

BEFORE THE OHIO EPA

- - -

IN RE: :  
: :  
Designation Recommendations for :  
Sulfur Dioxide - Pomeroy Area :  
:

- - -

Public Hearing before Moderator Darla  
Peelle, taken at the Pomeroy Public Library, 216  
West Main Street, Pomeroy, Ohio, at 1:30 p.m. on  
May 19, 2011.

APPEARANCES:

Darla Peelle, Moderator  
Myoungwoo Kim  
Mary Beth Lohse  
John Lohse

- - -

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

2 MODERATOR PEELLE: My name is Darla  
3 Peelle. I'm a public information officer for the  
4 Ohio Environmental Protection Agency. I'll be  
5 presiding over today's meeting.

6 With me from our Division of Air  
7 Pollution Control in Central Office is Myoungwoo  
8 Kim; is that correct?

9 MR. KIM: That's correct. Thank you.

10 MODERATOR PEELLE: I want to get the  
11 pronunciation correct.

12 I appreciate that you came this  
13 afternoon to attend the hearing. We are here  
14 today to collect comments from any interested  
15 person regarding Ohio EPA's proposed action.

16 After reviewing results of monitoring  
17 for a new one-hour sulfur dioxide standard, Ohio  
18 EPA is recommending to U.S. EPA which counties to  
19 put in nonattainment status. On June 2, 2010,  
20 U.S. EPA replaced the national sulfur dioxide  
21 standard with a new one-hour standard of 75 parts  
22 per billion. Ohio's analysis shows that Meigs  
23 and Morgan counties, Cheshire Township in Gallia  
24 County, and Waterford Township in Washington



1 County in southeast Ohio should be designated as  
2 nonattainment.

3 Comments can be submitted until the  
4 close of business today, May 19, 2011. You may  
5 e-mail comments to [jennifer.hunter@epa.ohio.gov](mailto:jennifer.hunter@epa.ohio.gov)  
6 or submit them to us today in writing or in  
7 person.

8 All interested persons are entitled to  
9 attend or be represented and to present oral  
10 and/or written comments concerning the proposed  
11 action. All written and oral comments received  
12 as part of the official record will be considered  
13 by the director of Ohio EPA and submitted to U.S.  
14 EPA. Written statements submitted after the  
15 comment period closes may be considered as time  
16 and circumstances permit but will not be a part  
17 of the official record of this hearing.

18 If you wish to present oral testimony at  
19 the hearing today and haven't already signed  
20 in -- but you have. Persons will be called in  
21 the order in which they have registered.

22 There is no cross-examination of  
23 speakers or of representatives of Ohio EPA in  
24 public hearings such as this. Ohio EPA hearings



1 provide citizens the opportunity to submit  
2 comments on the official record. Therefore, we  
3 will not be able to answer questions during the  
4 hearing. However, Ohio EPA staff may ask  
5 clarifying questions of the person testifying to  
6 ensure that the record is as complete and  
7 accurate as possible.

8 I will now read your names; and if you  
9 wish to provide testimony, you can proceed at  
10 that time. And I ask that you would just spell  
11 -- state and spell your name for the record.

12 Mary Beth Lohse.

13 MS. LOHSE: Lohse.

14 I guess, you know, mainly I came here to  
15 ask questions. But for the record I would like  
16 to state that I'm Mary Beth Lohse. I live here  
17 in Meigs County. I thank you, the EPA, for the  
18 work that they're doing on this. I think it's  
19 about time that the air pollution problems in  
20 this part of the state are recognized.

21 You know, looking at the material that  
22 was provided, it looks like, you know, the  
23 biggest source of the problems are Kyger Creek  
24 and the Gavin Power Plant; and I would hope that



1 any remediation costs would be borne by those  
2 power plants.

3 Thank you.

4 MODERATOR PEELLE: All right. Thank you  
5 Ms. Lohse.

6 Mr. Lohse?

7 MR. LOHSE: I'm John Lohse, and I'm here  
8 for information.

9 MODERATOR PEELLE: Okay. Having said  
10 that, we will go off the record until 2 p.m.

11 (Pause in proceedings until 2:08 p.m.)

12 MODERATOR PEELLE: Seeing no further  
13 requests for testimony, I'll remind you that  
14 written comments are due by close of business  
15 today. The time is now 2:08, and this meeting is  
16 adjourned.

17 - - -

18 (Thereupon, the hearing was adjourned at  
19 2:08 p.m., on May 19, 2011.)

20

21

22

23

24









## PROCEEDINGS

1  
2 MS. McCARRON: My name is Mary  
3 McCarron. I'm the Public Information Officer  
4 for Ohio Environmental Protection Agency and  
5 I'll be presiding over today's hearing.

6 Thank you for taking the time to attend  
7 the hearing before Ohio EPA. The purpose of  
8 the hearing is to obtain comments from any  
9 interested person regarding Ohio EPA's  
10 proposed action.

11 After reviewing results of monitoring  
12 for a new federal one-hour sulfur dioxide  
13 standard Ohio EPA is recommending to US EPA  
14 which counties to put in nonattainment  
15 status.

16 On June 2, 2010, US EPA replaced the  
17 national sulfur dioxide standard with a new  
18 one hour standard of 75 parts per billion.  
19 Ohio's analysis showed that Cuyahoga and Lake  
20 Counties in Northeast Ohio should be  
21 designated as nonattainment.

22 Comments can be submitted until the  
23 close of business May 19, 2011. You may  
24 e-mail comments to  
25 jennifer.hunter@EPA.ohio.gov or submit them to

1 me at today's hearing.

2 All interested persons are entitled to  
3 attend and be represented and present oral  
4 and/or written comments concerned the proposed  
5 action. All written and oral comments  
6 received as part of the official records will  
7 be considered by the director of Ohio EPA and  
8 submitted to US EPA. Written statements  
9 submitted after the comment period closes may  
10 be considered as time and circumstances permit  
11 but won't be part of the official hearing  
12 record.

13 If you wish to present oral testimony  
14 at the hearing today, I'm going to read names  
15 off of our registration sheet. If you don't  
16 want to submit any comments just go ahead and  
17 say pass. And today we have signed in Dorothy  
18 Hazel.

19 DOROTHY HAZEL: Pass.

20 MS. McCARRON: And Irvin Hazel.

21 IRVIN HAZEL: Pass.

22 MS. McCARRON: At this time, since  
23 there is nobody present that would like to  
24 present testimony we'll go off the record  
25 until 2:00 p.m.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Off the record.)

MS. McCARRON: At this time there is no one who has arrived to testify. So the time is 2:00 p.m. and the hearing is adjourned.

(Hearing adjourned at 2:00 p.m.)

- - -

1 State of Ohio, )  
2 County of Cuyahoga. ) SS:

3  
4 C E R T I F I C A T E

5 This certifies that the foregoing is a true  
6 and correct transcript of the proceedings had  
7 before the State of Ohio, Environmental  
8 Protection Agency, at the Parma Heights  
9 Library, 6206 Pearl Road, Parma Heights, Ohio  
10 44130 on Tuesday, May 17, 2011, commencing at  
11 1:30 p.m.

12  
13 In Re:  
14 Sulfur Dioxide Designation  
15 Cleveland Areas  
16  
17  
18

19 *Karen G. Joch*

20 COURT REPORTER

21 FINCUN-MANCINI COURT REPORTERS  
22 1801 East Ninth Street  
23 Suite 1720  
24 Cleveland, Ohio 44114  
25 (216) 696-2272  
(216) 696-2275 FAX





SIGN-IN SHEET

Subject: \_\_\_\_\_  
Site: \_\_\_\_\_ County: \_\_\_\_\_ Date: \_\_\_\_\_

PLEASE PRINT   PLEASE PRINT   PLEASE PRINT   PLEASE PRINT

NAME: Jason Wilson   E-MAIL: SD 302 mail d .gov.state.oh.05  
MAILING ADDRESS: Statehouse  
CITY: Columbus   STATE: OH   ZIP: 43215  
TELEPHONE: 614-466-6508   FAX: \_\_\_\_\_

NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_



SIGN-IN SHEET

Subject: SO2 Designation
County: Cuyahoga + Lake Date: 5/17/11

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

JOROTHY D IRVIN drhazel@aol.com
NAME: HAZEL E-MAIL: westcreek.org
STREET ADDRESS: 6601 W. RIDGEWOOD DR.
CITY: PARMA STATE: OH ZIP: 44129
TELEPHONE: 440-884-8563 FAX:

NAME: E-MAIL:
STREET ADDRESS:
CITY: STATE: ZIP:
TELEPHONE: FAX:

NAME: E-MAIL:
STREET ADDRESS:
CITY: STATE: ZIP:
TELEPHONE: FAX:

NAME: E-MAIL:
STREET ADDRESS:
CITY: STATE: ZIP:
TELEPHONE: FAX:

NAME: E-MAIL:
STREET ADDRESS:
CITY: STATE: ZIP:
TELEPHONE: FAX:

NAME: E-MAIL:
STREET ADDRESS:
CITY: STATE: ZIP:
TELEPHONE: FAX:

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

- - -

IN RE: :  
DESIGNATION RECOMMENDATIONS :  
FOR SULFUR DIOXIDE, :  
STEUBENVILLE AREA. :

- - -

Public hearing held before Mr. Jed Thorp,  
Public Information Officer, and Ms. Sarah VanderWielen,  
Environmental Specialist II, at the Eastern Gateway  
Community College Training Center, Steubenville, Ohio,  
on Wednesday, May 18, 2011, at 1:38 p.m.

- - -

|   | INDEX TO WITNESSES   |      |
|---|----------------------|------|
| 1 |                      |      |
| 2 |                      |      |
| 3 | WITNESS              | PAGE |
| 4 | PENNY TRAINA         | 5    |
| 5 | JIM HOPPEL           | 6    |
| 6 | BERT DAWSON          | 8    |
| 7 | ALONZO SPENCER       | 18   |
| 8 | SENATOR JASON WILSON | 19   |

9 - - -

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 Wednesday Afternoon Session

2 May 18, 2011

3 1:38 p.m.

4 - - -

5 P R O C E E D I N G S

6 - - -

7 MR. THORP: Let's get started. My name is  
8 Jed Thorp and I'm a public information officer for Ohio  
9 EPA, and I will be presiding over today's public  
10 hearing.

11 Thank you for taking the time to attend this  
12 hearing before Ohio EPA. The purpose of the hearing  
13 today is to obtain comments from any interested person  
14 regarding Ohio EPA's proposed action.

15 After reviewing results of monitoring for a  
16 new federal one-hour sulfur dioxide standard, Ohio EPA  
17 is recommending to U.S. EPA which counties to put in  
18 nonattainment status.

19 On June 2nd, 2010, U.S. EPA replaced the  
20 national sulfur dioxide standard with a new one-hour  
21 standard of 75 parts per billion. Ohio's analysis  
22 shows that Belmont, Columbiana and Jefferson Counties  
23 should be designated as nonattainment.

24 Comments can be submitted until the close of

1 business tomorrow, May 19th, 2011. You may email  
2 comments to Jennifer.hunter@epa.ohio.gov or submit them  
3 to me at today's hearing.

4 All interested persons are entitled to attend  
5 or be represented, and to present oral and/or written  
6 comments concerning the proposed action. All written  
7 or oral comments received as part of the official  
8 record will be considered by the director of Ohio EPA  
9 and submitted to U.S. EPA.

10 Written statements submitted after the  
11 comment period closes may be considered as time and  
12 circumstances permit, but will not be part of the  
13 official record for this hearing.

14 If you wish to present oral testimony at this  
15 hearing today and have not already signed the  
16 registration sheet, please do so at this time. The  
17 sheet is available at the registration table. Persons  
18 will be called in the order in which they have  
19 registered.

20 There is no cross-examination of speakers or  
21 of representatives of Ohio EPA in public hearings such  
22 as this. Ohio EPA hearings provide citizens the  
23 opportunity to submit comments on the official record.  
24 Therefore, we will not be able to answer questions

1 during the hearing. However, Ohio EPA staff may ask  
2 clarifying questions of the person testifying to ensure  
3 the record is as complete and accurate as possible.

4 I will now read the names of those who have  
5 registered at this hearing and we will give each person  
6 an opportunity to testify.

7 Out of courtesy for our elected officials I  
8 always give them a chance to testify first.

9 Any elected officials here who would like to  
10 put comments on the record?

11 Okay. I'll start with Penny Traina.

12 Penny, if you could state your name and spell  
13 it for the record, please.

14 MS. TRAINA: Do you want me to stand here?

15 MR. THORP: You can stand up there is fine,  
16 or you don't have to stand up, as long as you keep your  
17 voice up.

18 - - -

19 MS. TRAINA: Okay. I'm Penny Traina. I'm a  
20 Columbiana Commissioner, Columbiana, Ohio. I'm here on  
21 behalf of Columbiana County.

22 Obviously, the county is concerned about the  
23 wealth and the health of our citizens in the county and  
24 that is a concern of ours. However, we wondered what

1 methodology was used in determining the entire --  
2 blanketing the entire county with the results that you  
3 came up with for the nonattainment area.

4           We understand that there was some testing  
5 done on the southern end of the county, and we did  
6 receive that 2010 revised sulfur dioxide report and we  
7 have reviewed that. However, the biggest concern for  
8 Columbiana County being an Appalachian county along the  
9 river, how is that methodology determined if you  
10 blanketed the entire county?

11           Obviously, the health and welfare of our  
12 county is important to us, but also the economic growth  
13 and development and the fears that would be in place in  
14 our county with our concerns of these reports. It is a  
15 very big concern to Columbiana County.

16           So with that, we do not agree with the  
17 designation that's been placed on Columbiana County for  
18 those reasons. Thank you.

19           MR. THORP: Thank you, Penny.

20           Next, Jim Hoppel.

21           Jim, if you could state your name and spell  
22 it for the record, please.

23   - - -

24           MR. HOPPEL: Jim Hoppel, H-O-P-P-E-L,

1 Columbiana County Commissioner. I live in East  
2 Liverpool, Ohio, just up over the hill from the east  
3 end area where the test was taken.

4           It's also my concern that the testing devices  
5 that were set down in the valley were set in one small  
6 area of the county and in turn the whole county was  
7 blanketed with the same -- and I'm assuming that the  
8 whole county had the same test -- would have had the  
9 same test taken as what was taken down in that area.

10           And we have nothing against clean air, clean  
11 water. We've worked on that for years trying to clean  
12 up especially the water in our county.

13           And so what it's doing -- it's like Penny  
14 said, we're trying to get back on our feet again, the  
15 county. We're an Appalachian county. Get back on our  
16 feet again, get some businesses in the county, and with  
17 this designation it's going to do nothing but make  
18 people leary of coming into our county and they're  
19 going to end up in North Carolina and South Carolina,  
20 some place else and not come to our county. That is my  
21 concern.

22           Just last week we had an economic summit in  
23 our county trying to interest people in coming to our  
24 county, telling them what a good place it is. It's a

1 great place to live, it's a great place to start a  
2 business, and now here we are testing a very small area  
3 of the county and determining the whole county would  
4 have the same results as what that small area would be.

5 So that's my concern.

6 MR. THORP: Okay. Thank you, Mr. Hoppel.

7 Next, Bert Dawson.

8 - - -

9 MR. DAWSON: I prepared a written statement  
10 so I can get all my thoughts across. I hope that's  
11 acceptable. I would like to enter that into the  
12 record.

13 Good afternoon. My name is Bert Dawson and  
14 I'm currently the Columbiana County Engineer and the  
15 Columbiana County Sanitary Engineer. I'm currently  
16 serving my eleventh term in that position.

17 I hold a bachelor's degree in civil  
18 engineering from Youngstown State, a master's degree in  
19 civil engineering from Carnegie Mellon. I'm a licensed  
20 Professional Engineer in Ohio, West Virginia and  
21 Pennsylvania. I've served as president of the County  
22 Engineers Association in the state. I've served as  
23 president of the State Board of Registration for  
24 Professional Engineers and Surveyors in the State of

1 Ohio, and in 2008 I was the recipient of the National  
2 Award for Urban County Engineer of the United States of  
3 America, which was given by the County Engineers  
4 Association.

5 I bring those points up so that my comments  
6 may have some credibility from an engineering aspect  
7 where I'm coming from.

8 I'd like to make the following comments added  
9 to the record related to the designation of Columbiana  
10 County as a nonattainment county as outlined in the  
11 Ohio Environmental Protection Agency's 2010 Revised  
12 Sulfur Dioxide National Ambient Air Quality Standard  
13 Recommended Designations, which was prepared by the EPA  
14 which is the document we're referring to here today.

15 Specifically I would like to make the  
16 following points:

17 One. Columbiana County is the 14th largest  
18 geographic area of the 88 counties in the state of  
19 Ohio. Columbiana County has 532 square miles, 18  
20 townships.

21 The monitoring point which was used in this  
22 study was located in the east end of East Liverpool  
23 adjacent to WTI, which is over 30 miles away from some  
24 areas in Columbiana County.

1           If you go to Alliance, it's over 30 miles to  
2 the Alliance area where we may anticipate having  
3 economic development. We've got water and sewer in  
4 that area. We're almost 15 to 20 miles from northern  
5 Columbiana County in the Salem-Columbiana area, which  
6 has been a traditional industrial area in Columbiana  
7 County. And we're on the outskirts of the Youngstown  
8 metropolitan area, which is Boardman and that area,  
9 which there's a lot of things happening there.

10           It's been mentioned that we had an economic  
11 summit held by the Salem group and everyone's trying to  
12 work hard and get jobs here.

13           This monitor location inaccurately -- the one  
14 that was in Columbiana County, which I don't know this  
15 as fact but I'm assuming it was one that was already  
16 there to monitor WTI and it was just used in the study.  
17 That may or may not be correct but that's what I'm  
18 assuming. But the monitoring location inaccurately  
19 reflects the SO2 conditions in the vast majority of  
20 Columbiana County.

21           In fact, in the study it shows over  
22 50 percent of Columbiana County is forest, and how  
23 could that represent that.

24           To impact that point I brought, number one,

1 this is a Columbiana County map, the current Columbiana  
2 County map prepared in my office.

3 This star represents the location of the WTI  
4 monitor. It references Alliance, which is here. It  
5 references Mahoning County, which is here. The Minerva  
6 area which is the site of a lot of the industrial  
7 development in the Minerva area is clear down here,  
8 almost 20 miles away.

9 You can see this is the site here where the  
10 star is. This site here impacts the 532 square miles  
11 of Columbiana County.

12 Second. The EPA document indicates that  
13 nearly 99 percent of the SO2 recorded at this location  
14 is migratory and flows from other adjacent areas,  
15 specifically power plants in Jefferson County. And  
16 although the report doesn't mention it, we do have a  
17 large coal plant right north of us in Pennsylvania. It  
18 would seem, therefore, unless these SO2 sources are  
19 mitigated there's very little Columbiana County can do  
20 to change the SO2 monitoring results at the WTI  
21 location.

22 In other words, unless something happens to  
23 these places there's isn't -- there's nothing we can do  
24 in Columbiana County. It's totally out of our

1 jurisdiction, totally out of our control.

2           The records that I have seen indicate that  
3 WTI as the county's largest SO2 producer is in current  
4 compliance with their standing.

5           And I don't want to get into the WTI  
6 argument, that isn't the reason we're here, but you  
7 people are already regulating WTI, so either it meets  
8 or doesn't meet that. And your report of what's going  
9 into Columbiana County, a very, very small part of this  
10 is produced by WTI. The majority is coming from  
11 Sammis.

12           The data used to make this determination as  
13 shown in the Ohio EPA document indicates that the SO2  
14 at the monitoring station has been declining  
15 significantly over the last three years.

16           If you look in your document, the '08, '09  
17 and then '10 figures, the numbers were already coming  
18 down. And '10 is significantly lower than '08 or '09.  
19 This is no doubt due to previous actions taken at these  
20 power plants.

21           I'd like to point out that the Sammis plant  
22 recently completed and brought on-line complete new  
23 scrubbers, and when it was distributed I realized the  
24 immensity of what they did, which were built at a cost

1 of nearly \$2 billion for those scrubbers.

2           It would seem logical that a plan would  
3 determine what effect this equipment has had on the SO2  
4 produced before Columbiana County or even Jefferson,  
5 before these determinations were finalized.

6           In other words, we just spent \$2 billion to  
7 knock SO2 down and yet in the study we're using figures  
8 that were generated in '08. It makes no sense  
9 whatsoever.

10           As Mr. Tracy Drake of the Columbiana County  
11 Port Authority has written his submission to this board  
12 to the EPA, Columbiana County has struggled to keep and  
13 re-acquire our industrial base.

14           This has been a daunting task. I can tell  
15 you, I have personally worked on it for over two  
16 decades.

17           Any unnecessary regulations -- and as Jim was  
18 saying, we already realize regulation has a purpose and  
19 it has a meaning. But to have unnecessary regulations,  
20 which I deal with personally with all the time, we need  
21 to have a balance of what is unneeded regulation which  
22 will impact our quality of life.

23           I would hope that including Columbiana County  
24 in the list of those designated nonattainment was not

1 done to meet some minimum goal.

2           In other words, I'm afraid and I hope that  
3 isn't true, but is EPA saying, well, we've got to come  
4 up with something to satisfy the Feds so we'll throw  
5 Columbiana County in there even though the data isn't  
6 good.

7           I'm hoping that isn't being done. I know how  
8 the Federal Highway Department works. If the Federal  
9 EPA works anything like it, that could happen.

10           I would ask that the people that actually  
11 made this decision, which I know isn't you folks, but  
12 that they re-evaluate this decision.

13           Someone somewhere actually made that decision  
14 and it was probably one or two that made that decision,  
15 and I hope that these comments get to those people that  
16 actually were the decision-makers.

17           Governor Kasich has said many times in the  
18 last few weeks we must adopt a common sense approach in  
19 government if we are to pull out of this mess that  
20 we're currently in in Ohio and as a nation.

21           There are a number of us, including the  
22 commissioners, Tracy Drake, myself, the people that  
23 were at this summit, a lot of government leaders -- a  
24 lot of people devote a lot of time, planning

1 commissions, communities, working to bring employment  
2 back to Columbiana County.

3           There are a number of us who work daily to  
4 develop employment opportunities for our county and the  
5 State of Ohio. It is extremely frustrating to deal  
6 with a regulation, much of which is somewhat  
7 unnecessary. A person in my position deals with this  
8 daily.

9           I respectfully request that the Ohio EPA  
10 re-visit the decision to designate Columbiana County as  
11 a nonattainment county and join with us in making the  
12 state a place of opportunity that it once was.

13           And just to echo Jim and Penny's comments. I  
14 think our main concern is the fact that one monitoring  
15 point which is at the extreme corner of the county may  
16 influence whether we can get a plant in the Alliance  
17 area, the Minerva area, the Boardman area, East  
18 Palestine area.

19           And if you see the -- well, I just saw an  
20 analysis of the last census. If you look at the age  
21 group of zero to about 21 and see the number of people  
22 there and the people that that represents and then you  
23 look at that from about 22 to about 40, there is a huge  
24 gap in that curve.

1                   Those are people that have left Columbiana  
2 County, have left the State of Ohio. Have left because  
3 there's no jobs, there is no employment.

4                   I talked to one of the girls at the EPA the  
5 other day and we just had a nice discussion. She was a  
6 nice lady and listened to a lot of my malarkey, which  
7 you guys are doing and taking it pretty good.

8                   I said to her, I said, where are you from?

9                   She said Delaware, Delaware County, outside  
10 of Columbus.

11                  I know Delaware. I know the county engineer.  
12 He is a friend of mine. I said, no, I mean where are  
13 you from originally?

14                  She said, oh, down the river in West Virginia  
15 down in Marietta.

16                  I said, oh, there weren't any jobs so you  
17 went to school, left that area and went to Columbus to  
18 get a job. Is that right?

19                  She said, yeah.

20                  And I said, well, that's exactly what's  
21 happened to us. I've got three grandchildren, Jim's  
22 got a couple, Penny's got a couple. These gentlemen  
23 have family. I went to the prom the other night. I  
24 want to go to our kids' prom. I don't want to have to

1 go to North Carolina to see the grandkids.

2 That's where we're coming from, and I  
3 encourage you to at least take a look at this and crank  
4 the new numbers of what's happened in your  
5 calculations.

6 One thing I learned being in government for  
7 over forty years, there's a way of doing anything you  
8 want to do. You've just got to figure out how to do  
9 it.

10 MR. THORP: Thank you, Mr. Dawson. If you  
11 want to submit your comments to the record?

12 MR. DAWSON: Yes.

13 MR. THORP: Thank you.

14 Mr. Spencer, Mr. Reynolds or Mr. Walton,  
15 would you like to put comments on the record tonight?

16 MR. WALTON: Nothing from me.

17 MR. SPENCER: I don't have any comments. I  
18 would like to make this observation.

19 MR. THORP: Say your name and spell it for  
20 the record.

21 - - -

22 MR. SPENCER: My name is Alonzo Spencer,  
23 A-L-O-N-Z-O S-P-E-N-C-E-R.

24 And I was struck by the similarity in the

1 arguments that these people are making. I heard them  
2 25, maybe 30 years ago. Similar.

3 I mean, I'm agreeing with them but I'm saying  
4 that's what struck me is that the same concerns that I  
5 heard at least 25 years ago they're voicing today. It  
6 just struck me that similarity of concern raised then.

7 Now, we're talking about a different issue.  
8 As Dawson said, this is not -- we're not here to talk  
9 about WTI. But I can tell you, you could substitute  
10 those names then with Wargo, Trainer, and almost  
11 identical concerns raised then are being raised now.  
12 Legitimately, I might add, in both instances.

13 That just struck me as being as -- I guess if  
14 you're lucky enough to mature to an age where you can  
15 reflect back to incidents that have occurred years ago  
16 and you're able to compare those two is what I've done.

17 I had no intention of making any comments  
18 today but I did notice that similarity between the  
19 concerns then, as I say legitimate, to the concerns  
20 today. Legitimate but they're almost identical.

21 MR. THORP: Okay. Thank you, Mr. Spencer.

22 If there is no one else who wishes to put  
23 comments on the record today, we are going to go off  
24 the record for a moment. I know there are a couple of

1 other folks who told me they're on their way and they  
2 want to provide comments. So we'll go off the record  
3 for a little bit and then when they show up, we'll go  
4 back on the record.

5 (Recess taken.)

6 MR. THORP: All right.

7 - - -

8 SENATOR WILSON: I'm Senator Jason Wilson,  
9 30th Senate District.

10 I'm here today to voice my opinion, not a  
11 very happy opinion, on the potential nonattainment  
12 designation offered by the Ohio EPA.

13 Also, I wanted to say that I have been in  
14 contact with Representative Lou Gentile, who represents  
15 this area, Jefferson-Belmont County. Also,  
16 Representative Gentile said he is not able to be in  
17 attendance today because he is voting on the floor of  
18 the Ohio House of Representatives at this moment that's  
19 in session, but he does share our concerns, certainly,  
20 at how we got here and also what this designation could  
21 potentially mean.

22 I don't know if anyone spoke before but I  
23 want to give a little history, a little bit of where  
24 we've been and where we are and where we're headed.

1           As we know, the Ohio Valley here along the  
2 river for generations, for over 100 years, was the  
3 economic -- what I call the carburetor of the economic  
4 engine of this country.

5           We produced the steel, the energy, the  
6 chemicals, the products that made the United States of  
7 America. That probably could be attributed to winning  
8 wars, both notably the Second World War and others.

9           Today we find ourselves crippled  
10 economically. Our steel mills are idle. The Koreans  
11 are making our cars, the Chinese are building half of  
12 everything else, and the Japanese and other Asian  
13 countries are involved in our cameras, our electronics  
14 and in other computer item that we can think of.

15           When we're looking for an opportunity to  
16 reinvent our economy here in the Ohio Valley, when we  
17 turn the corner or maybe see some light at the end of  
18 tunnel of our industrial parks along the river in our  
19 supply chain opportunities, when we're trying to put  
20 people back to work, we are greeted with the potential  
21 nonattainment designation, which in my opinion is like  
22 putting a big red "X" over Columbiana, Jefferson and  
23 Belmont Counties in terms of economic development.  
24 Because people who look to build and expand businesses

1 who would fall under possible air regulation or water  
2 regulation would, of course, address the entity of the  
3 Ohio EPA. And, of course, the nonattainment  
4 designation creates an obstacle to job creation.

5           Although it's certainly not appropriate to  
6 blame the Ohio EPA or the Federal U.S. EPA in terms of  
7 job creation because they have a job to do, they have  
8 rules to follow, and I respect that; however, we stand  
9 here today because the rules changed having nothing to  
10 do with us, having nothing to do with  
11 Wheeling-Pittsburgh Steel, having nothing to do with  
12 countless other businesses along the river.

13           It had to do with a bureaucracy that  
14 determined by rule to change the rule. Not by a vote  
15 of the people, not by the voice of the people, not by  
16 our federal congressional members or the Senate or  
17 confirmed by the Supreme Court as every other law has  
18 to be done, but by a rule brought about for whatever  
19 reason.

20           The history of this goes this way: In 2010  
21 the U.S. EPA changed the rule of parts per billion from  
22 150 parts per billion to 75 parts per billion.  
23 Basically cut it in half.

24           The other thing that was very interesting

1 about this is we changed the rule from a 24-hour  
2 attainment period to a one-hour attainment period.

3 I think it's fair to say that the rules have  
4 been made a lot tougher. Not an incremental change,  
5 not a reasonable change. However, a serious and  
6 dramatic change.

7 Now, it wasn't officially done as I mentioned  
8 and nor is this officially done.

9 This is an open hearing process and as it  
10 says right there, the public interest. And I represent  
11 approximately 325,000 people of Eastern Ohio and those  
12 325,000 people ask me every day, how can I go to work,  
13 how can my kids stay in the area.

14 We sit inside of an educational facility that  
15 does exactly that, trains people to go to work. Trains  
16 people to go back to work. Trains people to change  
17 careers and go into another work. It helps people go  
18 from maybe a high school education to a career, a  
19 technical -- a gateway by virtue of its name, a gateway  
20 of education into a higher attainment.

21 The goal: Make more money, have a better  
22 life, raise a family, live in the community. While at  
23 the same time the rules are changed on us where we  
24 can't.

1           What you gentlemen probably remember in  
2 growing up and raising your families the folks that  
3 worked at the mill or the mine, worked at Cardinal,  
4 worked as Sammis, worked at probably a few others I'm  
5 not thinking of at the moment. But they were good  
6 jobs, decent jobs, the kind you could raise a family  
7 on.

8           Today, we look at our valley and we have a  
9 distribution center, we have some retail, we have some  
10 other places that challenges those living-wage jobs as  
11 we would call them.

12           But we have to fight the fight here. And  
13 this has been coming for a while and it's not going to  
14 end today. But we have a year to fight that fight to  
15 raise our voice.

16           Today, I will begin to do exactly what should  
17 be done, which is to have a more vocal voice at the  
18 federal level, because it starts at the federal level.

19           The good people in Ohio are following the  
20 rules that they have been given, but they have been  
21 changed on us.

22           Let's go back and look at a few little  
23 things.

24           The Sammis Power Plant is probably arguably

1 the most significant environmental impact in this  
2 region.

3           The Sammis Power Plant in 2008 contributed  
4 over 102,000 tons of SO2 to the sky, to our  
5 environment. In 2010, two years later, it contributed  
6 less than 13,000 tons. For the general public,  
7 one-tenth, one-tenth of its past contribution to SO2.

8           Steubenville Works of Wheeling-Pittsburgh  
9 Steel, 70 tons of SO2 to the environment. I would  
10 submit to the public that today it contributes zero  
11 because it's not operating, nothing. Maybe I'll give  
12 it one. I think it's fair to say it's probably  
13 negligible at best.

14           A couple of years ago in '08, WTI -- you  
15 probably all remember that one -- better known as  
16 Heritage today, contributes all of about  
17 three-and-a-half tons of SO2. Three-and-a-half tons.

18           Now, as we look at the monitoring we have to  
19 question, is it a fair and reasonable scientific  
20 monitoring system. Well, most of this is based on one  
21 monitoring site in East Liverpool, Ohio.

22           The other two monitoring sites, one in Mingo  
23 I believe on Logan Avenue, the other one in Southern  
24 Malaga, Shadyside, the border there give or take a

1 little bit, and we have to wonder in '08, even in '10,  
2 the power plant in Shadyside would be idle in the near  
3 future.

4 I don't know the tonnage off of that but I  
5 would say if Sammis contributed 100,000 tons, I would  
6 say the Burger plant in Shadyside probably had a  
7 significant tonnage also. I would say that's fair.

8 But in the near future, once again, zero  
9 because they're going to close it. It will be idle.  
10 150 people out of work. The tax base for Shadyside  
11 destroyed. The school district likely to close.  
12 Shadyside's finances, decimated, because the power  
13 plant will no longer exist.

14 Now, hopefully in the future we can do  
15 something with it. But a significant tonnage of SO2  
16 reduced to zero. So I would suspect our attainment in  
17 the future would be more likely because we just  
18 eliminated a serious environmental contributor.

19 Now, when you go to the Columbiana monitor,  
20 which is what much of this is based on, the parts per  
21 billion was 111 in '08. In 2007 it was 47. That's  
22 about half. That's a fair number, half. Half of what  
23 it was two years ago.

24 Somehow I think in the world of science

1 there's a correlation between the Sammis plant and the  
2 Columbiana monitoring station. I'm just guessing. But  
3 that's a significant reduction in parts per billion in  
4 two years, which just so happens to correspond to the  
5 Sammis correlation.

6 I'm a reasonable guy but I'm a fairly  
7 educated guy too, and I think that those things come  
8 together to make sense together.

9 So what's this mean in the long run? So,  
10 okay, we get the scarlet letter stuck to our jersey in  
11 terms of nonattainment for three counties in Ohio.

12 The other fact that has to exist that there's  
13 seven counties in Ohio that are nonattainment. We're  
14 just talking about three. And the Ohio EPA,  
15 unfortunately, is only talking about three, but there's  
16 seven. We're not going to talk about the other four  
17 for whatever reason. Apparently they didn't, whatever.  
18 But we're just talking three out of seven.

19 What's this mean for us? So let's just  
20 assume that General Motors wants to build a plant in  
21 our new Horizons Industrial Park. What a great  
22 opportunity. A terrific opportunity. And they talk  
23 about all the possibilities and all the impact this  
24 would have. And I think you gentlemen would agree,

1 most of us would agree, that's a great thing, except  
2 one small problem. We would not be able to site that  
3 plant in our county or in any of those three counties  
4 because of nonattainment. Meaning, we would have to  
5 eliminate other SO2 providers within the county or  
6 counties before we could add a facility that would  
7 create SO2.

8           So you've got to reduce one before you add  
9 one. Well, what's that mean? That means we increase  
10 the cost, that means we increase the regulation, and we  
11 do what has occurred in the power-making business over  
12 the last twenty years since that summer day when we  
13 passed the Clean Air Amendment, which was, we increase  
14 the cost of production. And we know what happens when  
15 we increase cost: We reduce competitiveness.

16           So that means we would have to take an  
17 alternative form. That means we in Ohio in these three  
18 counties would lose the opportunity to create jobs that  
19 might create SO2 because we would be prohibited from  
20 adding before we subtract from the SO2.

21           So, if we close another power plant in  
22 Eastern Ohio we've got to cut the tax base, put people  
23 out of work. Maybe we'd have an opportunity. But the  
24 point is it makes us less competitive in Eastern Ohio

1 to create jobs.

2 Now, the fight only begins today with the  
3 public hearing because we in Eastern Ohio, in Ohio,  
4 need to raise our voices at a better level.

5 But I think, hopefully, our current  
6 administration under the Kasich administration has what  
7 they call CSI. I think this is a perfectly good  
8 opportunity to utilize CSI.

9 Some of us may think of CSI as a very catchy,  
10 fun, interesting program on television. It's really an  
11 initiative under the State of Ohio which is called the  
12 common sense initiative.

13 Now, common sense would lead us to believe --  
14 we've all ridden up and down the river. You folks will  
15 leave here and I assume go back to Columbus and you'll  
16 probably go down 7 and -- take a right on Route 7 and  
17 on the way down there and you will see common sense.

18 When you drive down through there you will  
19 see the Steubenville Works and Wheeling-Pittsburgh  
20 Steel is idle. You will see Mingo Junction's BOF is  
21 idle. You will see that Martins Ferry and Rayland are  
22 shadows of themselves from years gone by.

23 You will the see the Cardinal plant producing  
24 power today. Ironically, that power nine times out of

1 ten goes to Western Pennsylvania and parts of New York.

2 It doesn't necessarily come here to Ohio.

3           But what you will see, and I think it's  
4 common sense, you will see the coke battery that  
5 follows into West Virginia producing enormous amounts  
6 of material for industry. And you will see the Ergon  
7 facility, which is an oil refinery, across the river in  
8 West Virginia.

9           I don't think it's too far to imagine that  
10 the State of West Virginia is having a significant  
11 impact on the air quality of Ohio.

12           And I don't want to blame West Virginia for  
13 everything, but I think common sense would tell us that  
14 when we're idle in Ohio but West Virginia is working in  
15 regards to the coke battery in the Ergon facility,  
16 which is an oil refinery, and we're pleased and  
17 grateful those economic opportunities are there and  
18 jobs are there because many Ohioans work there, that's  
19 great. But when we put the scarlet letter on us  
20 economically in Ohio, we have to at least suggest that  
21 West Virginia is contributing to the problem. Because  
22 anybody who's ever been in the valley knows it's one  
23 valley, both states, and they contribute to that pool  
24 of air.

1           So I do know through my conversations with  
2 the EPA over the years and most recently today that  
3 West Virginia is not in the jurisdiction of the Ohio  
4 EPA. Common sense, too. However, I don't recall West  
5 Virginia having an attainment problem.

6           I don't believe they have any EPA hearings  
7 for the State of West Virginia any time in the near  
8 future. I'm not advised of any. I looked. I didn't  
9 notice any. I didn't see any. I'm still opened for  
10 education on the issue.

11           But the point being is that our partners and  
12 our neighbors in West Virginia are contributing to this  
13 issue. Common sense tells us that. Anything else  
14 would not be accurate. But we are being punished for  
15 it. And that, my friends, is not fair. Because we  
16 have been blamed on and on and on in the past for other  
17 things from West Virginia.

18           But we have until I believe the end of 2011  
19 and possibly into 2012 to correct this problem to ask  
20 for some common sense and some relief from this  
21 designation. Because as we struggle, I struggle, other  
22 members of the representation, our mayors, our economic  
23 development directors, our port authority folks, our  
24 Jefferson County leadership, to get us out of this

1 economic trouble, this puts us another two steps behind  
2 before we ever get a half a step forward.

3 I will be working with Governor Kasich. I  
4 will be working with Congressman Bill Johnson. I'll be  
5 working with our federal legislators, Sherrod Brown and  
6 Rob Portman, to impress upon the U.S. EPA that not only  
7 is this unfair because it's not all of our problem,  
8 it's our neighbor's problem. But, number two, changing  
9 the rules arbitrarily without the will of the people is  
10 not acceptable and we'll fight this every day from here  
11 on out.

12 I appreciate the opportunity to express my  
13 opinion and share some of the facts. I'll be back and  
14 join you in another public meeting with more facts and  
15 hopefully letters of support from the entities I've  
16 talked about, and I appreciate the opportunity to say  
17 so.

18 MR. THORP: Thank you, Senator.

19 Is there anyone else who wishes to testify at  
20 this time? Seeing no further requests for testimony, I  
21 will remind you that written comments can be submitted  
22 through May 19th, 2011.

23 The time is now 2:38. Thank you for  
24 attending the hearing and the hearing is adjourned.

1

- - -

2

Thereupon, at 2:38 p.m., on Wednesday,

3

May 18, 2011, the hearing was adjourned.

4

- - -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CERTIFICATE

- - -

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter before the Ohio EPA, Wednesday, May 18, 2011.

---

DIANE L. SCHAD,  
COURT REPORTER

- - -





P.O. Box 309 • 7360 State Route 45 • Lisbon, Ohio 44432 • (330) 424-0272  
FAX (330) 424-1733

**Response to Ohio EPA  
Request for Comment  
Proposed Sulfur Dioxide Nonattainment Areas**

As a local health official with a strong background in the environmental health sciences, I fully understand the connection between air quality, a safe environment and a healthy population and would have expected a more thorough investigation of sulfur dioxide in our whole community prior to it being designated as nonattainment. Therefore, I am fundamentally opposed to the county wide sulfur dioxide nonattainment designation of Columbiana County.

It is my understanding that this determination was based on only a few sampling points in a limited area inside the City of East Liverpool where the river valley geography isolates environmental factors from the rest of the county. Therefore, in a county of 532 square miles, of which the City of East Liverpool represents less than 1% (4.3sq. mi.), a few localized sampling points are statistically insufficient to make a countywide determination of this magnitude.

Thank you for your consideration in **removing Columbiana County from the sulfur dioxide nonattainment list** due to insufficient data collected from an isolated area that lacks geographical and statistical significance.

Respectfully,

A handwritten signature in blue ink, appearing to read "Wesley J. Vins".

Wesley J. Vins, MS, RS  
Health Commissioner  
Columbiana County General Health District

*"Working harder for you because we care"*



May 19, 2011

**DELIVERED VIA E-MAIL TO [jennifer.hunter@epa.state.oh.us](mailto:jennifer.hunter@epa.state.oh.us)**

Ms. Jennifer Hunter  
Ohio Environmental Protection Agency, DAPC  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049

**Re: Ohio EPA Draft Designation Recommendations for Sulfur Dioxide**

Dear Ms. Hunter:

ArcelorMittal Cleveland Inc. (ArcelorMittal) appreciates the opportunity to comment on Ohio EPA's proposed area designation recommendations for the sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). ArcelorMittal is a fully-integrated iron and steel mill located in the industrial valley of Cuyahoga County that employs more than 1,525 workers. ArcelorMittal Cleveland has also participated actively in the Northeast Ohio Area-wide Coordinating Agency (NOACA) air quality task force, which studies the effect of nonattainment designations on economic development and planning in Cuyahoga County and Northeast Ohio.

ArcelorMittal Cleveland is deeply concerned over Ohio EPA's proposal to designate Cuyahoga County as nonattainment for SO<sub>2</sub>. The nonattainment designation is based on the results of a single monitor (located at E.14<sup>th</sup> and Orange Avenue) that suggests the SO<sub>2</sub> NAAQS of 75 ppb has been deexceeded by 1 ppb (the three-year average design value for this monitor is identified as 76 ppb). The data for this monitor is of questionable reliability, as the only individual year demonstrating an exceedence of the SO<sub>2</sub> NAAQS is also a year in which the monitor failed to collect complete data for 2 out of 4 quarters. See OHIO ENVIRONMENTAL PROTECTION AGENCY, OHIO'S 2010 REVISED SULFUR DIOXIDE NATIONAL AMBIENT AIR QUALITY STANDARD RECOMMENDED DESIGNATIONS AND NONATTAINMENT BOUNDARIES at 12 (hereinafter "Ohio EPA SO<sub>2</sub> Report"). Incomplete data are inherently less reliable than complete data and extra care must be taken to ensure that using incomplete data do not compromise the conclusions drawn from the results. Three other monitors with complete data for the three-year design period demonstrate that Cuyahoga County is in attainment, and these three monitors are more than sufficient to meet the minimum monitor requirements established by federal regulations. These factors justify excluding the incomplete data and relying on the complete data to conclude that Cuyahoga County is monitoring attainment with the SO<sub>2</sub> NAAQS.

Ohio EPA is also required to consider other factors when designating Cuyahoga County. For instance, nonattainment designations can be justified if sources in a county are contributing to nonattainment in other areas. After considering wind direction and source contributions, Ohio EPA has determined that Cuyahoga County is not contributing to the monitored exceedences at the Lake County monitors. See Ohio EPA SO<sub>2</sub> Report at 56. Since Ohio EPA has not completed its air dispersion

modeling for SO<sub>2</sub>, Ohio EPA must designate Cuyahoga County as “unclassifiable” for now, but the data do not support a nonattainment designation for SO<sub>2</sub>.

Ohio EPA may alternatively consider a nonattainment area that is narrowly drawn around the nonattaining monitors and the coal-fired power plants along the lakeshore. These three plants emit over 80% of the SO<sub>2</sub> emissions in Northeast Ohio and only the monitors in close proximity to these sources indicate nonattainment with the one-hour SO<sub>2</sub> standard. ArcelorMittal and the other manufacturers in the Cuyahoga Valley should not suffer the burden of a nonattainment designation when the monitors closest to this area indicate attainment with the standard. Moreover, these attaining monitors are in between the Cuyahoga Valley and the monitors indicating nonattainment that are closer to the lakeshore power plants leaving no doubt that the manufacturing corridor in the Cuyahoga Valley is not contributing to the nonattainment levels at these monitors. These special circumstances support a nonattainment boundary narrowly drawn along the lakeshore to focus on those areas and sources contributing SO<sub>2</sub> to the nonattaining monitors.

The economic and regulatory consequences of a nonattainment area designation can be significant. Cuyahoga County cannot afford to let questionable monitoring results add another obstacle to its economic recovery. A study by the National Economic Research Associates (NERA) predicted 14,000 jobs (approximately 9%) would be lost in Greater Cincinnati due to its ozone nonattainment designation from 1995-2000. Greater Cincinnati actually lost 35,000 manufacturing jobs (over 20%) during this nonattainment era, and the economic uncertainty associated with the nonattainment designation contributed to this decline according to testimony presented to the U.S. Senate Subcommittee on Clean Air, Climate Change and Nuclear Safety by Michael Fisher, President of the Greater Cincinnati Chamber of Commerce (April 1, 2004). In these difficult economic times, Ohio EPA has an obligation to ensure that it is relying only on the best and most complete monitor data and that it is narrowly tailoring the remedy to fit only the area containing sources contributing to nonattainment.

**I. Cuyahoga County Should Be Designated “Unclassifiable” until SO<sub>2</sub> Modeling Is Complete**

**A. It Is Inappropriate to Designate Cuyahoga County as Nonattainment Based on Monitoring Data with a Data Capture Rate below 75 Percent**

The only monitor indicated nonattainment in Cuyahoga County is Monitor 390350060, located at the corner of E.14<sup>th</sup> Street and Orange Avenue near downtown Cleveland. During 2008 and 2010, this monitor registered SO<sub>2</sub> levels at or below the 75 ppb SO<sub>2</sub> NAAQS. Only in 2009 did the monitor indicate an exceedance at 83 ppb. According to Appendix A of the Ohio EPA SO<sub>2</sub> Report, this monitor had complete data for only 2 of 4 quarters in 2009. During these quarters, the monitor collected less than 75 percent of the available data. In the absence of complete data, Ohio EPA is required to follow the procedures in 40 CFR Part 50, Appendix T to determine if another technique may be used to qualify the data. One such technique is to use the highest recorded level to fill the data gaps, which will artificially inflate monitoring results. Since this monitor is just one ppb over the standard, any artificially conservative factor would turn this monitor from attainment to nonattainment. The public record made available for comment does not indicate how this incomplete data for 2009 was deemed appropriate for use in determining nonattainment. ArcelorMittal respectfully requests that EPA make available the methods used to qualify the incomplete data from this monitor for 2009 and provide an additional opportunity for public review and comment if it intends to continue using the data from this monitor.

B. Ohio EPA Should Rely on the Three Monitors with Reliable Data to Determine Attainment Status

Reliance on a single monitor demonstrating nonattainment by 1 ppb is particularly problematic considering the number of available monitors in Cuyahoga County. 40 CFR Part 58, Appendix D requires a minimum of only three monitors in each core based statistical area (CBSA). The relevant CBSA encompasses several counties beyond Cuyahoga County, making the three monitors present within its borders more than sufficient to satisfy the requirements of Appendix D. Ohio EPA does not need the incomplete data from the monitor at E.14<sup>th</sup> and Orange to designate Cuyahoga County for ambient SO<sub>2</sub>, therefore, the agency does not need to go to extraordinary lengths to try and qualify the incomplete data for use. Ohio EPA should not allow this data to be used because it is clear that the conservative assumptions required to qualify incomplete data and fill the data gaps are the sole reason the monitor exceeds the standard. Cuyahoga County can be designated unclassifiable pending the SO<sub>2</sub> modeling data by relying on the three monitors in the county with four full quarters of complete data for all three years used in the design value calculation.

II. Alternatively, Ohio EPA May Use Its Discretion to Concentrate the Nonattainment Area around the Monitors Demonstrating Nonattainment and Designate the Remainder of the Area as Unclassifiable

U.S. EPA has provided states with discretion in setting the boundaries of its nonattainment areas. In addition to monitoring data, Ohio EPA may consider emission-related data, meteorology, geography, and jurisdictional boundaries to designate only a portion of a county as nonattainment. Ohio EPA is not required to follow the jurisdictional boundaries of a county when the data support a different outcome. See Memorandum from Stephen D. Page, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions I-X, re: Area Designations for the 2010 Revised Primary Sulfur Dioxide National Ambient Air Quality Standards at 5 (Mar. 24, 2011); see also STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF AIR POLLUTION CONTROL, OHIO'S 2008 LEAD STANDARD RECOMMENDED DESIGNATIONS AND NONATTAINMENT BOUNDARIES at 1, 19-48 (Oct. 5, 2010) (designating only partial counties as nonattainment) subsequently approved by U.S. EPA at 75 *Fed. Reg.* 71043, 71043 (Nov. 22, 2010). Ohio EPA has already determined that the southern counties that are part of the Northeast Ohio metropolitan statistical area can be excluded from the nonattainment designation. A close look at the data indicates that the proper nonattainment boundary can be moved further north than Ohio EPA is currently proposing by looking past the county jurisdictional boundaries.

For Lorain, Cuyahoga and Lake Counties along the Lake Erie lakeshore, the three coal-fired utility plants are by far the most significant SO<sub>2</sub> sources in the area. The monitors that exceed the 75 ppb standard are those closest to the lakeshore and those that are primarily influenced by these coal-fired utilities. Ohio EPA acknowledged in its SO<sub>2</sub> Report that the Cuyahoga County lakeshore utility plant has the highest SO<sub>2</sub> emissions in the county, double the emissions of the next highest emitter and more than 6 times the emission of ArcelorMittal's Cleveland Plant. Also, the complying monitors are all south and southeast of the violating monitor and are located closer to the Cuyahoga Valley manufacturing sources, including the ArcelorMittal Cleveland facility. Ohio EPA recognized that the single monitor exceedance in Cuyahoga County indicates "a more localized issue," as "monitors to the south and southeast of the violating monitors are significantly below the standard." Ohio EPA SO<sub>2</sub> Report at 11-12. The highest area monitor in Lake County is primarily influenced by the Eastlake power plant and Ohio EPA has determined that the power plant in Lorain County is contributing to nonattainment at downwind monitors. Thus, the data support a nonattainment boundary that encompasses the three primary power

plants along Lake Erie and the nonattainment monitors they influence. The boundary should be north of the Cuyahoga Valley manufacturers and the attainment monitors that prove these sources are not contributing to the nonattainment monitors that are farther away.

This approach to boundary setting helps Ohio's economy and its jobs. Manufacturers competing in a global market have a hard time absorbing local cost burdens that are not shared by their competitors. This is why nonattainment designations have historically had a devastating impact on manufacturing jobs. In Northeast Ohio, manufacturing jobs have been hit hard and the economic recovery has been slow. The last thing we need is a new obstacle to job growth in our region. To preserve jobs and promote economic recovery, Ohio EPA must propose the narrowest nonattainment boundaries that the data can justify. For the reasons outlined above, that boundary should not encompass ArcelorMittal's Cleveland facility and the other manufacturers in the Cuyahoga Valley.

If you have any questions or require additional information regarding this issue, please contact me at (216) 429-6396.

Sincerely yours,

Stan Rihtar  
Manager, Environmental

cc: Douglas A. McWilliams, Squire, Sanders & Dempsey (US) LLP  
Rich Zavoda, ArcelorMittal USA

May 19, 2011

Jennifer Hunter  
Ohio EPA, DAPC  
Lazarus Government Center  
50 West Town Street  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Re: Comments on Ohio EPA's Proposed Designation Recommendations for Sulfur Dioxide

Dear Ms. Hunter:

On April 14, 2011, Ohio EPA issued a draft of Ohio's designation recommendations for the revised 1-hour SO<sub>2</sub> standard. The draft report recommends that: 1) seven areas be designated nonattainment; 2) thirty-six counties be designated attainment; and 3) the rest of the state be designated unclassifiable. Prior to submitting Ohio's formal recommendations, due to U.S. EPA by June 3, 2011, Ohio EPA has solicited comments on the above recommendations.

The following are comments of the Ohio Utility Group and its specified member companies:

Buckeye Power, Inc.  
Columbus Southern Power Company (a unit of AEP)  
The Dayton Power and Light Company  
Duke Energy Ohio  
FirstEnergy  
Ohio Power Company (a unit of AEP)  
Ohio Valley Electric Corporation

hereinafter, "the Utilities."

The Utilities support Ohio EPA's nonattainment recommendations based on ambient air quality monitoring data indicating a violation of the revised SO<sub>2</sub> standard. In the preamble to the revised National Ambient Air Quality Standard ("NAAQS") for SO<sub>2</sub>, EPA recognized that it would not be realistic or appropriate for states to complete modeling for all significant sources of SO<sub>2</sub> before the designation recommendations are to be submitted to EPA on June 3, 2011. A complete and accurate modeling analysis will require a thorough understanding of the revised AERMOD model and U.S. EPA's "Modeling Guidance for SO<sub>2</sub> NAAQS Designations." Furthermore, EPA expects states to submit a modeling and analysis protocol that details the

Jennifer Hunter  
May 19, 2011

- 2 -

methodology and model inputs *before* commencement of the modeling exercise.<sup>1</sup> As such, the Utilities support Ohio EPA's decision to refrain from conducting additional modeling as part of the recommendation process and, based on the information that is currently available, submit that the nonattainment recommendations are proper.

The Utilities also support Ohio EPA's attainment recommendations. In the SO<sub>2</sub> Modeling Guidance, EPA explained that an area may be designated "attainment" if it has no monitored violations and is "supported by information clearly demonstrating that there are no violations of the SO<sub>2</sub> NAAQS inside the area boundary."<sup>2</sup> Ohio EPA has satisfied this standard for each of the 36 counties recommended as an attainment area.

The information submitted in Ohio EPA's report confirms that, for each county recommended as an attainment area, there are no violating monitors (or monitoring is not required), and the county does not have any sources that emit more than 100 tpy of SO<sub>2</sub> nor a collection of smaller sources that have the potential to cause or contribute to a violation. Based on the meteorological, topographical, and jurisdictional information submitted in conjunction with the emissions data described above, Ohio EPA has demonstrated that there are no SO<sub>2</sub> violations within any of the recommended attainment areas. Therefore, Ohio EPA's attainment recommendations are justified and no additional modeling in those 36 counties is necessary.

The Utilities appreciate the opportunity to comment on Ohio EPA's designation recommendations for the revised SO<sub>2</sub> NAAQS. If you have any questions, please feel free to contact me.

Very truly yours,



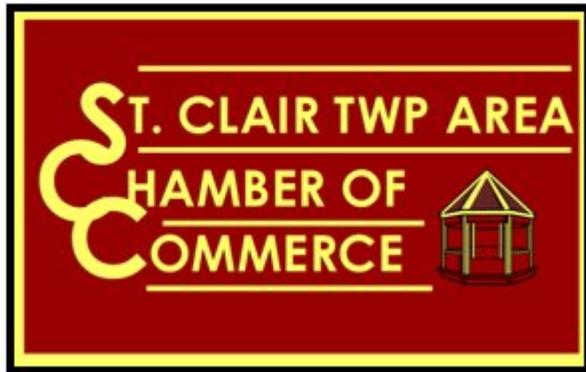
Michael E. Born

RDE/md  
O23415-043591  
cc: Ohio Utility Group  
Louis E. Tosi  
Ryan D. Elliott

---

<sup>1</sup> U.S. EPA Memorandum, Attachment 3 "Modeling Guidance For SO<sub>2</sub> NAAQS Designations," pg. 30. (March 24, 2011).

<sup>2</sup> Id. Attachment 2 "Determining Designations and Appropriate Area Boundaries for the 1-hour, 75ppb SO<sub>2</sub> NAAQS," pg. 1.



**15442 Pugh Road, Suite 2A  
Calcutta, Ohio 43920  
330.386.6060 phone/fax  
[www.stclairtwpchamber.com](http://www.stclairtwpchamber.com)**

**“Pride In Progress”  
25th Anniversary**

May 18, 2011

Ohio EPA  
PO Box 1049  
Columbus, Ohio 43216

Re: Public Comments Proposed Sulfur Dioxide Nonattainment Areas

The St. Clair Twp Area Chamber of Commerce would like to go on record as opposing the Ohio EPA's designation for Columbiana County as a Nonattainment Area. To be blunt, the testing that was done was not and is not reflective of the true picture for Columbiana County. We would ask that you specifically look at the following issues;

1) There was only one (1) monitoring station for ALL of Columbiana County. Columbiana County is a large county, over 530 square miles. The monitor was placed in one corner of the county located directly between 2 coal fire power plants. We believe that the only way to get a true picture of the county's SO<sub>2</sub> levels is by having other monitors placed in and around the county. By labeling the entire county using only 1 data source is questionable.

2) The data, we understand, was gathered from before First Energy had installed their multi-billion dollar scrubbers. Again, one (1) source using data that would not be able to be reproduced today.

We understand the Ohio EPA's concern for sulfur dioxide levels. However, at a time when the economy is struggling, industry in particular, we would ask that you reconsider that decision or at least require up to date data that was gathered in such a manner that does not punish the entire county.

Sincerely,

Lori Kline  
Executive Director

---



# Columbiana County Port Authority

1250 St. George Street, East Liverpool, Ohio 43920  
(330) 386-9051 • FAX (330) 386-1122

May 16, 2011

Jennifer Hunter:

[Jennifer.Hunter@epa.ohio.gov](mailto:Jennifer.Hunter@epa.ohio.gov)

RE: OHIO EPA SEEKS PUBLIC COMMENTS ON PROPOSED SULFUR DIOXIDE  
NONATTAINMENT AREAS; PUBLIC HEARINGS TO BE HELD MAY 17-19  
COLUMBIANA COUNTY PORT AUTHORITY PROTEST COMMENTS

Dear Ms. Hunter:

The Citizen Advisory on Sulfur Dioxide Nonattainment Areas, dated May 6, 2011, was provided to me on today's date by Columbiana County Engineer Bert Dawson. The Columbiana County Port Authority is responsible for large scale economic development projects in Columbiana County. We believe the proposed nonattainment designation for the county contained in the Citizens Advisory would ruin any chance to develop projects involving very large investments that would benefit not only our area but the region and nation as well. We are involved with such projects because of our location and access to transportation systems that allow Ohio to serve the US and world markets.

The Port Authority also has serious concerns about the methodology used to determine the nonattainment designation for Columbiana County. We were advised that the designation results from a single measuring device located near WTI in East Liverpool and that the new 75 parts per billion US-EPA standard was only slightly exceeded by a 90 parts per billion reading. How can all of Columbiana County come under a nonattainment designation under this methodology? We further understand that OEPA has acknowledged that a majority of the measured emissions in East Liverpool were likely migratory in nature, originating outside of Columbiana County.

In short, the Port Authority protests in the strongest terms possible the proposed nonattainment designation for Columbiana County.

Yours truly,

Tracy V. Drake, CEO

TVD/gss

cc: OEPA Director Nally  
Sen. Jason Wilson  
Rep. Craig Newbold  
Columbiana County Commissioners  
County Engineer Bert Dawson  
Bd. of Directors



SIERRA  
CLUB  
FOUNDED 1892

May 19, 2011

VIA E-MAIL

Jennifer Hunter  
Ohio Environmental Protection Agency, DAPC  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Jennifer.hunter@epa.state.oh.us

Re: 1-Hour SO2 Designations

These comments are submitted on behalf of the Sierra Club and the Natural Resources Defense Council (NRDC) and their members in Ohio. EPA promulgated a new National Ambient Air Quality Standard (NAAQS) for sulfur oxides expressed as a 1-hour standard. This new standard was necessary to protect public health from the serious health threats posed by short-term exposure to sulfur compounds. The health data relied upon by EPA overwhelmingly indicated that increased asthma attacks and hospital visits are attributable to spikes in short term sulfur compound concentrations in the air. The first step in addressing these health threats is to designate areas of the state as either attaining or not attaining the standard. Those areas that are not attaining the standard get increased scrutiny under the Clean Air Act which, in turn, provides more certain progress toward clean air for Ohio's residents. EPA's final rule calls for all areas to attain the new 1-hr standard by no later than 2017.

Ohio EPA proposes to designate seven Ohio counties nonattainment for the 1-hour SO2 standard based on available monitoring data. Sierra Club and NRDC are glad to see that Ohio EPA has made some effort to follow the applicable legal guidelines. In particular, Ohio EPA took the right approach to designate counties with violating monitors nonattainment, and to look outside county boundaries for sources that are most likely responsible for violations. Ohio EPA's proposed designation of Meigs County and the portion of Gallia county that incorporates the Kyger Creek and James Gavin power plants as nonattainment, as well as the proposed designation of Morgan county and the portion of Washington county that incorporates the Muskingum River power plant as nonattainment, are both examples of Ohio EPA's approach to look outside county boundaries to ensure the real cause of violations is incorporated within the nonattainment boundary. This effort is

also striking evidence that in Ohio, 1-hr SO<sub>2</sub> violations are largely caused by coal-fired power plants.

Ohio EPA Should Utilize Modeling To Determine Whether Individual SO<sub>2</sub> Sources Are Leading To 1-Hour SO<sub>2</sub> NAAQS Violations

Despite Ohio EPA's efforts to capture large polluters in its proposed nonattainment areas, Sierra Club and NRDC are concerned that Ohio EPA has limited its analysis to the existing monitors and has chosen not to use atmospheric modeling as a supplement to the available monitoring data. Ohio EPA's failure to consider modeling data ignores the fact that SO<sub>2</sub> impacts are localized and are expected to be highest around sulfur emitting facilities. Existing monitors only detect the highest sulfur dioxide concentrations in rare instances where they just happen to be located in the plume of a nearby facility. In Ohio, large sources of SO<sub>2</sub> are being ignored in the initial designation process because they are not located upwind of a nearby monitor.

In the Federal Register notice for the final 1-hour SO<sub>2</sub> NAAQS, EPA notes that a "hybrid analytic approach" is necessary for designating nonattainment areas and assessing compliance with the 1-hour standard. This approach uses both modeling and monitoring, together, with *modeling being the primary* method of determining SO<sub>2</sub> concentrations. While EPA acknowledged that the initial nonattainment designations from states may need to rely primarily on monitoring, EPA specifically noted that final designations would require modeling. Moreover, SIP development will require modeling. Currently Ohio EPA proposes modeling at a much later date as part of infrastructure SIP development in 2013. This approach is unacceptable not only from an air quality and public health perspective, but also from a SIP planning perspective. The NAAQS must be achieved as "expeditiously as possible," but no later than August, 2017.

Ohio EPA's proposal to wait until 2013 to conduct a modeling analysis for major sources of sulfur dioxide unnecessarily delays an analysis that is critical to properly designating nonattainment areas. The longer the state waits to conduct the modeling, the longer citizens of Ohio are exposed to dangerous air pollution. Furthermore, the power plants that are by far the largest source of SO<sub>2</sub> in Ohio may need to install modern pollution controls and/or change to cleaner fuels to bring areas into attainment. If Ohio EPA continues with its plan to wait until 2013 to submit modeling as part of an infrastructure SIP, power plant operators won't have a clear sense of what technology upgrades or fuel changes are needed until June 2014 when EPA acts on the state's submission. The pollution controls take many years of advanced planning to procure and install. Similarly, a fuel switch requires boiler modifications, as well as new infrastructure and fuel contracts. Leaving just 3 years between the time EPA acts on Ohio EPA's infrastructure SIP and the 2017 attainment date is not nearly enough time to bring Ohio into attainment if these changes are needed. Therefore, Ohio EPA should act immediately to begin the process of modeling Ohio's largest sources of sulfur dioxide in order to institute the appropriate SIP measures as quickly as possible.

## Ohio EPA Should Consider Several Additional Counties for Initial Nonattainment Designation

Ohio is home to several coal-fired power plants, many of which operate without modern pollution controls, emitting hundreds of thousands of tons of SO<sub>2</sub> annually. Ohio EPA's proposed nonattainment areas are, without exception, impacted by pollution from these coal-fired power plants. The impact of these plants is also apparent in areas of Ohio not currently proposed for nonattainment designation. For example, the Beckjord coal-fired power plant, located in Clermont county, emitted approximately 41,900 tons of SO<sub>2</sub> in 2009. Beckjord's total emissions are much greater than other coal-fired plants that Ohio EPA found are contributing to nonattainment (*See Cuyahoga county's Lakeshore Plant (4582 TPY)*), but Clermont county does not have an air quality monitor. Given the very clear link between coal-fired power plants and nonattainment areas in other parts of Ohio, Ohio EPA should model the impacts of all coal-fired power plants not already within a proposed nonattainment area, including Beckjord, as part of its initial area designations.

Modeling the impacts of the coal-fired power plants that are not located near existing monitors is not the cumbersome task that EPA alludes to in the preamble to the final rule. Ohio EPA lists approximately 600 sources in its SO<sub>2</sub> Emissions Inventory in Appendix C. Instead of hiding behind a long list of SO<sub>2</sub> sources in Ohio, Ohio EPA can easily complete modeling for the list of 10 coal-fired power plants below in light of the overwhelming evidence that coal-fired power plants are causing violations of the 1-hr standard in other parts of Ohio. This relatively simple step must be taken quickly to protect air quality and provide as much time as possible to regulated industry to reduce emissions as needed to attain the 1-hr standard.

| Plant           | Owner                                    | County    | Size (MW) | TPY SO <sub>2</sub> (2009) |
|-----------------|--|-----------|-----------|----------------------------|
| Ashtabula       | First Energy                             | Ashtabula | 256       | 4,955                      |
| Avon Lake       | Orion Power                              | Lorain    | 760       | 42,000                     |
| Bay Shore       | First Energy                             | Lucas     | 640       | 7,800                      |
| Conesville      | Columbus                                 | Coshocton | 1900      | 26,000                     |
| J.M. Stuart     | Southern Pwr.<br>Dayton Power &<br>Light | Adams     | 2440      | 64,000                     |
| Killen          | Dayton Power &<br>Light                  | Adams     | 661       | 1,973                      |
| Miami Fort      | Duke Energy                              | Hamilton  | 1250      | 25,000                     |
| Niles           | Orion Power                              | Trumbull  | 260       | 4,300                      |
| Walter Beckjord | Duke Energy                              | Clermont  | 1220      | 41,900                     |
| W.H. Zimmer     | Duke Energy                              | Clermont  | 1426      | 14,280                     |

## Ohio EPA's Proposal to Designate "Attainment" Areas is Arbitrary

EPA's preamble to the final 1-hr SO<sub>2</sub> standard and its subsequent guidance are clear that attainment designations require the support of monitoring AND modeling data. Ohio EPA currently proposes 36 counties for attainment where it has neither monitor nor

modeling data. Ohio EPA bases its decision to designate these areas attainment on the fact that large sources of SO<sub>2</sub> do not reside in those counties. This analysis completely ignores the well-known fact that pollution crosses county boundaries, so while the source may not reside in the county, a source just over the county line may create a nonattainment area that straddles the county line. This point is well illustrated in the case of Meigs and Morgan counties, both of which have violating monitors exclusively due to emissions from out-of-county sources. Ohio EPA's approach is not only contrary to EPA's stated approach to attainment area designations, but its logic runs contrary to its own experience in various parts of the state. Ohio EPA should at least designate these areas unclassifiable until additional modeling is done.

As the June deadline for initial area designations approaches, Ohio EPA should begin a rigorous modeling program to model the impacts of the largest sources of SO<sub>2</sub> pollution in Ohio, including several coal-fired power plants not already captured in Ohio EPA's proposed nonattainment areas. This modeling is essential to the expeditious attainment of the 1-hr standard that is designed to protect public health. In advance of Ohio EPA's June submission to EPA, Ohio EPA should change all of its proposed "attainment" designations to "unclassifiable" because the proposed attainment designations are wholly unsupported.

Sincerely,

Holly Bressett  
Sierra Club  
85 Second Street, 2<sup>nd</sup> Fl.  
San Francisco, CA 94105  
415.810.4599