concern of government transparency in providing public documents on the IDEM website instead of through a third-party newspaper is misplaced. There is nothing inherently beneficial or neutral in IDEM using a newspaper for public notice instead of its website, as the newspaper simply acts as a vehicle for publishing notices that are prepared and provided by the agency.

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IDEM has collected additional information concerning the cost of publishing newspaper notices for air permits and estimates that the cost, including payment for the notices and staff time to place the notices, check them for accuracy, and to work with the newspapers to solve problems, is approximately $59,595 per year.