

# TITLE 326 AIR POLLUTION CONTROL DIVISION

## Rule Information Sheet

Nitrogen Oxides Emission Monitoring  
LSA Document #19-589

### Overview

Under the Clean Air Act, the United States Environmental Protection Agency (U.S. EPA) establishes and periodically revises the National Ambient Air Quality Standards (NAAQS) for certain pollutants, and gives states the primary responsibility of attaining the NAAQS through the adoption of emission control measures identified in their state implementation plans (SIP).

In 1998, U.S. EPA issued the NO<sub>x</sub> SIP Call, which identifies a “good neighbor” provision that prohibits states from emitting pollutants that contribute significantly to nonattainment or interfere with maintenance of the NAAQS in a neighboring state. This rule also called for SIP revisions from states to address these obligations, but did not mandate any particular approach for how to achieve the required emission reductions. While this provided general compliance flexibility for states, the rule contained two additional provisions that were mandatory for large electric generating units (EGUs), and large non-EGU boilers and turbines (large affected units).

The first provision of the NO<sub>x</sub> SIP call was that any control measures imposed on these types of sources were required to include enforceable limits on the sources’ seasonal NO<sub>x</sub> mass emissions, which could include either limits on individual sources or collective limits on the group of all sources in a state. The second provision required these sources to monitor and report their seasonal NO<sub>x</sub> mass emissions according to the requirements in the Code of Federal Regulations (CFR) at 40 CFR 75.

Indiana adopted U.S. EPA’s NO<sub>x</sub> Budget Trading Program (NBTP) at 326 IAC 10-4 to implement the requirements of the NO<sub>x</sub> SIP Call. The NBTP was discontinued in 2008, but the control measures remained in effect. IDEM adopted rules at 326 IAC 10-2 in 2018 to enforce the remaining NO<sub>x</sub> SIP Call requirements that applied to large affected units no longer regulated under a trading program. Large EGUs were addressed in a separate rulemaking and are regulated by the Cross State Air Pollution Control Rules at 326 IAC 24-5, 326 IAC 24-6, and 326 IAC 24-7.

On March 8, 2019, U.S. EPA published a final rule in the Federal Register (FR) that removes the requirement for large fossil fuel boilers that are still regulated by the NO<sub>x</sub> SIP Call to monitor NO<sub>x</sub> emissions using the continuous emission monitoring requirements in 40 CFR 75 (84 FR 8422). This rulemaking will revise the requirement for large affected units to monitor emissions as specified in 40 CFR 75, and instead allow these sources to report emissions to IDEM at the end of the ozone season based on emission factors or continuous emission monitoring system data. Once the revisions in this rulemaking are completed, IDEM will submit the final rule to

U.S. EPA as a SIP revision.

**Affected Persons**

Any sources operating large affected units in the state that choose to use these alternative emission monitoring options.

**Reasons for the Rule**

This rulemaking will provide sources with large affected units more flexibility in monitoring NO<sub>x</sub> emissions by removing the requirement to monitor emissions as specified in 40 CFR 75, and instead allow these sources to report emissions to IDEM at the end of the ozone season based on emission factors or continuous emission monitoring system data.

**Economic Impact of the Rule**

This rulemaking will result in a positive fiscal impact for sources with large affected units that choose to use the more cost effective alternative emission monitoring options instead of continuing to monitor emissions based on monitoring requirements in 40 CFR 75.

**Scheduled Board Action and Hearings**

First Public Hearing: November 18, 2020, starting at 1:30 p.m., held remotely through Zoom.

Join Zoom Meeting

<https://zoom.us/j/93846345845?pwd=eklqWHVKRk1LU1hGMVVzaStldDVxZz09>

By phone:

312-626-6799

929-205-6099

**Meeting ID: 938 4634 5845**

**Password: 963768**

**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](mailto:kwalsh@idem.in.gov).