DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING EMISSION REPORTING

#05-78(APCB) / LSA Document #05-78

Overview
This rulemaking amends the emission reporting rule to add particulate matter less than or equal to 2.5 micrometers ($PM_{2.5}$) and ammonia (NH_3) to the list of pollutants to be reported on the emission statement and lowers the reporting threshold for volatile organic compounds (VOC) and nitrogen oxides (NOx) in LaPorte County.

Citations Affected
Amends: 326 IAC 2-6.

Affected Persons
The public and approximately 800 businesses in Indiana subject to the rule.

Reason or Reasons for the Rule
The reasons for this rule are to update the existing rule to be consistent with the reportable pollutants in the federal Consolidated Emission Reporting Rule issued on June 10, 2002, and to address emission statement requirements found in Section 182(a)(3)(B) of the Clean Air Act.

Economic Impact of the Rule
The administrative burden associated with the addition of these two pollutants to the list of reportable pollutants is estimated at approximately one hour per month, per regulated pollutant, per process.

Benefits of the Rule
Citizens will benefit from the additional information made available through these amendments. IDEM will benefit by having source-supplied information available for emission inventories.

Description of the Rulemaking Project

The emission reporting rule, 326 IAC 2-6, was originally adopted by the Air Pollution Control Board (APCB) and became effective in 1993. The emission reporting rule is part of Indiana's state implementation plan (SIP) and addresses emission statement requirements found in Section 182(a)(3)(B) of the Clean Air Act. 326 IAC 2-6 requires air emission sources over specified emission thresholds to report their actual emissions of certain pollutants to IDEM in an emission statement. Emissions information reported through this program is used for air quality planning, tracking progress, and for billing purposes.
On December 3, 2003, the APCB adopted amendments to this rule consistent with many of the provisions in the federal consolidated emission reporting rule (CERR) (68 FR 39602) published by U.S. EPA on June 10, 2002, while maintaining consistency with the emission statement requirements in Section 182(a)(3)(B) of the Clean Air Act (CAA). These amendments included changing applicability, adding reporting parameters, and reducing the reporting schedule from annual to triennial reporting for many sources to be consistent with the CERR. The emission reporting rule, 326 IAC 2-6, was also amended to provide the department with the authority to request hazardous air pollutant (HAP) emissions data from permitted sources as needed to investigate areas of concern or support air quality planning.

This rulemaking proposes changes based on federal requirements that were not included in the 2003 amendments. First, IDEM is proposing to add particulate matter less than or equal to 2.5 micrometers ($PM_{2.5}$) and

ammonia (NH_3) to the list of pollutants to be reported on the emission statement since states are required by the CERR to report this information to U.S. EPA. Both of these pollutants contribute to $PM_{2.5}$ levels in the measured ambient air. Routine reporting will improve Indiana's air quality planning efforts to bring all areas into compliance with the NAAQS for $PM_{2.5}$.

Second, IDEM is proposing to amend the rule to apply lower reporting thresholds to the new 8-hour ozone nonattainment areas. New nonattainment areas for the 8-hour standard that are classified under subpart 2 are required to have an emission statement program as specified under Section 182(a)(3)(B) of the CAA. U.S. EPA designated Lake, Porter, and LaPorte Counties as nonattainment for the 8-hour ozone standard under subpart 2 of the CAA. All other counties were designated nonattainment under subpart 1. This means a change only for LaPorte County; the twenty-five (25) tons per year (tpy) reporting threshold for volatile organic compounds (VOC) and nitrogen oxides (NO_x) already applies in Lake and Porter Counties. All other counties will retain the one hundred (100) tpy reporting threshold consistent with the CERR.

Scheduled Hearings

First Public Hearing: December 7, 2005, Room A, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

Second Public Hearing: To be determined.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

1) All existing physical conditions and the character of the area affected.

2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

3) Zoning classifications.

4) The nature of the existing air quality or existing water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant, animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The new rules are consistent with federal rules.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Air Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Susan Bem, Rule Development Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana).