

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

Nitrogen Oxides Emission Monitoring
LSA Document #19-589

Overview

In 1998, U.S. EPA issued the NO_x 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_x SIP call was that any control measures imposed on these types of sources were required to include enforceable limits on the sources’ seasonal NO_x 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_x mass emissions according to the requirements in the Code of Federal Regulations (CFR) at 40 CFR 75.

Indiana adopted U.S. EPA’s NO_x Budget Trading Program (NBTP) at 326 IAC 10-4 to implement the requirements of the NO_x 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_x 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_x SIP Call to monitor NO_x 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.

Additionally, several updates have been made to the draft rule language to address the response to comments received after publication of the notice in the Indiana Register. Increased flexibility will be provided to sources that wish to utilize their current data acquisition and handling systems to monitor emissions under 40 CFR 75. These sources will not be required to submit

electronic reporting to U.S. EPA's Emission Collection and Monitoring Plan System under 40 CFR 75, Subpart G, and will be subject to the ozone season reporting requirements of NO_x emissions to IDEM at 326 IAC 10-2-8.5(e).

Other updates include allowing any combination of monitoring strategies for fuel flow meters, allowing a forty-five day timeframe for submitting stack testing reports, updating rule terminology and clarifying rule language for consistency and reader comprehension, and correcting a typographical error to existing rule language.

IDEM conducted a third comment period to provide the public with the opportunity to comment on the changes made to 326 IAC 10-2-8.5 that were substantively different than the draft rule that was published in the Indiana Register on November 18, 2020. No additional comments were received during the comment period. 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_x 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.

Second Public Hearing: May 12, 2021, starting at 1:30 p.m., held remotely through Zoom.

Join Zoom Meeting

<https://zoom.us/j/93141090224?pwd=cG5xcck5rMGRncUIHSl0RkNFdjFXdz09&from=addon>

By Phone

312-626-6799

929-205-6099

Meeting ID: 931 4109 0224

Passcode: 255913

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.