

LEGAL NOTICE OF PUBLIC HEARING

Indiana Transportation Conformity Process and Procedures State Implementation Plan

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) will hold a public hearing on Tuesday, May 11, 2010. The purpose of this hearing is to receive public comment on the Indiana Transportation Conformity Process and Procedures State Implementation Plan (SIP) and associated materials. The meeting will convene at 6:00 p.m. (local time) in the Indianapolis-Marion County Library-West Indianapolis Branch located at 1216 South Kappes Street, Indianapolis, Indiana. All interested persons are invited and will be given opportunity to express their views concerning the draft documents.

Pursuant to Section 110 of the 1990 Clean Air Act and Title 13 of the Indiana Code, IDEM is submitting a revision to the Indiana Transportation Conformity Process and Procedures SIP. This revision consists of a State and Federal Agency Memorandum of Understanding (MOU), an Interagency Consultation Group Conformity Consultation Guidance document, ten (10) Metropolitan Planning Organization (MPO) specific conformity procedures documents and ten (10) formally adopted MPO Resolutions related to the transportation conformity process. Together, these documents outline the process and procedures for transportation conformity both statewide and within each of the ozone and particulate matter nonattainment and maintenance areas of Indiana.

Copies of the draft documents will be available on or before Friday, April 9, 2010 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.
- Indianapolis-Marion County Library-West Indianapolis Branch, 1216 South Kappes Street, Indianapolis, 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 Friday, May 14, 2010. Mailed comments should be addressed to:

Indiana Transportation Conformity Process and Procedures State Implementation 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 Mr. Shawn Seals, 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) 233-0425 or (800) 451-6027 ext. 3-0425 (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.



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

Mr. Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3950

Re: Indiana Transportation Conformity Process and
Procedures State Implementation Plan

Dear Mr. Mathur:

With this letter the Indiana Department of Environmental Management (IDEM) submits the final Transportation Conformity Process and Procedures State Implementation Plan (SIP) for the State of Indiana. IDEM conducted a public hearing concerning the Transportation Conformity Process and Procedures SIP on **(Insert Public Hearing Date)**. The public comment period concluded on **(Insert Public Comment Closing Date)** and **(Insert Number of Comments Received)** comments were received.

Pursuant to Section 110 of the 1990 Clean Air Act and Title 13 of the Indiana Code, IDEM submits a revision to the Indiana Transportation Conformity Process and Procedures SIP. This revision consists of a State and Federal Agency Memorandum of Understanding (MOU), an Interagency Consultation Group Conformity Consultation Guidance document, ten (10) Metropolitan Planning Organization (MPO) specific conformity procedures documents and ten (10) formally adopted MPO Resolutions related to the transportation conformity process. Together, these documents outline the process and procedures for transportation conformity both statewide and within each of the ozone and particulate matter nonattainment and maintenance areas of Indiana.

The MOUs, Consultation Guidance Document and MPO specific documents were established through extensive consultation among the affected transportation partners in each of the ozone and particulate matter nonattainment and maintenance areas of Indiana. Together, the attachments below fully address the requirements associated with the federal conformity rule (40 CFR Parts 51 and 93).

In order to assist with your review of this SIP amendment, the following documents are enclosed:

- Attachment A:** State and Federal Agency MOU
- Attachment B:** Interagency Consultation Group Conformity Consultation Guidance Document
- Attachment C:** Delaware-Muncie Metropolitan Plan Commission "Resolution of Approval Regarding Transportation Air Quality Conformity Protocol and Procedures" and "Delaware County Transportation Air Quality Conformity Protocol"
- Attachment D:** Evansville Metropolitan Planning Organization (EMPO) "Resolution Approving MPO Specific Transportation Air Quality Conformity Protocol" and the EMPO "Transportation Air Quality Conformity Protocol"
- Attachment E:** Indianapolis Metropolitan Planning Organization (IMPO) "Metropolitan Development Commission of Marion County: Resolution No. 09-T-009" and "Central Indiana Transportation Air Quality Conformity Protocol"
- Attachment F:** Kentuckiana Regional Planning and Development Agency "Memorandum of Understanding among Kentuckiana Regional Planning and Development Agency, Indiana Department of Transportation, Kentucky Transportation Cabinet, Indiana Department of Environmental Management, Louisville Metro Air Pollution Control District, Transit Authority of River City, Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency and other Affected Agencies for Process and Procedures for Consultation and Determination of Transportation Conformity per 40 CFR Parts 51 and 93"
- Attachment G:** Michiana Area Council of Governments "Approval of MPO Specific Transportation Air Quality Conformity Procedures: Resolution 20-08" and "Transportation Air Quality Conformity Protocol"
- Attachment H:** Madison County Council of Governments "Resolution 9-08: Madison County/Delaware County Transportation Air Quality Conformity Protocol and Procedures," "Madison County Transportation Air Quality Conformity Protocol," "Resolution 12-08: Central Indiana MPOs Specific Transportation Air Quality Conformity Protocol and Procedures" and "Central Indiana Transportation Air Quality Conformity Protocol"
- Attachment I:** Northeastern Indiana Regional Coordinating Council "Approval of MPO Specific Transportation Air Quality Conformity Protocol" and "Transportation Air Quality Conformity Protocol: Conformity Procedures"

Attachment J: Northwestern Indiana Regional Planning Commission "Resolution 08-07: "A Resolution of the Northwestern Indiana Regional Planning Commission to Adopt the Transportation Air Quality Protocol" and "Transportation Air Quality Conformity Protocol: Conformity Procedures"

Attachment K: Ohio-Kentucky-Indiana Regional Council of Governments "Resolution of the Board of Directors of the Ohio-Kentucky-Indiana Regional Council of Governments Concerning the Execution of the Transportation Conformity Consultation Memorandum of Understanding" and "Memorandum of Understanding among the Ohio-Kentucky-Indiana Council of Governments, the Ohio Environmental Protection Agency, the Indiana Department of Environmental Management, the Indiana Department of Transportation, the Miami Valley Regional Planning Commission, the Ohio Department of Transportation, the United States Environmental Protection Agency – Region 5, the Federal Highway Administration – Ohio Division, the Federal Highway Administration – Indiana Division, the Federal Transit Administration – Region 5"

Attachment L: West Central Indiana Economic Development District "Transportation Policy Committee Resolution 031808-04" and "Transportation Air Quality Conformity Protocol: Conformity Procedures"

IDEM requests that the United States Environmental Protection Agency proceed with review and approval of this submittal. If you have any questions or need additional information, please contact Shawn Seals, Senior Environmental Manager, Air Programs Branch, at (317) 233-0425 or SSeals@idem.IN.gov

Sincerely,

Thomas W. Easterly
Commissioner

TWE/sms
Attachments

cc: Pat Morris, U.S. EPA Region 5 (w/ enclosures)
Steve Rosenthal, U.S. EPA Region 5 (w/ enclosures)
Chris Panos, U.S. EPA Region 5 (w/ enclosures)
Shawn Seals, IDEM-OAQ (w/ enclosures)
John Summerhays, U.S. EPA Region 5 (no enclosures)
Ed Doty, U.S. EPA Region 5 (no enclosures)
Cheryl L. Newton, U.S. EPA Region 5 (no enclosures)
John Mooney, U.S. EPA Region 5 (no enclosures)
Scott Deloney, IDEM-OAQ (no enclosures)
Christine Pedersen, IDEM-OAQ (no enclosures)

1 INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2

3

4

5 IN RE

6

7

8 PROPOSED REVISION TO SECTION 110 OF THE 1990 CLEAN AIR

9 ACT AND TITLE 13 OF THE INDIANA CODE

10

11

12

13

14 A public hearing was held before Senior Environmental

15 Manager Shawn Seals, on the 11th of May, 2010, at the

16 Indianapolis-Marion County Library - West Indianapolis

17 Branch, 1216 South Kappes Street, Indianapolis, Indiana,

18 and reported by me, Deborah J. Pearce, Notary Public in

19 and for the County of Hamilton, State of Indiana.

20

21

22

23

ACCURATE REPORTING OF INDIANA
William F. Daniels Prop. RPR/CP CM

24

12922 Brighton Avenue
Carmel, Indiana 46032

25

317-848-0088

INDEX OF ATTACHMENTS

1		
2		
3	Notice of Public Hearing	1 sheet front & back
4	Letter to Mr. Mathur	2 sheets front & back
5	Appendix A (MOU)	11 sheets front & back
6	Appendix B Conformity Doc.	14 sheets front & back
7	Appendix C (DMMPC)	8 sheets front & back
8	Appendix D (EMPO)	9 sheets front & back
9	Appendix E (IMPO)	9 sheets front & back
10	Conformity Guidance Aug 2007	13 sheets front & back
11	Appendix F (KIPDA)	19 sheets front & back
12	Appendix G (MACOG)	9 sheets front & back
13	Appendix H (MCCOG)	16 sheets front & back
14	Appendix I (NIRCC)	10 sheets front & back
15	Appendix J (NIRPC)	9 sheets front & back
16	Appendix K (OKI)	15 sheets front & back
17	Appendix L (WCIEDD)	9 sheets front & back
18	Hearing Opening Statements	3 sheets front & back
19		
20		
21		
22		
23		
24		
25		

1 MR. SEALS: This is a public hearing to
2 accept comments on the State Implementation Plan
3 submittal which shall incorporate a State and Federal
4 Agency Memorandum of Understanding, an Interagency
5 Consultation Group Conformity Consultation Guidance
6 document, ten (10) Metropolitan Planning Organization
7 (MPO) specific conformity procedures documents and ten
8 (10) formally adopted MPO Resolutions related to the
9 transportation conformity process.

10 Together, these documents outline the
11 process and procedures for transportation conformity
12 both statewide and within each of the ozone and
13 particulate matter nonattainment and maintenance areas
14 of Indiana, and address the requirements associated with
15 the federal conformity rule which is found in Title 40
16 of the Code of Federal Regulations (CFR) and detailed in
17 Parts 51 and 93.

18 This hearing is being held to conform
19 specifically to the Public Hearing provisions in 40 CFR
20 Part 51 regarding public hearings for State
21 Implementation Plan submittals.

22 My name is Shawn Seals. I am a Senior
23 Environmental Manager, with a focus on transportation
24 and air quality, with the Indiana Department of
25 Environmental Management, and I have been appointed to

1 act as hearing officer. Notice of the time and place of
2 the hearing was given, as provided by law, by
3 publication in the Indianapolis Star, Indianapolis,
4 Indiana.

5 The Indiana Department of Environmental
6 Management's Office of Air Quality through cooperation
7 and consultation with the Indiana Department of
8 Transportation, the United States Environmental
9 Protection Agency, the Federal Highway Administration
10 and the Federal Transit Administration has prepared a
11 Memorandum of Understanding that outlines the procedures
12 for interagency consultation relating to transportation
13 conformity process and procedures specific to state and
14 federal agencies, along with similar MPO specific
15 process and procedure documents for local areas.

16 In addition, Indiana Department of
17 Environmental Management's Office of Air Quality,
18 through cooperation and consultation with all affected
19 parties developed the Interagency Consultation Group
20 Conformity Consultation Guidance Document to set basic
21 guidelines for standard process and procedures to be
22 followed by affected parties in the transportation
23 conformity process. I will provide a brief background
24 on these documents later during this meeting.

25 The purpose of this public hearing is to

1 provide interested persons an opportunity of offer
2 comments to the state regarding the Indiana
3 Transportation Conformity Process and Procedures State
4 Implementation Plan submittal. Appearance blanks have
5 been distributed in the hearing room for all those
6 desiring to be shown appearing on the record in this
7 case. If you have not already filled out the form,
8 please do so, and indicate if you are appearing for
9 yourself or on behalf of a group or organization, and
10 identify such group or organization.

11 Also, note the capacity in which you appear,
12 such as attorney, officer, or authorized spokesperson.
13 Any person who is heard or represented at this hearing,
14 or who requests a notice, may be given written notice of
15 the final action taken on this State Implementation Plan
16 submittal.

17 Please indicate on the appearance card if
18 you wish to receive this notification. When appearance
19 cards have been completed, they should be handed to me,
20 and I will include them with the official record of this
21 proceeding.

22 Oral statements will be heard, but written
23 statements may be handed to me or mailed to the Office
24 of Air Quality on or before close of business on
25 May 14, 2010.

1 A written transcript of this hearing is
2 being made. The transcript will be open for public
3 inspection and a copy of the transcript may be available
4 to any person upon payment of the copying costs..

5 After the conclusion of this public hearing,
6 I will prepare a written report summarizing the comments
7 received on this hearing and recommended changes which
8 may need to be made to these documents. I would also
9 like to introduce the following documents into the
10 record: The notice for this public hearing being held
11 here today, and the Indiana Transportation Conformity
12 Process and Procedures State Implementation Plan cover
13 letter to the United States Environmental Protection
14 Agency.

15 Finally, I would like to briefly go over the
16 intent of these documents and the general
17 responsibilities of the affected parties in the
18 transportation conformity process.

19 The Indiana Department of Environmental
20 Management is the State agency responsible for air
21 quality planning. Associated responsibilities of the
22 Indiana Department of Environmental Management include
23 the identification of the various sources of air
24 pollutants, including mobile sources, and the
25 development of the State Implementation Plan.

1 The State Implementation Plan outlines the
2 control strategies for maintaining and improving air
3 quality within national ambient air quality
4 nonattainment areas. The Indiana Department of
5 Transportation is the State agency responsible for
6 state-wide transportation planning and project
7 implementation, and is a key stakeholder in the
8 transportation planning and conformity process across
9 Indiana.

10 The Federal Highway Administration and
11 Federal Transit Administration are the federal agencies
12 responsible for approving the Indiana and Kentucky
13 Statewide Transportation Improvement Programs. The
14 Federal Highway Administration and the Federal Transit
15 Administration are active participants in the regional
16 transportation planning and conformity processes and are
17 responsible for making a formal conformity determination
18 regarding the region's Transportation Plan and
19 Transportation Improvement Program.

20 The United States Environmental Protection
21 Agency is also a participant in the regional
22 transportation planning and conformity process and
23 provides comment to the Federal Highway Administration
24 and Federal Transit Administration regarding the
25 regional conformity analysis prior to the issuances of a

1 federal conformity finding.

2 The United States Environmental Protection
3 Agency is also the federal agency responsible for
4 reviewing and approving the State Implementation Plan.
5 The Delaware-Muncie Metropolitan Plan Commission,
6 Evansville Metropolitan Planning Organization,
7 Indianapolis Metropolitan Planning Organization,
8 Kentuckiana Regional Planning and Development Agency,
9 Michiana Area Council of Governments, Madison County
10 Council of Governments, Northeastern Indiana Regional
11 Coordinating Council, Northwestern Indiana Regional
12 Planning Commission, Ohio-Kentucky-Indiana Regional
13 Council of Governments, and West Central Indiana
14 Economic Development District are the local
15 transportation planning agencies responsible for
16 transportation planning and project implementation in
17 their areas.

18 In short, transportation conformity is the
19 process to assess the compliance of a transportation
20 plan, transportation improvement program, or
21 transportation project with the air quality State
22 Implementation Plan.

23 A conformity determination is based on the
24 consistency between the applicable emissions estimates
25 of the transportation plan and/or program and the Motor

1 Vehicle Emission Budget emissions included in the most
2 recently approved air quality State Implementation Plan.

3 If the emissions estimates of the
4 transportation plan, and/or program are lower than those
5 detailed in the approved air quality State
6 Implementation Plan, then a formal conformity finding
7 can be processed by the Federal Highway Administration
8 and/or the Federal Transit administration.

9 Together, the documents contained within
10 this State Implementation Plan submittal identify the
11 interagency consultation process and procedures for the
12 review and determination of conformity for
13 transportation related plans, programs, and projects for
14 nonattainment areas across Indiana that do not meet
15 current national ambient air quality standards.

16 These documents also identify the
17 interagency consultation procedures for the development
18 of applicable air quality State Implementation Plans.

19 Furthermore, they outline the following in
20 detail: The roles and responsibilities of each agency
21 throughout the transportation planning and conformity
22 processes; a description of where opportunity for public
23 involvement is to be provided in the transportation and
24 air quality planning processes; and the process and
25 procedures for the resolution of conflicts among the

1 affected agencies.

2 This concludes my comments regarding the
3 Indiana Transportation Conformity Process and Procedures
4 State Implementation Plan. This hearing is now open for
5 public comment. Are there any public comments?

6 With no comments being voiced, these
7 proceedings are hereby concluded, and this hearing is
8 adjourned at 6:10 p.m.

9
10 (WHEREUPON, at 6:10 p.m., May 11th, 2010,
11 this hearing concluded for the day.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF INDIANA)
2 COUNTY OF HAMILTON) SS:

3

4 I, Deborah J. Pearce, a Notary Public in and for
5 the County of Hamilton, State of Indiana at large, do
6 hereby certify:

6

7 That I reported to the best of my ability in
8 machine shorthand and typewriting all of the words
9 spoken by all parties in attendance during the course of
10 the hearing and/or submitted in writing;

9

10 That I later reduced my shorthand notes into the
11 foregoing typewritten transcript form, which typewritten
12 transcript is a true record to the best of my ability of
13 the hearing;

12

13 That I am a disinterested person in this cause of
14 action; that I am not a relative or attorney of either
15 party, or otherwise interested in the event of this
16 action.

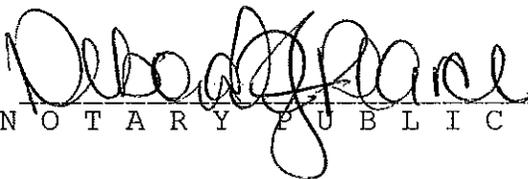
15

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and affixed my notarial seal this 11th day of May, 2010.

17

18

19


NOTARY PUBLIC

20

21

22 My Commission Expires:
23 September 7, 2017
24 County of Residence:
25 Hamilton