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TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule LSA Document #05-78

DIGEST

Amends 326 IAC 2-6-1, 326 IAC 2-6-3, and 326 IAC 2-6-4 concerning emission reporting requirements. Effective 30 days after filing with the Secretary of State.

HISTORY

First Notice: May 1, 2005, Indiana Register (28 IR 2463).

Second Notice and Notice of First Hearing: September 1, 2005, Indiana Register (28 IR 3667).

Date of First Hearing: December 7, 2005.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on September 1, 2005, at 28 IR 3667, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from September 1, 2005, through October 3, 2005, on IDEM's draft rule language. IDEM received comments from the following parties:

Alcoa Warrick Operation (AWO)

Improving Kids' Environment (IKE)

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

Comment: The proposed amendments to 326 IAC 2-6-4(a) would require that actual estimated emissions of ammonia and PM_{2.5} be reported in emission statements. A review of the most recent U.S. EPA test methods listing indicates that there are no U.S. EPA test methods in either 40 CFR 51, Appendix M, or 40 CFR 60, Appendix A for measurement of these pollutants. U.S. EPA has specified some areas of Indiana to be non-attainment for PM_{2.5}. However, U.S. EPA acknowledges the lack of available PM_{2.5} test methodology, because it has directed that PM_{2.5} emissions be assumed equal to PM₁₀ emissions for purposes of new source review determinations. Without applicable U.S. EPA test methodology for use in evaluating the quality of provided data, the commenter questions the value of any emissions estimates for these pollutants provided in an emissions statements. Without means for assessing the quality of emissions estimates for these pollutants, the commenter recommends that 326 IAC 2-6-4(a) not be amended at this time. (AWO)

Response: IDEM is required to report these estimated emissions to U.S. EPA under the federal consolidated emission reporting rule (CERR) and has been doing so since 2004. These emissions estimates are also needed for PM_{2.5} inventory and attainment demonstrations for bringing all areas into compliance with the PM_{2.5} National Air Quality Standard (NAAQS). IDEM believes that sources are in a better position to estimate emissions based on their greater knowledge of their own processes. Sources should use the best available information to make these estimates. IDEM has tools available to assist in making these estimates using percentages by source classification code (SCC). U.S. EPA and IDEM recognize that measuring PM_{2.5} emissions is an evolving science, and that is why only estimates are required.

Comment: The proposed amendments to 326 IAC 2-6-4(c)(1) require that the emissions statement be accompanied by a certification that the information in the emissions statement is accurate based on reasonable estimates. Since there is currently no available U.S. EPA test methodology with which to measure these pollutant emissions, the commenter requests that 326 IAC 2-6-4(c)(1) only require a certification for pollutants that can be measured by a U.S. EPA test method. (AWO)

Response: The rule does not require stack testing for developing emission estimates. Many sources do not test for emissions and rely on mass balance and engineering judgment. IDEM must make these estimates in the absence of source-supplied information. Estimates provided by the source are likely to be more accurate than IDEM estimates. The certification only requires that sources certify that emissions are a "reasonable estimate" using "data available."

Comment: The commenter supports the inclusion of these two pollutants in the rule. It is also well accepted that when companies quantify and report their emissions, it leads to more accurate accounting of emissions and, frequently, reductions. With respect to ammonia and fine particles, better information about emissions of these pollutants will help with development of Indiana's attainment plan for fine particles and other planning efforts and will also enable all stakeholders to track decreases or increases of these pollutants in the future. The commenter acknowledges that U.S. EPA has required states to begin reporting emissions of ammonia and fine particles. (IKE)

Response: IDEM agrees.

Comment: The reporting threshold for sources in LaPorte County should be lowered. LaPorte County has recently been designated a nonattainment area for ozone under Subpart 2 and sources in that county will now have the same reporting requirements as other Subpart 2 ozone nonattainment counties. (IKE)

Response: IDEM agrees.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On December 7, 2005, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 2-6. No comments were made at the first hearing.

326 IAC 2-6-1

326 IAC 2-6-3

326 IAC 2-6-4

SECTION 1. 326 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-1 Applicability

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all of the following:

(1) Sources required to have an operating permit under 326 IAC 2-7, Part 70 Permit Program.

(2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:

(A) Lake.

(B) Porter.

(C) LaPorte.

(3) Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(b) All sources permitted by the department are subject to section 5 of this rule, additional information requests.

(c) Sources covered by subsection (a) must comply with the compliance schedule in section 3 of this rule. (*Air Pollution Control Board; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210*)

SECTION 2. 326 IAC 2-6-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-3 Compliance schedule

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 3. (a) The owner or operator of a source subject to section 1(a) of this rule must submit an emission statement covering the previous calendar year to the department according to the following schedule:

(1) Annually, by July 1, for sources subject to section 1(a)(2) of this rule or with the potential to emit annual emissions greater than or equal to any of the following emission thresholds:

(A) Two thousand five hundred (2,500) tons per year of **any of the following:**

(i) Carbon monoxide.

~~(B) Two thousand five hundred (2,500) tons per year of~~ (ii) Oxides of nitrogen.

~~(C) Two thousand five hundred (2,500) tons per year of~~ (iii) Sulfur dioxide.

~~(D) (B)~~ **(B) Two hundred fifty (250) tons per year of either of the following:**

(i) Particulate matter less than or equal to ten (10) micrometers (PM₁₀).

~~(E) Two hundred fifty (250) tons per year of~~ (ii) Volatile organic compounds.

(2) Triennially, by July 1, according to the schedule in subsection (b) for all sources not subject to annual reporting in ~~subdivision~~
subdivision (1).

(b) The county schedule for reporting under subsection (a)(2) is as follows:

(1) Starting in 2004, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

- (A) Adams County.
- (B) Allen County.
- (C) Benton County.
- (D) Carroll County.
- (E) Cass County.
- (F) Dekalb County.
- (G) Elkhart County.
- (H) Fulton County.
- (I) Huntington County.
- (J) Jasper County.
- (K) Kosciusko County.
- (L) LaGrange County.
- (M) Lake County.
- (N) LaPorte County.
- (O) Marshall County.
- (P) Miami County.
- (Q) Newton County.
- (R) Noble County.
- (S) Porter County.
- (T) Pulaski County.
- (U) St. Joseph County.
- (V) Starke County.
- (W) Steuben County.
- (X) Wabash County.
- (Y) Wells County.
- (Z) White County.
- (AA) Whitley County.

(2) Starting in 2005, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

- (A) Blackford County.
- (B) Boone County.
- (C) Clinton County.
- (D) Delaware County.
- (E) Fayette County.
- (F) Fountain County.
- (G) Grant County.
- (H) Hamilton County.
- (I) Hancock County.
- (J) Hendricks County.
- (K) Henry County.
- (L) Howard County.
- (M) Jay County.
- (N) Johnson County.
- (O) Madison County.
- (P) Marion County.
- (Q) Montgomery County.
- (R) Morgan County.

- (S) Parke County.
- (T) Putnam County.
- (U) Randolph County.
- (V) Rush County.
- (W) Shelby County.
- (X) Tippecanoe County.
- (Y) Tipton County.
- (Z) Union County.
- (AA) Warren County.
- (BB) Wayne County.

(3) Starting in 2006, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

- (A) Bartholomew County.
- (B) Brown County.
- (C) Clark County.
- (D) Clay County.
- (E) Crawford County.
- (F) Daviess County.
- (G) Dearborn County.
- (H) Decatur County.
- (I) Dubois County.
- (J) Floyd County.
- (K) Franklin County.
- (L) Gibson County.
- (M) Greene County.
- (N) Harrison County.
- (O) Jackson County.
- (P) Jefferson County.
- (Q) Jennings County.
- (R) Knox County.
- (S) Lawrence County.
- (T) Martin County.
- (U) Monroe County.
- (V) Ohio County.
- (W) Orange County.
- (X) Owen County.
- (Y) Perry County.
- (Z) Pike County.
- (AA) Posey County.
- (BB) Ripley County.
- (CC) Scott County.
- (DD) Spencer County.
- (EE) Sullivan County.
- (FF) Switzerland County.
- (GG) Vanderburgh County.
- (HH) Vermillion County.
- (II) Vigo County.
- (JJ) Warrick County.
- (KK) Washington County.

(c) The department will make available emission statement reporting forms to sources subject to this rule.

(d) Sources subject to this rule may submit their emission statement as follows:

(1) Electronically. Sources that submit their emission statement electronically must submit to the department a certification that complies with section 4(c)(1) of this rule by the submission deadline.

- (2) By mail. The United States Postal Service postmark is the submittal date.
 - (3) By private carrier. Records of dates of receipt and delivery by the service must be maintained.
 - (4) By hand delivery to the office of air quality, Indianapolis, Indiana.
- (Air Pollution Control Board; 326 IAC 2-6-3; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2212)*

SECTION 3. 326 IAC 2-6-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-4 Requirements

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 4. (a) A source subject to section 1(a) of this rule shall report estimated actual emissions in the emission statement of the following pollutants:

- (1) Carbon monoxide (CO).
- (2) Volatile organic compounds (VOC).
- (3) Oxides of nitrogen (NO_x).
- (4) Particulate matter less than or equal to ten (10) micrometers (PM₁₀).
- (5) Sulfur dioxide (SO₂).
- (6) Lead and lead compounds, including any unique chemical substance that contains lead.
- (7) Particulate matter less than or equal to two and five-tenths (2.5) micrometers (PM_{2.5}).**
- (8) Ammonia (NH₃).**

(b) Emissions from processes that are insignificant or trivial activities as defined in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40) are not required to be reported in an emission statement.

(c) The emission statement submitted by the source must contain, at a minimum, the following information:

(1) Certification by a responsible official that the information in the emission statement is accurate based on reasonable estimates using data available to the preparers and on a reasonable inquiry into records and persons responsible for the operation of the source, and is true, accurate, and complete. The certification shall include the:

- (A)** full name;
- (B)** title;
- (C)** signature;
- (D)** date of signature; and
- (E)** telephone number;

of the person signing the certification.

(2) Source identification information, to include the following:

- (A) Full name, physical location, and mailing address of the source.
- (B) Source universal transverse mercator (UTM) or latitude and longitude.
- (C) North American Industry Classification System (NAICS) code.

(3) Operating data, for each emission unit or emissions group, to include the following:

- (A) Percent annual throughput by quarter as defined in section 2 **of this rule**.
- (B) Days per week in operation.
- (C) Design capacity.
- (D) Hours per day in operation.
- (E) Hours per year in operation.
- (F) Maximum nameplate capacity.

(4) For reporting purposes, multiple stacks that vent to the atmosphere may be grouped together to reflect any grouping of process units. Stack parameters include the following:

- (A) Stack identification.
- (B) Stack height and diameter (in feet).
- (C) Universal transverse mercator (UTM) or latitude and longitude coordinates.
- (D) Exit gas temperature (degrees Fahrenheit).
- (E) Exit gas flow rates in cubic feet per minute.

(5) Emissions information for each process, to include the following:

- (A) The estimated actual emissions of all pollutants listed in subsection (a) at the process level in tons per year. Actual emission

estimates must:

- (i) include upsets, downtime, and fugitive emissions; and ~~must~~
- (ii) follow an emission estimation method.

Fugitive emissions may be reported as plantwide or grouped together in a logical manner. If control efficiencies are adjusted because of upsets, downtime, and malfunctions, information must be provided about how the control efficiencies are calculated.

(B) Emissions of VOC, ~~and~~ PM₁₀, ~~and~~ PM_{2.5} shall be reported as total VOC, ~~and~~ PM₁₀, ~~and~~ PM_{2.5} emissions, respectively.

(C) Calendar year for the emissions.

(D) Estimated emissions method code provided by the department.

(E) Emission factor, if part of emissions calculation. Acceptable sources of an emission factor include **the following**:

(i) AP-42, "Compilation of Air Pollutant Emission Factors AP-42" as defined at 326 IAC 1-2-20.5.

(ii) Site-specific values accepted by the department and the U.S. EPA.

(iii) Other documentable methodology accepted by the department and the U.S. EPA.

(F) Source classification code (SCC).

(G) Annual process rate (annual throughput) to the extent it is part of emissions calculation.

(H) ~~Ash content~~; If part of emissions calculation, **the following**:

(i) **Ash content.**

~~(ii) Sulfur content. if part of emissions calculation.~~

~~(iii) Heat content. if part of emissions calculation.~~

(6) Control equipment information, to include the following:

(A) Capture efficiency.

(B) Current control equipment efficiency percentage unless a controlled emission factor is applied. The actual efficiency should reflect the total control efficiency from all control equipment for each process pollutant. If the actual control efficiency is unavailable, the:

(i) efficiency designed by the manufacturer may be used; or ~~the~~

(ii) control efficiency limit imposed by a permit should be used.

(C) Control equipment identification code.

(d) Nothing in this rule requires stack testing. (*Air Pollution Control Board; 326 IAC 2-6-4; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; errata, 17 IR 1009; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2213*)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 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 proposed amendments to 326 IAC 2-6.

The purpose of this hearing is to receive comments from the public prior to final 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 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 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

