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.

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, such as the interested parties email list or direct mail delivery. IDEM is also attempting to collect contact information from public newspapers in order to place them on the mailing list to receive notification of air permitting actions in their community. With this information sent directly to them at the time a public notice is posted on
the website, local newspapers can determine if the action is of interest to their readers and either publish the notice information or prepare an article on the subject for more in-depth information.

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
Second Public Hearing: November 14, 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.