

## TITLE 326 AIR POLLUTION CONTROL DIVISION

### LSA Document #16-309

#### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from November 7, 2018, through December 7, 2018, on IDEM's draft rule language. IDEM received comments from the following parties:

Timothy J. Rushenberg, Indiana Energy Association (IEA)

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

*Comment:* The IEA agrees that when an existing permitted emission unit or its control device needs to be taken offline for the purpose of repairing or performing maintenance, a different emission unit or control device often needs to be inserted into the process in its place in order for the process to continue operating while the repair or maintenance is completed. The IEA appreciates that this proposal allows operation of a short term backup unit under certain circumstances without first seeking a modification to a permit. These circumstances would not result in an increase in emissions or decrease in control levels.

In 326 IAC 2-1.1-3(h)(4) of the proposal, paragraph (G) makes reference to an exception in paragraph (J), but the language in (J) doesn't make any exception against the 180-day maximum time on site. IDEM should provide clarification on the requirements for keeping the equipment on site longer than 180 days.

Paragraph (H) requires removal the temporary equipment off site within five (5) calendar days of completing repairs. The time frame of five (5) calendar days to move the temporary equipment off site is too restrictive. Given the potential need to have the temporary backup unit available while the permitted unit is commissioned after repair, it seems counterproductive to move the temporary equipment off site until the permitted equipment is thoroughly checked to ensure proper operation. In addition, there are logistical efforts associated with equipment deliveries that make the five day time frame too tight. As long as a replacement unit is rendered physically inoperable, the timing for moving the temporary equipment off site seems irrelevant.

Paragraph (J) notification requires notification to IDEM of proposed placement of temporary equipment on site. For Title V sources, IDEM should clarify if this notification requires certification by the responsible official.

The IEA appreciates the opportunity to participate in the rulemaking process and looks forward to working with IDEM to continue to protect the environment, while promoting the general welfare of the energy industry to enhance its role in improving the economy and quality of life in Indiana.

*Response:* IDEM appreciates the commenter pointing out the accidental misprint in 326

IAC 2-1.1-3(h)(4)(G) that directs readers to clause (J). The correct reference for the exemption noted in clause (G) should direct readers to clause (I). Therefore, the correct language at 326 IAC 2-1.1-3(h)(4)(G) should read: “A short term backup unit must not be on the property of the permitted source for more than one hundred eighty (180) calendar days from the day the short term backup unit is placed on site, except as provided under clause (I).” This has been corrected in the draft rule language for preliminary adoption.

Additionally, further language has been added to 326 IAC 2-1.1-3(h)(4)(I) to indicate that a short term backup unit may only be transferred to temporarily replace another permitted emission unit on the same property of the permitted source. IDEM does not intend for a short term backup unit to be kept on-site for more than 180 days, except what would be allowed under 326 IAC 2-1.1-3(h)(4)(I). The intention of this rule is for the temporary replacement of permitted emission units rather than long term replacement that could circumvent the requirement at 326 IAC 2-1.1-2.

The five day removal requirement at 326 IAC 2-1.1-3(h)(4)(H) also falls under the 180 day limit for a short term backup unit to remain on-site while the permitted emission unit is being checked and repaired. The operation of both units is prohibited under 326 IAC 2-1.1-3(h)(4)(F), and would require a permit review under 326 IAC 2-1.1-2 if both units were to operate at the same time. Rendering equipment physically inoperable is not always possible, especially in the case of rental equipment, such as portable generators. In some cases, temporary units can be brought on-site within a matter of hours or days, and can also be removed from sites in the same time span. IDEM understands that there are some logistical concerns related to removing the temporary units, however, and is therefore updating the removal requirement to 14 days to provide additional flexibility.

The requirement of notification for the placement of short term backup units on-site pertains to all permitted sources and is not specific to Title V sources. The Title V rules at 326 IAC 2-7-6, as well as the permits themselves, indicate what types of documents require certification by responsible officials. Therefore, IDEM has made no change to the rule language as a result of this comment.