

Committees:

Veterans Affairs, Vice-Chairman  
Health  
Transportation



Contact Information:

Office: 614-466-2124  
Toll-Free: 1-800-282-0253  
FAX: 614-719-6989  
Email: [district89@ohr.state.oh.us](mailto:district89@ohr.state.oh.us)  
[www.house.state.oh.us](http://www.house.state.oh.us)

*State Representative Terry A. Johnson*  
*89<sup>th</sup> Ohio House District*

April 15, 2011

Director Scott J. Nally  
Ohio Environmental Protection Agency,  
30 W. Town Street  
Columbus, OH 43215

Dear Director Nally,

I am writing in support of the proposal to re-designate the Portsmouth, Ohio area air quality as meeting the 1997 federal fine particulate standard. Portsmouth is part of the Huntington, W.Va.-Ashland, Ky., metropolitan area, and air quality data from 2008-2010 shows that the area has successfully met the 1997 national fine particulate matter standard for over three years.

This area has been below the national standard over this entire three-year period by a substantial margin. As a result, I wholeheartedly support your initiative to ask the U.S. Environmental Protection Agency to re-designate the area to reflect full compliance with the standard.

This re-designation is vital for our local economy and would allow industry to locate in southern Ohio without the need to obtain air quality offsets. It would have an enormous positive impact for the entire region. Scioto, Adams, Gallia and Lawrence counties in Ohio would be much more competitive when recruiting prospective employers. If Ohio does not get this re-designation, then Kentucky and West Virginia likely will. That would have basically the same impact on our air quality with little or no economic benefit for Ohio.

As a practicing physician, I know the adverse effects can that result from excessive particulate matter in the air we breathe. However, I am convinced that current national, state and local air pollution controls which limit particulate matter-causing emissions will enable the area to maintain the required air quality and advance the economic development we so desperately need.

Thank you for considering this request. Please contact me if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry A. Johnson".

Terry A. Johnson  
State Representative



**GREATER  
LAWRENCE COUNTY  
AREA**

**LAWRENCE ECONOMIC DEVELOPMENT CORP.**

P.O. Box 488  
South Point, Ohio 45680-0488  
740-377-4550 800-408-1334  
FAX 740-377-2091

April 21, 2011

Ohio EPA-Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Re: Air Quality Public Hearing- Fine Particulate Re-designation

Dear: Ms. Carolina Prado

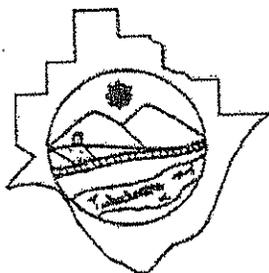
In regards to the Air Quality Re-designation within our region, the Lawrence Economic Development Corporation would like to express its support of re-classifying Lawrence County, Ohio to be in compliance with the national standards for 2.5 particulate emissions. Our main concerns have always been drifting emissions from the Kentucky side of the Ohio River and therefore have expected a higher compliance level, although not previously required, from our power plants along the Ohio River.

Our responsibility as an Ohio Community Improvement Corporation is to encourage business growth as well as to promote the quality of life in our region. It is our firm belief that Lawrence County companies emits far below the national emissions standard. We have been in compliance and will continue to maintain compliance of regulatory controls to limit and lower 2.5 particulate emissions in the Huntington-Ashland area past the 10 year requirement for designation.

We ask you to consider this request on behalf of Lawrence County for the betterment of our community. Should you have any concerns, please feel free to contact me at: 740-377-4550.

Sincerely,

Bill Dingus, PhD.  
Executive Director



## LAWRENCE COUNTY PORT AUTHORITY

P.O. Box 488  
South Point, Ohio 45680-0488  
740-377-4550 800-408-1334  
FAX 740-377-2091  
[www.lawrencecountyohio.org](http://www.lawrencecountyohio.org)

Date: April 21, 2011

To: Ohio Environmental Protection Agency

From: Lawrence County Port Authority, Bill Dingus, Executive Director

A handwritten signature in black ink, appearing to read "Bill Dingus", is written over a horizontal line.

Subject: Comments for April 21, 2011 Public Hearing for Redesignation.

The Lawrence County Port Authority hereby goes on record endorsing the changing of compliance status for Adams, Gallia, Lawrence, and Scioto Counties in Ohio. The air quality data shows that the region is now meeting the fine particulate standards, and it is requested by our agency that appropriate redesignation occur to allow the strides made in the region in improving air quality.

Currently, economic development efforts being made to recruit family wage jobs are hindered by the incorrect designation. Numerous industries have closed which were contributing to the emission levels, and great strides have been made in applying efforts through available ODOT funds to further eliminate air emissions. This barrier discourages consideration of these relatively poor counties to be considered for private manufacturing economic growth, thus contributing to older vehicles that have greater emissions as well as a lower standard of living for the region.

Please recognize the efforts and accomplishments that have been made in this four county region by providing a redesignation of meeting standards, and thereby, open new opportunities to our region. Please do not hesitate if information is needed to quantify the importance of this change.



1406 10<sup>th</sup> St., PO Box 60, Portsmouth, OH 45662 740.355.0141 Phone 740.355.3513 Fax

March 21, 2011

Governor John Kasich  
77 South High St.  
Columbus, OH 43215

Dear Governor Kasich:

I am writing to you today from the perspective of an owner of a local construction business, a developer of industrial parks in Southeast Ohio and as a life-long resident of Scioto County. I am asking your assistance in having Scioto and Lawrence Counties re-designated as Attainment with the U.S. EPA.

As you know, successful economic development is a public/private partnership that many times requires the public sector to help provide the necessary infrastructure and environment for private industry to then make an investment of capital. For years, my company, Hadsell Development has worked with the Southern Ohio Port Authority in Scioto County and LEDC in Lawrence County to redevelop the former steel mill property in New Boston and ethanol plant property in South Point. This was made possible through Federal, State and Local grants that were used for such purposes as brownfield restoration and infrastructure development. I have worked with the Ohio EPA on many projects over the years. Few are as important as what is and could be coming to eastern Scioto County this year.

What we know for sure is that a local company, SunCoke, provides many good paying jobs and contributes significantly to the local and state tax base. They are going to construct an over \$500,000,000 plant expansion in either Scioto County or across the river and state-line in Greenup, KY. Why are they considering an off-site plant extension? It's simple. Right now, they can do it for less in Kentucky. Not because the materials, land or labor will be any cheaper. It's because, even though we breathe the same air as they do in Greenup, Scioto County is classified by the U.S. EPA as a non-attainment county. As long as that continues, we will be at a significant disadvantage in bringing any new manufacturing to the area and Ohio could lose a half-billion dollar expansion project to our neighbors who are, literally, a stone's throw away.

Because we have been testing in attainment for several years now, our area deserves to quickly receive an Attainment designation, so that we can move forward in creating a more business and worker friendly environment that will positively impact our local, state and regional economy. Thank you for your assistance.

Sincerely,

Don Hadsell, President

Hadsell Development, J&H Erectors and McGovney Ready Mix and River Terminal

*POINT COMMENCE, LLC*

Ohio EPA Hearing, April 21, 2011

Portsmouth, Ohio

Thank you, Ohio EPA, for holding this hearing and allowing me to comment on the request to US EPA to change the current non-attainment designation for this region to one of attainment for particulate matter, specifically for the 1997 annual PM 2.5 national ambient air quality standard (NAAQS).

Now, I know that this hearing is just a formality. None-the-less, I appreciate the opportunity to speak on the record, to be accorded due process.

Let me start by saying that less bad is no good. That's a concept. Less bad is no good.

Ohio EPA is claiming that the dirty air of this region is cleaner, is clean enough. It was at one time so dirty that it was dirtier than the national allowable standards and thus the region was considered to be in nonattainment with respect to those standards, the national ambient air quality standards for annual PM 2.5. Ohio EPA says that now its tests and monitoring show that the air is less dirty than the US standard, that the air is clean enough to be designated in attainment of the standards for clean. But, while the air is cleaner, it is still dirty. It is less bad but it's still not good.

The March 2010 draft of the Redesignation and Maintenance plan says nothing about why particulate matter is regulated or what the benefits are of lowering the amounts of particulate matter.

The State Implementation Plan for PM 2.5, revised June 7, 2010, does say the following: quote "The NAAQS are air quality standards for pollutants that pose public health risks. High levels of PM 2.5 can contribute to a number of health impacts, including premature mortality, aggravation of respiratory and cardiovascular disease, lung disease, decreased lung function, asthma attacks, and other cardiovascular impacts." unquote.

No data is presented to correlate cleaner air with better health. That is simply assumed. I challenge that assumption with the concept that less bad is no good. Yes, the air is cleaner and there are probably fewer bad health effects. But although cleaner, the air is still dirty and is still probably having adverse health effects not only on humans but on all other animals and also on plants. That's not good.

Some might argue that one can't have zero particulate matter and to that I say, why not? At least why not zero particulate matter emissions from human industrial activity. These emissions are waste products called pollution.

Let me quote from a book called Cradle to Cradle by William McDonough and Michael Braungart, quote "To eliminate the concept of waste means to design things - products, packaging, and systems - from the very beginning on the understanding that waste does not exist." end quote. Nature doesn't have waste. Humans should emulate nature.

The world is now in a crisis situation from the many human industrial wastes and pollutants.

Another quote, this by Albert Einstein: quote "The world will not evolve past its current state of crisis by using the same thinking that created the situation." end quote. Thinking that less bad is good is not good enough. Less bad is no good. Thinking needs to be about only good.

People have known, probably forever, that human activities have harmful effects. The creation of EPA and the Clean Air Act were legislative attempts to do something about waste pollution and its harmful effects. Industries like energy, transportation and agriculture are the bigger air polluters. They are largely responsible for the world air crisis. Here in the US, the EPA has been complicit in that air pollution.

EPA is a regulatory agency. Here's what Cradle to Cradle says about regulation: quote "But ultimately a regulation is a signal of design failure. In fact, it is what we call a license to harm; a permit issued by a government to an industry so that it may dispense sickness, destruction and death at an "acceptable" rate." end quote.

Ohio EPA is no doubt trying to follow the letter of the law, working with industry and giving permits to allow the maximum waste pollution up to the limits of the law. Supposedly that lets industry avoid as much pollution control cost as possible.

As a citizen who has to breathe whatever air is around me, wherever I am, I want Ohio EPA to follow the intent of the law, to work with industry to eliminate all waste and all pollution such that regulation would not be necessary.

Ohio EPA follows national laws. I'm fairly sure there is nothing in those laws that says that states cannot do better than the federal government. Here's an example. In adaptation to climate change, the federal government is doing much too little. Several cities like Chicago and New York and a county in Washington are making their own plans for the future and implementing them. Ohio EPA similarly could be making its own clean air laws better than national ones.

One specific thing that bothers me about the redesignation proposal is that it is for the Ohio portion of the Huntington-Ashland, Ohio, Kentucky, West Virginia nonattainment area for annual PM 2.5 - the counties of Adams, Gallia, Lawrence and Scioto.

Two of Barry Commoner's ecological laws say that, quote "Everything is connected to everything else and Everything has to go somewhere." end quote. The air in this geographic region is not fixed to this region. It's a part of and intimately connected to the world atmosphere. Air circulates in the atmosphere throughout the world. This has been vividly demonstrated recently by radioactive material produced in Japan being detected in countries around the world.

Not all the air pollution measured in this region was produced in this region. Much came from upwind. By the same token, not all the air pollution produced in this region stays here; it moves downwind to other areas.

In my opinion, these geographical boundaries, which are conceptual,

have no real meaning for air which has no boundaries and which is always in motion, always changing, much as a river flows continuously with different water at any one place at any given moment in time.

This relates closely with another concern I have. In the conclusion of the draft Redesignation Request it says that: quote "... the air quality improvements are due to permanent and enforceable measures." end quote. The text says that Ohio commits to maintaining control measures after redesignation. It also says, quote, "Ohio, through Ohio EPA's Legal section, has the legal authority and necessary resources to actively enforce any violations of its rules or permit provisions." end quote. The authority is there, but will it be used? And, will there be the resources?

I wish that I could totally believe and trust my government, believe and trust Ohio EPA. But based on personal experience and knowledge, I cannot.

For years Ohio EPA cited violations at the Stuart power plant in Adams County and did nothing further with enforcement. It took a legal suit by an individual and the Sierra Club to get some positive action. I believe that any fines are probably so small that a large industry like DP&L would consider them just part of the cost of doing business and maybe take them out of the petty cash fund.

In my dealings with Ohio EPA and open burn permits for prescribed forest fires, I have not seen a commitment to public health and well-being or a willingness to follow all rules and laws and enforce them.

I'm concerned that the current Ohio administration strongly favors private economic activity over public welfare, that it has a strong bias for deregulation, that it has little if any understanding of ecology, and that it will help balance the budget by inappropriately cutting funding to Ohio EPA. There are likely to be far too few Ohio EPA employees to do all the necessary monitoring and enforcement of clean air laws. Despite their best intentions to do a proper job, Ohio EPA employees may not have proper administrative support.

I hope I'm wrong, but I believe that Ohio EPA will have trouble maintaining pollution controls and providing enforcement to stay in attainment. There are contingency plans in case of failure. Perhaps they will suffice.

In conclusion, I cannot support a redesignation from nonattainment to attainment for this region. But, neither do I formally oppose it.

In my opinion, the whole world needs to be declared in nonattainment for industrial pollutants to the earth's atmosphere. Everyone needs to be working, not for attainment of some arbitrary acceptable level of pollution but for total elimination of industrial pollution with no need for any regulation.

We need to strive for complete good because less bad is no good.

Barbara A. Lund  
2635 Hamilton Road  
Lynx, OH 45650

937-544-7104

ENVIRONMENTAL PROTECTION AGENCY HEARING April 21, 2011

My name is William J. Tipton. I lived at 508 Tipton lane Nile Township Scioto County Ohio.

The State of Ohio's requirements for burning of bio-mass fuels in our power plants and the burning of Shawnee State Forest could have a negative effect on the industrial development of Scioto County.

Due to the regulations of the Environmental Protection Agency for clean air and the loss of our old dirty industries here in Scioto and adjoining counties the air quality has improved. This is good news for our physical health and the industrial development of Scioto County.

Let me interject here that I feel the Environmental Protection Agency should never be abbreviated EPA. The term EPA is used by those who want us to forget who you really are and what you stand for. In all your statements and communications you should insist that Environmental Protection Agency be spelled out.

I assume that you monitor the air quality every day and therefore extremely high days of pollution would bring the over -all average up.

The State of Ohio is requiring the burning of bio-mass fuels in our power plants that were never designed to burn anything but coal. Just the burning of bio-mass in one of our power plants, we have three very close to us, will increase carbon-monoxide in our air by one thousand two hundred and fourteen tons. All the power plants will probably be doing this in the future. Another effect is that bio-mass is 90% wood. This means the loss of thousands of acres of trees. What effect will that have on our air quality?

Next the unnecessary burning of our sixty three thousand acre forest will add untold thousands of tons of air pollution and the loss of more trees.

Therefore the State of Ohio that proclaims to want to help make jobs here in our area is one of our biggest enemies. I know that making jobs is not your primary concern but making sure we have clean air is your major concern.

The Environmental Protection Agency should recommend that these unnecessary sources of air pollution be stopped.

Thank you,



William J. Tipton

508 Tipton Lane Stout, Ohio 45684 740-858-2197 email [wtipton3@columbus.rr.com](mailto:wtipton3@columbus.rr.com)

FAX TO: 614 644-3681

OHIO EPA

Div of AIR  
Pollution

Bill  
ATTN: CAROLINE PRADO  
JENNIFER HUNTER

FRAN R. KLODOWSKI

937 544 6072

3 PAGES including cover

ROBERT KLOUJMAN  
PO BOX 106  
BLUE CREEK OHIO  
45616

OHIO EPA,  
DIV. OF AIR POLLUTION CONTROL

ATTN: CAROLINA TRAGO / JENNIFER HUNTER 937 544 6072

TO WHOM THIS MAY CONCERN:

I WOULD LIKE TO MAKE A FEW COMMENTS, IN RETROSPECT, CONCERNING THE EPA HEARING HELD THURSDAY APRIL 21 2011 IN PORTSMOUTH OHIO. MY COMMENTS ARE BASED ON WHAT I HEARD FROM SOME OF THOSE IN ATTENDANCE AT THE MEETING.

STATE REPRESENTATIVE JOHNSON'S PROXY MR EVANS, THE HADSELL COMPANY REP MR HADSELL AND THE CONCERNED WHEELERSBURG RESIDENT MR WALTON ALL APPEAR TO SUPPORT AN AIR QUALITY ATTACHMENT FOR SCIOTO COUNTY. THEIR SUPPORT FOR THIS SEEMS TO BE SOLELY BASED ON JOBS AND ECONOMIC DEVELOPMENT AT ANY COST.

I BELIEVE THAT THERE ARE ECONOMIC OPPORTUNITIES AVAILABLE THAT WOULD NOT RAISE EMISSIONS OR PREVENT THOSE OPPORTUNITIES FROM MANIFESTING THEMSELVES IN THE COMMUNITY. THEY NEED ONLY BE SOLICITED. I FURTHER BELIEVE THAT STANDARDS WITHOUT PROMOTE MEDIOCRITY THEN BECOME THE "ACCEPTABLE" NORM.

- I DON'T BELIEVE I WOULD WANT TO ACCEPT OR ALLOW ACUSTOMED TO MEDIOCRITY.

MS. LUND POINTED OUT IN A NOTE FROM ONE OF HER RECENT READINGS - "LESS BAD IS NOT GOOD ALL TOO OFTEN, IT SEEMS. EROSION OF NATURAL SYSTEMS (INCLUDING PEOPLE) TAKES PLACE AS A DIRECT RESULT OF GREED. MUCH OF THIS IS MADE POSSIBLE BECAUSE OF INEFFECTIVE OUTDATED OR UNENFORCED REGULATIONS.

THE FACT THAT PEOPLE (CORPORATIONS) CAN AND DO COMMIT WRONGS INDICATES THAT REGULATIONS ARE NEEDED. NOT A SINGLE LAW OR REGULATION WAS ADDED AFTER THE NATION'S LARGEST OIL SPILL IN OVER 40 YEARS AND TODAY. IF THAT IS THE EXAMPLE TO USE AS A PRECEDENT, THEN BY ALL MEANS BASE ALL REGULATIONS ON CORPORATE NEEDS INSTEAD OF NATURE'S AND CITIZENS' RIGHTS.

RESPECTFULLY SUBMITTED  
*[Signature]*  
Peter Kleiman

PS - MR TIPICONS

REMARKS WERE JUST AS RELEVANT IN REGARDS TO ~~REGULATIONS~~ THE EXTERNALIZATION OF CORPORATE COSTS (POLLUTION) BY STRIPAWAY THE FORESTS FOR BIOMASS.

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

-----

In re: :  
Redesignation and :  
Maintenance Plan for :  
the Ohio Portion :  
of the :  
Huntington-Ashland, :  
OH-KY-WV Annual PM 2.5 :  
Non-Attainment Area :

Before Mary McCarron, Public Involvement Manager  
Taken at Portsmouth City Health Department  
605 Washington Street  
1st Floor Conference Room  
Portsmouth, Ohio 45662  
April 21, 2011, 1:35 p.m.

-----

DepoNet  
101 Marietta Street  
2700 Centennial Tower  
Atlanta, Georgia 30303  
(800) 337-6638

-----

0

2

- 1 ATTENDEES
- 2 Carolina M. Prado,  
Ohio EPA Environmental Specialist
- 3 Cindy Charles,

- 97875 HEARING.PUBLIC 042111.txt  
USEPA and OEPA Representative
- 4 Robert Walton
  - 5 Barbara A. Lund
  - 6 John Essman
  - 7 William J. Tipton
  - 8 Frank Lewis
  - 9 Bob Walton, Jr.
  - 10 Scott Evans
  - 11 Don Hadsell
  - 12 Robert Klouman
  - 13 David Malone
  - 14
  - 15
  - 16
  - 17
  - 18
  - 19
  - 20
  - 21
  - 22
  - 23
  - 24

0

3

1                                   - - - - -  
2                                   P R O C E E D I N G S  
3                                   - - - - -

4                   MS. MCCARRON: All right. We're going  
5 to go ahead and get started. My name is Mary  
6 McCarron. I'm public information officer for Ohio  
7 EPA, and I'll be presiding over the hearing today.

8 I want to thank you for taking the time to attend  
9 the hearing.

10 The purpose of this hearing is to  
11 obtain any comments from any interested person  
12 regarding Ohio EPA's proposed action. The State  
13 of Ohio is proposing to ask U.S. EPA to officially  
14 recognize that the air quality in the Portsmouth  
15 area meets the 1997 federal fine particulate  
16 standards. Portsmouth is part of the Huntington,  
17 West Virginia and Ashland, Kentucky metropolitan  
18 area.

19 The proposed redesignation request  
20 affects Adams, Gallia, Lawrence, and Scioto  
21 Counties in Ohio. The states of West Virginia and  
22 Kentucky would need to submit separate requests to  
23 U.S. EPA to redesignate counties in their states  
24 associated with this area.

□

4

1 Comments can be submitted until the  
2 close of business today, April 21st, 2011. You  
3 may email comments to Carolina, C-a-r-o-l-i-n-a,  
4 dot, Prado, P-r-a-d-o, at epa.ohio.gov. That  
5 email address is also included in the handout that  
6 was at the registration table.

7 All interested persons are entitled to  
8 attend or be represented and to present oral  
9 and/or written comments concerning the proposed  
10 action. All written and oral comments received as  
11 part of the official record will be considered by

12 the director of the Ohio EPA before a final  
13 decision is made. Written statements submitted  
14 after the comment period closes may be considered,  
15 as time and circumstances permit, but won't be  
16 part of the official record.

17 If you wish to present oral testimony  
18 and haven't signed in, I'm going to call folks up  
19 in the order they signed in. If you don't want to  
20 speak or provide testimony, just go ahead and say,  
21 "Pass." If you do want to provide testimony, I  
22 just ask that you state your name and spell it for  
23 our court reporter and then proceed with your  
24 testimony.

□

5

1 We are going to do a five minute limit  
2 on testimony today. So if you can't get through  
3 everything you wanted to say and you do have a  
4 written document, please submit that as part of  
5 the record as well.

6 And just as we say at every hearing,  
7 there's no cross-examination of speakers or  
8 representatives of Ohio EPA in public hearings  
9 such as this. Our hearings provide citizens the  
10 opportunity to submit comments to us. Ohio EPA  
11 staff might ask clarifying questions of folks  
12 providing testimony so that the record is as  
13 accurate as possible.

14 I'm going to go ahead and read the  
15 names of the folks who have registered. Again, if

16 you would like to provide testimony, go ahead and  
17 state your name, spell it for the court reporter,  
18 and then proceed with your testimony, with a five  
19 minute limit.

20 The person who first signed is Robert  
21 walton.

22 MR. WALTON: Thank you.

23 MS. MCCARRON: If you could spell your  
24 name for the court reporter, and then go ahead and

□

6

1 start.

2 MR. WALTON: Robert, R-o-b-e-r-t,  
3 W-a-l-t-o-n.

4 Question: First, this is -- you've got  
5 here 1/30th particulate matter, so what --

6 MS. MCCARRON: During the public  
7 hearing, we're not -- we won't be answering  
8 questions, but if you want to submit that question  
9 as part of the official record, please do so.

10 MR. WALTON: Well, I was just wondering  
11 how that related to 2.5 and 10, which is what  
12 we --

13 MS. MCCARRON: This is a 2.5. The  
14 particulate matter is 2.5.

15 MR. WALTON: This is a 2.5. Thank you  
16 for answering a question when you weren't supposed  
17 to.

18 MS. MCCARRON: No problem.

19 MR. WALTON: I have another question

20 that I would like answered. You don't have to do  
21 it today. Adams and Gallia, how long have they  
22 been in the metropolitan area? I didn't think  
23 that they were. I thought the only two Ohio  
24 counties were Lawrence and Scioto.

D

7

1 MS. McCARRON: I don't have that  
2 information, so I'm not sure how long they have  
3 been in.

4 MR. WALTON: And if West Virginia and  
5 Kentucky does not make this similar request, how  
6 will that impact our request with the U.S. EPA?

7 You know, I was -- in looking at this  
8 matter of air quality and being an attainment or  
9 non-attainment county, I was under the impression  
10 that the entire area was classified either as  
11 attainment or non-attainment.

12 Even though we in Scioto County have  
13 been attainment for several years before now, and  
14 Lawrence County, there was not proof that -- you  
15 know, evidence that they were, and I don't think  
16 Ashland or Huntington were. But for many years,  
17 or several years, I think Scioto County met  
18 attainment standards, but the other counties in  
19 the metropolitan area did not.

20 And we had made a request, the County  
21 Commissioners, the Port Authority, and others  
22 locally, had made a request three years ago -- two  
23 years ago, two and a half years ago, that Ohio EPA

97875 HEARING.PUBLIC 042111.txt  
24 request U.S. EPA to redesignate us, because we did

□

8

1 have, I think three year data that we did meet  
2 attainment standards.

3           So I'm just wondering how that -- I  
4 would like the answer to these questions.

5           MS. MCCARRON: Okay.

6           MR. WALTON: But I am very, very  
7 pleased and very happy to be sitting here today,  
8 seeing that presumably the entire metropolitan  
9 area has now met the standards.

10           And it's been very difficult being  
11 right across the river from Greenup, Kentucky,  
12 that is an attainment county. And being in  
13 economic development, I'm very much involved in  
14 competition with the State of Kentucky, West  
15 Virginia, and primarily those two states.

16           And we have a situation right now where  
17 SunCoke, if we were attainment, probably would  
18 make a decision to expand in Scioto County, rather  
19 than doing what they are at this time. And that  
20 is applying for a permit to install in Kentucky  
21 for Greenup County.

22           So I'm very pleased that all this could  
23 change before SunCoke is required -- would be  
24 required, if they choose Ohio, to buy air credits

□

9

1 and put forth a very large expenditure.

2 I also want to comment that there are  
3 economic developers who sit in New York City and  
4 Los Angeles and look at a map and -- if air  
5 emissions is a concern of theirs, they look at a  
6 map, they're going to make a recommendation for  
7 expansion of the plant, and they see that Scioto  
8 County is non-attainment, "X" us out and move on.  
9 Don't look any further.

10 So also I'm very happy to know that I'm  
11 breathing fresher air, cleaner air.

12 Thank you.

13 MS. MCCARRON: Thank you.

14 The next person who has signed is, is  
15 Barbara Lund. If you can state your name and  
16 spell it for the court reporter, and then proceed  
17 with your testimony.

18 MS. LUND: My name is Barbara Lund,  
19 B-a-r-b-a-r-a. L-u-n-d is my last name.

20 Thank you, Ohio EPA, for holding this  
21 hearing and allowing me to comment on the request  
22 to U.S. EPA to change the current non-attainment  
23 designation for this region to one of attainment.

24 Now, I know that this hearing is just a

0

10

1 formality. Nonetheless, I appreciate the  
2 opportunity to speak on the record and to be  
3 accorded due process.

4 Let me start by saying that less bad is  
Page 8

5 no good. That's a concept. Less bad is no good.

6 Ohio EPA is claiming that the dirty air  
7 of this region is cleaner, is clean enough. It  
8 was at one time so dirty that it was dirtier than  
9 the national allowable standards; thus, the region  
10 was considered to be non-attainment with respect  
11 to those standards.

12 Ohio EPA says that now its tests and  
13 monitoring show that the air is less dirty than  
14 the U.S. standard, that the air is clean enough to  
15 be designated an attainment of the standards for  
16 clean. The quality of air is cleaner. It is  
17 still dirty. It is less bad, but it's still not  
18 good.

19 No data is presented to correlate  
20 cleaner air with better health. I skipped over a  
21 little bit of this. Why do we even have  
22 regulations? That simply assumed that cleaner air  
23 is correlated with better health.

24 I challenge that assumption with the

□

11

1 concept that less bad is no good. Yes, the air is  
2 cleaner and there are probably fewer bad health  
3 effects. But although cleaner, the air is still  
4 dirty and is still probably having adverse health  
5 affects not only on humans, but on all other  
6 animals and also on plants. That is not good.

7 One might argue that one cannot have  
8 zero particulate matter. And to that I say: Why

9 not? At least why not zero particulate matter  
10 emissions from human industrial activity. These  
11 emissions are waste products called pollution.

12 Let me quote from a book called Cradle  
13 to Cradle by William McDonough and Michael  
14 Braungart. And that's B-r-a-u-n-g-a-r-t. Quote,  
15 "To eliminate the concept of waste means to design  
16 things (products, packaging, and systems) from the  
17 very beginning on the understanding that waste  
18 does not exist," end quote.

19 Nature doesn't have waste. Humans  
20 should emulate nature.

21 Skip part of this testimony.

22 The world is now in a crisis situation  
23 from the many human industrial wastes and  
24 pollutants. Another quote, and this one by Albert

0

12

1 Einstein, "The world will not evolve past its  
2 current state of crisis by using the same thinking  
3 that created the situation," end quote.

4 Thinking that less bad is good, is not  
5 good enough. Less bad is no good. Thinking needs  
6 to be about only good.

7 EPA is a regulatory agency, and here's  
8 what Cradle to Cradle says about regulation,  
9 quote, "But ultimately a regulation is a signal of  
10 design failure. In fact, it is what we call a  
11 license to harm; a permit issued by a government  
12 to an industry so that it, the industry, may

13 dispense sickness, destruction, and death at an  
14 'acceptable' level," unquote.

15 EPA is no doubt trying to follow the  
16 letter of the law, working in industry and giving  
17 permits to allow the maximum waste pollution up to  
18 the limits of the law. Supposedly, this let's  
19 industry avoid as much pollution control costs as  
20 possible.

21 As a citizen who has to breathe  
22 whatever air is around me wherever I am, I want  
23 EPA to follow the intent of the law, to work with  
24 industry to eliminate all waste and all pollution

□

13

1 such that regulation would not be necessary.

2 I have a paragraph about how I feel  
3 that EPA, in following national laws, ought to do  
4 better than the national laws. There's no law  
5 against doing better.

6 One specific thing that bothers me  
7 about the redesignation proposal is that it is for  
8 the Ohio portion of the non-attainment area.

9 Two of Barry Commoner's ecological laws  
10 say that, quote, "Everything is connected to  
11 everything else. Everything has to go somewhere."

12 The air in this geographic region is  
13 not fixed to this region. It's a part of and  
14 intimately connected to the world atmosphere. Air  
15 circulates in the atmosphere throughout the world,  
16 and this has been vividly demonstrated recently by

17 radioactive material produced in Japan being  
18 detected in countries around the world.

19 Not all the air pollution measured in  
20 this region was produced in this region. Much  
21 came from upwind. By the same token, not all the  
22 air pollution produced in this region stays here.  
23 It moves downwind to other areas.

24 MS. MCCARRON: You've got about one

D

14

1 more minute.

2 MS. LUND: I was down on Highway 52  
3 this morning and the wind was blowing from the  
4 north and blowing the plant emissions into  
5 Kentucky, a different region.

6 These geographical boundaries are  
7 conceptual and have no real meaning for air, which  
8 has no boundaries.

9 This is related closely to another  
10 concern I have. In the conclusion of the draft  
11 Redesignation Request it says, "The air quality  
12 improvements are due to permanent and enforceable  
13 measures." And it also says, and I won't use this  
14 whole quote, but that EPA has the legal authority  
15 and necessary resources to enforce. The authority  
16 is there. But will it be used, and will there be  
17 the resources? I have had too much knowledge and  
18 experience with EPA to think that they will not  
19 use their authority.

20 Skipping some of this. It will be in  
Page 12

21 the written.

22 I'm concerned that the current  
23 administration strongly favors private economic  
24 activity over public welfare, that it has a strong

□

15

1 bias for deregulation, that it has little if any  
2 understanding of ecology, and that it will help  
3 balance the budget by inappropriately cutting  
4 funding to Ohio EPA. They are likely to be far  
5 too few Ohio EPA employees to do all the necessary  
6 monitoring and enforcement of the clean air laws.  
7 Despite their best intentions to do a proper job,  
8 Ohio EPA may not have the proper administrative  
9 support.

10 I hope I'm wrong, but I believe that  
11 Ohio EPA will have trouble maintaining pollution  
12 controls and providing enforcement to stay in  
13 attainment. There are contingency plans in case  
14 of failure, and perhaps they will suffice.

15 In conclusion, I cannot support a  
16 redesignation from non-attainment to attainment  
17 for this region, but neither do I formally oppose  
18 it.

19 In my opinion, the whole world needs to  
20 be declared a non-attainment for industrial  
21 pollutants to the earth's atmosphere. Everyone  
22 needs to be working, not for attainment for some  
23 arbitrary acceptable level of pollution, but for  
24 total elimination of industrial pollution with no

0

16

1 need for regulation.

2 We need to strive for complete good,  
3 because less bad is no good.

4 MS. MCCARRON: Thank you.

5 John Essman.

6 MR. ESSMAN: I will pass.

7 MS. MCCARRON: Okay. And William  
8 Tipton.

9 MR. TIPTON: Yes. My name is William  
10 Tipton, W-i-l-l-i-a-m, T-i-p-t-o-n. I live at 508  
11 Tipton Lane, Nile Township, Scioto County.

12 The State of Ohio's requirements for  
13 burning of biomass fuels in our power plants and  
14 the burning of Shawnee State Forest could have a  
15 negative effect on industrial development of  
16 Scioto County.

17 Due to the regulations of the  
18 Environmental Protection Agency for clean air and  
19 the loss of our old dirty industries here in  
20 Scioto and adjoining counties, the air quality has  
21 improved. This is good news for our physical  
22 health and the industrial development of Scioto  
23 County.

24 Let me interject here that I feel that

0

17

1 the Environmental Protection Agency should never  
2 be abbreviated EPA. The term EPA is used by those  
3 who want us to forget who you are and what you  
4 really stand for. In all of your statements and  
5 communications, you should insist that  
6 Environmental Protection Agency be spelled out.

7 I assume that you monitor the air  
8 quality every day; therefore, extremely high days  
9 of pollution would bring the overall average up.

10 The state of Ohio is requiring burning  
11 of biomass fuels in our power plants that were  
12 never designed to burn anything but coal. Just  
13 the burning of biomass in one of our power  
14 plants -- and we have three here very close --  
15 will increase carbon monoxide in our air by 1,214  
16 tons. All the power plants will probably be  
17 forced, if this rule isn't changed, to burn  
18 biomass in the future.

19 Another effect is that biomass is 90  
20 percent wood. This means the loss of thousands of  
21 acres of trees. And what effect would that have  
22 on the quality of our air?

23 Next is the unnecessary burning of our  
24 63,000 acre forest, and that will add untold

D

18

1 thousands of tons of air pollution and the loss of  
2 more trees.

3 Therefore, the State of Ohio, that  
4 proclaims to want to help make jobs here in our

5 area, is one of our biggest enemies. I know that  
6 making jobs is not your primary concern, but  
7 making sure we have clean air is your major  
8 concern.

9 The Environmental Protection Agency  
10 should recommend that these unnecessary sources of  
11 air pollution be stopped.

12 Thank you.

13 MS. MCCARRON: Thank you.

14 Frank Lewis.

15 MR. LEWIS: No. I'm just here as a  
16 reporter.

17 MS. MCCARRON: Sorry.

18 MR. LEWIS: That's okay.

19 MS. MCCARRON: Bob Walton, Jr.

20 MR. WALTON: Yes. My name is Bob  
21 Walton, w-a-l-t-o-n, Jr. I live at 2244 Simon  
22 Miller Road in Wheelersburg, Ohio.

23 I'm here today really as a resident and  
24 as someone who has served as a local public

0

19

1 official, a township trustee in Porter Township,  
2 where many folks who work in the eastern end of  
3 the county live, specifically at SunCoke and  
4 Sunoco.

5 From the standpoint as a former  
6 township trustee, my job primarily was one of  
7 safety, providing safe roads, providing a fire  
8 department, an EMS department, providing

9 recreation and parks that were safe.

10 As a resident and a father of two young  
11 children, safety is always on my mind. My wife  
12 and I try to provide them with a safe place to  
13 grow up, to go to school, to live and have fun,  
14 and hopefully graduate and be able to come back to  
15 this area or to stay in this area and raise their  
16 children in a safe environment.

17 The air has gotten a lot cleaner here  
18 since we moved back here about 10 years ago when  
19 the coke plant was still in operation. What I  
20 would ask is for the EPA to push as hard as they  
21 can, the U.S. EPA, for the redesignation.

22 I'd like for my kids to be able to have  
23 an opportunity to come back and work for a company  
24 like SunCoke or Sunoco, for a company that puts a

0

20

1 lot of people in employment with good jobs, with  
2 safe jobs. And with this proposed expansion of  
3 theirs, many more would have the opportunity to do  
4 so.

5 It only makes sense that the same air  
6 that we basically breathe with our friends across  
7 the river in Greenup would have the same  
8 designation of attainment. And so I would ask for  
9 the Ohio EPA to do what they can to make sure that  
10 we become an attainment area so that a company  
11 like SunCoke, who has done a lot for the  
12 community, can do even more.

97875 HEARING.PUBLIC 042111.txt  
And then for someone who could be

13  
14 looking at coming to Eastern Scioto County to  
15 employ many people will be able to do so, instead  
16 of going down the river to somewhere in Kentucky  
17 with the same air with an attainment designation.

18 And that's it. Thank you.

19 MS. MCCARRON: All right. Thank you.

20 Scott Evans.

21 MR. EVANS: Yes. I am Scott Evans,  
22 s-c-o-t-t, E-v-a-n-s. I am a Scioto County  
23 native, currently residing at 5990 Pinto Pass  
24 Drive, Hilliard, Ohio, due to my position as a

21

1 legislative aide for State Representative Terry  
2 Johnson of the 89th District.

3 I would ask for a bit of leniency on  
4 the five minute limit, because I'm representing  
5 two different individuals and three different  
6 entities.

7 MS. MCCARRON: Okay. Are you going to  
8 designate which --

9 MR. EVANS: I shall.

10 MS. MCCARRON: Okay. That works.

11 MR. EVANS: First off, on behalf of  
12 State Representative Terry Johnson, I would like  
13 to read into the record a letter that  
14 Representative Johnson sent to Director Scott J.  
15 Nally of the Ohio Environmental Protection Agency  
16 on April 15th of this year.

17

18

19

20

21

22

23

24

"I am writing in support of the proposal to redesignate the Portsmouth, Ohio air quality as meeting the 1997 federal fine particulate standard. Portsmouth is part of the Huntington, West Virginia-Ashland, Kentucky metropolitan area, and the air quality data from 2008 through 2010 shows that the area has

□

22

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

successfully met the 1997 national fine particulate standards for over three years.

"This area has been below the national standard over this entire three year period by a substantial margin. As a result, I wholeheartedly support your initiative to ask the U.S.

Environmental Protection Agency to redesignate the area to reflect full compliance with the standard.

"This redesignation is vital for our local economy and would allow industry to locate in Southern Ohio without the need to obtain air quality offsets. It would have an enormous positive impact for the entire region. Scioto, Adams, Gallia, and Lawrence Counties in Ohio would be much more competitive when recruiting respective employers. If Ohio does not get this redesignation, then Kentucky and West Virginia likely will. That would have basically the same impact on our air quality with little or no economic benefit for Ohio.

21 "As a practicing physician, I know the  
22 adverse affects that can result from excessive  
23 particulate matter in the air we breathe.  
24 However, I am convinced that current national

0

23

1 state and local air pollution controls which limit  
2 particulate matter-causing emissions will enable  
3 the area to maintain the required air quality and  
4 advance the economic development we so desperately  
5 need.

6 "Thank you for considering this  
7 request."

8 Signed Terry Johnson, State  
9 Representative.

10 MS. MCCARRON: Thank you.

11 MR. EVANS: Then on behalf of  
12 Dr. William Dingus, who is writing in two  
13 capacities, first as executive director of the  
14 Greater Lawrence County Area Lawrence Economic  
15 Development Corporation, and then also as the  
16 executive director of the Lawrence County Port  
17 Authority. I offer first his correspondence from  
18 the Lawrence Economic Development Corporation.

19 "In regards to the air quality  
20 redesignation within our region, the Lawrence  
21 Economic Development Corporation would like to  
22 express its support of reclassifying Lawrence  
23 County, Ohio to be in compliance with the national  
24 standards for 2.5 particulate emissions. Our main

1 concerns have always been drifting emissions from  
2 the Kentucky side of the Ohio River and therefore  
3 have expected a higher compliance level, although  
4 not previously required, from our power plants  
5 along the Ohio River.

6 "Our responsibility as an Ohio  
7 community improvement corporation is to encourage  
8 business growth, as well as to promote the quality  
9 of life in our region. It is our firm belief that  
10 Lawrence County companies emit far below the  
11 national emission standards. We have been in  
12 compliance and will continue to maintain  
13 compliance of regulatory controls to limit and  
14 lower 2.5 particulate emissions in the  
15 Huntington-Ashland area past the 10 year  
16 requirement for designation.

17 "We ask you to consider this request on  
18 behalf of Lawrence County for the betterment of  
19 our community.

20 "Sincerely, Bill Dingus, PhD, Executive  
21 Director."

22 And then in his capacity as executive  
23 director of the Lawrence County Port Authority,  
24 Dr. Dingus offers the following:

2 hereby goes on record endorsing the changing of  
3 compliance status for Adams, Gallia, Lawrence, and  
4 Scioto Counties in Ohio. The air quality data  
5 shows that the region is now meeting the fine  
6 particulate standards, and it is requested by our  
7 agency that appropriate redesignation occur to  
8 allow the strides made in the region in improving  
9 air quality.

10 "Currently, economic development  
11 efforts being made to recruit family wage jobs are  
12 hindered by the incorrect designation. Numerous  
13 industries have closed which were contributing to  
14 the emissions levels, and great strides have been  
15 made in applying efforts through available ODOT  
16 funds to further eliminate air emissions. This  
17 barrier discourages consideration of these  
18 relatively poor counties to be considered for  
19 private manufacturing economic growth, thus  
20 contributing to older vehicles that have greater  
21 emissions, as well as a lower standard of living  
22 for the region.

23 "Please recognize the efforts and  
24 accomplishments that have been made in this four

□

26

1 county region by providing a redesignation of  
2 meeting standards and, thereby, open new  
3 opportunities for our region. Please do not  
4 hesitate if information is needed to quantify the  
5 importance of this change."



10 Development, has worked with the Southern Ohio  
11 Port Authority in Scioto County and the LEDC in  
12 Lawrence County to redevelop former steel mill  
13 property in New Boston and ethanol plant property  
14 in South Point. This was made possible through  
15 federal, state, and local grants that were used  
16 for such purposes as brownfield restoration and  
17 infrastructure development. I have worked with  
18 the Ohio EPA on many projects over the years. Few  
19 are as important as what is and could be coming to  
20 Eastern Scioto County this year.

21 "What we know for sure is that a local  
22 company, SunCoke, provides many good-paying jobs  
23 and contributes significantly to the local and  
24 state tax base. They are going to construct an

□

28

1 over \$500 million plant expansion in either Scioto  
2 County or across the river and state-line in  
3 Greenup County.

4 "Why are they considering off-site  
5 plant extension? It's simple. Right now they can  
6 do it for less in Kentucky. Not because the  
7 materials, land, and labor will be any cheaper.  
8 It's because even though we breathe the same air  
9 as they do in Greenup County, Scioto County is  
10 classified by the U.S. EPA as a non-attainment  
11 County.

12 "As long as that continues, we'll be at  
13 a significant disadvantage of bringing any new

14 manufacturing through our area, and Ohio could  
15 lose a half-billion dollar expansion to our  
16 neighbors who are literally a stone's throw away.

17 "Because we have been testing in  
18 attainment for several years, our area deserves to  
19 quickly receive an attainment designation so that  
20 we can move forward in creating a more business  
21 and worker-friendly environment that will  
22 positively impact our local, state, and regional  
23 economy.

24 "Thank you for your assistance."

0

29

1 And my companies that I represent are  
2 called -- all of our companies are Hadsell  
3 Development, J&H Erectors, McGovney Ready Mix and  
4 River Terminal and Point Commerce, LLC.

5 Ms. McCarron: Okay. Thank you.

6 Robert Klouman.

7 MR. KLOUMAN: Pass.

8 MS. MCCARRON: Oh, you're passing?

9 Okay.

10 And I believe David Malone has left.

11 At this time there's nobody else who  
12 has signed in, so we're going to go ahead and end  
13 the hearing. I just wanted to remind everybody  
14 that if you want to submit written comments, they  
15 are due by the end of business today, 5 p.m.  
16 today.

17 And the time is now 2:05, and I want to

18 thank everybody for attending. This hearing is  
19 now adjourned.

20 - - - - -

21 Thereupon, the foregoing proceedings  
22 concluded at 2:05 p.m.

23 - - - - -

24

0

30

1

2

3 State of Ohio : C E R T I F I C A T E  
County of Franklin: SS

4

5 I, Crystal Simpson, a Notary Public in and  
6 for the State of Ohio, do hereby certify that I  
7 reported the aforementioned proceedings; that the  
8 foregoing is a true record of the proceedings.

9 I do further certify I am not a relative,  
10 employee or attorney of any of the parties hereto,  
11 and further I am not a relative or employee of any  
12 attorney or counsel employed by the parties  
13 hereto, or financially interested in the action.

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and affixed my seal of office at Columbus,  
16 Ohio, on April 22, 2011.

17

18

19

20

21

22

23

24

25 \_\_\_\_\_  
26 Crystal Simpson, Notary Public - State of Ohio  
27 My commission expires April 27, 2013.

28

97875 HEARING.PUBLIC 042111.txt

22

23

24

0