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TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #05-23(APCB)

DEVELOPMENT OF NEW RULE 326 IAC 20-95 CONCERNING INCORPORATION OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rule 326 IAC 20-95 concerning the incorporation of national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers and process heaters. 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: March 1, 2005, Indiana Register (28 IR 1863).

CITATIONS AFFECTED: 326 IAC 20-95.

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

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

On September 13, 2004, U.S. EPA issued a final national emission standard for hazardous air pollutants (NESHAP) (69 FR 55218) to reduce arsenic, cadmium, chromium, hydrogen chloride, hydrogen fluoride, lead, manganese, mercury, nickel, and various organic hazardous air pollutants (HAPs) from industrial, commercial, and institutional boilers and process heaters. The NESHAP will implement Section 112(d) of the Clean Air Act by requiring all major sources in this source category to meet HAP emission standards reflecting the application of maximum achievable control technology (MACT). Major sources are sources that emit ten (10) tons a year or more of a single HAP, or twenty-five (25) tons a year or more of a combination of HAPs. The NESHAP includes emission limits and work practice standards for new and existing units.

Boilers produce steam by burning any combination of coal, wood, or other fuel. The steam is used to produce electricity or heat. Process heaters heat raw or intermediate materials during an industrial process. Boilers and process heaters are used at facilities such as refineries, chemical and manufacturing plants, paper mills, or as stand-alone units for heat.

The rule contains solid, liquid, and gaseous fuel subcategories of boilers and process heaters. Solid fuel includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials. Liquid fossil fuel means petroleum, distillate oil, residual oil and any form of liquid fuel derived from such material. Gaseous fuel includes, but is not limited to, natural gas, process gas, landfill gas, coal derived gas, refinery gas, and biogas. Blast furnace gas is exempted from the definition of gaseous fuel.

The rule limits the amount of HAPs that may be released from exhaust stacks of existing large and limited use solid fuel boilers and process heaters. Large units are watertube boilers and process heaters with heat input capacities greater than ten (10) million British thermal units per hour (MMBtu/hr). The limited use category applies to units with an annual capacity factor (ratio of actual input and potential annual heat input) of ten percent (10%) or less. A process heater means an enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material or to heat transfer material for use in a process unit, instead of generating steam. Process heaters do not include units used for comfort or space heat, food preparation for on-site consumption, or autoclaves. Large existing solid fuel units are subject to a particulate matter (PM) limit or an alternative total selected metals (TSM), hydrogen chloride (HCl), and mercury (Hg) limits. Large existing limited use solid fuel units are only subject to the PM or alternative TSM limit. Existing industrial boilers and process heaters must comply with the rule no later than September 13, 2007.

Boilers and process heaters in the existing large or limited use gaseous or liquid fuel category only have to submit an initial notification report, but these units are not subject to any other requirements in the rule. Boilers and process heaters in the existing

small gaseous, liquid, or solid fuel subcategories are not required to keep any records or submit an initial notification. Initial notifications were due March 12, 2005.

For new units, large and limited use solid fuel units are subject to PM/TSM, HCl, Hg, and carbon monoxide (CO) limits. New small solid fuel units are subject to PM/TSM, HCl, and Hg limits. New large and limited use liquid fuel units are subject to PM, HCl, and CO limits. New small liquid fuel units are subject to PM and HCl limits. New large gaseous fuel units are subject to a CO limit. New small liquid fuel units that only burn gaseous fuel or distillate oil only have to submit an initial notification. New small gaseous fuel subcategory units are not required to keep any records or submit an initial notification. New industrial boilers and process heaters must comply with the final rule when they are brought on line.

The final rule includes a compliance alternative provided for in the Clean Air Act (Section 112(d)(4)) based on threshold emission limits for HCl and manganese. If an owner/operator demonstrates that its boiler units can meet health based threshold emission limits, such sources are no longer subject to either the HCl limit in the rule or the manganese portion of the TSM limit. This compliance alternative is based on a U.S. EPA determination that those units do not pose a significant risk to human health or the environment. Sources that are eligible for the compliance alternative established in the federal rule must assume federally enforceable emissions limitations in their Title V permit. These limits ensure that the HAP emissions do not exceed levels used to qualify for the compliance alternative.

Additional requirements or clarifications that IDEM has included in draft rule language include:

- 1) Emissions Averaging - The NESHAP allows emission averaging at the source, if more than one existing large solid fuel boiler is located at the source, unless the state chooses to exclude the emission averaging option. IDEM is allowing the emission averaging provision.
- 2) Notice for Compliance Test - The NESHAP requires sources to submit a notification of performance testing thirty (30) days prior to the date testing is scheduled to begin. 326 IAC 3-6 requires sources to submit notification of performance testing thirty-five (35) days prior to the test date. This rulemaking will specify that test notifications are required to be submitted to IDEM thirty-five (35) days prior to the test date.
- 3) Site Specific Risk Assessment - Sources demonstrating eligibility for the health based compliance alternative can use either lookup tables provided in the federal rule or perform a site specific risk assessment. For sources performing a site specific risk assessment the federal rule allows the source to use any “scientifically accepted peer-reviewed risk assessment methodology” and does not provide for approval of methodology by IDEM or U.S. EPA. IDEM is proposing that sources must use U.S. EPA’s “Air Toxics Risk Assessment Reference Library” (EPA-453-K-04-001B) or receive prior approval from IDEM for other methodologies.
- 4) Most Exposed Individual and Annual Certification - The federal rule requires sources to update and resubmit the health based eligibility demonstration every time there is a process change that would affect the sources eligibility for the health based limit. Sources are also required to annually certify that the demonstration is still accurate. One change that could affect eligibility is a change in where people live around the plant for sources using a site specific risk assessment. The federal rule requires the site specific risk assessment to estimate inhalation exposure for where people live or the individual most exposed to the source’s emissions. While there is no definition in the rule for this exposure estimate, U.S. EPA’s “Air Toxics Risk Assessment Reference Library” defines “maximum exposed individual (MEI)” as the highest modeled offsite concentration and “maximum individual risk (MIR)” as the populated location with the highest modeled ambient concentration. However, where people live could change over time. IDEM proposes that sources consider where people could reasonably be expected to live in the future, including consideration of potential land use changes to reduce the likelihood of changes due to population shifts. The source will re-certify annually compliance with the health based compliance demonstration. If there are changes to the most exposed individual because of population changes increasing the hazard index to above one (1.0) that were not considered in the initial demonstration and the source is no longer eligible for the health based compliance option, then the source will be subject to the emission limits, operating limits, and work practice standards in 40 CFR 63, Subpart DDDDD.
- 5) Health Based Emission Limits - Sources complying with the health based emission limits for hydrogen chloride (HCl) or total selected metals (TSM) using the compliance alternative, either through lookup tables or by conducting a site specific risk assessment, are required to include the process parameters used in the health based compliance alternative demonstration in their Title V permit. The NESHAP does not specifically state that the Title V must include the allowable emission rate derived from either the lookup table or site specific risk assessment. IDEM is proposing that the state rule specify that this emission rate be included in the Title V permit.
- 6) Submission of demonstration - The federal rule suggests that an eligibility demonstration need only be submitted in order for a source to begin complying with the alternative limits. However, as a permitting authority, IDEM has the authority to disapprove a risk based compliance demonstration if it is deemed incomplete or incorrect. IDEM proposes to clarify in the state rule that if IDEM disapproves the eligibility demonstration, the source must comply with the emission limits, operating limits, and compliance requirements in subpart DDDDD.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

The following elements of the draft rule impose either a restriction or a requirement on persons to whom the draft rule applies that

is “not imposed under federal law” (NIFL elements).

The following information is provided with each NIFL element:

- (1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana; and examples in which federal law is inadequate to provide this protection for Indiana.
- (2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.
- (3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable: health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element: Methodology for Site Specific Risk Assessment (326 IAC 20-95(c)(3))

- (1) The federal rule allows for sources to use any “scientifically accepted peer-reviewed risk assessment methodology” without any review of the methods from U.S. EPA or IDEM.
- (2) The benefit of this element is that sources will know whether or not the methodology is acceptable and will provide for a quicker review by IDEM of the health based compliance demonstration. The U.S. EPA “Air Toxics Risk Assessment Reference Library” provides a flexible format for performing a risk assessment and is the reference material that is used by IDEM Office of Air Quality for risk assessments in other situations.
- (3) IDEM relied on the “Air Toxics Risk Assessment Reference Library” in the development of this NIFL element which is available for public inspection at the Office of Air Quality, IDEM or online at http://www.epa.gov/ttn/fera/risk_atra_main.html.

NIFL Element: Estimating Inhalation Exposure for Site Specific Risk Assessment (326 IAC 20-95(c)(4))

- (1) The federal rule requires the site specific risk assessment to estimate inhalation exposure for where people live or for the individual most exposed to the source’s emissions. However, where people live could change over time. IDEM proposes that sources consider where people could reasonably be expected to live in the future, including consideration of potential land use changes to reduce the likelihood of changes due to population shifts.
- (2) The benefit of this element is that the annual certification of eligibility for the health based compliance alternative is less likely to change and the public is assured that the source will continue to comply with the health based compliance alternative. While the cost associated with this element could be significant if a source is no longer eligible to use the health based compliance option, this is not necessarily the outcome in every case. Also, the cost would vary depending on the source and the controls required. In any event, the cost would be in line with the costs estimated by U.S. EPA for compliance with Subpart DDDD. U.S. EPA estimates for the total nationwide capital costs for the federal rule is one and seven-tenths billion dollars (\$1,700,000,000) for the first five years with an annualized cost of eight hundred million dollars (\$800,000,000) in the fifth year. Depending on the number of facilities demonstrating eligibility for the compliance alternatives, these costs could fall to one and four-tenths billion dollars (\$1,400,000,000) in capital expenditures and six hundred ninety million dollars (\$690,000,000) in annualized costs.
- (3) IDEM did not rely on any specific materials in the development of this NIFL element.

NIFL Element: Health Based Emission Limits (326 IAC 20-95(c)(5))

- (1) The federal rule does not specifically list emission rate as one of the parameters that define the affected source as eligible for the health based compliance alternative to be included in the Title V operating permit. IDEM is adding this to the list of parameters to be included in the permit in the state rule to clarify requirements for Indiana sources. The allowable emission rate based on either the look up table or the site specific risk assessment is an important component of the demonstration.
- (2) The benefit of this element is providing clarification on what IDEM will include in the Title V operating permit for sources choosing to use the health based compliance alternative. There is no cost associated with this element.
- (3) IDEM relied on the requirements included in the plywood and composite wood products NESHAP for this element which is available for public inspection at the Office of Air Quality, IDEM or online at <http://www.epa.gov/ttn/atw/plypart/fr30jy04.pdf>.

Potential Fiscal Impact

At this time it is uncertain whether or not the fiscal impact of this draft rule will exceed \$500,000. While the cost associated with sources having to consider changes to where people may live could be significant if the result is that a source is no longer eligible to use that option, it is not expected that many sources in Indiana will be performing a site specific risk assessment as part of a health based compliance demonstration. IDEM specifically solicits comment on the potential fiscal impact of the draft language proposed in this rulemaking.

Public Participation and Workgroup Information

IDEM held a meeting with stakeholders in May 2005 after the first notice published. If you feel that additional meetings should be scheduled, please contact Susan Bem, Rules Development Section, Office of Air Quality at (317) 233-5697 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from March 1, 2005, through March 31, 2005, 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:

GE Plastics Mt. Vernon, Inc. (GE)
Crawfordsville Electric Light & Power (CEL&P)
Clean Air Strong Economy (CASE) Coalition, submitted by Bingham McHale (CASE/BM)
Citizens Thermal Energy (CTE)
Purdue University (PU)
Alcoa Power Generating Inc - Warrick Power Plant (APGI)

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

Comment: The commenter supports the IDEM's proposal to allow the use of emission averaging. (GE, CEL&P, CASE/BM, CTE, PU, APGI)

Response: The department has included the emission averaging provision in the draft rule language.

Comment: The commenter is concerned about the timing of rule finalization and impact on current compliance planning for the September 13, 2007 compliance deadline. The current plan is to use emissions averaging and IDEM's proposal to not incorporate the federal rule by reference may make this option unavailable as a compliance option. The uncertainty of the outcome of the administrative rulemaking process also casts a shadow on the potential use of the health-based compliance alternative. (PU, CTE, CEL&P, APGI)

Response: The federal rule has provided the emissions averaging as a default condition in the NESHAP. Unless a state chooses not to include the emissions averaging provision, it will be included in the state rulemaking. IDEM is proposing draft rule language specifying that emissions averaging is allowed. IDEM is aware of the timing concerns. Sources should be aware of the changes IDEM is proposing in this rulemaking and identify which ones will affect them. The state rulemaking is not the only source of uncertainty for this rulemaking. U.S. EPA has received petitions for reconsideration of certain provisions of the final NESHAP. U.S. EPA recently requested comments on certain provisions of the approach used to demonstrate eligibility for the health based compliance alternative and may issue amendments to the NESHAP based on comments received.

Comment: IDEM should withdraw the first notice for this rulemaking and start over with a rulemaking format that achieves final adoption sooner (i.e. section 8 rulemaking). (PU)

Response: Starting over with a section 8 rulemaking would not be appropriate because IDEM has identified alternatives to the federal rule. Also, issuing a section 8 notice now would not speed up the process significantly now that a first notice has been published under the standard rulemaking format.

Comment: The federal rule went through a public comment process and the final rule reflects consideration of these comments. The final federal rule assures the application of a uniform set of requirements across the nation. (CASE/BM)

Response: IDEM is proposing changes to the federal rule to provide for consistent and efficient implementation in Indiana. Some of the clarifications proposed are based on provisions included in other NESHAPs with health based compliance alternatives. Also, there was no opportunity to comment on federal rule language for the health based compliance alternative prior to the final rule.

Comment: IDEM should carefully consider the economic impacts of any IDEM changes to the federal rule that could limit the use of the health-based compliance alternative. (CEL&P, CASE/BM)

Response: IDEM will consider the economic impacts of any changes and requests comments on costs from affected parties.

Comment: The commenter does not agree with IDEM's proposal within the health-based compliance alternative to require facilities using site-specific modeling to consider the impact of their emissions on current land use, but also on future "worst-case" land use assumptions. It would be difficult to predict what may be representative of future land use and U.S. EPA's federal rule is sufficiently protective of public health. (PU, CTE, CEL&P, APGI)

Comment: The commenter supports IDEM's goal of possible rule changes which can make the annual certification of eligibility for the health-based alternatives less likely to change, but the rule should only require worst-case exposure based on current land use, not possible future land use. (CEL&P)

Comment: The commenter opposes IDEM's proposal to estimate worst case exposure for both current and future land use assumptions. Federal guidance and risk experts (including the President's Commission on Risk Assessment and Risk Management in Regulatory Decision Making, and U.S. EPA's 1999 Final Report to Congress on Residual Risk) have called upon risk assessors to employ more realistic estimates of population exposure instead of worst case assumptions that overestimates risk. IDEM's proposal moves in the opposite direction of this. (GE)

Response: IDEM is proposing this change to ensure the site specific risk assessment considers the risk where people could reasonably live in the future, in order to ensure that such individuals are not exposed in areas where the hazard index for HCl and CL₂ or the hazard quotient for manganese is above one (1.0). This methodology would provide sources with confidence that this aspect of the risk assessment would not change. The important aspect of the draft rule language is that IDEM is requiring a "reasonable" assessment of possible changes to where people might live. The source will still re-certify annual compliance with the health based compliance demonstration. The intent of this change is not to overestimate risk but to provide for practical

implementation of a health based compliance alternative for sources subject to a NESHAP. This will provide more certainty and is consistent with the concept of ambient air in criteria pollutant state implementation plans (SIPs).

Comment: The federal NESHAP requires sources to submit to the permitting authority the parameters that define the source as eligible for the health-based compliance alternative for incorporation in a federally enforceable operating permit. IDEM should not require that the permit be amended and issued before a source could use the health based compliance alternative because a source could be in non-compliance if IDEM fails to issue the required amendments to the permit before the compliance date. (PU, CTE, CEL&P, APGI, CASE/BM, GE)

Comment: The proposal to change the federal rule from “submitted” to “issued” raises the possibility that a source may have to comply with the Subpart DDDDD emission limits in the event the permit modification is appealed by a third party and a stay is issued. (CASE/BM)

Response: Instead of specifying that the permit be amended and issued before the source could use the health based compliance alternative, IDEM is proposing draft rule language that specifies that if IDEM disapproves the health based compliance demonstration, the source is then subject to the Subpart DDDDD emission limits. IDEM is required to assure compliance with all permits it issues, as well as the regulation of sources. Therefore, as the permitting authority, IDEM has the authority to approve or disapprove any permit application prior to issuance, if it is deemed to be incomplete or incorrect. If the health based parameters for inclusion in the permit have been submitted to IDEM and the health based compliance demonstration is disapproved by IDEM, the source will be subject to the Subpart DDDDD emission limits.

Comment: Including an emission limit for hydrochloric acid (HCl) or manganese (Mn) as one of the process parameters in the operating permit for the health-based compliance alternative places a burden on the source that the health-based compliance alternative sought to avoid, namely the imposition of a numerical emission limit for HCl or Mn on a unit that demonstrates eligibility for the health-based compliance alternative. The imposition of an emission limit is unnecessary given the protectiveness of fuel quality and parametric monitoring. (PU, CTE, CEL&P, APGI, GE)

Comment: The numerical emission limit for the health-based process parameter should not be based on emissions data from testing for health-based compliance alternative. The individual unit operating conditions may vary during the year and determining an appropriate emission limit may be difficult. (PU, CTE, CEL&P, APGI)

Comment: Including a limit in the permit based on actual emissions would create a new emissions limitation/standard for the health-based alternative. Under the federal rule, the value in the look-up table is the limit, not the site’s emissions. (GE)

Response: The numerical emission limit for the health-based compliance option included in the draft rule language is based on the allowable emissions rate from the look-up table or the site-specific compliance demonstration emission rate that provides for the maximum hazard quotient (HQ) of one (1.0) for hydrogen chloride (HCl) and chlorine (Cl₂) or manganese (Mn), as applicable, not the numerical emission limit based on the emissions data from testing.

Comment: Instead of pursuing broad policy perspectives on risk analysis within the narrow context of this rulemaking, IDEM should focus on the evaluation of low risk options and risk assessment within the context of a much broader evaluation. IDEM could do this when U.S. EPA issues a proposed facility risk rule later this year. (CTE, CEL&P, APGI, CASE/BM)

Comment: The commenter recommends that IDEM evaluate low-risk determinations associated with this rule on a case-by-case basis until implementation issues associated with the health-based compliance alternatives and future residual risk requirements are better understood. (CASE/BM)

Response: Many of the changes for the risk analysis in this rule are specific to this rulemaking and need to be addressed at this time. Many of the changes included in this rule are based on requirements included in the health-based compliance option included in the plywood and composite wood products NESHAP.

Comment: The federal rule allows sources to use any scientifically accepted peer-reviewed risk assessment methodology. The state has not justified why sources must use the U.S. EPA’s risk assessment library or get IDEM approval for an alternative. The approval process will consume some of the limited time available to employ the health-based compliance alternative. (GE)

Response: The federal rule does not specify what scientifically accepted peer-reviewed assessment methodologies are accepted. The federal rule allows for sources to use any “scientifically accepted peer-reviewed risk assessment methodology” without any review of the methods from U.S. EPA or IDEM. The U.S. EPA “Air Toxics Risk Assessment Reference Library” provides a flexible format for performing a risk assessment and is the reference material that is used by IDEM Office of Air Quality for risk assessments in other situations. This clarification establishes which risk assessment methodology is acceptable up front, which will make the approval process more clear, consistent, and timely.

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:

#05-23(APCB) Boiler MACT
Susan Bem Mail Code 61-50

c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

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 a.m. 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 January 3, 2006.

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

DRAFT RULE

SECTION 1. 326 IAC 20-95 IS ADDED TO READ AS FOLLOWS:

Rule 95. Industrial, Commercial, and Institutional Boilers and Process Heaters

326 IAC 20-95-1 Industrial, commercial, and institutional boilers and process heaters

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to industrial, commercial, and institutional boilers and process heaters as provided in 40 CFR 63.7485*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DDDDD*, national emission standards for hazardous air pollutants from industrial, commercial, and institutional boilers and process heaters.

(c) Owners and operators subject to this rule shall comply with 40 CFR 63, Subpart DDDDD*, except as follows:

(1) Owners and operators may use the emission averaging provisions as specified under 40 CFR 63.7522*.

(2) The performance testing shall also meet the requirements of 326 IAC 3-6, source sampling procedures, including the submittal of a test protocol not later than thirty-five (35) days prior to the intended test date.

(3) Owners and operators conducting a site-specific compliance demonstration under 40 CFR 63, Subpart DDDDD, Appendix A, Section 7* shall use U.S. EPA's "Air Toxics Risk Assessment Reference Library" (EPA-453-K-04-001B)* or an alternative method approved by the commissioner based on scientific validity and peer review.

(4) Owners and operators conducting a site-specific compliance demonstration under 40 CFR 63, Subpart DDDDD, Appendix A, Section 7* shall consider where people could reasonably be expected to live, including consideration of potential land use changes, when estimating the inhalation exposure for the individual most exposed to the facility's emissions or where people live.

(5) In addition to the list of parameters under 40 CFR 63, Subpart DDDDD, Appendix A, Section 10* that define the affected source as eligible for the health-based compliance alternative, the Part 70 operating permit shall also include, but is not limited to, the allowable emission rate based on either the:

(A) look-up tables in 40 CFR 63, Subpart DDDDD, Appendix A, Table 2 or 3*; or

(B) site-specific compliance demonstration emission rate that ensures a maximum hazard quotient (HQ) of one (1.0) or less for hydrogen chloride (HCl) and chlorine (CL₂); or for manganese (Mn), as applicable.

(6) If the department disapproves the health based eligibility demonstration submitted under 40 CFR 63, Subpart DDDDD, Appendix A, Sections 9* and 10*, the facility is subject to the emission limits, operating limit, and work practice standards in 40 CFR 63, Subpart DDDDD*.

(7) Owners and operators shall evaluate all process and non-process related parameters used in the health-based compliance demonstration with each annual Part 70 operating permit compliance certification and certify that the basis for the health based compliance demonstration has not changed.

***These copies are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street, Washington, D.C. 20401 and are available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-95-1)**

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 March 1, 2006, 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 new rule 326 IAC 20-95

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 new rules. 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 Susan Bem, Rules Development Section, Office of Air Quality, (317) 233-5697 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

Indianapolis, Indiana 46204

or call (317) 233-0855 or (317) 232-6565 (TDD). 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 East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Quality