

# **APPENDIX J**

## **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<sub>2.5</sub>) Standard**

#### **Central Indiana Area**

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) will hold a public hearing on September 14, 2009. 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<sub>2.5</sub>) Standard, for the Central Indiana Area. The meeting will convene at 6:00 p.m. (local time) in the Indianapolis-Marion County Library-West Indianapolis Branch, located at 1216 S. Kappes Street, Indianapolis, Indiana. All interested persons are invited and will be given opportunity to express their views concerning the draft documents.

The Central Indiana Fine Particle Nonattainment Area consists of Hamilton, Hendricks, Marion, Morgan and Johnson counties in Indiana. This area was designated as nonattainment for the annual fine particle standard 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 August 14, 2009 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.
- Indianapolis-Marion County Library-West Indianapolis Branch, 1216 S. Kappes Street, Indianapolis, Indiana.
- Danville Public Library, 101 South Indiana Street, Danville, Indiana.
- Johnson County Public Library, 401 State Street, Franklin, Indiana.
- Morgan County Public Library, 110 South Jefferson Street, Martinsville, Indiana.
- Noblesville-Southeastern Public Library, One Library Plaza, Noblesville, 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 September 18, 2009. Mailed comments should be addressed to:

**Central Indiana Area Fine Particle (PM<sub>2.5</sub>) Redesignation Petition and Maintenance Plan**

Scott Deloney, Chief  
Programs Branch  
Office of Air Quality MC 61-50  
100 North Senate Avenue  
Indiana Department of Environmental Management  
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 Ms. Sarah Raymond, 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) 232-8449 or (800) 451-6027 ext. 2-8449 (in Indiana).

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*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.*

8/18

IND DEPT ENVIRONMENTAL MGMT  
MARION COUNTY, INDIANA

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

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

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- Johnson County Public Library, 401 State Street, Franklin, Indiana.
- Morgan County Public Library, 110 South Jefferson Street, Martinsville, Indiana.
- Noblesville-Southeastern Public Library, One Library Plaza, Noblesville, Indiana.

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IDEM will also accept written comments through September 18, 2009. Mailed comments should be addressed to:

Central Indiana Area Fine Particle (PM2.5) Redesignation Petition and Maintenance Plan  
Scott Deloney, Chief  
Programs Branch  
Office of Air Quality MC 61-50  
100 North Senate Avenue  
Indiana Department of Environmental Management  
Indianapolis, IN 46206-2251

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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.

(S - 8/14/09 - 5519337)

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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:

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Kerry Dodson

DATE: 08/14/2009

Title: Clerk

STATE OF INDIANA  
OFFICE OF THE ATTORNEY GENERAL  
AUG 17 2009

ORIGINAL

Before The  
INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT  
OFFICE OF AIR QUALITY  
Indiana Government Center North  
Indianapolis IN 46206-6015

IN THE MATTER OF  
DRAFT REDESIGNATION PETITION AND MAINTENANCE PLAN  
RE: ANNUAL FINE PARTICULATE MATTER STANDARD  
FOR HAMILTON, HENDRICKS, JOHNSON, MARION AND  
MORGAN COUNTIES, STATE OF INDIANA

Transcript of proceedings at a public  
Hearing held on September 14, 2009 at West Indianapolis  
Library, 1216 South Kappes Avenue, Indianapolis, Indiana  
before Sarah Raymond, Hearing Officer.

Wm. F. Daniels, d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 Brighton Avenue  
Carmel IN 46022  
(317) 848-0088

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PERSONS PRESENT:

Sarah Raymond, Hearing officer

Christine E. Pedersen

Scott Deloney

Rob Elstro

1 [September 14, 2009. 6:10 p.m.]

2 MS RAYMOND: This is a public hearing, to  
3 accept comments concerning the draft Redesignation  
4 Petition and Maintenance Plan in association with the  
5 annual fine particulate matter standard for Hamilton,  
6 Hendricks, Johnson, Marion and Morgan counties (herein  
7 referred to as the "Central Indiana Area"). This hearing  
8 is being held to conform to the provisions in 40 CFR Part  
9 51 regarding public hearings for State Implementation Plan  
10 submittals.

11 My name is Sarah Raymond. I am a Senior  
12 Environmental Manager in the Planning Section of the  
13 Indiana Department of Environmental Management's Office of  
14 Air Quality. I have been appointed to act as hearing  
15 officer for this public hearing. Also here with me from  
16 the Office of Air Quality is Scott Deloney, Chris Pedersen  
17 and Rob Elstro.

18 Notice of the time and place of the hearing was given  
19 as provided by law by publication in the Indianapolis  
20 Star, Indianapolis, Indiana on August 14, 2009.

21 The purpose of this public hearing is to provide  
22 interested persons an opportunity to offer comments to the  
23 State regarding the draft Redesignation Petition and  
24 Maintenance Plan for the annual fine particulate matter  
25 standard for the Central Indiana Area.

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

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

17           Oral statements will be heard, but written statements  
18 may be handed to me or mailed to the Office of Air Quality  
19 on or before the close of business on September 18th of  
20 2009. A written transcript of this hearing is being made.  
21 The transcript will be open for public inspection and a  
22 copy of the transcript will be made available to any  
23 person upon payment of the copying cost.

24           After conclusion of the public hearing, I will  
25 prepare a written report summarizing the comments received

1 at this hearing and recommending changes which may need to  
2 be made to this document.

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

5 1) The notice of public hearing.

6 2) Draft Request for Redesignation Petition and  
7 Maintenance Plan for the annual fine particulate matter  
8 standard for the Central Indiana Area.

9 Finally, I would like to briefly go over the contents  
10 of the draft document.

11 In 1997, the United States Environmental Protection  
12 Agency set daily and annual ambient air quality standards  
13 for fine particles at 15.0 micrograms per cubic meter on  
14 an annual basis and at 65.0 micrograms per cubic meter on  
15 a twenty-four hour or daily basis. Legal challenges to the  
16 new standards for fine particles resulted in delayed  
17 implementation of the standard until February 2001, when  
18 the Supreme Court upheld the standards and ruled that the  
19 U.S. EPA could proceed with implementation of the new  
20 standards. This submittal pertains solely to the 1997  
21 annual fine particulate matter standard. The Central  
22 Indiana area complies with the 1997 and 2006 twenty-four  
23 hour standards. Indiana began monitoring for fine  
24 particles in 1999. The only fine particulate matter  
25 monitors in the Central Indiana Area are located in Marion

1 County. The U.S. EPA originally designated counties under  
2 the fine particle standards based on 2001 through 2003  
3 monitoring data in December of 2004. The U.S. EPA  
4 formally designated areas throughout the country on April  
5 5, 2005 as attainment, nonattainment, or unclassifiable  
6 including Hamilton, Hendricks, Johnson, Marion and Morgan  
7 counties as part of the Indianapolis, Indiana  
8 nonattainment area.

9 The highest most recent design value for the area,  
10 based on 2006 through 2008 air quality assured ambient air  
11 quality data is 14.6 micrograms per cubic meter. This  
12 design value represents fine particle concentrations that  
13 are below the national ambient air quality standard, thus  
14 the area is eligible to be redesignated to attainment  
15 under the annual fine particle standard and classed as  
16 maintenance.

17 The Indiana Department of Environmental Management  
18 has prepared the draft Redesignation Petition and  
19 Maintenance Plan for the Central Indiana Area consistent  
20 with U.S. EPA guidance. The draft petition outlines a  
21 demonstration that the area has attained the standard  
22 based on monitored concentrations, and that the reductions  
23 in monitored concentrations are attributable to permanent  
24 and enforceable reductions in precursor emissions,  
25 specifically reductions of nitrogen oxides. Furthermore,

1 the draft maintenance plan outlines the following:

- 2 \* The Central Indiana Area counties do not  
3 significantly contribute to violations outside  
4 of the nonattainment area.
- 5 \* Redesignating the Central Indiana Area to  
6 attainment will not adversely affect any  
7 downwind area's ability to attain the standard.
- 8 \* Regional precursor emissions of nitrogen oxides  
9 and sulfur dioxide will continue to decline in  
10 the future.
- 11 \* Due to existing and future emission controls,  
12 the area's air quality is not projected to  
13 worsen, and should further improve over time.
- 14 \* A commitment for all existing emission controls  
15 to remain in place.
- 16 \* A commitment to revise the plan within eight  
17 years of redesignation.
- 18 \* A commitment to adopt and expeditiously  
19 implement necessary corrective actions if an  
20 action level response is triggered.
- 21 \*\* An action level response is triggered  
22 by a violation of the standard (a  
23 three-year average annual arithmetic  
24 mean value of 15.1 micrograms per  
25 cubic meter or greater) occurs.

1           \*     A mobile source budget for transportation  
2                     conformity purposes.

3           When the Indiana Department of Environmental  
4 Management placed the draft Redesignation Petition and  
5 Maintenance Plan for the Central Indiana on public notice,  
6 the 2008 data for Electric Generating Units (EGUs) from  
7 U.S. EPA's Clean air Markets Database was still  
8 preliminary. The 2008 data for EGUs has now been  
9 finalized and the updated emissions data will be provided  
10 to U.S. EPA within the final Redesignation Petition and  
11 Maintenance Plan. It should be noted that the final 2008  
12 EGU data was slightly lower than the preliminary data and  
13 will help ensure the area continues to attain the fine  
14 particulate matter standard.

15           This concludes my comments regarding the draft  
16 Redesignation Petition and Maintenance Plan for the Central  
17 Indiana Area. Before opening this hearing for public  
18 comments, may I once again remind you that this hearing  
19 pertains solely to this draft Redesignation Petition and  
20 Maintenance Plan in association with the annual fine  
21 particle standard for the Central Indiana Area, and only  
22 comments germane to this matter will be considered as part  
23 of the public record.

24           Scott, Chris, Rob and I will be available following  
25 this hearing to address any questions you may have that do

1 not pertain to this specific matter.

2 The hearing is now open for public comment. Are there  
3 any public comments?

4 [There was no response.]

5 In the absence of any further comments, these  
6 proceedings are hereby concluded. The hearing is  
7 adjourned.

8 [The hearing was adjourned at  
9 6:17 p.m.]

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1 STATE OF INDIANA ]  
 2 COUNTY OF MARION ] SS:

3 C E R T I F I C A T E :

4 I, DAVID R. OESTERREICH, the undersigned Court  
 5 Reporter and Notary Public residing and maintaining  
 6 offices in the City of Indianapolis, Indiana, do hereby  
 7 certify:

8 That at the time and place described above in this  
 9 transcript, I reported to the best of my ability in  
 10 machine shorthand all of the words spoken by all parties  
 11 in attendance during the course of the subject  
 12 proceedings, including objections, if any, made by all  
 13 counsel present;

14 That I later reduced my shorthand notes into the  
 15 foregoing typewritten transcript form, which typewritten  
 16 transcript is a true record of the testimony and/or  
 17 statements given by those individuals indicated herein;

18 That I am not a relative or employee or attorney or  
 19 counsel of any of the parties, nor am I a relative or an  
 20 employee of such attorney or counsel, and that I am not  
 21 financially interested in this action.

22 IN WITNESS WHEREOF I have affixed my Notarial Seal  
 23 and subscribed my signature below on this 18th day of  
 24 September, 2009.

25 

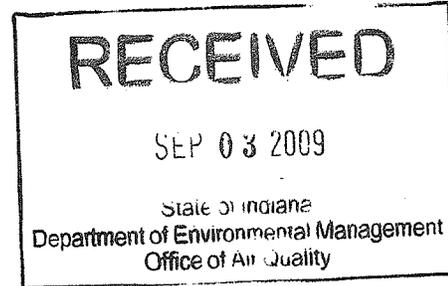
[Seal]

David R. Oesterreich  
 Notary Public  
 County of Residence: Marion  
 My Commission expires on August 28, 2016



September 3, 2009

Scott Deloney, Chief  
Programs Branch  
Office of Air Quality MC 61-50  
100 North Senate Avenue  
Indiana Department of Environmental Management  
Indianapolis, IN 46204-2251



Re: Central Indiana Area Fine Particle (PM<sub>2.5</sub>)  
Redesignation Petition and Maintenance Plan

Dear Mr. Deloney:

On August 14, 2009, Indiana Department of Environmental Management (IDEM) published a Legal Notice of Public Hearing, announcing that IDEM will hold a public hearing on September 14, 2009, and accept written comments through September 18, 2009. The purpose of the Notice and Hearing is to solicit public comment on the Draft Redesignation Petition and Maintenance Plan in association with the Annual Fine Particle (PM<sub>2.5</sub>) Standard, for the Central Indiana Area. Indianapolis Power & Light (IPL) Company supports IDEM's efforts for redesignation of the Central Indiana Area and appreciates the opportunity to comment on the draft Request for Redesignation.

Section 4.1 (page 16) of the Request for Redesignation specifically identifies IPL – Harding Street (HS) Generating Station and IPL – Eagle Valley (EV) Generating Station. IDEM indicates that IPL installed various NO<sub>x</sub> controls as a result of CAIR. IPL would like to clarify that additional NO<sub>x</sub> controls were installed voluntarily in anticipation of more stringent NO<sub>x</sub> emissions limitations, but that uncertainty still surrounds the final outcome of CAIR regulations and the results of CAIR remain unknown. The controls specified in the Request for Redesignation are low NO<sub>x</sub> burner technology with separated overfire air. It should be noted that Units 5, 6, and 7 at IPL - HS were already equipped with these controls during the 2001-2003 monitoring period (the basis for the nonattainment designation) and that IPL installed additional types of NO<sub>x</sub> controls after 2003. NO<sub>x</sub> control technologies installed at IPL – HS and IPL - EV are as follows:

| Plant    | Unit | NOx Control Technology            | Year Operational |
|----------|------|-----------------------------------|------------------|
| IPL – HS | 5    | Low NOx Burners                   | 1993             |
|          |      | Neural Net controls               | 2004             |
|          |      | Selective Non-Catalytic Reduction | 2004             |
|          | 6    | Low NOx Burners                   | 1996             |
|          |      | Neural Net controls               | 2004             |
|          |      | Selective Non-Catalytic Reduction | 2004             |
|          | 7    | Low NOx Burners                   | 1994             |
|          |      | Neural Net controls               | 2000             |
|          |      | Selective Catalytic Reduction     | 2005             |
| IPL - EV | 4    | Low NOx Burners                   | 2004             |
|          |      | Separated Overfire Air            | 2004             |
|          | 5    | Low NOx Burners                   | 2004             |
|          |      | Separated Overfire Air            | 2004             |
|          | 6    | Low NOx Burners                   | 2004             |
|          |      | Closed Couple Overfire Air        | 1992             |

The Request for Redesignation also indicates that the flue gas desulphurization (FGD) system at IPL – HS became operational in 2008. However, the Unit 7 FGD at IPL – HS became operational in September of 2007.

Finally, the draft Request for Redesignation indicates that the controls identified by IDEM are expected to remain in place and emissions from these plants should not increase in the future. IPL would like to clarify that many control technologies have been installed voluntarily and are not required to be operated. Additionally, the trading scenarios under CAIR remain uncertain and IPL utilizes a NOx Averaging Plan, which includes IPL – Petersburg Generating Station, located in Pike County (outside of the Central Indiana Area), to comply with the Title IV Acid Rain requirements.

IPL commends IDEM on the improvements made in air quality in the Central Indiana Area since the nonattainment designation and supports the ongoing efforts made by IDEM and industrial sources in the Central Indiana Area. As such, IPL would like to ensure that all information expressed regarding IPL in the Request for Redesignation is clear and accurate. IPL believes that the following revisions would present a clearer and more accurate representation of IPL – HS and IPL – EV (page 16 of the Request for Redesignation):

**As a result of CAIR, Additional NO<sub>x</sub> control technologies have been installed on various emission units at the Indianapolis Power and Light Company (IPL) – Harding Street Generating Station, power plant located in Marion County, and the IPL – Eagle Valley Generating Station, power plant located in Morgan County, are currently controlled by low NO<sub>x</sub> burner technology with separated overfire air since the 2001-2003 monitoring period. These control technologies include Selective**

**Non-Catalytic Reduction, Selective Catalytic Reduction, Neural Net Controls, Low NO<sub>x</sub> Burners, and Separated Overfire Air.** The SO<sub>2</sub> data from 2008 reflects the installation of a flue gas desulphurization system at the IPL – Harding Street **Generating Station** power plant that became operational in 2008 ~~2007~~. ~~These controls are expected to remain in place and emissions from these plants should not increase in the future.~~ **IDEM anticipates that these controls and other controls installed in the Central Indiana Area will remain in place and that emission levels in the Central Indiana Area will not increase in the future.**

If you have any questions regarding these comments, please do not hesitate to contact me at (317) 261-5852 or via email at [angelique.oliger@aes.com](mailto:angelique.oliger@aes.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'AO', followed by a long horizontal flourish line extending to the right.

Angelique Oliger  
Environmental Coordinator

## Central Indiana Redesignation Request and Maintenance Plan in Association with the Annual Fine Particle (PM<sub>2.5</sub>) Standard

### Summary/Response to Comments Received

IDEM requested public comment on the draft Redesignation Request and Maintenance Plan for Central Indiana from August 14, 2009 to September 18, 2009. A public hearing was also held on September 14, 2009. IDEM received no comments at the public hearing and received one written comment from the following party:

Angelique Olinger, Indianapolis Power & Light Company (IPL)

### Following is a summary of the written comment received and IDEM's response thereto:

#### General

*Comment:* IPL would like to clarify that additional NO<sub>x</sub> controls were installed voluntarily in anticipation of more stringent NO<sub>x</sub> emissions limitations, but that uncertainty still surrounds the final outcome of CAIR regulations and the results of CAIR remain unknown. It should be noted that Units 5, 6 and 7 at IPL-HS were already equipped with these controls during the 2001-2003 monitoring period (the basis for the nonattainment designation) and that IPL installed additional types of NO<sub>x</sub> controls after 2003. The Request for Redesignation also indicates that the flue gas desulphurization (FGD) system at IPL-HS became operational in 2008. However, the Unit 7 FGD at IPL-HS became operational in September of 2007. Finally, the draft Request for Redesignation indicates that the controls identified by IDEM are expected to remain in place and emissions from these plants should not increase in the future. IPL would like to clarify that many control technologies have been installed voluntarily and are not required to be operated. (IPL)

*Response:* IDEM appreciates the additional information provided by the Indianapolis Power & Light Company (IPL) and will reflect accurate information in the final submittal of the Redesignation Request to U.S. EPA.

*Comment:* IPL believes that the following revisions would present a clearer and more accurate representation of IPL-HS and IPL-EV (page 16 of the Request for Redesignation):

**As a result of CAIR, Additional NO<sub>x</sub> control technologies have been installed on various emission units at the Indianapolis Power and Light Company (IPL)–Harding Street Generating Station, power plant located in Marion County, and the IPL–Eagle Valley Generating Station, power plant located in Morgan County, are currently controlled by low NO<sub>x</sub> burner technology with separated overfire air since the 2001-2003**

**monitoring period. These control technologies include Selective Non-Catalytic Reduction, Selective Catalytic Reduction, Neural Net Controls, Low NO<sub>x</sub> Burners, and Separated Overfire Air.** The SO<sub>2</sub> data from 2008 reflects the installation of a flue gas desulphurization system at the IPL-Harding Street **Generating Station** ~~power plant~~ that became operational in ~~2008~~ **2007**. ~~These controls are expected to remain in place and emissions from these plants should not increase in the future.~~ **IDEM anticipated that these controls and other controls installed in the Central Indiana Area will remain in place and that emission levels in the Central Indiana Area will not increase in the future.**  
(IPL)

*Response:* IDEM appreciates the additional information provided by IPL and will revise the text accordingly. IDEM will update the final document to reflect the information as clarified by IPL.