



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Michael R. Pence*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

May 22, 2013

Ms. Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3950

Dear Ms. Hedman:

Re: Indiana Infrastructure State Implementation  
Plan for Sulfur Dioxide (SO<sub>2</sub>)

The Indiana Department of Environmental Management (IDEM) submits the enclosed sulfur dioxide (SO<sub>2</sub>) Infrastructure State Implementation Plan (SIP) for Indiana. This submittal demonstrates that the State of Indiana continues to retain the resources and authority necessary to implement the 2010 SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS). IDEM requests that the United States Environmental Protection Agency (U.S. EPA) process this final submittal for approval as a revision to Indiana's State Implementation Plan.

IDEM provided an opportunity for public hearing regarding the SO<sub>2</sub> Infrastructure SIP if a request for a public hearing was received by May 1, 2013. No request for a public hearing was received and the hearing was cancelled. In addition, IDEM received no comments during the public notice process, which closed on May 17, 2013. All documents related to the public participation process are included under Enclosure 2 of this submittal.

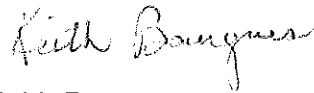
The SO<sub>2</sub> Infrastructure SIP submittal demonstrates IDEM's authority and ability to evaluate ambient air quality through both monitoring and modeling, as well as maintain enforceable emissions limitations and compliance requirements. The SO<sub>2</sub> Infrastructure SIP also demonstrates IDEM's ability satisfactorily implement all other requirements under Section 110 of the federal Clean Air Act (CAA) with regards to the 2010 SO<sub>2</sub> NAAQS.

This submittal consists of one (1) hard copy of the required documentation. An electronic version of the submittal in PDF format that is identical to the hard copy has been sent to Doug Aburano, Chief of U.S. EPA Region 5's Attainment Planning and Maintenance Section.

Ms. Hedman  
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IDEM respectfully requests that U.S. EPA proceed with review of the SO<sub>2</sub> Infrastructure SIP and approval as a revision to Indiana's State Implementation Plan for the 2010 SO<sub>2</sub> NAAQS. If you have any questions or need additional information, please contact Scott Deloney, Chief, Air Programs Branch, at (317) 233-5694.

Sincerely,



Keith Baugues  
Assistant Commissioner  
Office of Air Quality

KB/sad/jrg

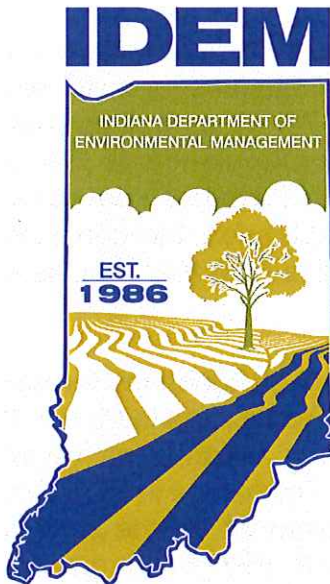
Enclosures:

1. Sulfur Dioxide (SO<sub>2</sub>) Infrastructure State Implementation Plan
2. Public Participation Documents

cc: Doug Aburano, U.S. EPA Region 5 (w/ enclosures)  
Steve Rosenthal, U.S. EPA Region 5 (no enclosures)  
Chris Panos, U.S. EPA Region 5 (no enclosures)  
Keith Baugues, IDEM (no enclosures)  
Scott Deloney, IDEM (no enclosures)  
Jennifer Geisenhaver, IDEM (no enclosures)  
File Copy

Indiana Infrastructure (Section 110(a)(1) and  
110(a)(2)) State Implementation Plan Submittal:  
2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air  
Quality Standards (NAAQS)

May 2013



*Preface: The Indiana Department of Environmental Management's (IDEM) ability to confirm the required technical capacity in order to implement the 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) is reliant on an implementation structure not yet put into place by U.S. EPA at the time of submittal.*

Indiana's Infrastructure State Implementation Plan (SIP) submittal was developed in consultation with United States Environmental Protection Agency (U.S. EPA) Region V and in accordance with 40 Code of Federal Regulations (CFR) 51, Appendix V, "Criteria for Determining the Completeness of Plan Submissions." The SIP elements listed below are required under Section 110(a)(2) of the federal Clean Air Act (CAA). Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists the basic or "infrastructure" elements that all SIPs must contain. Following each Section 110(a)(2) element is the Indiana Department of Environmental Management's (IDEM) discussion of the department's ability to fulfill the requirement.

#### Indiana Infrastructure SIP Submittal: Section 110(a)(2) Elements

**Section 110(a)(2)(A) – Emission Limits and Other Control Measures:** Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, as well as schedules and timetables for compliance.

IDEM continues to update and implement needed revisions to Indiana's SIP, as necessary, to meet the National Ambient Air Quality Standards (NAAQS). The authority to adopt emission standards and compliance schedules can be found at Indiana Code (IC) 13-13-8, IC 13-17-3-4, IC 13-17-3-11, and IC 13-17-3-14.

In order to ensure attainment and maintenance of the 2010 SO<sub>2</sub> NAAQS, IDEM has established emission limitations for sulfur dioxide sources (326 Indiana Administrative Code (IAC) 7-1.1), as well as compliance requirements (326 IAC 7-2) and ambient monitoring requirements (326 IAC 7-3). In addition, emission limitations and requirements have been set specifically for Dearborn, Floyd, Gibson, Jefferson, LaPorte, Marion, Morgan, Porter, Sullivan, Vermillion, Vigo, Warrick, and Wayne counties (326 IAC 7-4), as well as Lake County (326 IAC 7-4.1).

U.S. EPA issued preliminary designations for Veale Township in Daviess County, Center, Perry, and Wayne Townships in Marion County, Clay and Washington Townships in Morgan County, Washington Township in Pike County, Fayette, Harrison, and Otter Creek Townships in Vigo County, and Wayne Township in Wayne County as "nonattainment" for the 2010 SO<sub>2</sub> 1-hour standard on February 6, 2013. IDEM provided U.S. EPA with a response to the proposed designations on March 11 and March 28, 2013 and expect final designations to be issued in June 2013 (after this submittal is expected to be made). Under the previous 1971 standard, five counties (Lake, LaPorte, Marion, Vigo, and Wayne) were designated as nonattainment and subsequently redesignated to attainment.

IDEM notes that, consistent with U.S. EPA's historical guidance for infrastructure SIPs such as the 2006 PM<sub>2.5</sub> NAAQS and the 2008 Lead NAAQS, the emissions limitations and other control measures needed to attain the NAAQS in areas designated as nonattainment for the 2010 SO<sub>2</sub> 1-hour standard will be due on a different schedule from the requirements of this infrastructure SIP and will be reviewed and acted upon with regard to approvability for the specific purposes of such an attainment plan under Part D of the federal CAA through a separate process at a later time.

**Section 110(a)(2)(B) – Ambient Air Quality Monitoring/Data System:** Section 110(a)(2)(B) requires SIPs to include provisions that provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality, and upon request, make such data available to U.S. EPA.

U.S. EPA requires states to submit an annual monitoring network plan. This network plan is required to provide the framework for the establishment and maintenance of an air quality surveillance system and to list any changes that are proposed to take place to the current network.

In accordance with its SIP, IDEM operates an ambient air monitoring network. The data is used to determine compliance with U.S. EPA's NAAQS. IDEM's approved *2013 Ambient Air Monitoring Network Plan* documents the framework for the establishment and maintenance of Indiana's air quality surveillance system and lists any changes that are proposed to take place to the current network during 2013. In accordance with 40 CFR 58, IDEM submits monitored data to U.S. EPA's Air Quality System (AQS) in a timely manner.

IDEM maintains the resources needed to implement both the monitoring and modeling of sources with respect to the NAAQS. However, with no implementation rule in place at the time of this submittal, IDEM cannot identify the tools and resources necessary to adequately address the implementation requirements. IDEM is committed to working with U.S. EPA in order to address any necessary changes in monitoring requirements once the necessary implementation rules have been issued. Currently, IDEM's rules regarding monitoring can be found at 326 IAC 3, and rules relating to modeling are found at 326 IAC 2-2-4, 326 IAC 2-2-5, 326 IAC 2-2-6, and 326 IAC 2-2-7.

**Section 110(a)(2)(C) – Programs for Enforcement of Control Measures, Prevention of Significant Deterioration (PSD), and New Source Review (NSR):** Section 110(a)(2)(C) requires SIPs to include a program to provide for the enforcement of emission limits and other control measures, and regulation of the modification and construction of any stationary source within areas covered by the plan, as necessary, to assure that the NAAQS are achieved, including a permit program.

IDEM maintains an enforcement program in order to ensure compliance with SIP requirements. IC 13-14-1-12 provides the Commissioner with the authority to enforce rules "consistent with the purposes of the air pollution control laws." The commissioner also has the authority, under IC 13-14-2-6, 13-14-2-7, IC 13-17-3-3, and 13-30-3 to assess civil penalties and obtain compliance with any applicable rule a board has adopted in order to enforce air pollution control laws. Additionally, IC 13-14-10-2 allows for an emergency restraining order that will require "any person causing or contributing to the alleged pollution to stop the introduction of contaminants causing or contributing to the pollution."

IDEM's SIP-approved PSD rules are found in 326 IAC 2-2 and it is IDEM's intention that these rules satisfy the requirements of Section 110(a)(2)(C) and the applicable requirements of Section 110(a)(2)(D), as well as the applicable requirements of Section 110(a)(2)(D). IDEM has adopted a rule change titled "2012 NAAQS Update" (LSA #12-510), which updates PM<sub>2.5</sub>, NO<sub>2</sub>, and SO<sub>2</sub> NAAQS to match federal NAAQS. This rule became effective on February 15, 2013 and ensures that IDEM's SIP-approved PSD program addresses the most current NAAQS, including the 2010 SO<sub>2</sub> NAAQS.

IDEM implements its PSD permit program while ensuring that the construction and modification of major stationary sources do not cause or contribute to a violation of the SO<sub>2</sub> NAAQS, or any other standard, in accordance with the rules found in 326 IAC 2-2.

Furthermore, IDEM's EPA-approved PSD SIP includes provisions that satisfy EPA's requirements set forth in 40 CFR 52.21 and analogous sections of 40 CFR 51.166. As a result, the applicable infrastructure SIP requirements related to PSD are met and include the provisions required by the 2008 PM<sub>2.5</sub> NSR Rule, and the 2010 PM<sub>2.5</sub> NSR Rule. Final approval of the requirements related to the 2008 NSR Rule was published in the Federal Register on October 29, 2012 (77 FR 65478). On December 10, 2012, IDEM submitted to U.S. EPA a letter requesting approval of mandated portions of the 2010 NSR Rule, including the PM<sub>2.5</sub> increments. As noted above, IDEM requests that approval of these submissions satisfies the requirements contained in 40 CFR 52.21 and 40 CFR 51.166, as well as the applicable infrastructure SIP requirements related to PSD, contained in Section 110(a)(2)(C), Section 110(a)(2)(D), and Section 110(a)(2)(J). IDEM ensures that new or modified sources will apply the Best Available Control Technology (BACT) to reduce SO<sub>2</sub> emissions in accordance with the rules found in 326 IAC 2-2-3.

With respect to the permitting of greenhouse gas (GHG) emitting sources, U.S. EPA finalized approval of revisions to Indiana's PSD SIP on September 28, 2011 (76 FR 59899). These revisions include the adoption of the Federal thresholds for PSD permitting of GHG-emitting sources. Indiana has therefore satisfied the

GHG permitting requirements for Section 110(a)(2)(C), Section 110(a)(2)(D), and Section 110(a)(2)(J). IDEM also observes that with the adoption of the Federal thresholds for PSD permitting of GHG-emitting sources, the requirements of Section 110(a)(2)(E) have been met, specifically as they relate to the necessary resources and personnel for such permitting purposes.

IDEM observes that there is some degree of ambiguity in the draft guidance for the 2010 SO<sub>2</sub> NAAQS as it relates to the evaluation of our minor source NSR program. Consistent with an earlier U.S. EPA proposed action for the 1997 Ozone and PM<sub>2.5</sub> NAAQS (76 FR 23757), IDEM's minor source NSR program was most recently approved by U.S. EPA on October 7, 1994 (59 FR 51108) and covers the applicable NAAQS, i.e., SO<sub>2</sub>, and this approval adequately addresses SO<sub>2</sub> emissions.

**Section 110(a)(2)(D)(i) – Interstate Transport – Significant Contribution and Interference with Maintenance:** Section 110(a)(2)(D)(i) requires SIPs to include provisions prohibiting any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any national primary or secondary ambient air quality standard.

In response to the Clean Air Interstate Rule (CAIR), IDEM adopted 326 IAC 24-2. IDEM's rule included an SO<sub>2</sub> emissions budget and trading program. In 2008, the District of Columbia (D.C.) Circuit Court issued a remand without vacatur of CAIR. U.S. EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR), which was vacated in 2012. The D.C. Circuit Court directed U.S. EPA to continue administering CAIR until a valid replacement is found. Thus, IDEM continues to enforce 326 IAC 24-2.

In order to ensure the attainment and maintenance of the 2010 SO<sub>2</sub> NAAQS, IDEM has established emission limitations for sulfur dioxide sources (326 IAC 7-1.1), as well as compliance requirements (326 IAC 7-2) and ambient monitoring requirements (326 IAC 7-3). In addition, emission limitations and requirements have been set specifically for Dearborn, Floyd, Gibson, Jefferson, LaPorte, Marion, Morgan, Porter, Sullivan, Vermillion, Vigo, Warrick, and Wayne counties (326 IAC 7-4), as well as Lake County (326 IAC 7-4.1).

U.S. EPA issued preliminary designations for Veale Township in Daviess County, Center, Perry, and Wayne Townships in Marion County, Clay and Washington Townships in Morgan County, Washington Township in Pike County, Fayette, Harrison, and Otter Creek Townships in Vigo County, and Wayne Township in Wayne County as "nonattainment" for the 2010 SO<sub>2</sub> 1-hour standard on February 6, 2013. IDEM provided U.S. EPA with a response to the proposed designations on March 11 and March 28, 2013 and expect final designations to be issued in June 2013 (after this submittal is expected to be made). Under the previous

1971 standard, five counties (Lake, LaPorte, Marion, Vigo, and Wayne) were designated as nonattainment and subsequently redesignated to attainment.

**Section 110(a)(2)(D)(i) – Interstate Transport – Prevention of Significant**

**Deterioration and Protect Visibility:** Section 110(a)(2)(D)(i) requires SIPs to include provisions prohibiting any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will interfere with applicable implementation measures used by another state to protect visibility or to prevent significant deterioration of air quality.

IDEM's SIP-approved PSD rules are found in 326 IAC 2-2 and it is IDEM's intention that these rules satisfy the requirements of Section 110(a)(2)(C), as well as the applicable requirements of Section 110(a)(2)(D). U.S. EPA issued preliminary designations for Veale Township in Daviess County, Center, Perry, and Wayne Townships in Marion County, Clay and Washington Townships in Morgan County, Washington Township in Pike County, Fayette, Harrison, and Otter Creek townships in Vigo County, and Wayne Township in Wayne County as "nonattainment" for the 2010 SO<sub>2</sub> 1-hour standard on February 6, 2013. IDEM provided U.S. EPA with a response to the proposed designations on March 11 and March 28, 2013 and expect final designations to be issued in June 2013 (after this submittal is expected to be made). Under the previous 1971 standard, five counties (Lake, LaPorte, Marion, Vigo, and Wayne) were designated as nonattainment and subsequently redesignated to attainment. U.S. EPA's distinction of "interference with PSD" in this instance is not an issue in Indiana, as there are no areas currently designated as nonattainment. As noted above, the timeframe for submitting attainment demonstrations for newly designated nonattainment areas under the 2010 SO<sub>2</sub> NAAQS are independent of the timing requirements of submitting this infrastructure SIP.

Indiana is also subject to the regional haze program that addresses visibility-impairing pollutants, and has implemented regional haze rules at 326 IAC 26. In conjunction with Indiana's EPA-approved PSD program and EPA-approved nonattainment NSR program (October 7, 1994), IDEM believes that it has met the visibility protection requirements of Section 110(a)(2)(D)(i).

**Section 110(a)(2)(D)(ii) – Interstate and International Pollution Abatement:** Section 110(a)(2)(D)(ii) requires states to insure compliance with applicable requirements of Sections 126 and 115 (relating to interstate and international pollution abatement).

Indiana's SIP meets the requirements of Section 110(a)(2)(D)(ii), which relates to Section 115 and Section 126 of the CAA. With respect to Section 115, Indiana has no pending obligations related to international pollution abatement. IDEM's SIP-approved PSD rules require that neighboring states be notified of new or modified sources, consistent with the requirements of Section 126(a). Finally, Indiana has no pending obligations under Section 126(b), which pertains to



petitions for finding that major sources emit or would emit prohibited air pollutants.

U.S. EPA issued preliminary designations for Veale Township in Daviess County, Center, Perry, and Wayne Townships in Marion County, Clay and Washington Townships in Morgan County, Washington Township in Pike County, Fayette, Harrison, and Otter Creek Townships in Vigo County, and Wayne Township in Wayne County as "nonattainment" for the 2010 SO<sub>2</sub> 1-hour standard on February 6, 2013. IDEM provided U.S. EPA with a response to the proposed designations on March 11 and March 28, 2013 and expect final designations to be issued in June 2013 (after this submittal is expected to be made). Under the previous 1971 standard, five counties (Lake, LaPorte, Marion, Vigo, and Wayne) were designated as nonattainment and subsequently redesignated to attainment.

**Section 110(a)(2)(E) – Adequate Authority and Resources:** Section 110(a)(2)(E) requires SIPs to provide necessary assurances that the state will have adequate personnel, funding, and legal authority under state law to carry out each implementation plan, and to provide necessary assurances that the state retains responsibility for ensuring adequate implementation of the SIP where the state relies on a local or regional government for implementation of any SIP provision.

IDEM continues to update and implement needed revisions to Indiana's SIP, as necessary to meet the NAAQS. The authority to adopt emission standards and compliance schedules is found in IC 13-13-8, IC 13-17-3-4, IC 13-17-3-11, and IC 13-17-3-14.

In order to ensure the attainment and maintenance of the 2010 SO<sub>2</sub> NAAQS, IDEM has established emission limitations for sulfur dioxide sources (326 IAC 7-1.1), as well as compliance requirements (326 IAC 7-2) and ambient monitoring requirements (326 IAC 7-3). In addition, emission limitations and requirements have been set specifically for Dearborn, Floyd, Gibson, Jefferson, LaPorte, Marion, Morgan, Porter, Sullivan, Vermillion, Vigo, Warrick, and Wayne counties (326 IAC 7-4), as well as Lake County (326 IAC 7-4.1).

The budget and personnel plans for IDEM are documented in IDEM's biennial budget and the Performance Partnership Grant (PPG) agreement. IDEM does not rely on local or regional governments for implementation of SIP provisions.

In order to satisfy the requirements of Section 110(a)(2)(E)(ii), the Indiana legislature passed IC 13-13-8 to reflect the formation of a single environmental rules board. On November 29, 2012 IDEM submitted an amendment to Indiana's SIP requesting U.S. EPA to approve the statutory changes as part of the SIP. Notably, the Environmental Rules Board does not act on permit or enforcement orders; therefore, only the requirements of Section 128(a)(2) apply. IDEM's

Environmental Rules Board is required to fully disclose any potential conflicts of interest relating to permits or enforcement orders under the CAA, as found in IC 13-13-8-11. IDEM requests that the SIP revision submitted on November 29, 2012, satisfy the applicable requirements of Section 128 of the federal CAA (as delineated in that submission) in addition to the applicable infrastructure SIP requirements of Section 110(a)(2)(E) for the 2010 SO<sub>2</sub> NAAQS. Lastly, IDEM requests that the November 29, 2012, submission satisfy the applicable state board requirements of Section 110(a)(2)(E) for any infrastructure SIP for which U.S. EPA has not finalized action for this section, e.g., the 2006 PM<sub>2.5</sub> NAAQS, the 2008 Ozone NAAQS, the 2008 Lead NAAQS, and the 2010 NO<sub>2</sub> NAAQS.

**Section 110(a)(2)(F) – Stationary Source Monitoring System:** Section 110(a)(2)(F) provides that SIPs are to require the installation, maintenance, and replacement of equipment and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from stationary sources. Section 110(a)(2)(F) also provides that SIPs are to require periodic reports on the nature and amounts of emissions and emission-related data from the stationary source, and correlation of the reports by the state agency with any emission limitations or standards established; the reports shall be available at reasonable times for public inspection.

IDEM's rules for monitoring requirements are contained in 326 IAC 3 and include rules specific to the continuous monitoring of emissions, minimum performance and operating specifications, quality assurance requirements, record keeping requirements, source sampling procedures, and fuel sampling and analysis procedures. Additional emission reporting requirements can be found in 326 IAC 2-6. Emission reports are available upon request by U.S. EPA or other interested parties.

**Section 110(a)(2)(G) – Emergency Power:** Section 110(a)(2)(G) requires SIPs to provide authority to address activities causing imminent and substantial endangerment to public health, welfare, or the environment, and to provide for adequate contingency plans to implement the emergency episode provisions.

IDEM's rule in 326 IAC 1-5 establishes air pollution episode levels based on concentrations of criteria pollutants. The rule requires that emergency reduction plans (ERPs) be submitted to the Commissioner by major air pollution sources. The ERPs shall state those actions that will be taken to reduce or eliminate emissions of the appropriate air pollutants when each episode level is declared.

Under IC 13-17-4, IDEM also has the ability to declare an air pollution emergency and order all persons causing or contributing to the conditions warranting the air pollution emergency to immediately reduce or discontinue the emission of air pollutants.

**Section 110(a)(2)(H) – Future SIP Revisions:** Section 110(a)(2)(H) requires SIPs to provide for the revision of the plan from time to time as may be necessary to take account of revisions of a national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining the standard, and whenever U.S. EPA finds that the plan is substantially inadequate to attain the NAAQS which it implements.

IDEM continues to update and implement needed revisions to Indiana's SIP, as necessary, to meet the NAAQS. Authority to adopt emissions standards and compliance schedules is found in IC 13-13-8, IC 13-17-3-4, IC 13-17-3-11, and IC 13-17-3-14.

**Section 110(a)(2)(J) – Consultation with Government Officials, Public Notification, PSD, and Visibility Protection:** Section 110(a)(2)(J) requires SIPs to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements, a process for States to notify the public if NAAQS are exceeded in an area, and a process to enhance public awareness of measures that can be taken to prevent exceedances. In addition, SIPs are to meet applicable requirements of Part C of the CAA related to PSD and visibility.

IDEM actively participates in the regional planning efforts that include state rule developers, representatives from the Federal Land Managers, and other affected stakeholders. Additionally, IDEM is an active member of the Lake Michigan Air Directors Consortium (LADCO).

IDEM monitors air quality daily and reports the daily air quality index to the interested public and media when necessary. IDEM participates and submits information to U.S. EPA's AIRNOW program. Additionally, IDEM maintains SmogWatch, an informational tool created by IDEM to share air quality forecasts each day. SmogWatch provides daily information about ground-level ozone and particulate matter concentration levels, as well as health information and monitoring data for seven regions in Indiana.

As discussed in the section addressing Section 110(a)(2)(C), Indiana has a U.S. EPA-approved PSD program that is consistent with U.S. EPA's own regulations contained in 40 CFR 52.21 and 40 CFR 51.166.

While there is a visibility protection requirement contained in Section 110(a)(2)(J), consultation with U.S. EPA indicates that these requirements are different from the ones set forth in Section 110(a)(2)(D)(i)(II) in that the visibility protection requirements of Section 110(a)(2)(J) are not "triggered" by the promulgation of a new or revised NAAQS. Therefore, the visibility protection requirements of Section 110(a)(2)(J) are not germane to infrastructure SIPs for the 2010 SO<sub>2</sub> NAAQS.

**Section 110(a)(2)(K) – Air Quality Modeling/Data:** Section 110(a)(2)(K) requires SIPs to provide for the performance of air quality modeling that U.S. EPA may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which U.S. EPA has established a NAAQS, and, upon request, the submission of data related to the air quality modeling to U.S. EPA.

IDEM reviews the potential impact of major and some minor new sources. IDEM's rules regarding air quality modeling are contained in 326 IAC 2-2-4, 326 IAC 2-2-5, 326 IAC 2-2-6, and 326 IAC 2-2-7. Modeling data are available upon request by U.S. EPA or other interested parties.

**Section 110(a)(2)(L) – Permitting Fees:** Section 110(a)(2)(L) requires the owner or operator of each major stationary source to pay to the permitting authority a fee sufficient to cover the reasonable costs of reviewing and acting upon any application for a permit and, if the owner or operator received a permit for a source, the reasonable costs of implementing and enforcing the terms and conditions of any permit, until the fee requirement is superseded with respect to the source by U.S. EPA's approval of a fee program under Title V of the CAA.

IDEM continues to implement the approved Title V program, including the requirement that major sources pay permit fees. The authority to establish Title V permit fees can be found in IC 13-17-8. The requirement to pay fees for Title V is found in 326 IAC 2-7-19. All fees that may apply to Title V sources are found in 326 IAC 2-1.1-7, which was amended in LSA #07-286 and became effective in December 2011. In addition, IDEM is able to collect permitting fees through 326 IAC 2-1.1-7. Lastly, as ascertained in the discussion surrounding Section 110(a)(2)(E), IDEM retains all the necessary resources and funding to administer an air quality management program, including the ability to collect permitting fees.

**Section 110(a)(2)(M) – Consultation/Participation by Affected Local Entities:** Section 110(a)(2)(M) requires SIPs to provide for consultation and participation by local political subdivisions affected by the SIP.

IDEM rulemaking procedures in IC 13-14-9 allow for public participation in the SIP development process. IDEM also ensures that the requirements of 40 CFR 51.102 are satisfied during the SIP development process.

**Enclosure 2:**  
**LEGAL NOTICE OF PUBLIC HEARING**

**Indiana Infrastructure (Sections 110(a)(1) and (a)(2)) State Implementation Plan  
Submittal: 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS)**

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) is accepting written comments and providing an opportunity for public hearing regarding the *Indiana Infrastructure (Sections 110(a)(1) and (a)(2)) State Implementation Plan Submittal: 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS)*. All interested persons are invited and will be given reasonable opportunity to express their views concerning the submittal of the proposed Maintenance Plan Update in association with the 1971 sulfur dioxide standard for the Lake County, Indiana area.

The purpose of this notice is to solicit public comments on Indiana's 2010 SO<sub>2</sub> Infrastructure State Implementation Plan (Sections 110(a)(1) and (a)(2)) submittal. On June 2, 2010, the United States Environmental Protection Agency (U.S. EPA) strengthened the NAAQS for SO<sub>2</sub> with a new 1-hour standard of 77 parts per billion (ppb), while subsequently revoking the primary annual and 24-hour standards. This Infrastructure State Implementation Plan submittal demonstrates to U.S. EPA that Indiana continues to retain resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program, and enforce all applicable requirements of Section 110 of the federal Clean Air Act (CAA) effectively.

Copies of the draft documents will be available on or before April 17, 2013, to any person upon request at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, Room N1003, Indianapolis, Indiana.
- Indianapolis-Marion County Public Library-West Indianapolis Branch, 1216 South Kappes Street, Indianapolis, Indiana

The draft documents will also be available on the following web page:

<http://www.in.gov/idem/airquality/2406.htm>

Any person may submit written comments on the *Indiana Infrastructure (Sections 110(a)(1) and (a)(2)) State Implementation Plan Submittal: 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS)* on or before May 17, 2013. Written comments should be directed to Ms. Jennifer Geisenhaver, Mail Code 61-50, Office of Air Quality, Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana 46204; or fax (317) 233-5967; or email at [jgeisenh@idem.in.gov](mailto:jgeisenh@idem.in.gov). Interested parties may also present oral or written comments at the public hearing, if held. Oral statements will be heard, but

for the accuracy of the record, statements should be submitted in writing. Written statements may be submitted to the attendant designated to receive written comments at the public hearing.

A public hearing on the *Indiana Infrastructure (Sections 110(a)(1) and (a)(2)) State Implementation Plan Submittal: 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS)* will be held if a public hearing request is received by May 1, 2013. A hearing has been scheduled for May 15, 2013. The hearing will convene at 6 p.m. local time at the Indianapolis-Marion County Public Library-West Indianapolis Branch, 1216 South Kappes Street, Indianapolis, Indiana, 46221. If a request for a public hearing is not received by May 1, 2013, the hearing will be cancelled. Interested parties can check the online IDEM calendar at <http://www.in.gov/idem/5390.htm> or contact Ms. Jennifer Geisenhaver at (317) 233-8628, after May 1, 2013, to see if the hearing has been cancelled or will convene.

A transcript of the hearing and all written submissions provided at the public hearing shall be open to public inspection at IDEM and copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of actions resulting from the hearing.

For additional information contact Ms. Jennifer Geisenhaver, at the Indiana Department of Environmental Management, Office of Air Quality, Room N1001, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, IN 46204 or call (317) 233-8628 or (800) 451-6027 ext. 3-8628 (in Indiana).

.....  
*Individuals requiring reasonable accommodations for participation in this hearing, if held, should contact the IDEM Americans with Disabilities Act (ADA) coordinator at:*

Attn: ADA Coordinator  
Indiana Department of Environmental Management – Mail Code 50-10  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

*Or call (317) 233-1785 (voice) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours notification.*



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

May 22, 2013

### CERTIFICATE OF PUBLICATION

This is to certify that the Indiana Department of Environmental Management (IDEM) Notice of the opportunity for a Public Hearing regarding the following:

- Indiana Infrastructure (Section 110(a)(1) and 110(a)(2)) State Implementation Plan  
Submittal: 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS)

was published on IDEM's web site on April 12, 2013. It is expected that it will remain posted on the site until at least May 17, 2013.

The notice in full was available online at the following web address, under "Statewide".

<http://www.in.gov/idem/5474.htm>

Web publication of the notice was at the request of Scott Deloney, Branch Chief, Programs Branch, Office of Air Quality, IDEM.

By:

Mike Finklestein  
IDEM Webmaster

Attachments:

Copy of web page as published.



Name or Facility	Type of Notice/Event	Publication Dates	Public Comment?	Comments Accepted	Additional Information
ANR Pipeline Co.	<a href="#">NPDES Final Renewal (PDF)</a>	04/30/2013 - 05/20/2013	Yes	Project Manager: Alison Beumer Address on Notice	
Indiana Infrastructure (Section 110(s)(1) and 110(s)(2)) State Implementation Plan Submittal: 2010 Sulfur Dioxide (SO2) National Ambient Air Quality Standards (NAAQS)	<a href="#">Legal Notice and Opportunity for Public Hearing (PDF)</a>	04/17/2013 - 05/17/2013	Yes	Address on Notice	
Vectren Energy Delivery of Indiana	<a href="#">NPDES Final Renewal (PDF)</a>	04/26/2013 - 05/14/2013	Yes	Project Manager: Miranda Ritchie Address on Notice	
Duke Energy Indiana - Miami Fort Generating Station	<a href="#">Solid Waste Land Application Permit (DOC)</a>	04/11/2013 - 05/11/2013	Yes	Project Manager: Brenda Stephanoff Address on Notice	
Environmental Rules Board Meeting, 05/08/2013	<a href="#">Legal Notice of Public Hearing (PDF)</a>	04/05/2013 - 05/08/2013	No	Address on Notice	



## Online Services



## Frequently Asked Questions



## Calendar



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- Web Awards
- 1-800-451-6027



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## Legislative



## Judicial