

TITLE 326 AIR POLLUTION CONTROL DIVISION

LSA Document #19-589

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from November 20, 2019, through December 20, 2019, on IDEM's draft rule language. IDEM received comments from the following parties:

Ann McIver, Citizens Energy Group (CEG)
Eric Svingen, United States Environmental Protection Agency (U.S. EPA)
Robin M. Ridgway, Purdue University (PU)
Scott M. Darling, Alcoa Power Generating Inc. (APGI)

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

Comment: Commenters requested that the proposed rule language at 326 IAC 10-2-8.5(c) be modified to include additional flexibility in emissions monitoring. Instead of sources reconfiguring their current Data Acquisition and Handling Systems (DAHS) to reflect quality assurance obligations under federal requirements at 40 CFR 60, the commenters requested that they be able to use DAHS to monitor emissions under 40 CFR 75 and be exempt from the obligations of electronic reporting into U.S. EPA's Emission Collection and Monitoring Plan System required by 40 CFR 75, Subpart G. (CEG, PU, APGI)

Response: For the purposes of this rule, U.S. EPA is not requiring that sources submit electronic reporting to the Emission Collection and Monitoring Plan System as specified in 40 CFR 75. IDEM has inserted new rule language at 326 IAC 10-2-8.5(c)(1)(B) to reflect this monitoring change.

Comment: Commenters requested that the alternative options in 326 IAC 10-2-8.5(c) be amended to allow any combination of emissions monitoring strategies with fuel flow meters, as it is commonly used by affected sources and allows flexibility for complying with monitoring, recordkeeping, and reporting obligations under other programs. (CEG, PU, APGI)

Response: IDEM understands the need for continued flexibility for emissions monitoring. The new rule language at 326 IAC 10-2-8.5(c) has been modified to indicate that any combination of the monitoring strategies is acceptable with fuel flow meters.

Comment: Commenters requested that the updates to 326 IAC 10-2-8.5 be considered a part of a minor modification to the Title V Operating Permits issued pursuant to 326 IAC 2-7, due to the fact that the proposed rule language already includes NO_x emission monitoring provisions under the federal requirements at 40 CFR 51.121. (CEG, PU, APGI)

Response: The current rule language for the permit rules at 326 IAC 2 governs whether or not the updates at 326 IAC 10-2-8.5 would qualify as a minor modification to a permit. This change was not implemented in the proposed rule language as it would create a contradiction with the existing rule language.

Comment: Commenters requested that IDEM allow sources forty-five days instead of thirty to submit reports of stack testing pursuant to 326 IAC 10-2-8.5(e)(5)(D), as IDEM's existing rule related to stack testing already provides a forty-five day timeframe. (CEG, PU, APCI)

Response: IDEM agrees that a forty-five day timeframe for report submittal of stack testing in 326 IAC 10-2-8.5 is appropriate, and has made the change to be consistent with the existing requirements for stack testing in 326 IAC 3-6-4(b).

Comment: Commenters suggested that the defined term 'ozone control period' be used in the proposed new rule language to describe the control period for consistency with the defined terms of the nitrogen oxide rules at 326 IAC 10-2-2. (CEG, PU, APCI)

Response: IDEM agrees that the same terminology should be used for the same terms located in different sections of the nitrogen oxides rules for the sake of clarity and consistency. IDEM has implemented this change to the proposed new rule language where applicable.

Comment: Commenters requested a rule language change at 326 IAC 10-2-8.5(c)(2) to state that emission factors would be determined through consideration of only one of the options, instead of having to adhere to all four options. (CEG, PU, APCI)

Response: IDEM agrees and has clarified the draft rule language to state that sources should choose one option from the list.

Comment: Commenter suggested a rule language change at 326 IAC 10-2-8.5(a) to clarify the standard IDEM will apply in determining approval for a source's alternative monitoring application. The suggested language is as follows:

"If approved by the department as sufficient to demonstrate compliance with the ozone season NO_x emissions budget established under 326 IAC 10-2-9 and consistent with the requirements of this section." (U.S. EPA)

Response: IDEM has implemented this change in 326 IAC 10-2-8.5(a).

Comment: Commenter stated that the proposed rule language should not allow a source to adjust the emission factor used to determine its reported emissions without IDEM approval, and the rule language should authorize IDEM to revise the emission factor to resolve any discrepancies between the emission factor in use and the results of a periodic stack test. (U.S. EPA)

Response: IDEM appreciates the suggestion that the source should obtain approval from the department to adjust the emission factor used to determine its reported emissions, and that the proposed new rule language should more clearly authorize IDEM to revise the emission factor to resolve any discrepancies identified between the previously approved emission factor and the periodic stack test results. IDEM has added rule language at 326 IAC 10-2-8.5(e)(5)(E) that requires sources to submit an application for approval of a permit modification if the source needs to adjust the emission factor.

Comment: Commenter pointed out a misprint in the existing rule language that should be changed. In 326 IAC 10-2-3(b)(1)(E), "ozone (O₂)" should be changed to "oxygen (O₂)". (CEG,

PU, APGI, U.S. EPA)

Response: IDEM appreciates the commenters pointing out this error. This correction to the existing rule language has been made.