Overview
This rulemaking amends rules at 326 IAC 2-1.1-6, 326 IAC 2-7-13, 326 IAC 2-7-17, 326 IAC 2-8-13, 326 IAC 2-8-18, and 326 IAC 2-12-1, concerning legal notice provisions for permits issued under the New Source Review (NSR) and Title V permit programs and other air permits for which newspaper notices are published by the Indiana Department of Environmental Management (IDEM). On October 18, 2016, the United States Environmental Protection Agency (U.S. EPA) published a final rule in the Federal Register (81 FR 71613) that revised the requirement to provide public notice of certain draft air permits under the NSR and Title V permit programs through publication in a newspaper. The final rule requires the publication of an electronic notice for draft permits and actions issued by U.S. EPA or by permitting authorities implementing U.S. EPA’s federal permitting rules and allows permitting authorities implementing U.S. EPA-approved programs, including Indiana, to change the consistent method of providing public notice from publication in a local newspaper to electronic publication on the agency website.

During the Second Notice of Comment Period, IDEM received a request from U.S. EPA that demonstrated a need to clarify the effect of the draft rule language. Based on this request, IDEM has added similar provisions for the FESOP and minor NSR programs. IDEM’s intent as reflected in the draft rule language published at Second Notice is to change the consistent method of noticing Title V and NSR permit actions to publication on the agency website and to use the same method of notification for other permit actions related to Title V and NSR permits and any other permit actions currently requiring newspaper notice by IDEM for consistency across the program. This will result in one location for air permit notices that is available to the public. The specific public notice for air permit actions affected by this rulemaking includes at least the following:

- Transitions from one permit level to another in 326 IAC 2-1.1-7.5(c).
- Modifications or substitutions of models for air quality impact analyses in 326 IAC 2-2-5(d)(3)(B).
- Prevention of Significant Deterioration permits in 326 IAC 2-2-15(b).
- Changes to plant-wide applicability limitations in 326 IAC 2-2.4-5, 326 IAC 2-3.4-5, 326 IAC 2-2.4-11(c), and 326 IAC 2-3.4-11(c).
- Construction and operating permits for new sources in 326 IAC 2-5.1-3(g) and 326 IAC 2-5.1-4(a)(3).
- Significant permit revisions of Minor Source Operating permits in 326 IAC 2-6.1-6(i)(2)(c)(i).
∙ Significant source modifications for Part 70 sources in 326 IAC 2-7-10.5(h)(4)(B) and 326 IAC 2-7-10.5(k).
∙ Minor permit modifications for Part 70 sources in 326 IAC 2-7-12(b)(4).
∙ Significant permit modifications for Part 70 sources in 326 IAC 2-7-12(d)(2).
∙ Significant permit revisions for FESOP sources in 326 IAC 2-8-11.1(f)(2)(D).

In this rulemaking, IDEM is proposing to adopt electronic notices as the consistent means for communicating air permit notices to the public. Converting to electronic notices as the primary method of public notice will enable IDEM to communicate permitting and other affected actions to the public more quickly and efficiently, and will make the information available to anyone interested in accessing it.

**Affected Persons**
Citizens of Indiana and sources that obtain air permits for which a newspaper notice is currently published.

**Reasons for the Rule**
This rule will change IDEM’s consistent method of providing public notice of certain air permit actions from publication in a local newspaper to electronic posting on IDEM’s website. IDEM believes meeting the federal requirement for a consistent method of providing public notice for certain actions under the NSR and Title V permit programs should be accomplished using the method that makes the information available to the widest spectrum of Indiana citizens. IDEM already provides alternative methods for receiving public notices for those who cannot easily access the information electronically. Posting public notices on IDEM’s website is proposed for all air permit actions for which IDEM currently publishes newspaper notices to provide one location where all air public notices and associated permit documents can be found. IDEM is committed to continue working with anyone that needs assistance in accessing air permitting information.

**Economic Impact of the Rule**
This rule will have a positive economic impact on the state by reducing the cost of publishing public notices in newspapers for air permits by approximately $59,600 annually, including the cost of publication and IDEM staff time necessary for placing the notices, ensuring the published notice is correct, and resolving problems.

**Scheduled Board Action and Hearings**
First Public Hearing: August 8, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, IN 46204

**IDEM Contact**
Additional information regarding this rulemaking action can be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, (800) 451-6027 (in Indiana), or kwalsh@idem.in.gov.