

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

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IN RE: DAPC :
DESIGNATION OF :
NONATTAINMENT AREA :
BOUNDARIES FOR OZONE :
HEARING :
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Transcript of proceedings taken before Mary McCarron, Hearing Officer, Ohio Environmental Protection Agency, taken before Margaret A. Marsh, a Registered Professional Reporter and Notary Public in and for the State of Ohio, commencing at 3:03 p.m., on the 12th day of February, 2009, at the Ohio Environmental Protection Agency, 50 West Town Street, Sixth Floor, Room B, Columbus, Ohio.



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1 Thursday Afternoon Session
2 February 12, 2009
3 3:03 p.m.

4 - - -

5 HEARING OFFICER MCCARRON: Hello. My name is
6 Mary McCarron. I'm the Public Involvement Manager for
7 Ohio EPA's Public Interest Center, and I'll be
8 presiding over today's public hearing.

9 Thank you for taking the time to attend the
10 hearing. The purpose of the hearing today is to obtain
11 written comments from any interested person regarding
12 Ohio EPA's draft recommendation for US EPA to designate
13 31 counties as nonattainment under the new ozone
14 standard.

15 US EPA adopted a new, more stringent ozone
16 standard on March 12, 2008. States must submit
17 recommended nonattainment areas to US EPA in March
18 2009. US EPA will finalize nonattainment designations
19 by March 2010. By 2013 the State will have to develop
20 plans to implement air pollution control strategies to
21 bring these areas into compliance with the standard.

22 All interested persons are entitled to attend
23 or be represented and to present oral and/or written
24 comments concerning the recommendation. All written
and oral comments received as part of the official

1 record will be considered by the Director of Ohio EPA.

2 To be included in the official record,
3 written comments must be received by Ohio EPA by the
4 close of business February 16, 2009. These comments
5 may be filed with me today or e-mailed to Sarah
6 Vanderwielen at sarahvanderwielen@epa.state.oh.us or
7 Jennifer Hunter at jenniferhunter@epa.state.oh.us or
8 mailed to Sarah VanderWielen or Jennifer Hunter at Ohio
9 EPA, Division of Air Pollution Control, PO Box 1049,
10 Columbus, Ohio 43216-1049.

11 All written comments submitted for the record
12 receive the same consideration as any oral testimony
13 given today. Written statements submitted after today
14 may be considered as time and circumstances permit but
15 will not be part of the official record of the hearing.

16 Again, if you wish to present oral testimony,
17 I ask that you have signed in. I'm going to read folks
18 in the order that they have signed in. If you don't
19 want to submit testimony, go ahead and say pass. If
20 you do want to submit testimony, I'd just ask that you
21 state and spell your name and proceed with your
22 comments. And again, I'll be bringing the tape
23 recorder over to you so if you can pause for a second.

24 Nate. And I always butcher your last name.

1 MR. OROSZ: Nate Orosz.

2 HEARING OFFICER MCCARRON: Orosz.

3 MR. OROSZ: Pass.

4 HEARING OFFICER MCCARRON: Pass. Okay. And
5 it's N-A-T-E, O-R-O-S-Z. And David Celebrezze. Okay.
6 Hold on a second.

7 MR. CELEBREZZE: I can come over there.

8 HEARING OFFICER MCCARRON: No. I can bring
9 it over. Hold on. I like to be as awkward as
10 possible.

11 MR. CELEBREZZE: At least I don't have to
12 like sit in the middle.

13 HEARING OFFICER MCCARRON: Right. Go ahead
14 and state your name and spell it for the court
15 reporter, and then you can proceed with your testimony.

16 MR. CELEBREZZE: My name is David Celebrezze,
17 C-E-L-E-B-R-E-Z-Z-E. I'm with the Ohio Environmental
18 Council, and we appreciate this opportunity to comment
19 on the Ohio EPA's proposed recommendations for the
20 eight-hour ozone nonattainment designations.

21 On behalf of over 100 community groups and
22 thousands of members throughout the great state of
23 Ohio, the OEC submits these comments to the Ohio EPA
24 for your consideration.

1 OEC, in general, supports the efforts by the
2 Ohio EPA in requesting that over one-third of Ohio's
3 counties be considered in nonattainment for the
4 eight-hour ozone standard. The OEC understands that
5 the old standard, .08 ppm, has been revised to
6 .075 ppm. The Clean Air Scientific Advisory Committee
7 recommended that the US EPA adopt a standard between
8 .06 ppm and .07 ppm. Although the US EPA did not take
9 this recommendation, we encourage the Ohio EPA to aim
10 for the .07 ppm in order to minimize the health impacts
11 from ozone.

12 Failure to meet the new standard not only
13 affects our economic growth, it impacts our health.
14 Ozone pollution is described as "sun bum" on the lungs.
15 Ozone pollution has been connected with chest pain,
16 coughing, throat irritation, congestion, aggravated
17 asthma, chronic lung disease, and reduced lung
18 function.

19 Citizens must take precautions on ozone alert
20 days by limiting their activities outside. Sensitive
21 populations are especially impacted: The elderly,
22 children, and those with respiratory ailments. Ozone
23 pollution generally decreases our quality of life.

24 The Agency identifies several actions that

1 will help get us into attainment. These actions
2 include: Federal Motor Vehicle Control Program;
3 on-road and off-road diesel control programs; NOx SIP
4 Call rules (emissions trading program) for electric
5 generating units (EGUs) and internal combustion engines
6 (ICEs); Clean Air Interstate Rule (CAIR); RACT rules
7 for various VOC source categories; Portable Fuel
8 Containers requirements; Architectural and Industrial
9 Maintenance (AIM) Coatings rules; Consumer Products
10 rules; Aerosol Coatings rules; Ohio Clean Diesel
11 Initiative; US EPA and State enforcement activities at
12 major facilities.

13 However, we are concerned that some of these
14 actions may not be long term. The CAIR rule is only a
15 temporary solution as the US EPA works to develop
16 another program because the current rule was struck
17 down by the US Supreme Court.

18 The Agency also mentions the Ohio Clean
19 Diesel Initiative. One of the two state programs, the
20 Diesel Emission Reduction Grant Program, is in serious
21 jeopardy of not being funded to an adequate level by
22 the State. The first round saw \$42 million asked for,
23 and only about \$8 million was awarded. Will the Ohio
24 EPA fight for funding for this program?

1 This program, if well funded, will make a
2 difference. According to the US EPA, 51 percent of
3 Ohio's NOx emission sources are from mobile-, gas-, and
4 diesel-powered vehicles.

5 Additional steps the Agency should take to
6 get us to attainment include implementing an opacity
7 program for long-haul trucks. This can be administered
8 at truck weigh stations. The fine can be \$1,000,
9 similar to the Maryland program. If there is a
10 10-percent failure rate, which is the national average,
11 this could generate \$19 million to go toward
12 implementing the program and other emission reduction
13 programs.

14 Furthermore, the Agency should support a
15 state-wide no-idling policy. This policy would limit
16 idling on all vehicles to no more than 5 minutes in a
17 60-minute time period. If the temperature is below
18 32 degrees Farenheit, then no more than 10 minutes in a
19 60-minute time period. There would be exemptions to
20 this rule. And for those exemptions, please refer to
21 the US EPA's model no-idling regulations.

22 The Agency has made good strides in
23 addressing ozone pollution. We encourage the Agency to
24 continue this pattern so that one day all of Ohio's

1 counties are in attainment.

2 Again, we appreciate this opportunity to
3 comment on this issue.

4 HEARING OFFICER MCCARRON: Thank you. At
5 this time we do not have anybody else who would like to
6 submit testimony so we're going to go off the record to
7 see if anybody shows up a little bit late. Thanks.
8 Excellent. Thank you.

9 (Recess taken.)

10 HEARING OFFICER MCCARRON: At this time
11 nobody else has arrived to testify so we're going to go
12 ahead and close the hearing. The time is now
13 3:30 p.m., and this hearing is adjourned.

14 - - -

15 Thereupon, at 3:30 p.m., on
16 Thursday, February 12, 2009, the hearing was adjourned.

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C E R T I F I C A T E

- - -

STATE OF OHIO :
COUNTY OF FRANKLIN : SS:

I, Margaret A. Marsh, Registered Professional Reporter, do hereby certify that the foregoing is a true, correct, and complete transcript of the proceedings in this matter before the Ohio Environmental Protection Agency, as reported by me in stenotype and transcribed from my stenographic notes.

DATED this 27th day of February, 2009.

Margaret A. Marsh (smH)
MARGARET A. MARSH, RPR

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