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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#03-195(APCB)

DEVELOPMENT OF AMENDMENTS TO 326 IAC 6-1-13 AND 326 IAC 7-4-3 CONCERNING DELETION OF REFERENCES TO DECOMMISSIONED BOILERS AND THEIR CORRESPONDING PARTICULATE MATTER AND SULFUR DIOXIDE EMISSION LIMITATIONS AT PFIZER INC.

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules 326 IAC 6-1-13 and 326 IAC 7-4-3 concerning deletion of references to decommissioned boilers and their corresponding particulate matter and sulfur dioxide emission limitations at Pfizer Inc. 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 6-1-13; 326 IAC 7-4-3.

AUTHORITY: IC 13-14-8; IC 13-17-3-4.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Pfizer Inc. (Pfizer) has requested that IDEM remove references in 326 IAC 6-1-13 and 326 IAC 7-4-3(11) to boilers that have been decommissioned and will no longer be in use and their corresponding particulate matter and sulfur dioxide emission limitations, respectively. Pfizer has decommissioned Boilers 5, 6, and 7 and replaced them with a new boiler that is subject to the more stringent new source performance standard (NSPS) rules. Boiler D, listed in 326 IAC 6-1-13 has been taken out of service and reference to this boiler shall be deleted from the rule. Pfizer is located in Terre Haute, Indiana.

Alternatives To Be Considered Within the Rulemaking

The alternatives to this rulemaking include making the amendments to delete the listed equipment or not making the amendments. The current rule is inconsistent with the source's operating permit.

Applicable Federal Law

326 IAC 6-1-13 and 326 IAC 7-4-3 are approved by U.S. Environmental Protection Agency (EPA) as part of Indiana's State Implementation Plan (SIP). Indiana will send these rules to EPA to be approved as part of Indiana's SIP so federal law coincides with current operations at Pfizer. If 326 IAC 6-1-13 and 326 IAC 7-4-3(11) are not amended to reflect current operations, Pfizer's permitted equipment, state approved limits for PM and SO₂ emissions from its boilers, and the current SIP approved rules are inconsistent.

Potential Fiscal Impact

None. Pfizer has already decommissioned Boilers 5, 6, and 7 and taken Boiler D out of service. This rulemaking only removes references to those boilers in 326 IAC 6-1-13 and 326 IAC 7-4-3(11), therefore there is no fiscal impact.

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 necessary, please contact Suzanne Whitmer, Rules Section, Office of Air Quality at (317) 232-8229 or (800) 451-6021 (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.
- (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.

Mailed comments should be addressed to:

#03-195(APCB) Pfizer

Suzanne Whitmer

c/o Administrative Assistant

Rule Development Section

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the Tenth Floor East reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by September 1, 2003.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Janet G. McCabe

Assistant Commissioner

Office of Air Quality