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**TITLE 326 AIR POLLUTION CONTROL BOARD****FIRST NOTICE OF COMMENT PERIOD**

LSA Document #12-544

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING SULFUR DIOXIDE EMISSION LIMITATIONS AT ALCOA INC. IN WARRICK COUNTY****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 7-4-10](#) concerning sulfur dioxide (SO<sub>2</sub>) emission limitations at Alcoa Inc. Warrick Operations and Alcoa Power Generating Inc. (APGI) Warrick Power Plant in Warrick County. Cross references to [326 IAC 7-4-10](#) in the Regional Haze Best Achievable Control Technology (BART) rules at [326 IAC 26-2-2](#) may also need to be amended. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [326 IAC 7-4-10](#); [326 IAC 26-2-2](#).

**AUTHORITY:** [IC 13-14-18](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING****Basic Purpose and Background**

Alcoa Inc. Warrick Operations and APGI Warrick Power Plant in Warrick County have requested amendments to the SO<sub>2</sub> state implementation plan (SIP) emission limitations in [326 IAC 7-4-10](#) that will allow an increase in allowable SO<sub>2</sub> emissions from potlines 2 through 6 and a decrease in allowable SO<sub>2</sub> emissions from the boiler units at the Warrick Power Plant. The APGI Warrick Power Plant installed wet scrubbers in 2008. The source will use modeling to demonstrate continued compliance with the 1971 annual and 24-hour SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS).

**Alternatives to Be Considered Within the Rulemaking**

Alternative 1. Amend SO<sub>2</sub> limits for Alcoa Inc. Warrick Operations and APGI Warrick Power Plant.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law although revised SO<sub>2</sub> limits will need to show compliance with the 1971 annual and 24-hour SO<sub>2</sub> NAAQS.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Do not amend SO<sub>2</sub> limits.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No, this is a site-specific rule.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

**Applicable Federal Law**

Current limits for Alcoa Inc. at [326 IAC 7-4-10](#) are approved by the U.S. Environmental Protection (U.S. EPA) as part of Indiana's SIP. IDEM will send these amended rules to U.S. EPA to be approved as part of Indiana's SIP for consistency with federal law.

**Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. This alternative will allow the source to use a greater variety of coke in their processes with varying sulfur contents affecting the availability and cost of the coke.

Potential Fiscal Impact of Alternative 2. The source will only be able to continue the use of low sulfur coke.

**Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

[www.in.gov/idem/ctap](http://www.in.gov/idem/ctap)

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Jessica Faust-Hamblin

IDEM Small Business Regulatory Coordinator

MC 60-04 IGCS W041

100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 232-8172 or (800) 988-7901  
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Eric P. Shields  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 234-3997  
smallbizombudsman@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Brad Baughn  
IDEM Small Business Assistance Program Ombudsman  
MC 50-01 IGCN 1301  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 234-3386 or (800) 451-6027  
bbaughn@idem.in.gov

### Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Susan Bem, Rule and State Implementation Plan Development Section, Office of Air Quality at (317) 233-5697 or (800) 451-6027 (in Indiana).

### STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-8-4](#) requires the board to consider the following factors in promulgating rules:

- (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 the case may be.
- (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 human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

### REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #12-544 Alcoa SO<sub>2</sub>  
Susan Bem Mail Code 61-50  
Rule and State Implementation Plan Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5967. Please confirm the timely receipt of faxed comments by calling the Rule and State Implementation Plan Development Section at (317) 234-6530.

- (3) By electronic mail to sbem@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

- (4) Hand delivered to the receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana

Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

**COMMENT PERIOD DEADLINE**

All comments must be postmarked, faxed, or time stamped no later than October 19, 2012. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

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

Scott Deloney, Chief  
Air Programs Branch  
Office of Air Quality

*Posted: 09/19/2012 by Legislative Services Agency*

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