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IN THE MATTER OF PLAN TO ADDRESS REGIONAL HAZE

APPEARANCES

- - -

MS. MARY McCARRON, Public Involvement Manager
OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC INTEREST CENTER
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43215
(614) 644-2160

1 Thursday Afternoon
2 Session,
3 February 26, 2009.
4 3:30 p.m.

5 MS. McCARRON: My name is Mary McCarron.
6 I'm public involvement manager at Ohio EPA's Public
7 Interest Center and I'll be presiding over the
8 hearing today. Thank you for taking time to attend
9 the hearing.

10 The purpose of the hearing today is to
11 obtain comments from any interested person regarding
12 Ohio EPA's proposed plan. Ohio EPA has submitted to
13 U.S. EPA a plan that insures emissions from Ohio
14 facilities will not impact visibility at national
15 parks and wilderness areas. The plan is required by
16 the Federal Regional Haze Rule of 1999 and the Clean
17 Air Act.

18 All interested persons are entitled to
19 attend or be represented at public hearings such as
20 this. All written and oral comments that we receive
21 as part of the official record will be considered by
22 the Ohio EPA's director.

23 To be included on the official, written
24 comments must be received by the Ohio EPA at the
close of business today, February 26, 2009, and can

1 be e-mailed to Jennifer, J-E-N-N-I-F-E-R, dot,
2 Hunter, H-U-N-T-E-R, at EPA dot STATE dot O-H dot
3 U-S.

4 All written comments submitted for the
5 record receive the same consideration as any oral
6 testimony given today. Written comments submitted
7 after today will be considered as time and
8 circumstances permit but won't be part of the
9 official record for the hearing.

10 I'm going to call folks up in the order that
11 they signed in on the sign-in sheet. If you don't
12 want to submit any comments, just go ahead and say
13 "pass" and we will move on to the next name.

14 There is no cross-examination of
15 representatives of Ohio EPA at public hearings. Ohio
16 EPA public hearings such as this afford citizens the
17 opportunity to submit comments on the official
18 record, so we won't be able to answer questions
19 during the public hearing. However, members of Ohio
20 EPA may ask clarifying questions to make sure your
21 testimony is as accurate as possible.

22 I'm going to go ahead and read the names off
23 of people who have registered and if you would like
24 to submit testimony, I just ask that you state and

1 spell your name for the court reporter.

2 The first person who has signed in is Kathy
3 Wiedeman.

4 MS. KATHY WIEDEMAN: Wiedeman.

5 MS. McCARRON: Would you like to submit
6 testimony?

7 MS. KATHY WIEDEMAN: Pass.

8 I would like to make sure that you received
9 written comments that we submitted earlier.

10 MS. McCARRON: Yes.

11 MS. KATHY WIEDEMAN: Okay.

12 MS. McCARRON: Edward Huffman?

13 MR. EDWARD HUFFMAN: Pass.

14 MS. McCARRON: Okay. And Nachy Kanfer?

15 MR. NACHY KANFER: I will go ahead and
16 submit some comments.

17 MS. McCARRON: Okay. If you can state your
18 name, spell it for the court reporter and then go
19 ahead and proceed.

20 MR. NACHY KANFER: Sure.

21 Did I miss introductions? Were there
22 introductions?

23 MS. McCARRON: No, I didn't do
24 introductions.

1 I'm Mary McCarron, obviously. This is
2 Jennifer Hunter with DAPC and this is Dana Thompson
3 with DAPC as well.

4 MR. NACHY KANFER: Great.

5 MS. McCARRON: Sorry about that. If you
6 would like to go ahead and proceed with your
7 testimony, that would be great.

8 MR. NACHY KANFER: Sure. My name is Nachy
9 Kanfer. That's spelled N-A-C-H-Y K-A-N-F-E-R.

10 I represent the Sierra Club National Coal
11 Campaign in Ohio. Sierra Club has nearly 20,000
12 members across Ohio. Often our members accompany
13 staff to public hearings. However, when public
14 hearings are held at 3:30 p.m. on weekdays, it
15 becomes a little harder.

16 I would like to thank Ohio EPA staff very
17 much for the opportunity to submit these comments.
18 Sierra Club will not be submitting written comments
19 because Sierra Club staff are overworked at the
20 moment. So this is all you get.

21 But let me start with, first, a sort of
22 general observation that Ohio EPA's Regional Haze
23 Plan is -- it's a plan that proposes, basically, to
24 comply with another program - that being the Clean

1 Air Interstate Rule - and not much beyond that. It
2 does require the installation of controls on one
3 facility in Ohio but Ohio EPA should really be taking
4 further steps. It should be requiring controls on
5 existing electric generating units, of which there
6 are many in Ohio including many very polluting ones,
7 and other sources and addressing proposed sources as
8 well, including the AMP-Ohio generating station. And
9 that is in order -- if we really are to achieve all
10 of the public health benefits, the air quality
11 benefits, visibility benefits and obviously our
12 national parks, that really full compliance with this
13 Regional Haze Program, the Regional Haze Rule, can
14 achieve.

15 So first I would point out that Ohio EPA is
16 really acknowledging that it's only seeking to do the
17 bare minimum here. For example, on page 20 there's a
18 sentence while Ohio has made the decision that CAIR
19 will suffice for their control. You know, there's no
20 acknowledgment, there's no real awareness that the
21 State should not simply be aiming for a bare minimum
22 but should be working to achieve the maximum
23 reductions in air emissions especially air emissions
24 that reduce visibility in Class I areas.

1 As another example, on page 35, right --
2 this document, this is the Regional Haze SIP by the
3 way. We are talking about the locations that are
4 most highly impacted by Ohio sources - such as Dolly
5 Sods, for example, in West Virginia - and the
6 document shows satisfactory progress. Well, the term
7 "satisfactory" is subjective of course.

8 Ohio EPA should be aiming to show that there
9 is maximum progress allowed by the -- that can be
10 achieved under the Regional Haze Rule, under BART
11 controls.

12 Secondly, I would say that it is
13 inappropriate to use CAIR in general as an excuse for
14 not engaging in plant specific control. CAIR is a
15 cap and trade program that allows decreases and
16 increases in emissions across an area of 28 states,
17 right, that are covered. BART and other programs
18 require plant specific controls. So, its
19 inappropriate to avoid BART obligations by simply
20 claiming that BART eligible EGUs and BART eligible
21 other sources that are not EGUs will be made to
22 comply with CAIR. That's not a sufficient excuse.

23 I would also say that looking at various
24 answers on pages 27 and 31, there are these

1 statements, right, controlling EGUs beyond CAIR
2 control levels would have the most effect on
3 visibility improvement. And again, modeling
4 indicated that significant beyond-CAIR reductions
5 from EGUs - especially for sulphur dioxide - would be
6 the most effective control for improving visibility.

7 The plan fails to justify not requiring
8 those beyond-CAIR controls. Ohio EPA should be
9 evaluating on a plant-by-plant basis whether
10 plant-specific BART controls are justified at each of
11 these 37 EGUs identified on page, I believe it was -
12 sorry - page 20 here. It lists all the electric
13 generating stations in Ohio and -- yes, Ohio EPA
14 should be justifying its decision to not establish
15 BART controls on each one of these. ^

16 One other major concern is that the modeling
17 that Ohio EPA is relying upon here doesn't include
18 any proposed new sources in Ohio. One that's most
19 obviously apparent, of course, is the AMP-Ohio
20 generating station proposed for Meigs County. Those
21 new sources will impact visibility - assuming they're
22 built - they will impact visibility. They will
23 impact other things in Class I areas -- Dolly Sods,
24 Shenandoah, other various areas east of here. They

1 need to be factored into the plan.

2 I would also add that Ohio EPA, in general,
3 should be addressing those Class I impacts when the
4 permitting process for those new sources takes place.

5 And, finally, let me just point out that --
6 this isn't really my area of expertise, but looking
7 at the non-EGU source, this Glatfelter facility, Ohio
8 EPA has really failed to justify why they're not
9 requiring maximum reduction of SO2 emissions. We
10 have these three possibilities of control
11 technologies, and they are capable of 90 percent, 90
12 percent and 60 percent removal of SO2 respectively.
13 The company, unsurprisingly, chooses the 60 percent
14 removal and Ohio EPA concurs. Well, that -- there's
15 really no justification of that written in the plan.

16 We believe, Sierra Club believes, that
17 ninety percent removal of SO2 is best available and
18 should be achieved through that -- either one of
19 those two control technologies.

20 That concludes my comments.

21 MS. McCARRON: Okay. Thank you.

22 At this point there is nobody else who would
23 like to submit comments, so we will go off the record
24 until four o'clock to see if there are any late

1 comers.

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(Recess taken.)

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MS. McCARRON: We will go back on the
6 record.

7

At this point, I don't see any other
8 requests for testimony. I am just going to remind
9 you that written comments are due by the close of
10 business today, February 26. Thanks for attending.

11

The time is now 4:00 p.m. and this hearing
12 is adjourned.

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Thereupon, at 4:00 p.m., on Thursday,
15 February 26, 2009, the hearing was concluded.

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1 CERTIFICATE

2 STATE OF OHIO :
 3 COUNTY OF FRANKLIN :
 4

5 I, Teresa A. Pollard, a Notary Public in and
 6 for the State of Ohio, duly commissioned and
 7 qualified, do hereby certify that the aforesaid
 8 proceeding on February 26, 2009, was by me reduced to
 9 stenotype and afterward transcribed upon a computer;
 10 that the foregoing is a true and correct transcript of
 11 the proceedings; that the proceeding was taken at the
 12 time and place in the caption specified and was
 13 adjourned; and that I am in no way related to or
 14 employed by any attorney or party hereto, or
 15 financially interested in the action.

16 IN WITNESS WHEREOF, I have hereunto set my
 17 hand and affixed my seal of office at Columbus, Ohio,
 18 on this 7th of March, 2009.

19
 20 Teresa A. Pollard (Comm)

21 TERESA A. POLLARD
 22 NOTARY PUBLIC-STATE OF OHIO
 23

24 My Commission Expires: October 21, 2012.

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