

---

**TITLE 326 AIR POLLUTION CONTROL DIVISION****SECOND 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 (SO<sub>2</sub>) 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.

**HISTORY**

First Notice of Comment Period: July 23, 2014, Indiana Register (DIN: [20140723-IR-326140256FNA](#)).

**CITATIONS AFFECTED:** [326 IAC 7-4.1-21](#).

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

**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 SO<sub>2</sub> 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's (U.S. EPA) approved Indiana state implementation plan (SIP) for SO<sub>2</sub>. 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 has conducted 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.

**[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

**Potential Fiscal Impact**

This rulemaking will have the potential to save the affected source money as it will provide flexibility in fuel choice for the dryer/burner.

**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).

**SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from July 23, 2014, through August 22, 2014, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

**REQUEST FOR PUBLIC COMMENTS**

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. 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 SO<sub>2</sub>  
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) 232-8922.

(3) By electronic mail to [sbem@idem.in.gov](mailto: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, 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 November 14, 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).

#### DRAFT RULE

SECTION 1. [326 IAC 7-4.1-21](#) IS AMENDED TO READ AS FOLLOWS:

#### [326 IAC 7-4.1-21](#) Walsh and Kelly sulfur dioxide emission limitations

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 21. (a) Walsh and Kelly, Source Identification Number 03215, shall comply with the sulfur dioxide emission limits for the aggregate dryer of less than:

- (1) twenty-five (25) tons per year; and
- (2) forty-two (42) pounds per hour.

(b) The input of re-refined waste oil and ~~re-refined waste oil~~ **its calculated #2 fuel oil** equivalents in the one hundred ~~twenty (120)~~ **fifteen (115)** MMBtu per hour burner for the aggregate dryer shall be limited to less than seven hundred forty thousand seven hundred twenty-five (740,725) gallons per twelve (12) consecutive month period, rolled on a monthly basis, based on maximum sulfur content of forty-five hundredths percent (0.45%) for re-refined waste oil.

(Air Pollution Control Division; [326 IAC 7-4.1-21](#); filed May 25, 2005, 10:50 a.m.: 28 IR 2965)

#### [Notice of Public Hearing](#)

Posted: 10/15/2014 by Legislative Services Agency

An [html](#) version of this document.