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## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **FIRST NOTICE OF COMMENT PERIOD**

#04-43(APCB)

#### **DEVELOPMENT OF AMENDMENTS TO 326 IAC 6-1-12 CONCERNING MODIFICATIONS TO REFERENCES FOR BOILERS AND THEIR CORRESPONDING PARTICULATE MATTER EMISSION LIMITATIONS AT REILLY INDUSTRIES INC.**

##### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 326 IAC 6-1-12 to revise the particulate matter emission limitations at Reilly Industries 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 6-1-12.

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

##### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

###### **Basic Purpose and Background**

Reilly Industries (Reilly) has requested that IDEM amend the PM limitations for three boilers, 2722W, 2726S, and 186N to be expressed as a combined annual emission limit, or “bubble” limit. The “bubble” limit in tons per year will be the sum of the emissions limits for the individual three boilers. Reilly proposes that the “bubble” limit for the three boilers will be twelve and two-hundredths tons per year (12.2 tons/year). The short term limits for each boiler, the pound per million Btu limit, will not be combined and remain assigned to each individual boiler. Reilly requests a “bubble” limit for the three boilers so that the fuel can be burned between the boilers without specifying a limit on each individual boiler and achieve flexibility in their operation.

Reilly has requested that IDEM make corrections to boilers and their corresponding particulate matter (PM) emission limitations in 326 IAC 6-1-12 and to allow a combined limit for three boilers. The first correction is to remove the “100% natural gas” condition for boiler 186N. This boiler combusts oil. In a previous rulemaking, boilers burning only natural gas were regulated as “100% natural gas” and given no numerical emission limits, in 326 IAC 6-1-8.1 through 326 IAC 6-1-18. In this previous rulemaking, the numerical emission limits for 186N were erroneously removed and the boiler regulated as burning “100% natural gas.”

The second correction is for the PM emission limitations for boiler 112E, the unit is a waste heat boiler, not combusting any fuel, and has no emissions. The source is proposing that the boiler, along with its corresponding emission limits be removed.

IDEM proposes to determine compliance with the annual emissions “bubble” limit, tons/year, by requiring monthly recordkeeping of fuel use and to calculate total emissions for each twelve (12) month period, a rolling total. This is similar to requirements of other sources with “bubble” limits and will provide more assurance of compliance with the annual emission limit.

###### **Alternatives To Be Considered Within the Rulemaking**

Alternative 1. Making corrections to boilers and specifying compliance requirements for combined limit in the 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, but the United States Environmental Protection Agency is requiring compliance demonstrations for combined emission limits in the State Implementation Plan (SIP).
- 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. Take no action to make the changes to the state rules.

- 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.
- 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 is no federal law applicable to the proposed changes, however 326 IAC 6-1-12 is approved by the U.S. Environmental Protection Agency (U.S. EPA) as part of Indiana's State Implementation Plan (SIP). Indiana will send these rules to U.S. EPA to be approved as part of Indiana's SIP so federal law coincides with current operations at Reilly Industries, Inc.

### **Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. This alternative will have minimal fiscal impact since the source will most likely already be maintaining the necessary records to demonstrate compliance with the combined emission limit.

Potential Fiscal Impact of Alternative 2. There would be no fiscal impact based on Alternative 2.

### **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, Rules 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.

Mailed comments should be addressed to:

#04-43(APCB) Reilly PM SIP

Susan Bem

c/o Administrative Assistant

Rules 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 Rules Section at (317) 233-0426.

### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by March 31, 2004.

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

Janet G. McCabe  
Assistant Commissioner  
Office of Air Quality