

## TITLE 326 AIR POLLUTION CONTROL DIVISION

### LSA Document #25-204

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

The Indiana Department of Environmental Management (IDEM) requested public comment from April 9, 2025 through May 9, 2025, on IDEM's draft rule language. IDEM received comments from the following parties:

SunCoke Energy (“SunCoke”)  
Environmental Organizations (“EO”):  
    Just Transition Northwest Indiana  
    Indiana Conservation Voters  
    Gary Advocates for Responsible Development  
    Citizens Action Coalition  
    Sierra Club  
    Conservation Law Center  
    Environmental Law & Policy Center  
    Industrious Labs  
    Mighty Earth  
U.S. Steel (“USS”)  
Conservation Law Center (“CLC”)

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

*Comment:* SunCoke commented that the final text for IHCC NO<sub>x</sub> RACT requirements as proposed in 326 IAC 10-7-8(g) of the Proposed Rule may result in confusion. More specifically, 326 IAC 10-7-8(g)(1)(A) states that the coke oven batteries shall “operate only as heat-recovery coke oven battery using staged combustion”. SunCoke is concerned that the language proposed in 326 IAC 10-7-8(g)(1)(A) could be misconstrued to mean that IHCC’s heat-recovery coke oven batteries require some sort of add-on burner or combustion device that uses staged-combustion. SunCoke explained that the intent of this regulation is to ensure that IHCC maintains the staged combustion design inherent to its coke ovens, which IHCC fully supports.

IHCC recommends the following simple change to the Proposed Rule to clarify its intent:

- (g) Indiana Harbor Coke Company, LP, whose source ID is 089-00382, in Lake County shall comply with the following emissions limits:
  - (1) Each coke oven battery, including coke oven battery A through D, shall:
    - (A) operate only as heat-recovery coke oven battery using staged combustion **inherent to its design**;
    - (B) operate using only natural gas as fuel when supplemental heating is necessary; and
    - (C) be operated and maintained in accordance with the manufacturer's

specifications and good combustion practices for the control of NO<sub>x</sub> emissions. (SunCoke)

*Response:* IDEM agrees that the language SunCoke requests to be added in 326 IAC 10-7-8(g)(1)(A) clarifies the intent of this requirement so it will be revised in the rule as recommended.

*Comment:* SunCoke commented that the Proposed Rule requires an extremely detailed RACT engineering study under 326 IAC 10-7-6 from affected sources, except for sources subject to the general emissions limitations in section 4 of the rule or sources exempt from the rule under section 7. As such, IHCC requests that IDEM add an explicit exemption for facilities with source-specific requirements under section 8 of the rule.

SunCoke explained that an exemption for section 8 sources is entirely consistent with the intent of the rule based on its plain language and IDEM's Regulatory Analysis. IDEM has already established a definition of RACT for sources like IHCC in section 8 based on engineering studies during the pre-rulemaking stages. Therefore, imposing a requirement to conduct an additional engineering study would be duplicative and would impose unnecessary costs and burdens on industrial facilities. (SunCoke)

*Response:* 326 IAC 10-7-6 outlines the requirements for major stationary sources subject to the rule to develop NO<sub>x</sub> RACT studies. Affected sources have the option to submit a source-specific NO<sub>x</sub> RACT study (engineering study) with proposed unit-specific emission limits and/or controls as an alternative to applicable presumptive limits for which the owner or operator claims achievement is technically infeasible or economically unreasonable and for unique and older units for which there were no presumptive limits to rely upon. The source-specific NO<sub>x</sub> RACT studies for sources requesting consideration of unit-specific emission limits and/or controls were submitted in mid-2024. These sources are not required to submit another NO<sub>x</sub> RACT study.

*Comment:* The CLC encouraged IDEM to follow the recommendations of the U.S. Environmental Protection Agency (U.S. EPA) and the Lake Michigan Air Directors Consortium ("LADCO"), of which IDEM is a member, to require use of low-NO<sub>x</sub> burners. The CLC stated that according to U.S. EPA, low-NO<sub>x</sub> burners can provide significant reductions in NO<sub>x</sub> emissions from a wide variety of emission sources at a relatively low-cost per ton of emissions and that LADCO reached a similar conclusion in 2022. The CLC recommends that the proposed rules require installation of low-NO<sub>x</sub> burners and other reasonably achievable control technologies to significantly reduce NO<sub>x</sub> emissions wherever feasible. (CLC)

*Response:* U.S. EPA and LADCO utilized the same top-down approach as the RACT studies submitted by affected sources to determine the feasibility of control technology where the most stringent control available for a similar or identical source or source category is identified. The most stringent control option is then used to establish the RACT emission limitation, unless the applicant can demonstrate (and IDEM agrees) that it is not "achievable" due to technical infeasibility or not being cost effective. If the top control alternative is eliminated, then the next

most stringent level of control is evaluated. This process continues until RACT is selected. Low-NOx burners would have been considered during that process.

The cost effectiveness analysis for control techniques requires only two inputs, namely emission reductions in tons per year and control strategy cost in dollars per year. As such, cost effectiveness is a figure in dollars per ton of NOx emissions reductions per year. The actual cost, emission reduction, and cost-effectiveness levels that an individual source will experience meeting the NOx RACT requirements will vary from unit to unit and from area to area. These factors will differ from unit to unit because the sources themselves vary in age, condition, and size, among other considerations.

*Comment:* U.S. Steel requests that 326 IAC 10-7-8(b)(2)(A) be revised as follows because a group of blast furnace stoves (typically 3 or 4 stoves) operate as a unit when serving a given blast furnace:

(2) Blast Furnaces No. 4, No. 6, No. 8, and No. 14 shall comply with the following:

(A) Each **group of** blast furnace stoves **associated with a blast furnace** shall:

- (i) receive ninety percent (90%) or more of its total gas volume from blast furnace gas as fuel on a rolling thirty (30) operating-day basis; and
- (ii) be operated and maintained in accordance with the manufacturer's specifications and good combustion practices for the control of NOx emissions. (USS)

*Response:* IDEM agrees that the language USS requests to be added in 326 IAC 10-7-8(g)(1)(A) clarifies the intent of this requirement so it will be revised in the rule as recommended to include “group of”; however, adding “associated with blast furnace” is not needed.

*Comment:* U.S. Steel requests that IDEM include the following language to 326 IAC 10-7-8(b)(2)(A) pertaining to periods of blast furnace gas curtailment:

**During periods of blast furnace reline, startup, shutdown and period of malfunction, the affected blast furnace stoves shall not be required to meet the requirement to derive ninety percent (90%) or more of its total gas volume from blast furnace gas. (USS)**

*Response:* Sources are required to be in compliance with emission limits and requirements at all times, including during periods of reline, startup, shutdown, and malfunctions. This is an issue U.S. EPA has weighed in on a number of times in the past affirming that there is not a federal regulation to support the Commenter’s language and maintaining that this language is no longer allowed. For an emission limit or requirement averaged on a thirty-day basis, sources need to plan reline, start-up, and shutdown events so emission limits and requirements are not exceeded, and in the event of a malfunction, sources have 30 days following that event to average out an emission limit or requirement to ensure compliance.

*Comment:* U. S. Steel requests that 326 IAC 10-7-10 Condition 3 be revised to clarify the third compliance option consisting of installation of a temporary continuous emissions monitoring system (CEMs). The qualifier pertaining to a permanent CEMs is not needed since the rule notes that compliance shall be demonstrated with the applicable emissions limit(s) by one of the following methods: permanent CEMS, performance test, temporary CEMS, or PEMS. U. S. Steel requests the following revision:

(3) ~~For an affected facility not installing a permanent continuous emissions monitoring system in accordance with subdivision (1) of this section,~~ Installation of a temporary continuous emissions monitoring system for thirty (30) operating days that is capable of measuring and recording NO<sub>x</sub> and, if necessary, a diluent (carbon dioxide or oxygen) concentration in addition to calculating NO<sub>x</sub> lb/mmBtu data in an ongoing basis. Facilities that install a temporary continuous emissions monitoring system shall comply with the following: (USS)

*Response:* IDEM does not agree that the language USS requests to be deleted in 326 IAC 10-7-8(g)(1)(A) is necessary so it will not be revised in the rule as recommended; however, “not installing” will be changed to “without” for clarity.

*Comment:* U. S. Steel requests that 326 IAC 10-7-10 be revised to clarify that for “emission limits” – specifically those as provided in Section 8, that are not numeric or where stack testing or permanent or temporary CEMs are not feasible or appropriate, the source shall keep appropriate records to document compliance. Section 8 of the Rule includes many requirements listed as “emission limits” that are not numeric and are operating or work practices for which performance testing or CEMs are not feasible. (USS)

*Response:* IDEM agrees that the language in Section 8 of the rule related to requirements that are not numeric and are operating or work practices for which performance testing or CEMs are not feasible could be clearer and more accurate so in these instances “emission limits” will be changed to “emission limits and equipment standards”. Compliance demonstration and reporting requirements for these units will be specified in the source’s Title V operating permit.

## **Environmental Organizations**

*Comment:* The Environmental Organizations commented that IDEM must take additional steps to comply with the requirements of the Clean Air Act (“CAA” or “Act”) to address ozone pollution, and IDEM’s newly proposed NO<sub>x</sub> RACT rules do not require most air pollution sources in the Indiana nonattainment area to install additional controls to address NO<sub>x</sub> emissions and thus fail to reduce ozone pollution in a meaningful way. Allowing almost all sources in the ozone nonattainment area to simply continue with current operations does not control pollution and bring the area into expeditious attainment with the 2015 ozone NAAQS, as required by the CAA. The Environmental Organizations argued that IDEM’s actions thus far have been inadequate, and that IDEM must take stronger action to protect public health and the environment. Specifically, IDEM must (1) provide adequate public notice and a meaningful opportunity to review and comment on these NO<sub>x</sub> RACT SIP rules, and (2) undertake a RACT

analysis that considers less-polluting RACT technologies that can expeditiously and meaningfully lower NOx emissions sources throughout these nonattainment areas. (EO)

*Response:* IDEM appreciates the Environmental Organizations' comments on Indiana's NOx RACT rule. Commenters specifically request the opportunity to review IDEM's technical support documents (TSD) for its State Implementation Plan (SIP) submission related to this rulemaking. The RACT studies and technical support documents are used to evaluate sources and develop proposed unit-specific emission limits and/or controls for NOx RACT. The final technical support documents must be included with Indiana's SIP submission to U.S. EPA after the conclusion of this rulemaking. These documents will provide U.S. EPA with technical information demonstrating that the final rule meets the requirements of the NOx SIP call, 88 FR 71757. Because the TSD cannot be finalized until the proposed limits become permanently enforceable, the documents are not typically made available during the underlying rulemaking process. While these technical support documents are not required to be published in conjunction with this rulemaking, IDEM has made them available for review on its website at <https://www.in.gov/ide/sips/infrastructure-state-implementation-plans/>.

As demonstrated in the TSD and as previously mentioned, affected sources utilized the top-down approach in their RACT studies to determine the feasibility of control technology where the most stringent control available for a similar or identical source or source category is identified. The most stringent control option is then used to establish the RACT emission limitation, unless the applicant can demonstrate (and IDEM agrees) that it is not "achievable" due to technical infeasibility or not being cost effective. If the top control alternative is eliminated, then the next most stringent level of control is evaluated. This process continues until RACT is selected. IDEM reviewed the NOx RACT studies submitted by affected sources in other states as part of its due diligence review and found that the top-down approach was used to determine RACT in all of the studies reviewed.