



IDEM Update

Partners for Pollution Prevention
Quarterly Meeting hosted by
Roche Diagnostics Operations, Inc.
June 12, 2019





Angela Taylor

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IDEM - Agency Structure



Office of Air Quality (OAQ)



Office of Water Quality (OWQ)



Office of Land Quality (OLQ)



Office of Program Support (OPS)



Office of the Chief of Staff (OCS)



Office of Legal Counsel (OLC)



IDEM's Compliance and Technical Assistance Program



Compliance and Technical
Assistance Program

Indiana Department of Environmental Management

Helping Indiana businesses one step at a time



Empowering Indiana Businesses with Environmental Compliance Assistance that is:



Free and Confidential



Non-regulatory



Multimedia

Contact CTAP

1

Northwest Regional Office:

- Charles Breitenfeldt, (219) 250-0119

2

Northern Regional Office:

- Joseph Neuklis, (574) 245-4879

3

Indianapolis Central Office:

HOTLINE (800) 988-7901 or (317) 232-8172

- Edward Clements
- Hani Sharaya
- Mark Stoddard
- Chrystal Wagner

CTAP Small Business Regulatory Coordinator:

- Angela Taylor, (317) 233-0572

4

Southwest Regional Office:

- Heath Dill, (812) 380-2303

5

Southeast Regional Office:

- Nick Carr, (812) 358-2027



Email: CTAP@idem.IN.gov

Website: www.idem.IN.gov/ctap

IDEM - Current Opportunities



Pollution Prevention (P2) Grant:

- IDEM has received a pollution prevention grant from U.S. EPA to implement P2 at Indiana businesses
- The focus of the grant is toxics reduction
- IDEM is entering into a contract with Purdue University's [Manufacturing Extension Partnership](#) to perform W.A.S.T.E. (water, air, solids, toxics, energy) Assessments at 15 Indiana facilities
- If you are interested in the grant / an assessment, contact Cameron Maschino cmaschin@idem.IN.gov

IDEM - Current Opportunities



Recycling Market Development Program (RMDP) Grants:

- The RMDP is now accepting 2019 grant proposals - deadline for submissions is June 21, 2019, at 5:00 PM EDT
- Eligible candidates may seek a grant starting at \$1,000 and up to \$250,000, with a 50% cash match
- Projects should focus on increasing collection or consumption, as well as economic development, education, and outreach efforts related to recycling
- The [Recycling Market Development Program](#) offers detailed proposal requirements and can assist with questions about the application process



IDEM - Current Opportunities

Indiana Volkswagen Environmental Mitigation Trust Program Grant Opportunities:

- The Indiana Volkswagen Environmental Mitigation Trust Program is a statewide program supported with funds from Indiana's portion of the national Volkswagen Mitigation Trust Fund
- The program is responsible for distributing grant funds for clean air projects that will significantly reduce diesel emissions across Indiana - awards range from \$50K to \$2M
- Total available funding in the first round is \$9.83M - is focused on equipment and vehicle repowers and replacements with newer, cleaner alternatives of various fuel types



IDEM - Current Opportunities

Indiana Volkswagen Environmental Mitigation Trust Program Grant Opportunities:

- Public and private entities may submit applications, and the Request for Proposals (RFP) deadline is June 17, 2019
- Application information can be found at www.idem.IN.gov/vwtrust
- Questions about the RFP process can be directed to:

Shawn M. Seals
Senior Environmental Manager
Indiana Department of
Environmental Management
(317) 233-0425
SSeals@idem.IN.gov

IDEM - Current Opportunities

Underground Storage Tank Pilot Program:

- IDEM's Underground Storage Tank Branch is launching a [pilot program](#) for characterizing leaking underground storage tank releases using high-resolution site characterization tools at Excess Liability Trust Fund eligible petroleum cleanup sites
- There is a process for the selection of sites to be included in the program and a checklist of primary qualifications





Upcoming Compliance Due Dates

CTAP maintains a list of [compliance due dates](#) for Indiana businesses, including all media/regulatory program areas of IDEM (land, air, water)

June 15:

- Second quarter payment due for NPDES Annual Bill, if paying in quarterly installments.

June 30:

- [Wastewater operator certification](#) renewal applications due (certifications expire **every 3 years**) - Wastewater operators can [renew their certification license online](#). Online renewal is available from May 1 through July 1 – **see supplemental sheet about rule changes affecting certifications**
- [Drinking water operator certification](#) renewal applications due (certifications expire every 3 years)



Upcoming Compliance Due Dates

July 1:

- [Hazardous Materials Registration](#) due to U.S. Department of Transportation
- [SARA 313 Toxics Release Inventory \(TRI\) Report](#) due
- Annual Emission Statement (EMITS: Emissions Inventory Tracking System) due annually or every [3 years](#) based on the potential to emit, pollutant, and county
- Air [Annual Compliance Certification \(ACC\)](#) **due for all companies except those required to submit on April 15**

July 15:

- [Solid Waste Quarterly Reports](#) due
- Underground Storage Tank fee - second payment due if paying the fee in four installments
- Solid Waste Management Fee Return has been combined with the Solid Waste disposal fee and is due quarterly (January 15, April 15, July 15, October 15)

July 28:

- Quarterly Non-Compliance Report due for delegated water Pretreatment Programs (unless otherwise permitted to submit report in August)

July 30:

- Semi-Annual Air Compliance Monitoring Report due for January through June
- Air Quarterly Deviation and Compliance Monitoring Report due for April through June
- Quarterly Air Permit reports (e.g., usage reports) due for April through June

Rule and Policy Updates

- Indiana General Assembly – [Indiana Register](#) documents

Rules in Progress



- IDEM works on several rulemakings at any given time
- All details related to IDEM [Rulemaking](#) currently underway and archives of past rulemaking activities are posted online and organized by the title of the Indiana Administrative Code where the rule will be located (326, 327, 328, 329)



Environmental Rules Board

- Next Meeting / Public Hearing – August 14, 2019 (tentative date)
- 1:30 PM in Indiana Government Center South, Conference Room A
- To attend a meeting, use the public entrance at 10 North Senate Avenue, Indianapolis, Indiana to gain access to the building
- Environmental Rules Board website for meeting calendar, agendas, summaries, transcripts and board packets - www.idem.IN.gov/legal/2355.htm



Environmental Rules Board

August 14, 2019 (tentative date and agenda items)

Emergency Rule

- Clark and Floyd Counties 2015 Ozone Designations
[Emergency Rule](#) (OAQ) – 2nd Adoption

Preliminary Adoption (Public Hearing)

- NPDES General Permits [LSA#18-238](#) (OWQ)
- Septage Management [LSA#14-29](#) (OWQ)
- Waste Tires [LSA#17-279](#) (OLQ)

Final Adoption

- Hazardous Waste Updates [LSA#18-481](#) (OLQ)



Requested Topics

1. Land - IDEM's implementation of the Hazardous Waste Generator Improvements Rule - an update on the timeline of implementation and tips on what Indiana facilities should and should not be doing now
2. Water - updates and guidance for the Rule 5 and Rule 6 storm water electronic portals for online data submittal. What should a facility do if their records do not match the online system? Updates on NPDES general permits rulemaking.
3. Air - Ozone redesignation of Lake and Porter Counties and air permitting impacts - What can facilities (and their agents) do to help streamline processing of air permit applications and minimize the workload of the air permits branch?



Topic 1 - IDEM's Implementation of the Hazardous Waste Generator Improvements Rule



Title 329 – Solid Waste Management Division

Hazardous Waste Updates – [LSA#18-481](#): Incorporation by reference of recent U.S. EPA rules for hazardous waste generator improvements and import-export of hazardous waste into 329 IAC 3.1

- Preliminarily Adopted on May 8, 2019
- Anticipated final adoption on August 14, 2019
- Anticipated effective in December 2019



Title 329 – Solid Waste Management Division

Hazardous Waste Updates – [LSA#18-481](#):

Updates to the hazardous waste rules in this rulemaking include the following:

- Improvements to the hazardous waste generator requirements, promulgated by U.S. EPA in a final rule published on November 28, 2016, at 81 FR 85732
- Revisions to the requirements for the import-export of hazardous waste, promulgated by U.S. EPA in final rules published on November 28, 2016, at 81 FR 85696, and on December 26, 2017, at 82 FR 60894
- Revisions to the requirements for the hazardous waste electronic manifest system that establishes the methodology to determine and revise the user fees for the system and the anticipated operation date of the system, promulgated by U.S. EPA on January 3, 2018, at 83 FR 420



Hazardous Waste Generator Improvement Rule Updates

History and Rationale

See printout of timeline for federal and state rulemaking activities

Resource Conservation and Recovery Act (RCRA) Regulations

The RCRA regulations are contained in title 40 of the Code of Federal Regulations (CFR) parts 239 through 282:

Non-hazardous Waste

Title 40 of the CFR parts 239 through 259 contain the regulations for solid waste

Hazardous Waste

The regulations governing hazardous waste identification, classification, generation, management and disposal are found in title 40 CFR parts 260 through 273

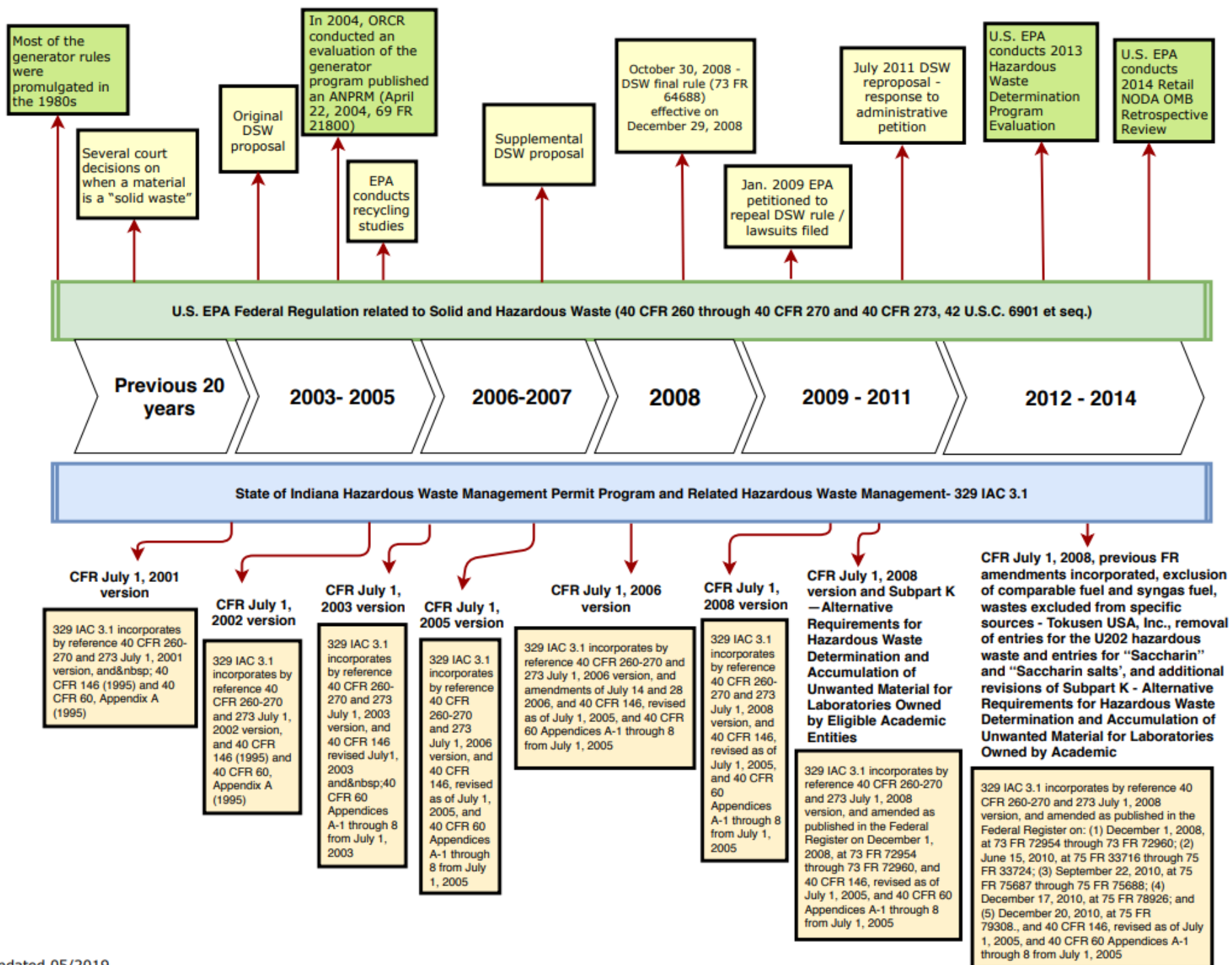
Other RCRA Regulations

Regulations for managing used oil and standards for underground storage tanks can be found in title 40 CFR parts 279 through 282

Created by Angela Taylor on May 22, 2019, contact 317-233-0572 / ataylor@idem.IN.gov

Sources of Information:

- Office of the Federal Register (OFR), National Archives and Records Administration (NARA) - <https://www.govinfo.gov/app/collection/FR/>
- Indiana General Assembly, Indiana Administrative Code Archives - <http://www.in.gov/legislative/iac/iacarchive.htm>
- Indiana Hazardous Waste Updates Rulemaking [LSA#18-481](#)
- U.S. EPA Webpages -
 - <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-regulations#haz>
 - <https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>
 - <https://www.pwaste.com/EPA-subpart-p>
 - <https://www.epa.gov/hw/final-rule-2018-definition-solid-waste-dsw-response-court-vacatur>
 - Overview of the 2015 Definition of Solid Waste Final Rule training (PowerPoint - 8 modules, no longer available online - saved PDF copy)

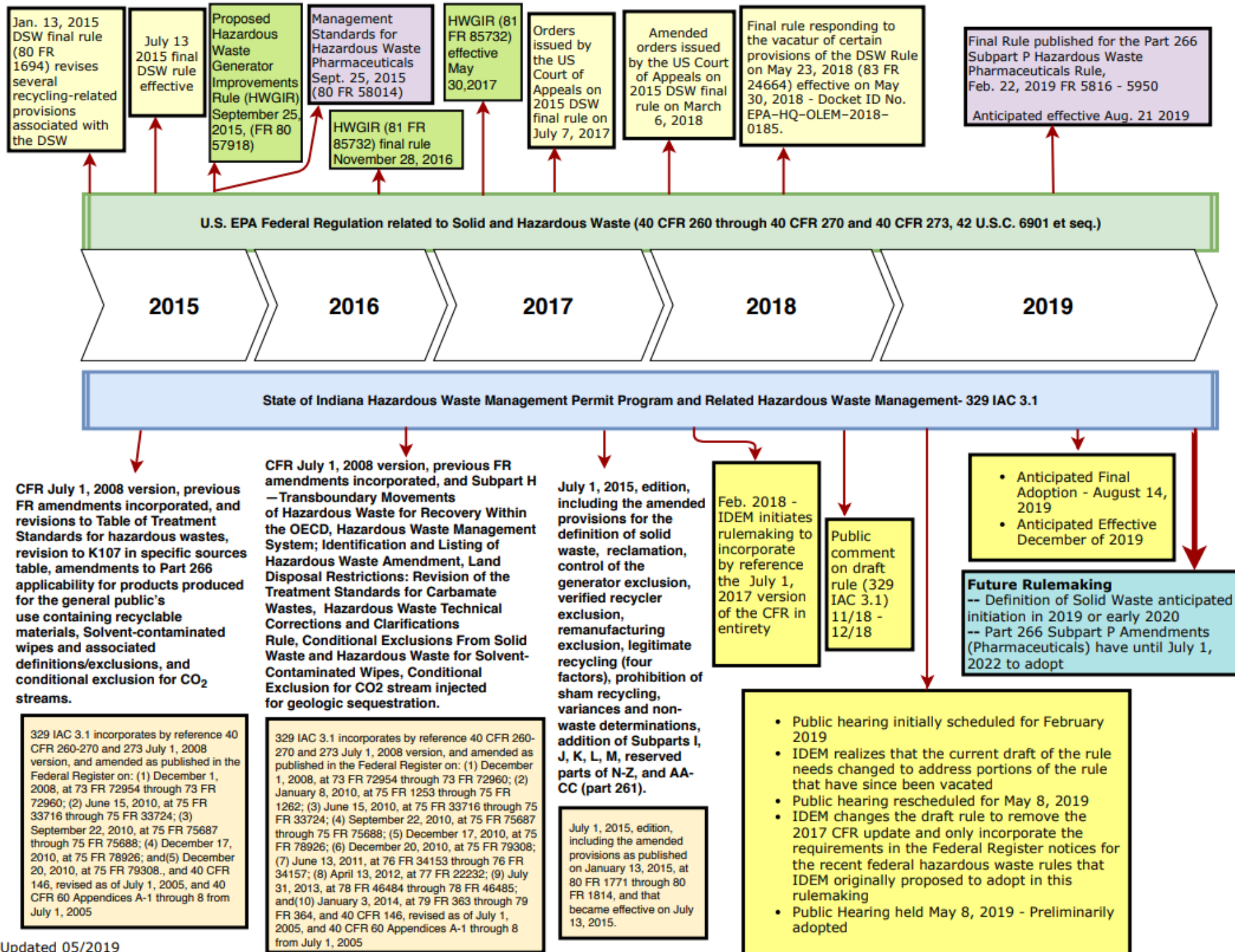




Hazardous Waste Generator Improvement Rule Updates

History and Rationale

- In 2010, IDEM incorporated by reference the full July 1, 2008, version of the Code of Federal Regulations (CFR)
- The federal Definition of Solid Waste (DSW) final rule was published on October 30, 2008 (73 FR 64688) and became effective on December 29, 2008, so it was not included in the July 1, 2008, version of the CFR - **Like most states, Indiana never adopted the federal 2008 DSW provisions**





Hazardous Waste Generator Improvement Rule Updates

History and Rationale

- In 2017, IDEM incorporated by reference the July 1, 2015, version of the CFR, which included the federal 2015 DSW updates and any portions of the 2008 DSW rule that did not change
- In February 2018, IDEM initiated a rulemaking to incorporate by reference the July 1, 2017 version of the CFR (in entirety) for the RCRA provisions
- Orders issued by the U.S. Court of Appeals on July 7, 2017, and amended March 6, 2018, vacated portions of federal 2015 Definition of Solid Waste updates - Effective May 30, 2018



Hazardous Waste Generator Improvement Rule Updates

Taken together, the 2017 and 2018 appellate court opinions result in the following:

- 1) Vacated the 2015 verified recycler exclusion for hazardous waste that is recycled off-site (except for certain provisions)
- 2) Reinstated the transfer-based exclusion from the 2008 rule to replace the now-vacated 2015 verified recycler exclusion
- 3) Upheld the containment and emergency preparedness provisions of the 2015 rule
- 4) Vacated Factor 4 of the 2015 definition of legitimate recycling in its entirety
- 5) Reinstated the 2008 version of Factor 4 to replace the now-vacated 2015 version of Factor 4



Hazardous Waste Generator Improvement Rule Updates

- IDEM incorporated the 2015 DSW through a “Section 8” (IC 13-14-9-8) rulemaking (2017), which expedites the rulemaking process for incorporation by reference of federal rules. This subsection [IC 13-14-9-8(h)] voids portions of an incorporated federal rule when they are “repealed, invalidated, vacated, or otherwise nullified by a legislative, an administrative, or a judicial action.”
- “That part of the adopted rule that corresponds to the repealed or nullified federal law, rule, or regulation is void as of the effective date of the [action repealing the rule]” - IC 13-14-9-8(h)(1)
- This part of the statute is interpreted by IDEM to mean that only the repealed / vacated portions of the federal rules are now void in Indiana’s rules - not the entirety of incorporated provisions

Current rulemaking retains reference to the July 1, 2015 version of the CFR and includes the following amendments:

- Improvements to the hazardous waste generator requirements - November 28, 2016, at 81 FR 85732;
- Revisions to the requirements for the import-export of hazardous waste - November 28, 2016, at 81 FR 85696, and on December 26, 2017, at 82 FR 60894;
- Revisions to the requirements for the hazardous waste electronic manifest system that establish the methodology to determine and revise the user fees and the anticipated operation date of the system - January 3, 2018, at 83 FR 420;
- Conforming amendments throughout 329 IAC 3.1 that correct the exceptions, additions, deletions, and substitutions to the incorporated parts of the Code of Federal Regulations (CFR);
- Technical amendments and corrections to sections from 329 IAC 10, 11, and 13 related to the hazardous waste generator improvements rule

The rulemaking does not include:

- Verified recycler exclusion for hazardous waste that is recycled off-site
- Transfer based exclusion for hazardous secondary materials
- Factor 4 of the 2015 definition of legitimate recycling
- Factor 4 of the 2008 definition of legitimate recycling
- Definitions for *Airbag waste*, *Airbag waste collection facility*, *Airbag waste handler*

IDEM has started a new rulemaking to address DSW, but the First Notice is only in the early drafting stage – no estimated timeframes other than initiation in late 2019 or early 2020



Hazardous Waste Updates to 329 IAC 3.1

Tips on what Indiana facilities should be doing now:

- Continue to comply with existing rule provisions (the state rules have specific requirements for notifications and additional reporting)
- All initial notifications are done with the 8700-12 form. IDEM OLQ prefers that all subsequent [notifications](#) be completed with a Handler ID form (State Form 55770 (R / 9-16))
- Is okay to begin to implement more stringent portions / practices if desired - e.g., documenting hazardous waste determinations, hazard marking and labeling of waste containers (in satellite and central accumulation areas), emergency planning quick reference guides for contingency plan (LQG), etc.
- Get acquainted with eManifest system, ARM EasiTrak, and RCRAinfo



Hazardous Waste Updates to 329 IAC 3.1

Tips on what Indiana facilities should not be doing now:

- Do **not** implement any of the less stringent requirements (e.g., episodic generation, 50-ft LQG setback waiver, waste consolidation by LQGs, etc.)
- Do not start a recycling / reclamation facility just by notification, this requires a RCRA permit for a treatment, storage and disposal facility (TSDF)



Topic 2 - Rule 5 and Rule 6 Storm Water Electronic Portals and Updates on NPDES General Permits Rulemaking



Storm Water Permitting

The IDEM Storm Water Program manages the permitting of storm water associated with industrial activity, construction activity, and municipal separate storm sewer systems (MS4s)

Construction/Land Disturbance Storm Water Permitting (327 IAC 15-5, Rule 5):

A general permit program for construction activities that result in land disturbance of one acre or more. 327 IAC 15-5 is intended to reduce pollutants, principally sediment, that are a result of soil erosion and other activities associated with land-disturbing activities

Industrial Storm Water Permitting (327 IAC 15-6, Rule 6):

A general permit program that targets storm water runoff associated with industrial activities. Requirements of this rule apply to specific categorical industrial facilities, which are exposed to storm water



Storm Water Permitting – Electronic Portals

There are two separate electronic portals used for storm water permitting:

- Rule 5 – [Regulatory ePortal](#) – all things rule 5 only

The image shows the 'Regulatory ePortal' login interface. At the top, it says 'Regulatory ePortal' in bold, followed by the subtitle 'Create and manage Permit Applications and Compliance Reports'. Below this is a light blue button with the text 'SIGN IN OR REGISTER' and a right-pointing arrow icon.

- Rule 6 – [Regulatory Services Portal](#) (RSP) – all things rule 6 only

The image shows the 'RSP Login' form. It has a green header bar with 'RSP Login' in white. Below the header, there are two input fields: 'User Name' and 'Password'. To the right of the 'Password' field is a 'Log In' button. At the bottom of the form, there are two links: 'New User Registration' and 'Forgot Your Password'.

Both portals allow for the submittal of applications to obtain permit coverage (new notices of intent, amendments, renewals, or terminations), certain changes of facility information, and some required forms, reports, and supporting data



Storm Water Permitting – Electronic Portals

What should a facility do if their records do not match the online system?

Depends on what doesn't match:

- Both Rule 5 and Rule 6 require:
 - A notice of intent (NOI)
 - Some things are allowed to change as an amendment
 - Examples: facility contact information, outfalls (industrial only), clerical errors, etc.
 - These can be directly entered into the systems
 - Storm Water Pollution Prevention Plans (SWP3)
 - These are considered “living documents” so they are expected to be changing



Storm Water Permitting – Electronic Portals

- Rule 5 - If the scope or acreage of disturbance doesn't match, the project will need new permit coverage for the added acreage (above 1 acre)
 - The project can use the same account to either get a new permit that has correct acreage and then terminate their previous permit
 - Or they can keep their existing permit and apply for another permit to cover the additional acreage (2 separate permits, same site / activity)
 - Preferred method can be requested, but approval is at the discretion of IDEM
- Rule 6 - If outfalls change or industrial process activities for processes discharging through the outfall change, these updates can be made in the system, but it will notify IDEM of the change and these types of changes are subject to approval
- Can contact IDEM support: Sara Lamkin, Storm Water Permit Coordinator, (317) 233-1864, slamkin@idem.IN.gov



Title 327 - Water Pollution Control Division

NPDES General Permits – [LSA #18-238](#):

- IDEM's development of drafts of *five* administrative general permits (conversion from permit-by-rule general permits to administratively issued general permits)
- The draft permits must be approved by U.S. EPA
- If all five are not approved by U.S. EPA when this rulemaking is ready to proceed for one or more of the remaining five, then the general permits for the discharge categories not yet approved by U.S. EPA will be removed from this rulemaking and addressed in a later rulemaking



Title 327 - Water Pollution Control Division

This rulemaking originally proposed to address the remaining five general permits-by-rule, which include the following:

- **Rule 5. Storm Water Run-Off Associated with Construction Activity**
- Rule 6. Storm Water Discharges Exposed to Industrial Activity
- Rule 7. Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities
- **Rule 13. Storm Water Run-Off Associated with Municipal Separate Storm Sewer System Conveyances**
- **Rule 14. On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District**

Note: only Rules 5, 13, and 14 will be addressed at this time

All of the administrative NPDES general permits (i.e., the ones that are not still in the 327 IAC 15 permit-by-rule format) can currently be found at www.idem.IN.gov/cleanwater/2480.htm, including the draft general permit for the Allen County Onsite Residential Sewage Disposal Systems



Topic 3 - Ozone Redesignation of Lake and Porter Counties



Air Permitting Approvals

Federal

- Part 70 Permit (also called Title V permit) under 326 IAC 2-7
- Alternatives to a Title V permit based on restrictions on potential or actual emissions:
 - A Federally Enforced State Operating Permit (FESOP) under 326 IAC 2-8
 - A Source Specific Operating Agreement (SSOA) under 326 IAC 2-9
 - Permit-by-Rule under 326 IAC 2-10 or 2-11

State

- An Exemption under 326 IAC 2-1.1-3
- A Registration under 326 IAC 2-5.1-2 and 326 IAC 2-5.5
- A Minor Source Operating Permit (MSOP) under 326 IAC 2-6.1



Terms

Part 70 source - means any source subject to the permitting requirements of Part 70 of the [Clean Air Act](#) (as amended, [42 U.S.C. 7401](#), et seq.), as provided in §§ [70.3\(a\)](#) and [70.3\(b\)](#) of this part

- Includes a source that has the potential to emit (PTE) for at least one regulated pollutant equal to or above the applicability threshold for Part 70 regulation

Part 70 permit (also called Title V permit) - means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to this part

To avoid confusion – will be using the term “**Title V Permit**” to clearly distinguish the difference between Part 70 “source” and Part 70 “permit”



New Source Review

- **New Source Review (NSR)** is a Clean Air Act program that requires sources to install modern pollution control equipment when they are built or when making a change that increases emissions (or PTE) significantly
- The NSR program applies to regulated NSR pollutants
- The NSR permitting program applies to both major and minor stationary sources
 - **Major sources** are sources that have the potential to emit pollutants in amounts equal to or greater than the corresponding major source threshold levels
 - **Minor sources** are sources that have the potential to emit pollutants in amounts less than the corresponding major source thresholds



New Source Review

There are three types of NSR permitting programs, each with a different set of requirements.

1. **Prevention of Significant Deterioration (PSD)** program applies to a new major source or a source making a major modification in an attainment area
 2. **Nonattainment NSR (NA NSR)** program applies to a new major source or a source making a major modification in a nonattainment area
 3. **Minor NSR** applies to a new minor source and/or a minor modification at both major and minor sources, in both attainment and nonattainment areas
- (1 and 2 above are both forms of **Major NSR**)



Major New Source Review

Attainment Areas

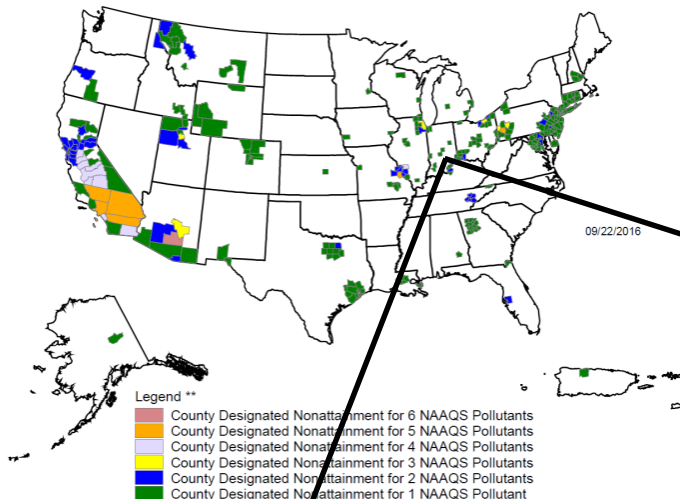
- PSD permits and requires installation of the Best Achievable Control Technology (BACT)

Nonattainment Areas

- NA NSR permits for new sources require sources to meet the Lowest Achievable Emissions Rate (LAER)
- NA NSR permits for existing sources require sources to meet the Reasonably Available Control Technology (RACT)
- Both NA NSR permit types require Emission Offsets - proposed emissions increases from new or modified sources are balanced by equivalent or greater reductions from existing facilities

Major New Source Review

Counties Designated "Nonattainment"
for Clean Air Act's National Ambient Air Quality Standards (NAAQS) *



Regulated
by 326 IAC
2-2 (PSD)

Regulated by 326 IAC 2-3
Emission Offset for pollutant(s)
exceeding the threshold levels
for which the county is in
nonattainment

Existing
Sources
subject to
RACT

New
Sources
subject to
LAER

Applies to
any
regulated
pollutant
exceeding
the threshold
levels for
which the
county is in
attainment

Attainment
Areas



Regulated by
326 IAC 2-2 (PSD) only

Applies to any regulated
pollutant exceeding the
threshold levels

Subject to BACT



Nonattainment Status - Lake and Porter Counties

On November 14, 2018, Docket ID No. EPA-HQ-OAR-2018-0226 (83 FR 56781), U.S. EPA proposed reclassifying 7 areas in 2019 to “**Serious**” nonattainment for the 2008 ozone National Ambient Air Quality Standards (NAAQS) due to these areas failing to attain the standards by the attainment date:

- Chicago-Naperville, Illinois-Indiana-Wisconsin
- Dallas-Fort Worth, Texas
- Greater Connecticut, Connecticut
- Houston-Galveston-Brazoria, Texas
- Nevada County (Western part), California
- New York-North New Jersey-Long Island, Connecticut-New York New Jersey
- San Diego County, California

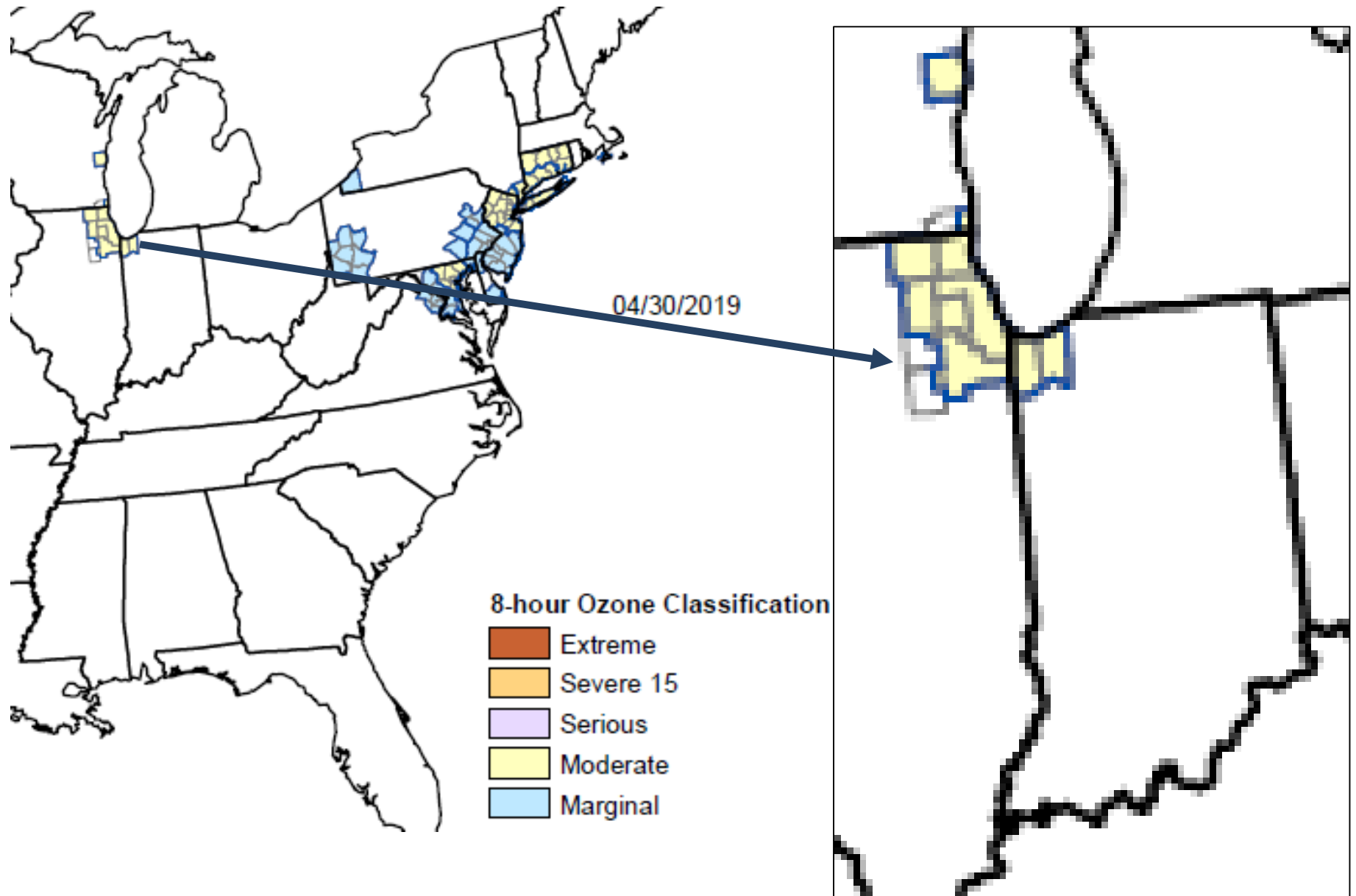
The effect of failing to attain by the attainment date is that such areas will be reclassified by operation of law to “Serious” upon the effective date of the final reclassification notice



Nonattainment Status - Lake and Porter Counties

- Consequently, the responsible state air agencies must submit State Implementation Plan (SIP) revisions required to satisfy the statutory and regulatory requirements for Serious areas for the 2008 ozone NAAQS (IDEM is working on the SIP revisions)
- The reclassified areas will then be subject to the “Serious” area requirement to attain the 2008 ozone NAAQS as expeditiously as practicable, but not later than July 20, 2021
- Proposed rule was reopened on 05/07/2019 ([84 FR 19893](#)) for an additional comment period, but only with respect to U.S. EPA's proposed determination for the Baltimore Area (because U.S. EPA erroneously omitted documents related to the state of Maryland's exceptional events) and to provide notice of the availability of the documents supporting U.S. EPA's analysis – Comment period ended on May 22, 2019

Nonattainment Status - Lake and Porter Counties





Nonattainment Status - Lake and Porter Counties

In a designated Nonattainment Area (NA) that is classified as “Serious” ozone nonattainment:

- The applicability threshold for a Title V Operating Permit is 50 tons per year (TPY) of Nitrogen Oxides (NO_x) or Volatile Organic Compounds (VOC)
 - This means that existing sources in these areas with PTE \geq to 50 TPY for VOC or NO_x on the date that the designation is effective **become Part 70 sources** (even if operating under permit-by-rule (PBR), MSOP, FESOP)



Nonattainment Status - Lake and Porter Counties

In a designated Nonattainment Area (NA) that is classified as “**Serious**” ozone nonattainment:

- The “major” source threshold for Emission Offset is also 50 TPY of NO_x or VOC
 - This means that any sources with PTE < 50 TPY of NO_x or VOC are “minor” for Emission Offset; and
 - Any modifications at these “minor” sources with a PTE < 50 TPY of NO_x or VOC are not subject to NA NSR for the modification and are not required to offset emissions

Nonattainment Area NSR Thresholds

In ozone nonattainment areas

VOC or NO_x:
Marginal – 100 tons per year (tpy)
Moderate – 100 tpy
Serious – 50 tpy
Severe – 25 tpy



Nonattainment Status - Lake and Porter Counties

In a designated Nonattainment Area (NA) that is classified as “**Serious**” ozone nonattainment:

- Any modification at new or existing “major” sources for Emission Offset are subject to NA NSR Significant Emissions Increase Threshold of 40 TPY and are required to offset emissions

NA NSR Significant Emissions Increase Thresholds

Ozone (measured as VOC or NO_x)

40 tpy

Major NA NSR modifications are subject to IDEM approval - Construction and operational approval must be granted prior to any preconstruction / construction activities occurring at the source



Nonattainment Status - Lake and Porter Counties

IDEM's Office of Air Quality (OAQ):

- Is planning to do outreach to sources in these areas – should be sending letters once the federal rulemaking is final (anticipated to be in late June or July 2019) - if sources follow letter instructions, no enforcement potential / limited liability
- Has identified about 20 sources (PBR, MSOP, FESOP) that will need to modify or transition their permits (based on PTE of VOC and/or NO_x being \geq 50 TPY)
- Has identified about 230 portable sources that could be affected
- All portable sources not currently located in the areas will receive an amendment (in the form of a letter to be attached to their permit) that restricts operations in nonattainment counties designated as “serious” or “severe” unless the source applies for a modification and receives approval prior to relocation



Nonattainment Status - Lake and Porter Counties

IDEM's Office of Air Quality (OAQ):

- Plans to reopen every FESOP in these counties to change the Section C.2 Overall Source Limit [326 IAC 2-8] to less than 50 tpy for NOx and VOC
- Is working on a streamlined application process / form for sources affected by the change
- Is working on a guidance document for *de minimis* increases (must be tracked even for exempt changes at a source) to assist with determining if NA NSR is required and the offset amounts (those that are necessary and those that can be claimed) for modifications related to NOx and VOC



Emission Offset

326 IAC 2-3-3 Applicable requirements

* * *

(5)(B) For ozone nonattainment areas, the following table shall determine the minimum offset ratio requirements for major stationary sources of VOC or NO_x (unless a NO_x waiver is in effect):

Ozone Classification Minimum Offset Requirements

- Marginal 1.1 to 1
- Moderate 1.15 to 1
- **Serious 1.2 to 1**
- Severe 1.3 to 1

(6) The total tonnage of increased emissions, resulting from a major modification that must be offset in accordance with Section 173 of the CAA, shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit * * *



Nonattainment Status - Lake and Porter Counties

Affected Source Permitting Options:

- Sources that become Part 70 sources due to the area classification are covered by the permit shield and have up to 1 year after the designation effective date to submit an application to transition to a Title V permit (or other applicable permit level)
- Title V permitted sources with PTE \geq 50 TPY can choose to make no changes and automatically become “major” for emission offset
- Title V and FESOP permitted sources (that have the ability) can take limits on NO_x and/or VOCs to establish themselves as “synthetic minor” for Emission Offset (this will secure a “second bite of the apple” for later modifications related to these pollutants – modification at 50 TPY NA NSR threshold without required offsets)
- Title V and FESOP permitted sources can add control devices to comply with limits or make process changes (e.g., material substitutions) to reduce PTE below 50 TPY



Nonattainment Status - Lake and Porter Counties

Being proactive

- Sources can schedule a pre-application meeting with OAQ staff, or they can contact CTAP if they need help determining their source status and what permitting options are available
- Sources can apply early for modifications or permit level transitions if they know how they will be impacted and what changes they will be requesting to their permit by completing:
 - A cover letter describing the reason for the application;
 - The application cover sheet (State Form 50639 [R4 / 1-10]);
 - The GSD01 form (State Form 50640 [R5 / 1-10]), which outlines all of the general source data;
 - Updated calculations of the potential emissions; and



Nonattainment Status - Lake and Porter Counties

Being proactive (cont.)

- A **bold** and ~~strikethrough~~ (track changes) copy of your permit (only the A, D, and if affected, E sections)
 - Make sure to include all new and removed emission units, all process and throughput changes, and all material changes that affect PTE
 - These updates should include all changes the source has implemented since the last permitting approval issuance date



Nonattainment Status - Lake and Porter Counties

Permitting Approvals

- Once IDEM, OAQ receives the complete permit application, a permit writer should contact the source contact within 5 business days acknowledging application receipt and to request any additional information necessary for application processing
- For early applications - the permitting approval will be drafted accordingly, but public notice will be held until the federal rulemaking is effective

Questions?



Be sure to take a brochure!

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