

FIRST NOTICE OF COMMENT PERIOD

LSA Document #14-256

WALSH AND KELLY SULFUR DIOXIDE EMISSION LIMITS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 7-4.1-21](#) concerning sulfur dioxide emission limits for Walsh and Kelly located in Griffith, Indiana. 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 7-4.1](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Walsh and Kelly, a hot-mix asphalt plant, located in Griffith, Indiana (Lake County) has requested a revision to the sulfur dioxide emission limits at [326 IAC 7-4.1-21](#). Emission limits for sources in Lake County are part of the United States Environmental Protection Agency (U.S. EPA) approved Indiana state implementation plan (SIP) for sulfur dioxide. Walsh and Kelly installed a new aggregate dryer/burner in 2013. The dryer/burner that was replaced was regulated by [326 IAC 7-4.1-21](#) with specific limits for that dryer. As required by [326 IAC 7-4.1-1](#) all new combustion units in Lake County are required to burn natural gas unless specifically regulated by a source specific emission limit. The limits in [326 IAC 7-4.1-21](#) provided emission limits for the old dryer/burner and allowed the unit to use re-refined waste oil. The previous burner was rated at 120 MMBtu per hour. The newer, more efficient burner is rated at 115 MMBtu per hour.

IDEM will conduct air dispersion modeling to show that the new burner will not have a negative impact on air quality. The source has requested emission limits equivalent to the previous unit. Revising [326 IAC 7-4.1-21](#) to list the new unit and delete the existing unit will allow the source to use re-refined waste oil and number 2 fuel oil without being restricted to combustion of natural gas as prices for natural gas fluctuate in the future. Once this rulemaking is complete it will be submitted to U.S. EPA for SIP approval. IDEM seeks comment on the affected citations listed, including suggestions for specific language, comments on any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

Alternatives to Be Considered Within the Rulemaking

Alternative 1. Amend limits as requested by source.

- 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 and there is no comparable federal law. It is a "state-only" requirement.
- 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 rule.

- 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 and there is no comparable federal law. It is a "state-only" requirement.
- 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

There are no federal laws applicable to this rulemaking. This amendment will be submitted to U.S. EPA for approval as part of Indiana's state implementation plan (SIP).

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. This alternative will save the affected source money as it will provide flexibility in fuel choice for the dryer/burner.

Potential Fiscal Impact of Alternative 2. This alternative could have negative fiscal impact on the affected source as it will limit the fuel for the dryer/burner to natural gas.

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) 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

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Jessica Faust-Hamblin
IDEM Small Business Regulatory Coordinator
IGCN 1225
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 4-4-35-8](#) is:

Erik Scheub
Office of Small Business and Entrepreneurship
One North Capitol, Suite 600
Indianapolis, IN 46204
(317) 232-5679
ombudsman@osbe.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 4-4-35-8](#), specifically [IC 4-4-35-8\(9\)](#), 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:

Steven N. Howell
IDEM Small Business Assistance Program Ombudsman
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8587 or (800) 451-6027
snhowell@idem.in.gov

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Susan Bem, Rules Development Branch, Office of Legal Counsel at (317) 233-5697 or (800) 451-6027 (in Indiana).

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 #14-256 Walsh and Kelly SO₂
Susan Bem
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903.

- (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 address indicated in this notice.**

- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, 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 not later than August 22, 2014. 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, Rules Development Branch, Office of Legal Counsel (317) 233-5697 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rules Development Branch
Office of Legal Counsel

Posted: 07/23/2014 by Legislative Services Agency
An [html](#) version of this document.