

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

Sulfur Dioxide Revisions for Indiana Harbor Coke Company and Cokenergy LLC
LSA Document #19-388

Overview

The Indiana Department of Environmental Management (IDEM) is proposing amendments to 326 IAC 7-4.1-7 and 326 IAC 7-4.1-8 for sulfur dioxide emission limitations for coke oven facilities operated by Indiana Harbor Coke Company and Cokenergy LLC. The rulemaking amends the annual bypass venting limits for coke oven gases, including when heat recovery steam generator retubing is implemented, and adds the requirement to install, operate, and maintain a permanent flow monitor at the affected facilities. The amendments are based on a federal consent decree agreed upon in October 2018 by the United States federal government, State of Indiana, Indiana Harbor Coke Company, SunCoke Energy Inc., and Cokenergy LLC. In addition, the affected entities sent letters to IDEM in December 2018 that requested specific rule changes as a result of the consent decree. Incorporating these changes into Indiana's rules will make the requirements enforceable and enable the requirements to be included in Indiana's revised State Implementation Plan. IDEM will submit the revised State Implementation Plan to the United States Environmental Protection Agency (U.S. EPA) for approval after the completion of this rulemaking.

IDEM is conducting this rulemaking using the abbreviated rulemaking process authorized under IC 13-14-9-7 that bypasses the notice of first comment period and initially publishes the second notice of comment period with draft rule language. IDEM determined that this abbreviated rulemaking process is appropriate because the available rulemaking policy alternatives are so limited that the public notice and first comment period would provide no substantial benefit to the environment or persons to be regulated or otherwise affected by the proposed rule. The policy alternatives are limited because the rulemaking is based upon a federal consent decree with specific requirements for the affected entities and the rule does not include amendments that have a substantive effect on the scope or intended application of the requirements resulting from the federal consent decree.

Suggested Changes since Preliminary Adoption

The rule proposed for final adoption does not contain any changes since the preliminary adoption of this rule.

Affected Persons

This rulemaking will affect Indiana Harbor Coke Company and Cokenergy LLC, who are required to comply with the federal consent decree and the changes to site-specific sulfur dioxide emission limitations. The affected entities requested that IDEM amend the applicable rules to incorporate the requirements of the consent decree.

Reasons for the Rule

The rulemaking was initiated in response to federal consent decree requirements and written requests from affected entities to amend rule requirements for site-specific sulfur dioxide emission limitations for Indiana Harbor Coke Company and Cokenergy LLC. IDEM must revise the applicable rules to make the consent decree requirements enforceable and submit Indiana's revised State Implementation Plan to U.S. EPA for approval after the completion of the rulemaking.

Economic Impact of the Rule

This rulemaking will not have an economic impact because the proposed amendments to the site-specific sulfur dioxide emission limitations rules are a result of federal consent decree requirements. Regulated entities are required to comply with the consent decree before the completion of this rulemaking and any economic impact derives from the consent decree requirements. Beyond the requirements of the consent decree, the rulemaking is not proposing any amendments that will require additional compliance actions or increase compliance costs. Therefore, this rulemaking does not include any additional requirements that will have a potential economic impact on regulated entities.

Scheduled Board Action and Hearings*

First Public Hearing: November 13, 2019, at 1:30 p.m. at Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana.

Second Public Hearing: January 8, 2020, at 1:30 p.m. at Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345, (800) 451-6027 (in Indiana), or dwatts1@idem.in.gov.