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TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

#03-282(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING DEARBORN COUNTY SULFUR DIOXIDE EMISSION LIMITATIONS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 7-4-13 concerning Dearborn County sulfur dioxide (SO₂) emission limitations. By this notice, IDEM is soliciting public comment on the draft rule language. 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: November 1, 2003, Indiana Register (27 IR 573).

CITATIONS AFFECTED: 326 IAC 7-4-13.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

In response to a request from American Electric Power (AEP), IDEM proposes to remove obsolete rule language in the Dearborn County sulfur dioxide (SO₂) emission limitations in 326 IAC 7-4-13 for Indiana Michigan Power Tanners Creek Station. Specifically, AEP has requested the removal of the requirement that restricts coal delivered to the Tanners Creek Station to not exceed an SO₂ emission rate equivalent to six and six-tenths (6.6) pounds per million British Thermal Units (Btu).

The current SO₂ emission limitations in 326 IAC 7-4-13 are based on air quality modeling conducted in response to a proposed disapproval of the Dearborn County SO₂ state implementation plan (SIP) by U.S. EPA in 1987. The Tanners Creek Station emission limitations include interim requirements that are no longer necessary because Unit 4 has been limited to an emission limitation of five and twenty-four hundredths (5.24) pounds per million Btu since August 1, 1991. IDEM proposes to remove all obsolete language and emission limitations for Tanners Creek Station.

IDEM also proposes to update other information in this section at this time. Three other companies are currently listed in 326 IAC 7-4-13: Schenley Distillers, Inc., Joseph E. Seagram and Sons, Inc., and Diamond Thatcher Glass. Schenley Distillers, Inc. closed in 1998 and can be removed from the rule. The name of Joseph E. Seagram and Sons, Inc. changed to Pernod Ricard USA, Seagram Lawrenceburg Distillery, and the company has removed one boiler listed in the current rule, and renamed the remaining boiler. The furnaces formerly owned by Diamond Thatcher Glass now belong to Anchor Glass Container Corporation. IDEM proposes to amend the rule language to reflect these changes.

Indiana is required to have rules approved into the state implementation plan that will protect the National Ambient Air Quality Standards for SO₂ in Dearborn County. The existing emission limitations in 326 IAC 7-4-13 meet this requirement. The amendments to this rule will not cause an increase in SO₂ emissions in the area because no existing limits are being changed in this rulemaking. In addition, updating the requirements in 326 IAC 7-4-13 will allow any future Title V permits to include the correct information about the sources.

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

There would be no anticipated fiscal impact as a result of this rulemaking because the types of amendments to be made are only to update information in the rule and they would not change any requirements for the sources.

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 Christine Pedersen, Rules Development Section, Office of Air Quality at (317) 233-6868 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from November 1, 2003, through December 1, 2003, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

American Electric Power (AEP)

Pernod Ricard USA, Seagram Lawrenceburg Distillery (PER)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: We appreciate IDEM's response to our request to remove obsolete language contained in 326 IAC 7-4-13 for Indiana Michigan Power Tanners Creek Station. AEP proposes the following language for Source (1) of this section which applies to Tanners Creek Station:

Sec. 13. The following sources and facilities located in Dearborn County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

Source	Facility Description	Emission Limitations	
(1)	Indiana Michigan Power Tanners Creek Station	(A) Units 1, 2, and 3 (B) Unit 4	1.2 each 5.24

(AEP)

Response: IDEM concurs with the suggested language and has incorporated it into the draft rule.

Comment: The name Joseph E. Seagram & Sons, Inc. has been changed to Pernod Ricard USA, Seagram Lawrenceburg Distillery. (PER)

Response: The draft rule language reflects the new company name as requested.

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. Mailed comments should be addressed to:

#03-282(APCB) Dearborn Co. SO₂ Limits

Christine Pedersen

c/o Administrative Assistant

Rules 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 receptionist on duty at the Tenth Floor reception desk, Office of Air Quality, 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 and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by March 3, 2004.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 7-4-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-4-13 Dearborn County sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-15; IC 13-17

Sec. 13. The following sources and facilities located in Dearborn County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>	
(1)	Indiana Michigan Power Tanners Creek Station, Source Identification No. 00002	(A) Units 1, 2, and 3 (B) Unit 4 Prior to October 1, 1989 Beginning October 1, 1989 Beginning August 1, 1991	1.2 each 5.24 8.3 6.6 5.24
Beginning July 1, 1988; coal delivered to the Tanners Creek Station shall not exceed a sulfur dioxide emission rate equivalent to an emission limit of six and six-tenths (6.6) pounds per million Btu:			
(2)	Schenley Distillers, Inc.	(A) Boilers 1, 2, 3, 6, 7, and 8 (B) Boilers 4, 5, and 9 (C) Boilers 6, 7, and 8 (D) Monthly reports of total sulfur dioxide emissions from Boilers 6, 7, and 8 for the previous twelve (12) consecutive months shall be submitted to the department at the end of each quarter. Sulfur dioxide emissions shall be based on monthly fuel oil usage, average sulfur content, and heating value.	0.6 each natural gas only 40 tons per year total
(3) (2)	Joseph E. Seagram and Sons, Inc. Pernod Ricard USA, Seagram Lawrenceburg Distillery, Source Identification No. 00005	(A) Boilers 5 and 6 Steam Boiler EU-96 (B) If Boilers 5 and 6 are being operated at the same time, only one (1) of the boilers may use coal or fuel oil. Seagram shall maintain a record of the fuel type used at Boilers 5 and 6 in order to demonstrate compliance with the requirements of this rule. When both boilers are operating simultaneously, daily logs shall be kept. Such records shall be made available to the department upon request. Within thirty (30) days following the end of the calendar quarter in which both Boilers 5 and 6 operated simultaneously, Seagram shall report to the department the fuels used, including daily information for each day during which both boilers operated simultaneously.	1.92 each
(4) (3)	Diamond Thatcher Glass Anchor Glass Container Corporation, Source Identification No. 00007	Furnaces 1 and 2	1.4 each

(Air Pollution Control Board; 326 IAC 7-4-13; filed Aug 28, 1990, 4:50 p.m.: 14 IR 77; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **June 2, 2004** at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 7-4-13.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments.

Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.