

**Public Notice**  
**Ohio Environmental Protection Agency**  
**Redesignation and Maintenance Plan for the**  
**Ohio Portion of the Campbell-Clermont KY-OH SO<sub>2</sub> Nonattainment Area**

**Pierce Township in Clermont County**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, (Ohio EPA) is requesting that the United States Environmental Protection Agency (U.S. EPA) revise the current air quality designation for the Ohio portion, Pierce Township in Clermont County, of the Campbell-Clermont KY-OH nonattainment area to attainment with respect to the 2010 1-hour SO<sub>2</sub> national ambient air quality standard (NAAQS). Air quality monitoring data collected between 2012 and 2014 in the nonattainment area demonstrates attainment of the NAAQS and there is evidence that the improved air quality is due to permanent, enforceable emission reductions. In addition, existing requirements are sufficient to maintain the 2010 1-hour SO<sub>2</sub> standard in this area at least ten years into the future.

The permanent shutdown of the Walter C. Beckjord power plant in this area has resulted in significant SO<sub>2</sub> emission reductions. Ohio EPA proposes to utilize existing emission inventory information and projections of future emissions as the demonstration of the ability to maintain the NAAQS in the Campbell-Clermont KY-OH area in the future.

The State of Ohio proposes to:

1. Request the U.S. EPA redesignate the Ohio portion, Pierce Township in Clermont County, of the Campbell-Clermont KY-OH area to attainment with respect to the 2010 1-hour SO<sub>2</sub> NAAQS and incorporate the maintenance plan. This request will document that existing enforceable control measures are responsible for the observed improvement in air quality; and
2. Designate existing controls (permanent shutdown) as sufficient to maintain the NAAQS into the future.

These actions must be noticed to allow public comment and to satisfy USEPA requirements for public involvement in SIP related activities. This notice addresses Ohio EPA's reliance on the emission projections as evidence of attainment and maintenance. Written comments will be received on or before April 16, 2015 at the following address:

E-mail: [Erica.Fetty@epa.state.oh.us](mailto:Erica.Fetty@epa.state.oh.us)

Mailing address: Erica Fetty  
Ohio Environmental Protection Agency, DAPC  
Lazarus Government Center

P.O. Box 1049  
Columbus, Ohio 43216-1049

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on this redesignation request will be conducted as follows April 16, 2015 at 3:00 PM, at the Pierce Twp. Administration Building, 950 Locust Corner Rd., Cincinnati, OH 45245.

All interested persons are entitled to attend or be represented at the hearings and give written or oral comments on these changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or to the above address by the close of business on April 16, 2015 will be considered by Ohio EPA prior to final action on this redesignation. Written statements submitted after April 16, 2015 may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

This redesignation and maintenance request is available on Ohio EPA DAPC's Web page for electronic downloading at: <http://www.epa.ohio.gov/dapc/SIP/so2.aspx>. Questions regarding accessing the web site should be directed to Paul Braun at 614-644-3734; other questions or comments about this document should be directed to either Erica Fetty, (614)-644-2310, [Erica.Fetty@epa.ohio.gov](mailto:Erica.Fetty@epa.ohio.gov) or Jennifer Van Vlerah at (614) 644-3696, [Jennifer.vanvlerah@epa.ohio.gov](mailto:Jennifer.vanvlerah@epa.ohio.gov) or mailed to Erica Fetty or Jennifer Van Vlerah at the above address.



## Division of Air Pollution Control

### Response to Comments

#### Redesignation Request and Maintenance Plan for the Campbell-Clermont KY-OH Sulfur Dioxide (SO<sub>2</sub>) Nonattainment Area

##### Agency Contacts for this Project

Division Contact: (Jennifer Van Vlerah, Division of Air Pollution Control, 614-644-3696, [jennifer.vanvlerah@epa.ohio.gov](mailto:jennifer.vanvlerah@epa.ohio.gov))

Ohio EPA held a public hearing in Cincinnati, OH on April 16, 2015, regarding the Redesignation Request and Maintenance Plan for the Campbell-Clermont KY-OH SO<sub>2</sub> nonattainment area. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on April 16, 2015.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

**Comment 1:** The Utilities support Ohio EPA's request for redesignation of Pierce Township in Clermont County. Of note one the redesignation requests, the Walter C. Beckjord facility ceased operation on September 1, 2014 and Ohio EPA was notified of the permanent shutdown on October 14, 2014. There is no other significant source located in the area. Ohio EPA has determined that the violations at the monitor were likely cause by the Beckjord facility. Since there are no longer any significant sources impacting this monitor, the Utilities believe that it is appropriate to redesignate this area as attainment for the one-hour SO<sub>2</sub> NAAQS. (**Cheri A. Budzynski, Shumaker, Loop & Kendrick, LLP on behalf of the Ohio Utility Group**)

**Response 1:** Thank you for your comment and support on Ohio's request. Ohio EPA agrees the area should be designated to "attainment" and will be requesting the "attainment" designation in lieu of an "unclassifiable" designation.

**Comment 2:** Attaining the standard:

The key test here is whether, on the basis of available evidence, we can conclude that the entirety of the nonattainment area is now attaining the standard. Please do not suggest that EPA Regions 4 and 5 agreed with a determination that an analysis of maximum concentration location was not warranted. To the extent that Zimmer is the most significant remaining source anywhere near the area, that would suggest that the maximum concentration location would be the portion of the area closest to Zimmer. Thus, to that extent, the question instead would be whether the monitor provides a sufficient representation of concentrations throughout the nonattainment area to be able to conclude that the entire area, including portions of the area closer to Zimmer, are attaining the standard. Modeling of Beckjord of course is unnecessary, but Ohio needs to make more of a case that modeling of other sources is not necessary to determine that even concentrations even at the maximum concentration location in the nonattainment area are below the standard.

The trajectory analysis is a key part of this evaluation, even though the work was done more to determine contribution at the monitor location rather than impacts throughout the nonattainment. An important point is that trajectories in which winds do not carry emissions from Zimmer to the monitor also represent trajectories that largely do not carry emissions from Zimmer to any of the rest of the nonattainment area, either. Another important point is that Zimmer is sufficient distance from the nonattainment area to conclude that impacts at the nearest edge of the nonattainment area are likely to be similar to impacts at the monitor. (For making this point, it would be useful to compare the distance from Zimmer to the nonattainment area versus the distance from Zimmer to the monitor.) This would support an argument that, with Beckjord emissions at zero, concentrations throughout the nonattainment area are relatively uniform, such that concentrations elsewhere in the nonattainment area would not likely be significantly higher.

It would also be useful to examine air quality data in relation to emissions from Beckjord, for example to examine air

quality for the portions of 2014 when emissions were low or even zero. You analyze average concentrations with and without the two units at Beckjord, but it would be useful to analyze more of a peak statistic for the period, e.g. the 99<sup>th</sup> percentile (if this statistic is adequately robust). Data collected so far in 2015 may be useful for this purpose. I recognize that these periods did not constitute an entire year, but these data would likely provide strong support for the hypothesis that a scenario in which Beckjord emissions are zero can be expected to have attaining air quality throughout the area, even in portions of the nonattainment that might have more impact from sources like Zimmer that are outside the nonattainment area.

Figure 3 is intended to illustrate the relationship between emissions at Beckjord and Zimmer and air quality, but several aspects of this figure obscure the relationship. First, it is not clear which label applies to which of the three graphs. Second, it is not clear what an "18 per. Mov. Avg." is or why this statistic was used. I presume it is an average of 18 hours of data, but the use of this statistic would seem to obscure the level of the peak concentrations that are of most concern. Finally, this set of graphs is difficult to interpret. Given the importance of demonstrating that the shutdown of Beckjord has had and will have a dramatic impact on SO<sub>2</sub> concentrations in the area, it is worth the effort to improve the presentation of the information that can be obtained from the data used in preparing these graphs.

Appendix D focuses on Zimmer. Ohio should also address whether any sources elsewhere, such as in Hamilton County, are prone to have significant impacts anywhere in the nonattainment area. The trajectories suggest not, but this is an important point to address.

I am stressing this point because we have other areas around the country that are seeking clean data determinations. I am aware of another case where a relatively small nonattainment area has only one source, which has shut down, but several other nearby sources are continuing to operate, and we seem likely to reject the clean data determination in absence of evidence, presumably in the form of modeling, to demonstrate that the (clean) monitor adequately represents the maximum concentration location with respect to the remaining sources. Your submittal for the Campbell-Clermont area must address the issue of whether data from the monitor provides adequate evidence that the

entire area is attaining. (U.S. EPA Region V, submitted via email)

**Response 2:** Ohio EPA has incorporated several additional changes to our request to address evidence of attainment of the standard. Several clarifications and additional analyses are incorporated into the body of the redesignation document, additional revisions were incorporated into the background analysis (Appendix F), an additional monitor analysis (Appendix K) was performed, and an additional modeling analysis (Appendix J) was also performed. These revisions clearly shows that the shutdown of Beckjord will ensure attainment throughout the entire nonattainment area taking into consideration the potential impact of other sources within the vicinity but located outside the nonattainment area.

**Comment 3:** Adequate SIP:

More important than the infrastructure SIP is all your rules in OAC 3745-18, most notably 3745-18-19 and perhaps 3745-18-37.

I presume that the reason biogenic emissions are not included is because you believe these emissions to be negligible, not because you didn't want to take the effort to compute them or because you didn't want us to know. Although Kentucky emissions are low, it would be worth explaining why non-EGU emissions become zero by 2020. I'm not sure what the "safety margin" column signifies. Perhaps this column would have meaning if you were compiling conformity budgets, but I understand you are finding that no conformity budget is needed.

In light of the recent Sixth Circuit decision in relation to the redesignation of the Cincinnati area for PM2.5, Ohio may or may not be "obligated to submit RACM and RACT." This makes Ohio's second rationale, relating to the absence of major point sources, more important. A better way of arguing that Ohio has satisfied these requirements is to state that in absence of major point sources, no point source emission controls are possible. Ohio should also address minor source measures, presumably to conclude that no further measures constitute RACM on the minor sources that remain. (U.S. EPA Region V, submitted via email)

**Response 3:** Ohio EPA has incorporated additional information in Chapter 5, Requirement 4 of 6, to identify the importance of the OAC

3745-18 regulations. Ohio EPA has also provided clarification regarding the negligible biogenic emissions in Chapter 4, Requirement 1 of 4. In addition, the tables in this section were corrected for rounding errors and the accidental omission of non-EGU emissions in 2020 and 2027 and to remove the "safety margin" column which has no significant meaning.

With respect to RACM/RACT, additional clarification was incorporated into Requirement 1 of 6 under Chapter 5.

**Comment 4:** Permanent and enforceable cause of air quality improvement:

Discussion of the permanence and enforceability of Beckjord's shutdown should be included in this section. After noting that the letter from the company results in the termination of the permit that authorizes them to operate, you should identify the provisions in state regulation that the state and EPA could enforce that prohibit operating without such a permit. Discussion of the relationship between the decline and cessation of Beckjord's emissions and air quality (as discussed above in relationship to air quality) would also help make the case that the air quality improvement seen so far, from 2011 to present, is attributable to the shutdown of Beckjord. This section should clarify that the entirety of Beckjord is required not to operate, i.e. that allowable emissions from the entire facility are now zero. **(U.S. EPA Region V, submitted via email)**

**Response 4:** Ohio EPA has made clarification throughout the request regarding the permanence of Beckord's shutdown of the major coal fired units and more recent permanent shutdown of the minor oil-fired units (see newly added Appendix I). It should be noted that the minor oil-fired units contributed little to no sulfur dioxide emissions. This now represents shutdown of the entirety of the facility.

Ohio EPA has also provided clarification on how the state and U.S. EPA could enforce the prohibition of operating without a permit and/or after notification of permanent shutdown. This clarification is provided in Requirement 3 of 4 under Chapter 4.

**Comment 5:** Maintenance:

Modeling or having emissions below the attainment inventory are not the only options for demonstrating

maintenance. In particular, I am much less convinced of maintenance by having future emissions below 32,619 tpy than I am by having emissions at 16 tpy. For SO<sub>2</sub>, I would not say (especially for a nonattainment area) that “maintenance is demonstrated [when emissions are below 2014 levels.]” Similarly, the fact that you consulted with EPA regions 4 and 5 is not a good reason to forgo modeling. Clearly, you have reasons to forgo modeling, beyond simply that “unique circumstances” exist, and you should articulate those reasons.

Perhaps I was not clear why we recommended analyzing background concentrations. If you “model” Beckjord as having zero emissions, and there are no other sources with impacts not represented in the background concentration, then the background concentration is the entirety of the future “modeled” (predicted) concentration. That is, it appears that you may reasonably assert that you anticipate future design values to be on the order of 5 ppb. In these circumstances, a reasonable anticipation of design values around 5 ppb is a stronger argument for maintenance than the anticipation of emissions being below 32,619 tpy.

We acknowledge (and it would be worth stating explicitly) that the absence of sources with any evident potential to cause violations means that Ohio cannot anticipate what might cause a violation in this area and thus what contingency measures might exist that might help address any future violation. Nevertheless, Ohio should specify what event (e.g., what monitored concentration) would trigger the process of investigating and adopting contingency measures and what timetable Ohio would expect to operate under.  
**(U.S. EPA Region V, submitted via email)**

**Response 5:**

Ohio EPA has provided clarification in Requirement 2 of 4 under Chapter 4 regarding the demonstration of maintenance. In addition, several additional analyses were incorporated, as discussed in response 2 above, to assist in further demonstrating both attainment and maintenance.

In addition, Requirement 2 of 4 under Chapter 4 provides additional summaries and analyses regarding background concentrations.

Lastly, Ohio EPA has incorporated additional clarification and triggering events for contingency measures under Requirement 2 of 4 and Requirement 3 of 4 under Chapter 6.

**Comment 6:** Satisfaction of section 110 and Part D:

Discussion of the satisfaction of section 110 and Part D should include discussion of the satisfaction of section 110(a)(1). These provisions, which work in concert with the provisions of Part D and most notably require providing for attainment, are at least as important to address as the "infrastructure" provisions of section 110(a)(2). **(U.S. EPA Region V, submitted via email)**

**Response 6:** Ohio EPA has added additional clarification under Chapter 2 (5.a) to address the importance of section 110(a)(1).

**Comment 7:** I guess I would like to provide testimony. I would like to ask that the State of Ohio EPA hold this in abeyance until you receive an answer to whether the peaking units that are in the east end of the Beckjord plant will be decommissioned and never used. I'd like a response from that. And also I'd like to know whether they have been calculated in the sulfur dioxide output, and whether they are presently able to burn low sulfur and whether this is a consideration that has been included in this, because the notice simply indicates that the Walter C. Beckjord plant is being closed that is the coal fire plant, and there is a major peaking unit on the east end of the plant that is referred to as the oil plant and I would like to know whether that is actually also being closed and would like to know whether they do burn low sulfur oil and whether that consideration is involved in this decision. I ask that you not make the decision until that is answered because of that and that is actually definitively addressed. My name is Daniel Owens, I'm a resident of Pierce Township, I'm an attorney, and I was a trustee here for 16 years. And I am part of an environmental agreement with Duke Energy, that is in the 28th year of its existence, concerning the Beckjord plant. Thank you very much. **(Daniel Owens, Hearing Testimony)**

**Response 7:** As discussed in response 4, the entirety of the Beckjord facility is permanently shutdown.

**Comment 8:** My name is Alan Freeman, a Pierce Township resident, I just wanted to make sure that I understood that this attainment is on for SO<sub>2</sub>, not for any other ozone related compounds; is that correct?

The important thing is that we are going to be hopefully in the future in attainment for sulphur dioxide only, not for the VOCs or the NO<sub>x</sub>s. That's important to this area, because

quite frankly we have some issues with regard to some other agencies that are applying for federal dollars for other ozone type related contaminants, we want to make sure those won't be harmed in any way and want to move forward with those, so that also we can eventually be in attainment for ozone related contaminants as well. So moving forward we really are hopeful that we can put this on the record that it is true that this is only for that one component, not for the others, so that we will be able to talk to some of the funders in the area, so we will continue to be eligible for those appropriate funds without exception. **(Alan Freeman, Hearing Testimony)**

**Response 8:**

This submittal does not address ozone but only sulfur dioxide.

**End of Response to Comments**

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BEFORE THE OHIO EPA  
PUBLIC INTEREST CENTER

- - -

Proposed Redesignation and Maintenance Plan  
for Pierce Twp. - Pierce Township Bldg.

(Clermont County)

April 16, 2015

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PUBLIC COMMENTS

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1 MS. PEELLE: The purpose of this hearing today  
2 is to accept public comments on Ohio EPA's proposed request  
3 to officially recognize that air quality in Pierce Township  
4 for Clermont County, meets the Federal air quality standard  
5 for sulphur dioxide.

6 Pierce Township is part of the Campbell Township  
7 Kentucky/Ohio non-attainment area for the 2010 one-hour  
8 sulphur dioxide national ambient air quality standard.

9 Air quality monitoring data collected between 2012  
10 and 2014 demonstrates the area is now meeting the standard.  
11 Ohio EPA believes the improved air quality is due to the  
12 permanent emission reductions following the shutdown of the  
13 Walter C. Beckjord Power Plant.

14 Ohio EPA published a public notice to announce the  
15 hearing and public comment period regarding the proposed  
16 redesignation in newspapers in the area.

17 This notice was issued in Ohio EPA's Weekly Review,  
18 which is a publication that lists by county all Agency  
19 activities and actions taking place in the State of Ohio.

20 Written and oral comments received as part of the  
21 official record are reviewed by Ohio EPA prior to a final  
22 action of the Director. To be included in the official  
23 record, written comments must be received by Ohio EPA by the  
24 close of business today, April 16th, 2015. Comments received  
25 after today may be considered as time and circumstances would

1 permit, but will not be apart of the official record for this  
2 hearing.

3           Written comments can be filed with us today or can  
4 be e-mailed to Erica Fetty at erica.fetty@epa.ohio.gov. You  
5 can get that from either of us at the end of the hearing.

6           All comments whether written or spoken are given  
7 the same consideration.

8           Questions and comments made during the hearing will  
9 be responded to in a document known as a response to  
10 comments. Program staff recommendations and comments made by  
11 the public will be taken into consideration.

12           Once a decision is made by the director the final  
13 decision and response to comments will be made available to  
14 anyone who requests a copy.

15           If you have questions ask them on the record during  
16 the hearing and the Agency will respond to them in writing  
17 within the responsiveness summary.

18           Final actions of the Director are appealable to the  
19 Environmental Review Appeals Committee, also known as ERAC.  
20 The board is separate from Ohio EPA and reviews cases in  
21 accordance with Ohio's environmental laws and rules.

22           Any ERAC decision is appealable to the Franklin  
23 County Court of Appeals. Any order of the Court of Appeals  
24 is appealable to the Supreme Court of Ohio.

25           Each individual may testify only once and speak for

1 five minutes, so please use your time wisely.

2 What I would like to do since this is a small  
3 group, if you would like to provide testimony, if you would  
4 raise your hand, and once you are recognized please proceed  
5 to give your testimony. Please stand in this area so that we  
6 can get a good recording. So if you would like to provide  
7 testimony please come forward at this time.

8 MR. OWENS: I guess I would like to provide  
9 testimony. I would like to ask that the State of Ohio EPA  
10 hold this in abeyance until you receive an answer to whether  
11 the peaking units that are in the east end of the Beckjord  
12 plant will be decommissioned and never used. I'd like a  
13 response from that.

14 And also I'd like to know whether they have been  
15 calculated in the sulphur dioxide output, and whether they  
16 are presently able to burn low sulphur and whether this is a  
17 consideration that has been included in this, because the  
18 notice simply indicates that the Walter C. Beckjord plant is  
19 being closed that is the coal fire plant, and there is a  
20 major peaking unit on the east end of the plant that is  
21 referred to as the oil plant and I would like to know whether  
22 that is actually also being closed and would like to know  
23 whether they do burn low sulphur oil and whether that  
24 consideration is involved in this decision.

25 I ask that you not make the decision until that is

1 answered because of that and that is actually definitively  
2 addressed.

3 My name is Daniel Owens, I'm a resident of Pierce  
4 Township, I'm an attorney, and I was a trustee here for 16  
5 years. And I am part of an environmental agreement with Duke  
6 Energy, that is in the 28th year of its existence, concerning  
7 the Beckjord plant. Thank you very much.

8 MS. PEELLE: Thank you. Mr. Owens. Would  
9 anybody else like to provide testimony?

10 All right. If there are no further requests for  
11 testimony we will end the hearing. Please remember that  
12 written comments will be accepted through the close of  
13 business today, April 16th. They can be sent to Erica Fetty  
14 at erica.fetty@epa.ohio.gov.

15 We do appreciate you coming this afternoon in  
16 helping with the decision-making process. The time is now  
17 3:18 p.m., and the hearing is adjourned, but we will stick  
18 around for a while in case someone shows up.

19 MR. FREEMAN: My name is Alan Freeman, a  
20 Pierce Township resident, I just wanted to make sure that I  
21 understood that this attainment is on for SO<sub>2</sub>, not for any  
22 other ozone related compounds; is that correct?

23 MS. PEELLE: We can't answer questions.

24 MR. FREEMAN: Okay. Let it reflect they  
25 nodded their heads. Roll it back I can take care of that.

1 MS. PEELLE: (Inaudible.) We can't do that.

2 MR. FREEMAN: All right. I will roll it back  
3 then.

4 The important thing is that we are going to be  
5 hopefully in the future in attainment for sulphur dioxide  
6 only, not for the VOCs or the NOs.

7 That's important to this area, because quite  
8 frankly we have some issues with regard to some other  
9 agencies that are applying for federal dollars for other  
10 ozone type related contaminants, we want to make sure those  
11 won't be harmed in any way and want to move forward with  
12 those, so that also we can eventually be in attainment for  
13 ozone related contaminants as well.

14 So moving forward we really are hopeful that we can  
15 put this on the record that it is true that this is only for  
16 that one component, not for the others, so that we will be  
17 able to talk to some of the funders in the area, so we will  
18 continue to be eligible for those appropriate funds without  
19 exception. Works for me.

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CERTIFICATE

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I, Cheryl D. Edwards, Certified Professional Reporter, and Notary Public in and for the State of Ohio, do certify that the foregoing is a transcript of the audio recording in this matter of the proceedings taken on April 16, 2015.

That I am not an attorney for or relative of either party and have no interest whatsoever in the outcome of this matter.

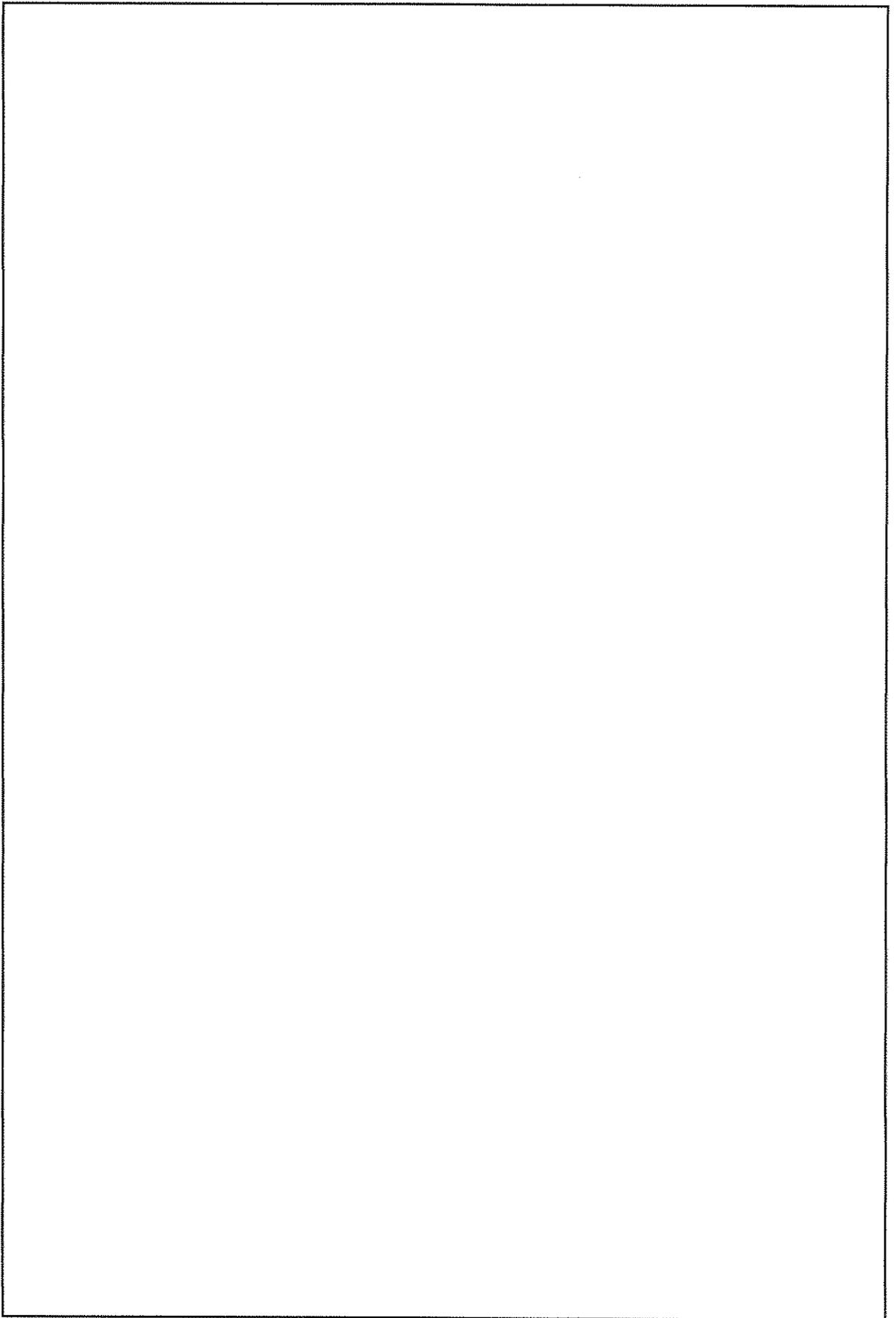
IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 24th day of April, 2015.

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Cheryl D. Edwards,  
Notary Public in and for  
the State of Ohio  
My commission expires 11/05/18

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CHERI A. BUDZYNSKI  
419.321.1332  
[cbudzynski@slk-law.com](mailto:cbudzynski@slk-law.com)

**VIA EMAIL AND U.S. MAIL**

April 16, 2015

Erica Fetty  
Ohio Environmental Protection Agency  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 4321601049  
[Erica.Fetty@epa.state.oh.us](mailto:Erica.Fetty@epa.state.oh.us)

**Re: Request for Redesignation of the Ohio Portion of the Campbell-Clermont KY-OH Area to Attainment of the 2010 One-Hour Sulfur Dioxide National Ambient Air Quality Standard**  
*Our File No. 043591*

Dear Ms. Blakley:

In March 2015, Ohio EPA requested to redesignate the Ohio portion of the Campbell-Clermont KY-OH Area to Attainment of the 2010 One-Hour Sulfur Dioxide ("SO<sub>2</sub>") National Ambient Air Quality Standard ("NAAQS"). The following comments are submitted on behalf of the Ohio Utility Group and its member companies ("OUG" or "the Utilities"),<sup>1</sup> which is an association of individual electric utilities in the State of Ohio. The electric utilities own and operate power plants and other facilities that generate electricity for residential, commercial, industrial, and institutional customers. These power plants and other facilities are subject to the Clean Air Act. OUG's purpose, in part, is to participate collectively on behalf of its members in administrative proceedings under various environmental laws, including the Clean Air Act and in litigation arising from those proceedings that affect electric generators. Thus, the notice affects the members of OUG.

The Utilities support Ohio EPA's request for redesignation of Pierce Township in Clermont County. Of note on the redesignation requests, the Walter C. Beckjord facility ceased operation on September 1, 2014 and Ohio EPA was notified of the permanent shutdown on October 14, 2014. There is no other significant source located in the area. Ohio EPA has determined that the

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<sup>1</sup> The member companies include: AEP Generation Resources Inc., Buckeye Power, Inc., The Dayton Power and Light Company, Duke Energy Ohio, FirstEnergy Solutions, and Ohio Valley Electric Corporation.

Erica Fetty  
April 16, 2015  
Page 2

violations at the monitor were likely caused by the Beckjord facility. Since there are no longer any significant sources impacting this monitor, the Utilities believe that it is appropriate to redesignate this area as attainment for the one-hour SO<sub>2</sub> NAAQS.

The Utilities appreciate the opportunity to comment on the proposed rule. If you have any questions regarding these comments, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "Cheri A. Budzynski". The signature is written in a cursive style with a long, sweeping underline.

Cheri A. Budzynski

CAB\bd

## Van Vlerah, Jennifer

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**From:** Summerhays, John <Summerhays.John@epa.gov>  
**Sent:** Friday, April 17, 2015 5:31 PM  
**To:** Fetty, Erica; Van Vlerah, Jennifer  
**Cc:** Bradley, Twunjala; Aburano, Douglas; Portanova, Mary; Blakley, Pamela  
**Subject:** Clermont-Campbell Draft Redesignation Request

Please consider the following as you proceed toward completing this package.

1. Attaining the standard:

The key test here is whether, on the basis of available evidence, we can conclude that the entirety of the nonattainment area is now attaining the standard. Please do not suggest that EPA Regions 4 and 5 agreed with a determination that an analysis of maximum concentration location was not warranted. To the extent that Zimmer is the most significant remaining source anywhere near the area, that would suggest that the maximum concentration location would be the portion of the area closest to Zimmer. Thus, to that extent, the question instead would be whether the monitor provides a sufficient representation of concentrations throughout the nonattainment area to be able to conclude that the entire area, including portions of the area closer to Zimmer, are attaining the standard. Modeling of Beckjord of course is unnecessary, but Ohio needs to make more of a case that modeling of other sources is not necessary to determine that even concentrations even at the maximum concentration location in the nonattainment area are below the standard.

The trajectory analysis is a key part of this evaluation, even though the work was done more to determine contribution at the monitor location rather than impacts throughout the nonattainment. An important point is that trajectories in which winds do not carry emissions from Zimmer to the monitor also represent trajectories that largely do not carry emissions from Zimmer to any of the rest of the nonattainment area, either. Another important point is that Zimmer is sufficient distance from the nonattainment area to conclude that impacts at the nearest edge of the nonattainment area are likely to be similar to impacts at the monitor. (For making this point, it would be useful to compare the distance from Zimmer to the nonattainment area versus the distance from Zimmer to the monitor.) This would support an argument that, with Beckjord emissions at zero, concentrations throughout the nonattainment area are relatively uniform, such that concentrations elsewhere in the nonattainment area would not likely be significantly higher.

It would also be useful to examine air quality data in relation to emissions from Beckjord, for example to examine air quality for the portions of 2014 when emissions were low or even zero. You analyze average concentrations with and without the two units at Beckjord, but it would be useful to analyze more of a peak statistic for the period, e.g. the 99<sup>th</sup> percentile (if this statistic is adequately robust). Data collected so far in 2015 may be useful for this purpose. I recognize that these periods did not constitute an entire year, but these data would likely provide strong support for the hypothesis that a scenario in which Beckjord emissions are zero can be expected to have attaining air quality throughout the area, even in portions of the nonattainment that might have more impact from sources like Zimmer that are outside the nonattainment area.

Figure 3 is intended to illustrate the relationship between emissions at Beckjord and Zimmer and air quality, but several aspects of this figure obscure the relationship. First, it is not clear which label applies to which of the three graphs. Second, it is not clear what an "18 per. Mov. Avg." is or why this statistic was used. I presume it is an average of 18 hours of data, but the use of this statistic would seem to obscure the level of the peak concentrations that are of most concern. Finally, this set of graphs is difficult to interpret. Given the importance of demonstrating that the shutdown of Beckjord has had and will have a dramatic impact on SO<sub>2</sub> concentrations in the area, it is worth the effort to improve the presentation of the information that can be obtained from the data used in preparing these graphs.

Appendix D focuses on Zimmer. Ohio should also address whether any sources elsewhere, such as in Hamilton County, are prone to have significant impacts anywhere in the nonattainment area. The trajectories suggest not, but this is an important point to address.

I am stressing this point because we have other areas around the country that are seeking clean data determinations. I am aware of another case where a relatively small nonattainment area has only one source, which has shut down, but several other nearby sources are continuing to operate, and we seem likely to reject the clean data determination in absence of evidence, presumably in the form of modeling, to demonstrate that the (clean) monitor adequately represents the maximum concentration location with respect to the remaining sources. Your submittal for the Campbell-Clermont area must address the issue of whether data from the monitor provides adequate evidence that the entire area is attaining.

## 2. Adequate SIP

More important than the infrastructure SIP is all your rules in OAC 3745-18, most notably 3745-18-19 and perhaps 3745-18-37.

I presume that the reason biogenic emissions are not included is because you believe these emissions to be negligible, not because you didn't want to take the effort to compute them or because you didn't want us to know. Although Kentucky emissions are low, it would be worth explaining why non-EGU emissions become zero by 2020. I'm not sure what the "safety margin" column signifies. Perhaps this column would have meaning if you were compiling conformity budgets, but I understand you are finding that no conformity budget is needed.

In light of the recent Sixth Circuit decision in relation to the redesignation of the Cincinnati area for PM<sub>2.5</sub>, Ohio may or may not be "obligated to submit RACM and RACT." This makes Ohio's second rationale, relating to the absence of major point sources, more important. A better way of arguing that Ohio has satisfied these requirements is to state that in absence of major point sources, no point source emission controls are possible. Ohio should also address minor source measures, presumably to conclude that no further measures constitute RACM on the minor sources that remain.

## 3. Permanent and enforceable cause of air quality improvement

Discussion of the permanence and enforceability of Beckjord's shutdown should be included in this section. After noting that the letter from the company results in the termination of the permit that authorizes them to operate, you should identify the provisions in state regulation that the state and EPA could enforce that prohibit operating without such a permit. Discussion of the relationship between the decline and cessation of Beckjord's emissions and air quality (as discussed above in relationship to air quality) would also help make the case that the air quality improvement seen so far, from 2011 to present, is attributable to the shutdown of Beckjord. This section should clarify that the entirety of Beckjord is required not to operate, i.e. that allowable emissions from the entire facility are now zero.

## 4. Maintenance

Modeling or having emissions below the attainment inventory are not the only options for demonstrating maintenance. In particular, I am much less convinced of maintenance by having future emissions below 32,619 tpy than I am by having emissions at 16 tpy. For SO<sub>2</sub>, I would not say (especially for a nonattainment area) that "maintenance is demonstrated [when emissions are below 2014 levels.]" Similarly, the fact that you consulted with EPA regions 4 and 5 is not a good reason to forgo modeling. Clearly, you have reasons to forgo modeling, beyond simply that "unique circumstances" exist, and you should articulate those reasons.

Perhaps I was not clear why we recommended analyzing background concentrations. If you "model" Beckjord as having zero emissions, and there are no other sources with impacts not represented in the background concentration, then the background concentration is the entirety of the future "modeled" (predicted) concentration. That is, it appears that you may reasonably assert that you anticipate future design values to be on the order of 5 ppb. In these circumstances, a reasonable anticipation of design values around 5 ppb is a stronger argument for maintenance than the anticipation of emissions being below 32,619 tpy.

We acknowledge (and it would be worth stating explicitly) that the absence of sources with any evident potential to cause violations means that Ohio cannot anticipate what might cause a violation in this area and thus what contingency measures might exist that might help address any future violation. Nevertheless, Ohio should specify what event (e.g., what monitored concentration) would trigger the process of investigating and adopting contingency measures and what timetable Ohio would expect to operate under.

5. Satisfaction of section 110 and Part D

Discussion of the satisfaction of section 110 and Part D should include discussion of the satisfaction of section 110(a)(1). These provisions, which work in concert with the provisions of Part D and most notably require providing for attainment, are at least as important to address as the “infrastructure” provisions of section 110(a)(2).