APPENDIX K

Public Participation 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

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 May 17, 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 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 April 17, 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.
- 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 May 19, 2011. Mailed comments should be addressed to:

Central Indiana Area Fine Particle ($PM_{2.5}$) 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

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.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

Indianapolis Star & News
P.O. Box 145
Indianapolis, Indiana 46204

Phone: 317-444-7163
Fax: 317-444-8806
E-Mail: publicnotices@indystar.com

Date: April 8, 2011

ATTENTION: PUBLIC NOTICES - LEGAL ADVERTISING SECTION

Enclosed please find Indiana Department of Environmental Management Public Hearing Legal Notices(s) concerning a public hearing for the Redesignation Petition and Maintenance Plan In Association with the Annual Fine Particle ($PM_{2.5}$) Standard for the Central Indiana Area.

PLEASE PRINT ONE TIME on or before APRIL 15, 2011 in order for us to satisfy our statutory requirements.

Please send a notarized form no. 99p and/or publisher's claim, together with the clipping, showing the date of publication and your Federal ID number to:

MAIL TO:

Attn: Catherine Mitchell – Mail Code 61-50
Indiana Department of Environmental Management
100 N. Senate Ave., IGCN, Rm. 1001
Indianapolis, IN 46204

If you have any questions, please call me at 317-234-6530. Thank you.

Sincerely,

Catherine Mitchell
Office of Air Quality

Enclosures

COPY

Prescribed by State Board of Accounts **80315-5797512** General Form No. 99P (Rev. 2009A)

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INDIANAPOLIS, IN 46206-0145

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Department of Environmental Management
Office of Air Quality

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Kymry Dodson

DATE: 04/15/2011 Title: Clerk

INDIANAPOLIS STAR AND NEWS, INDIANAPOLIS, IN

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Indianapolis, IN 46204-2251

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

(S - 4/15/11 - 5797512)

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

COPY

- - -

PROCEEDINGS

in the above-captioned matter, before Hearing Officer Sarah Raymond, taken before me, Lindy L. Meyer, Jr., a Notary Public in and for the State of Indiana, County of Shelby, at the Indianapolis Marion County Public Library, West Indianapolis Branch, 1216 South Kappes Street, Indianapolis, Indiana, on Tuesday, May 17, 2011 at 6:10 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

APPEARANCES:

HEARING OFFICER:

Sarah Raymond

SPEAKERS PRESENT:

None

- - -

6:10 o'clock p.m.
May 17, 2011

- - -

THE HEARING OFFICER: This is a public hearing to solely accept comments concerning the Draft Redesignation Petition and Maintenance Plan in association with the annual fine particles standard for the Central Indiana area. 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 Sarah Raymond. I am a Senior Environmental Manager in the Rules and SIP Development Section of the Indiana Department of Environmental Management (IDEM)'s Office of Air Quality. I have been appointed to act as Hearing Officer for this public hearing.

Notice of the time and place of the hearing was given as provided by law by publication in the following newspaper: The Indianapolis Star, Indianapolis, Indiana.

The purpose of this public hearing is to provide interested persons an opportunity to

offer comments to the state regarding the Draft Redesignation Petition and Maintenance Plan in association with the annual fine particles standard for the Central Indiana area.

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 form, 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 the close of business on May 19th, 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 any recommended changes which may need to be made to this document.

I would like to introduce the following documents into the record: One, the notice of public hearing; two, the Draft Request for Redesignation and Maintenance Plan under the Annual National Ambient Air Quality Starred (NAAQS) for Fine Particles for the Central Indiana area.

Finally, I would like to briefly go over the contents of the draft document. In 1997, the United States Environmental Protection Agency (U.S. EPA) set daily and annual ambient air quality standards for fine particles at 15

micrograms per cubic meter on an annual basis and at 65 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 the U.S. EPA could proceed with implementation of the new standards. Indiana began monitoring for fine particles in 1999.

The U.S. EPA originally designated counties under the fine particle standards based on 2001 through 2003 monitoring data in December of 2004. The U.S. EPA designated areas throughout the county -- or country -- as attainment, nonattainment or unclassifiable.

However, U.S. EPA withdrew a number of counties identified as nonattainment based on updated monitoring data for 2002 through 2004 prior to the effective date of the designations, which was April 5th, 2005, based on the fact that those counties had met the standard at the close of 2004.

As required by the Clean Air Act, in 2006 U.S. EPA reviewed the annual and daily standards for fine particles to verify that the current NAAQS continue to be protective of human health. Through this detailed review process, the U.S. EPA determined that the 1997 annual standard for fine particles was adequately protective of human health, but that the daily standard needed to be revised.

It should be noted that this public hearing is solely related to the Redesignation Petition and Maintenance Plan in association with the annual fine particles standard as it applies to the Central Indiana area.

The following information is taken from the U.S. EPA's "Guidelines on Data Handling Conventions for the PM NAAQS," U.S. EPA 454/R-99-008, April 1999. Three complete years of fine particles monitoring data are required to demonstrate attainment at a monitoring site.

The annual ambient air quality standards for fine particles is met at an ambient air

quality monitoring site when the three-year average of the annual average of fine-particle concentrations is less than or equal to 15 micrograms per cubic meter. When this occurs, according to the U.S. EPA, the area is in compliance with the standard.

Three significant digits must be carried in the computations and values are rounded to the nearest .1 micrograms per cubic meter. Decimals of 0.05 or greater are rounded upward and those less than 0.05 are rounded downward. Thus, 15.049 micrograms per cubic meter is a largest concentration that is less than or equal to 15.0 micrograms per cubic meter.

For the purpose of this request, the annual fine particles standard is considered to be 15.0 micrograms per cubic meter. Values at or below 15.0 micrograms per cubic meter meet the standard. Values equal to or greater than 15.1 micrograms per cubic meter exceed the standard.

The design value represents fine particle concentrations that are below the national ambient air quality standard, thus the area is

eligible to be redesignated to attainment under the annual fine particle standard and classified as maintenance.

Being classified as a maintenance area means that the state has to ensure that the overall emissions inventory does not exceed the current levels, and that regulatory decisions do not interfere with the area's ability to maintain compliance with the standard.

At the conclusion of 2008, the highest design value for the area, based on 2006 through 2008 monitoring data, was 14.6 micrograms per cubic meter. Data from 2007 through 2009 showed an improvement in air quality with monitor values dropping to 14.3 micrograms per cubic meter. Finally, from 2008 through 2010, monitoring values dropped even further to 13.6 micrograms per cubic meter. The design values for all of these years are included in this redesignation SIP.

The Central Indiana area has complied with the annual standard for fine particles for three 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 the U.S. EPA demonstrates that beginning in 2011, the Central Indiana area 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 the NAAQS, IDEM was required to submit an attainment SIP no later than April 5th of 2008. The attainment SIP verifies to the U.S. EPA that the area is on target to meet the annual national ambient air quality standard for fine particles based on monitoring and modeling information.

Indiana submitted for parallel processing an attainment SIP for Central Indiana on April 5th, 2008, and a final version was submitted on June 5th, 2008. Due to improvements in air quality, on October 20th, 2009 IDEM submitted a redesignation SIP to U.S. EPA for review and approval, including a maintenance plan horizon of 2020.

U.S. EPA has not been able to act on the 2009 redesignation SIP due to a Federal Court's remand of the Clean Air Interstate Rule. 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 the approval of IDEM's 2009 submittal until a replacement rule is in place for the Clean Air Interstate Rule.

On July 6th, 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 2009 submittal, the maintenance plan horizon of 2020 is no longer at least 10 years from the date of the potential U.S. EPA approval. As such, IDEM is now submitting this updated redesignation SIP with a maintenance plan horizon of the year 2025 in addition to the submittal from October of 2009.

It is important to note that U.S. EPA viewed IDEM's 2009 submittal for the Central Indiana area to be valid until such time that the Clean Air Interstate Rule was remanded. Since that time, air quality has improved even further within the region and a replacement rule for the Clean Air Interstate Rule will soon be in place.

IDEM has prepared this Draft Request for Redesignation and Maintenance Plan under the Annual National Ambient Air Quality Standards for Fine Particles for the Central Indiana area consistent with U.S. EPA guidance.

The draft petition outlines a demonstration that the area has obtained the standard based on monitored concentrations, and that the reductions in monitored concentrations

are attributable to permanent and enforceable regional reductions in precursor emissions, specifically reductions of nitrogen oxides and sulfur dioxide.

Furthermore, the draft maintenance plan outlines the following: Regional precursor emissions of oxides of nitrogen and sulfur dioxide 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 improve further 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 mobile source budget for transportation conformity purposes; a commitment to adopt and expeditiously implement necessary corrective actions if a warning or action level response is triggered. An action level response is triggered by a violation of the standard, the three-year average of 15.1 micrograms per cubic meter or greater.

This concludes my comments regarding the Draft Request for Redesignation and Maintenance

Plan under the Annual National Ambient Air Quality standard for Fine Particles for Central Indiana.

Before opening this public hearing for comments, may I once again remind you that this hearing pertains solely to the Draft Redesignation Petition and Maintenance Plan in association with the annual fine particle standard for the Central Indiana area, and only comments germane to this matter will be considered as part of the public record.

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?

(No response.)

THE HEARING OFFICER: In the absence of any further comments, these proceedings are hereby concluded and the hearing is adjourned.

- - -

Thereupon, the proceedings of May 17, 2011 were concluded at 6:22 o'clock p.m.

- - -

CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Tuesday, May 17, 2011 in this matter and transcribed by me.

Lindy L. Meyer, Jr.

Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires October 27, 2016.

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