

# **APPENDIX J**

## **Public Participation Process Documents**

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## **LEGAL NOTICE OF PUBLIC HEARING**

### **Redesignation and Maintenance Plan in association with the 8-Hour Ozone Standard for Lawrenceburg Township, Dearborn County, Indiana**

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) will hold a public hearing on Thursday, January 7, 2010. The purpose of this hearing is to receive public comment on the Draft Redesignation Petition and Maintenance Plan in association with the 8-hour ozone standard, for Lawrenceburg Township, Dearborn County, Indiana. The meeting will convene at 5:30 p.m. (local time) in the Lawrenceburg Public Library, Depot Meeting Room, 150 Mary Street, Lawrenceburg, Indiana. All interested persons are invited and will be given opportunity to express their views concerning the draft documents.

Lawrenceburg Township, located in Dearborn County, Indiana is part of the Cincinnati 8-hour ozone nonattainment area. This area was designated as a "basic" nonattainment area 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 meet the federal 8-hour air quality standard by the required attainment date. 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 December 7, 2009 to any person upon request at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate, Room N1003, Indianapolis, Indiana.
- Lawrenceburg Public Library, 150 Mary Street, Lawrenceburg, Indiana.
- Lawrenceburg City Building, 230 Walnut Street, Lawrenceburg, Indiana.

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 January 13, 2010. Mailed comments should be addressed to:

Lawrenceburg Township, Dearborn County Redesignation and Maintenance Plan  
Scott Deloney, Chief  
Air Programs Branch, Office of Air Quality – Mail Code 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, Office of Air Quality, Room N1001, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, IN 46204 or call (317) 232-8449 or (800) 451-6027 ext. 2-8449 (in Indiana).

\*\*\*\*\*

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

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

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

IND DEPT ENVIRONMENTAL MANAGEM  
MARION COUNTY, INDIANA

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

PUBLISHER'S CLAIM

LINE COUNT

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

COMPUTATION OF CHARGES

78.0 lines 2.0 columns wide equals 156.0 equivalent lines at .434 cents per line  
Additional charge for notices containing rule and figure work (50 per cent of above amount) \_\_\_\_\_  
Charges for extra proofs of publication (\$1.00 for each proof in excess of two) .00  
TOTAL AMOUNT OF CLAIM \$ 67.70

DATA FOR COMPUTING COST

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

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

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

12/08/2009 and 12/08/2009

Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper
- Newspaper has a Web site, but due to a technical problem or error, public notice was posted on \_\_\_\_\_
- Newspaper has a Web site but refuses to post the public notice.

*Kerney Gordon*

DATE: 12/08/2009

Title: Clerk

PUBLIC NOTICES PUBLIC NOTICES

LEGAL NOTICE OF PUBLIC HEARING

Redesignation and Maintenance Plan in association with the 8-Hour Ozone Standard for Lawrenceburg Township, Dearborn County, Indiana

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Air Programs Branch, Office of Air Quality - Mail Code 61-50  
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Or call (317) 233-1785 (voice) or (317) 233-6565 (TDD). Please provide a minimum of 72 hours notification.

(S - 12/8/09 - 5578733)



# 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](http://www.idem.IN.gov)

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

Date: December 2, 2009

Phone: 317-444-7163  
Fax: 317-444-8806  
E-Mail: [publicnotices@indystar.com](mailto:publicnotices@indystar.com)

## **ATTENTION: PUBLIC NOTICES - LEGAL ADVERTISING SECTION**

Enclosed please find Indiana Department of Environmental Management Public Hearing Legal Notice(s) concerning Planning Section, Air Programs.

**In order for us to satisfy our statutory requirements, PLEASE PRINT ONE TIME, on or before TUESDAY, DECEMBER 8, 2009.**

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: Karol Chuma – Mail Code 61-50**  
**Indiana Department of Environmental Management**  
**100 North Senate Avenue, Room 1001**  
**Indianapolis, Indiana 46206-2251**

If you have any questions, please call me at 317-233-0426. Thank you.

Sincerely,

Karol T. Chuma  
Air Programs Branch  
Office of Air Quality

Enclosures

### **FOR OFFICE USE ONLY**

One Legal Notice regarding the following:

- 1. Redesignation and Maintenance Plan In Association with the 8-Hour Ozone Standard for Lawrenceburg Township, Dearborn County, Indiana - (Sarah R.)**

**REQUEST FOR PAYMENT**

TO: Accounts Payable

DATE: 1-11-10

FROM: Karol Chuma  
IGCN, Floor 10  
IDEM, OAQ

With these initials KC, I, Karol Chuma,  
approve the attached for payment to:

Indianapolis Star & News

PSD Fund: 62230  
Program: 27013  
Project: 495409101050000

NOTES:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTACH COPY OF ADVERTISEMENT HERE

Ozone Standard, Lawrenceburg Twp. - IDEM  
(Governmental Unit)

To. Journal-Press

P.O. Box 59, Aurora, Indiana 47001

Dearborn County, Indiana

PUBLISHER'S CLAIM

Fed. I.D. #35-1869520  
Acct. #15002

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines	91
Head -- number of lines	-----
Body -- number of lines	-----
Tail -- number of lines	-----
Total number of lines in notice	91

COMPUTATION OF CHARGES

91 lines, 1 column wide equals 91 equivalent lines at 0.573 cents per line	\$ 52.14
Additional charges for notices containing rule or tabular work (50 per cent of above amount)	-----
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)	-----
<b>TOTAL AMOUNT OF CLAIM</b>	<b>\$ 52.14</b>

DATA FOR COMPUTING COST

Width of single column in picas 15.5      Size of type 7 point.  
Number of insertions: 1

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

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

December 8, 2009

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

Tom Brooker  
Publisher

Date December 8, 2009

Title

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*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](http://www.idem.IN.gov)

Journal Press  
126 West High Street  
P.O. Box 4128  
Lawrenceburg, Indiana 47025

Date: December 2, 2009

Phone: 812-537-0063  
Fax: 812-537-5576  
E-Mail: [comp@registerpublications.com](mailto:comp@registerpublications.com)

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approve the attached for payment to:

Journal - Press

PSD Fund: 62230  
Program: 27013  
Project: 495409101050000

NOTES:

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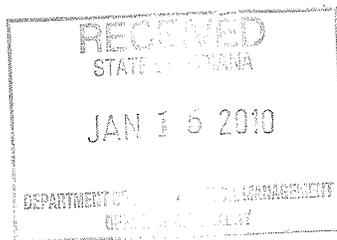
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY

DATE: January 7, 2010

TIME: 5:30 P.M.

PLACE: Lawrenceburg Public Library  
150 Mary Street  
Depot Meeting Room  
Lawrenceburg, IN 47025

PRESENT: Ms. Sarah Raymond, Hearing Officer  
Ms. Amy Bukarica, Officer  
  
Sharon Shields, Reporter



---

**Sharon Shields**  
**S.A.S. Reporting Service**  
3650 N. Old SR 62, Madison, IN 47250  
Business: (812) 265-2994  
Fax (812) 273-5220

1                   A public hearing of the Department of Environment  
2 Management for Redesignation and Maintenance Plan in  
3 Association with the 8-Hour Ozone Standard for Lawrenceburg  
4 Township, Dearborn County, Indiana held at the Lawrenceburg  
5 Public Library, 150 Mary Street, Lawrenceburg, IN on January  
6 5, 2010.

7  
8                   **OPENING STATEMENTS BY MS. SARAH RAYMOND:**

9                   This is a public hearing to accept comments  
10 concerning the draft Redesignation Petition and Maintenance  
11 Plan in association with the 8-hour Ozone National Ambient  
12 Air Quality Standard (or "NAAQS") for the Indiana portion of  
13 the Cincinnati-Hamilton, OH-KY-IN "Basic" Ozone  
14 Nonattainment Area; Lawrenceburg Township, Dearborn County,  
15 Indiana. This hearing is being held to conform to the  
16 provisions and 40 CFR Part 51 regarding public hearings for  
17 State Implementation Plan or ("SIP") submittals.

18  
19                   My name is Sarah Raymond. I am a Senior  
20 Environmental Manager in the Rules and SIP Development  
21 Section of the Indiana Department of Environmental  
22 Management's Office of Air Quality. I have been appointed to  
23 act as hearing officer for this public hearing. Also here  
24 with me from the Office of Air Quality is Amy Bukarica.

1 Notice of the time and place of the hearing  
2 was given as required by law by publication in the Journal  
3 Press, Lawrenceburg, Indiana on December 7, 2009 in the  
4 Indianapolis Star, Indianapolis, Indiana on December 8,  
5 2009.

6  
7 The purpose of this public hearing is to  
8 provide interested persons an opportunity to offer comments  
9 to the state regarding this draft Redesignation Petition and  
10 Maintenance Plan.

11  
12 Appearance blanks have been distributed in the  
13 hearing room for all those desiring to be shown appearing on  
14 the record in this cause. If you have not already filled out  
15 a form, please do so and indicate if you are appearing for  
16 yourself or on behalf of a group or organization, and  
17 identify the group or organization. Also note the capacity  
18 in which you appear, such as attorney, officer or authorized  
19 spokesperson.

20  
21 Any person who is heard or represented at the  
22 hearing, or who requests notice, may be given written notice  
23 of the final action taken on this State Implementation Plan  
24 submittal. Please indicate on the appearance card if you  
25 wish to receive this notification. When appearance cards

1 have been completed, they should be handed to me and I will  
2 include them with the official record of this proceeding.  
3

4 Oral statements will be heard, but written  
5 statements may be handed to me or mailed to the Office of  
6 Air Quality on or before the close of business on Wednesday,  
7 January 13<sup>th</sup>, 2010. A written transcript of this hearing is  
8 being made. The transcript will be open for public  
9 inspection and a copy of the transcript will be made  
10 available to any person upon payment of the copying cost.  
11

12 After the conclusion of this public hearing, I  
13 will prepare a written report summarizing the comments  
14 received at this hearing and recommended changes which may  
15 need to be made to this document.  
16

17 I would also like to introduce the following  
18 documents into the record:  
19

- 20 1) The notice of public hearing.
- 21 2) The Draft Request for Redesignation  
22 Petition and Maintenance Plan for the  
23 8-hour Ozone National Ambient Air Quality  
24 Standard for the Indiana portion of the  
25 Cincinnati-Hamilton, OH-KY-IN "Basic"

1 Ozone Nonattainment Area; Lawrenceburg  
2 Township, Dearborn County, Indiana.  
3

4 Finally, I would like to briefly go over the  
5 contents of the draft document.  
6

7 In 1997, U.S. EPA revised the air quality  
8 standard for ozone, replacing the 1979 1-hour standard with  
9 an 8-hour ozone standard set at 0.08 parts per million  
10 (ppm). An exceedance of the 8-hour ozone NAAQS occurs when  
11 a monitor measures ozone above 0.084 ppm (per the rounding  
12 convention). A violation of the NAAQS occurs when the  
13 average of the annual fourth highest daily maximum 8-hour  
14 ozone values over three (3) consecutive years is equal to  
15 or greater than 0.085 ppm. This three-year average is  
16 termed the design value for the monitor. The design value  
17 for a nonattainment area is the highest monitor's design  
18 value in the area.  
19

20 Legal challenges to the new standard for ozone  
21 resulted in delayed implementation of the standard until  
22 February 2001, when the Supreme Court ruled that the U.S.  
23 EPA could proceed with the implementation of the new  
24 standard, providing that the U.S. EPA's implementation was  
25 consistent with the Clean Air Act. The U.S. EPA's first

1 action in implementing the new standard for ozone was to  
2 designate areas throughout the county as attainment,  
3 nonattainment, or unclassifiable. On April 15, 2004, U.S.  
4 EPA designated The Cincinnati-Hamilton, OH-KY-IN Area as  
5 nonattainment under subpart 1 of Section 107 of the Clean  
6 Air Act. The nonattainment designation was made based upon  
7 monitored air quality data measured during the 2001, 2002  
8 and 2003 ozone seasons. The area's controlling design value  
9 was monitored at the Clinton County, Ohio air quality  
10 monitor at 0.096 ppm. There are no ozone monitors located  
11 in Indiana's portion of the nonattainment area.

12  
13 As part of the Cincinnati metropolitan  
14 statistical area, a portion of Dearborn County, Indiana  
15 was also included in the designated ozone nonattainment  
16 area. The entire Cincinnati-Hamilton, OH-KY-IN ozone  
17 Nonattainment area consists of Lawrenceburg Township,  
18 Dearborn County in IN; Butler, Clermont, Clinton, Hamilton  
19 and Warren Counties in Ohio; and Boone, Campbell and  
20 Kenton Counties in Kentucky.

21  
22 The agencies responsible for assuring the  
23 nonattainment area complies with the Clean Air Act  
24 requirements are:  
25

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- The Ohio Environmental Protection Agency (Ohio EPA), which is responsible for Butler, Clermont, Clinton, Hamilton and Warren Counties in Ohio:
- The Kentucky Department for Environmental Protection, (KDEP) which is responsible for Boone, Campbell and Kenton Counties in Kentucky and
- The Indiana Department of Environmental Management (IDEM), which is responsible for the Lawrenceburg Township, Dearborn County, Indiana.

These three State agencies have worked cooperatively with the U.S. EPA Regions IV and V to address attainment planning issues.

Although the three agencies, in the three States, have worked together on a comprehensive plan for the multi-state nonattainment area, each state is required to make a separate submittal for its portion of the planning components to U.S. EPA. This submittal only covers the Indiana portion of the nonattainment area, Lawrenceburg Township, Dearborn County, In.

1 IDEM has prepared the draft Redesignation  
2 Petition and Maintenance Plan for the Indiana portion of  
3 the Nonattainment Area consistent with U.S. EPA guidance.  
4 The draft petition outlines a demonstration that the area  
5 has attained the standard based on monitored  
6 concentrations, and that the reductions in monitored  
7 concentrations are attributable to permanent and  
8 enforceable reductions in precursor emissions, specifically  
9 reductions of nitrogen oxides. Furthermore, the draft  
10 maintenance plan outlines the following:

- 11
- 12 • Lawrenceburg Township, Dearborn  
13 County, Indiana does not significantly  
14 contribute to violations outside of the  
15 nonattainment area.
- 16 • Redesignation of the Cincinnati-Hamilton,  
17 OH-KY-IN nonattainment area will not  
18 adversely affect any downwind area's  
19 ability to attain the standard.
- 20 • Regional precursor emissions of nitrogen  
21 oxides and sulfur dioxide will continue to  
22 decline in the future.
- 23 • Due to existing and future emission  
24 controls, the area's air quality is not  
25 projected to worsen, and should further

1 improve over time.

- 2
- 3 • A commitment for all existing emission
  - 4 controls to remain in place.
  - 5 • A commitment to revise the plan within
  - 6 eight (8) years of redesignation.
  - 7 • A commitment to adopt and expeditiously
  - 8 implement necessary corrective actions if
  - 9 an action level response is triggered.
  - 10 o An action level response is triggered by
  - 11 a violation of the standard (a three
  - 12 year average annual arithmetic mean
  - 13 value of 0.085 ppm or greater) occurs.
  - 14 • A mobile source budget for transportation
  - 15 conformity purposes.

16 When IDEM placed the draft Redesignation

17 Petition and Maintenance Plan on public notice, the 2007

18 through 2009 monitoring data was still preliminary. The

19 2007 through 2009 quality assured ambient air quality data

20 has now been finalized and the updated monitoring data

21 will be provided to U.S. EPA within the final submittal of

22 the Redesignation Petition and Maintenance Plan. It should

23 also be noted that 2008, 2015 and 2020 data for Electrical

24 Generating Units (EGUs) for Butler, Clermont and Hamilton

25 counties in Ohio was also revised and the final numbers

1 will also be provided to U.S. EPA within the final  
2 submittal of the Redesignation Petition and Maintenance  
3 Plan. The final 2008, 2015 and 2020 EGU data for Butler,  
4 Clermont and Hamilton counties in Ohio was slightly lower  
5 than the preliminary data and will help ensure the area  
6 continues to attain the 8-hour Ozone standard.

7  
8 This concludes my comments regarding the draft  
9 Redesignation Petition and Maintenance Plan for the 8-hour  
10 Ozone National Ambient Air Quality Standard for the  
11 Indiana portion of the Cincinnati-Hamilton, OH-KY-IN  
12 "Basic" Ozone Nonattainment Area; Lawrenceburg Township,  
13 Dearborn County, Indiana. Before opening this hearing for  
14 public comments, may I once again remind you that this  
15 hearing pertains solely to this draft Redesignation  
16 Petition and Maintenance Plan and only comments germane to  
17 this matter will be considered as part of the public  
18 record.

19  
20 Amy and I will be available following this  
21 hearing to address any questions you may have that do not  
22 pertain to this specific matter.

23  
24 This hearing is now open for public comments.  
25 Are there any public comments?

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

\* \* \* \* \*

**CONCLUSION OF HEARING**

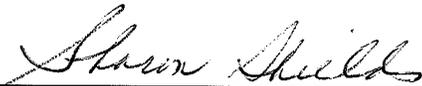
C E R T I F I C A T E

STATE OF INDIANA )  
 ) SS:  
COUNTY OF JEFFERSON )

I, Sharon Shields, do hereby certify that I am a Notary Public in and for the County of Jefferson, State of Indiana, duly authorized and qualified to administer oaths; That the foregoing public hearing was taken by me in shorthand and on a tape recorder on January 7, 2010 at the Lawrenceburg Public Library, 150 Mary Street, Lawrenceburg, IN; That this public hearing was taken on behalf of the Indiana Department of Environmental Management pursuant to agreement for taking at this time and place; That the testimony of the witnesses was reduced to typewriting by me and contains a complete and accurate transcript of the said testimony.

I further certify that pursuant to stipulation by and between the respective parties, this testimony has been transcribed and submitted to the Indiana Department of Environmental Management.

WITNESS my hand and notarial seal this 12th day of January, 2010.

  
Sharon Shields, Notary Public  
Jefferson County, State of Indiana

My Commission Expires: July 2, 2015