



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Carol S. Comer
Commissioner

November 18, 2016

Robert A. Kaplan
Acting Regional Administrator
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: State Implementation Plan Submittal for
Indiana Regarding 326 IAC 2-6-1, Emissions
Reporting for Lawrenceburg Township, Dearborn
County (LSA #16-162)

Dear Mr. Kaplan:

Pursuant to Section 110 of the Clean Air Act and Title 13 of the Indiana Code, the Indiana Department of Environmental Management (IDEM) submits an amendment to the Indiana state implementation plan. This amendment consists of revisions to Indiana's rules to 326 IAC 2-6-1 to include Lawrenceburg Township, Dearborn County on the list of marginally classified nonattainment areas required to submit emissions reporting information, accomplished through one rulemaking. IDEM requests that the United States Environmental Protection Agency (U.S. EPA) approve 326 IAC 2-6-1. IDEM withdraws the June 1, 2016 parallel processing request and replaces it with this submittal.

IDEM has amended the emission reporting rule at 326 IAC 2-6 to apply the reporting thresholds for nonattainment areas to the 8-hour ozone nonattainment area of Lawrenceburg Township in Dearborn County. Sources in areas listed in 326 IAC 2-6-1(a) are required to report emissions of nitrogen oxides and volatile organic compounds if they emit greater than twenty-five (25) tons per year of either pollutant. The Cincinnati-Hamilton area, that includes Dearborn County in Indiana, has recorded three years of complete, quality-assured ambient air quality monitoring data for the years 2013 through 2015, demonstrating attainment of the 8-hour ozone standard. This rulemaking is a required component of a complete and approvable redesignation request to classify Lawrenceburg Township in Dearborn County to attainment for the 8-hour ozone national ambient air quality standards.

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 Chris Panos at the U.S. EPA Region 5 office. In order to assist with your review of this state implementation plan submission, a list of supporting documents is attached.

Throughout the development of these amendments to the existing rule, staff of the Office of Legal Counsel and the Office of Air Quality worked closely with your staff to ensure that any

potential problems that might exist with this requested state implementation plan revision would be resolved. I request that U.S. EPA approve this modification of Indiana's state implementation plan. If you have any questions regarding this submittal, please contact Christine Pedersen, Rule Development Section Chief, Office of Legal Counsel at (317) 233-5684.

Sincerely,



Keith Baugues
Assistant Commissioner
Office of Air Quality

KB/KW

Attachments: Supporting Documents

cc: John Mooney, U.S. EPA Region 5 (no enclosures)
Doug Aburano, U.S. EPA Region 5 (no enclosures)
Pamela Blakley, U.S. EPA Region 5 (no enclosures)
Doug Aburano, U.S. EPA Region 5 (no enclosures)
Steve Rosenthal, U.S. EPA Region 5 (no enclosures)
Christine Pedersen, IDEM (no enclosures)
Keelyn Walsh, IDEM (no enclosures)
SIP file

Supporting Documents

Attachment A: Administrative Checklist (40 CFR 51, Appendix V)

Attachment B: Final Rule. LSA Document #16-162(F) as published in the Indiana Register on November 16, 2016 (DIN: 20161116-IR-326160162FRA)

Attachment C: Signature Page

Attachment D: Section 8 Notice, including the Notice of Public Hearing, as published in the Indiana Register on April 27, 2016 (DIN: 20160427-IR-326160162PHA)

Attachment E: Certificates of Web Publication

Attachment F: Transcript of Public Hearing, including Exhibits, held on August 10, 2016

Attachment A

ADMINISTRATIVE CHECKLIST (40 CFR 51, Appendix V)

- | | |
|---|---------------------|
| 1. The submittal is accompanied by a formal letter of submittal from the governor or his designee. | Enclosed |
| 2. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (“document”); in final form. | Attachment C |
| a. Date of adoption or final issuance: | August 10, 2016 |
| b. The effective date of the plan, if different from the adoption/issuance date. | November 20, 2016 |
| 3. Evidence that the State has the necessary legal authority under state law to adopt and implement the plan. | IC 13-14-8 |
| 4. A copy of the actual regulation or document submitted for approval and incorporation by reference into the plan, including the following: | Attachment B |
| a. Indication of the changes made to the existing approved plan, where applicable. | |
| b. The submittal shall be a copy of the official State regulation or document signed, stamped, dated by the appropriate state official indicating that it is fully enforceable by the State. Effective date shall be stated in the document itself. | |
| 5. Evidence that the State followed all of the procedural requirements of the State’s laws and constitution in conducting and completing the adoption/issuance of the plan. | Attachment C |
| 6. Evidence that public notice was given, including date of proof of publication.
<u> X </u> Notice of Public Hearing and Certificates of Web Publication | Attachments D and E |
| 7. Certification that public hearings were held in accordance with information provided in public hearing notice.
<u> X </u> Transcript from Public Hearing | Attachment F |
| 8. Compilation of public comments and State’s response. | N/A |

Attachment B

TITLE 326 AIR POLLUTION CONTROL DIVISION

Final Rule
LSA Document #16-162(F)

DIGEST

Amends 326 IAC 2-6-1 concerning inclusion of Lawrenceburg Township, Dearborn County on the list of marginally classified nonattainment areas required to submit emissions reporting information. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule: April 27, 2016, Indiana Register (DIN: 20160427-IR-326160162FDA).

Notice of First Hearing: April 27, 2016, Indiana Register (DIN: 20160427-IR-326160162PHA).

Date of First Hearing: August 10, 2016.

326 IAC 2-6-1

SECTION 1. 326 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-1 Emissions reporting for Lawrenceburg Township, Dearborn County

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all of the following:

- (1) Sources required to have an a **Part 70** operating permit under 326 IAC 2-7. Part 70 Permit Program.
- (2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:
 - (A) Lake.
 - (B) Porter.
 - (C) LaPorte.
 - (D) **Lawrenceburg Township, Dearborn County.**
- (3) Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(b) All sources permitted by the department are subject to section 5 of this rule **concerning** additional information requests.

(c) Sources covered by subsection (a) must comply with the compliance schedule in section 3 of this rule.

(Air Pollution Control Division; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210; filed Jul 14, 2006, 1:25 p.m.: 20060809-IR-326050078FRA; filed Oct 21, 2016, 10:24 a.m.: 20161116-IR-326160162FRA)

LSA Document #16-162(F)

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8: 20160427-IR-326160162FDA

Hearing Held: August 10, 2016

Approved by Attorney General: October 11, 2016

Approved by Governor: October 20, 2016

Filed with Publisher: October 21, 2016, 10:24 a.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Angela Taylor, IDEM Small Business Regulatory Coordinator/CTAP

Small Business Liaison, IGCN 1316, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 233-0572 or (800) 988-7901, ctap@idem.in.gov

Small Business Assistance Program Ombudsman: Brian Rockensuess, IDEM Small Business Assistance Program Ombudsman/Office of Government and Community Affairs, IGCN 1301, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 234-3386 or (800) 451-6027, brockens@idem.in.gov

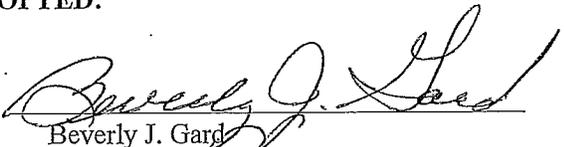
Posted: 11/16/2016 by Legislative Services Agency

Attachment C

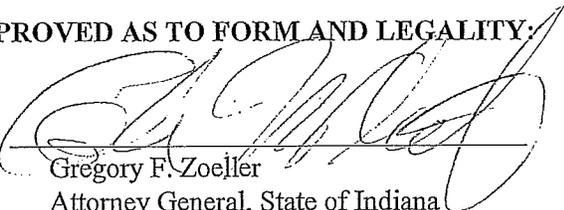
Rule Signature Page

Rule #: LSA Document #16-162(F)
Agency: Environmental Rules Board
Subject: Emissions Reporting for Lawrenceburg Township, Dearborn County

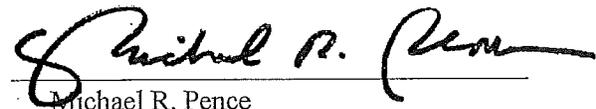
ADOPTED:

By:  Date: 8/10/16
Beverly J. Gard
Chairperson, Environmental Rules Board

APPROVED AS TO FORM AND LEGALITY:

By:  Date: 10/15/16
Gregory F. Zoeller
Attorney General, State of Indiana

APPROVED:

By:  Date: 10/20/16
Michael R. Pence
Governor, State of Indiana

ACCEPTED FOR FILING:

TITLE 326 AIR POLLUTION CONTROL DIVISION
LSA Document #16-162(F)

Filed with Publisher: October 21, 2016, 10:24 a.m.
By: Rlw



Attachment D

TITLE 326 AIR POLLUTION CONTROL DIVISION

**FINDINGS AND DETERMINATION OF THE COMMISSIONER
PURSUANT TO IC 13-14-9-8 AND DRAFT RULE
LSA Document #16-162**

EMISSIONS REPORTING FOR LAWRENCEBURG TOWNSHIP, DEARBORN COUNTY

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for an amendment to 326 IAC 2-6-1 to include Lawrenceburg Township, Dearborn County on the list of marginally classified nonattainment areas required to submit emissions reporting information. IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Environmental Rules Board (board) for consideration of adoption of these rules.

CITATIONS AFFECTED: 326 IAC 2-6-1.

AUTHORITY: IC 13-14-8; IC 13-17-3.

STATUTORY REQUIREMENTS

IC 13-14-9-8 recognizes that, under certain circumstances, it may be appropriate to reduce the number of public comment periods and public hearings usually provided for under the IC 13-14-9 environmental rulemaking process. In cases where the commissioner determines that there is no reasonably anticipated benefit from a second public comment period and first public hearing to either the environment or persons regulated or otherwise affected by the proposed rule, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for adoption. Two opportunities for public comment (with this notice and at the public hearing prior to adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) an amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:

(A) exposing the rule to diverse public comment under IC 13-14-9-3 or IC 13-14-9-4;

(B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4;

and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

BACKGROUND

Under Section 107(d)(1)(B) of the Clean Air Act (CAA), Lawrenceburg Township in Dearborn County was designated as a marginally classified nonattainment area for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) by the United States Environmental Protection Agency (U.S. EPA) on May 21, 2012 (77 FR 30118). Sections 110 and 182 of the CAA address the requirements related to nonattainment areas.

Under Section 182(a)(3)(B) of the CAA, and as a prerequisite for redesignation of a nonattainment area to attainment, each state with an ozone nonattainment area is required to revise its State Implementation Plan (SIP) to include a requirement that the owner or operator of each stationary source of nitrogen oxides (NO_x) or volatile organic compounds (VOCs) provide the state with a statement showing actual emissions of NO_x or VOCs from that source.

In September 2015, IDEM prepared a draft document, "Request for Redesignation and Maintenance Plan for Ozone Attainment in the Indiana Portion of the Cincinnati-Hamilton, Ohio, Kentucky, Indiana (OH-KY-IN) 2008 8-Hour Ozone Nonattainment Area", for submittal to U.S. EPA to redesignate the area to attainment for ozone.

The Cincinnati-Hamilton, OH-KY-IN, area has recorded three (3) years of complete, quality-assured ambient air quality monitoring data for the years 2013 through 2015, demonstrating attainment of the 8-hour ozone standard. There is a significant economic benefit of redesignation to attainment for Lawrenceburg Township, Dearborn County, as the current designation of nonattainment discourages industrial growth in the area. This rulemaking is a required component of a complete and approvable redesignation request. Once the completed redesignation request is approved by U.S. EPA and published in the Federal Register, Lawrenceburg Township in Dearborn County can be redesignated to attainment through a future state rulemaking, allowing new major sources and major modifications at existing sources to be permitted under the Prevention of Significant Deterioration (PSD) rules in 326 IAC 2-2, rather than the more restrictive Emission Offset rules in 326 IAC 2-3.

IDEM is proposing to amend the Emission Reporting rule at 326 IAC 2-6 to apply the reporting thresholds for nonattainment areas to the 8-hour ozone nonattainment area of Lawrenceburg Township in Dearborn County. Sources in areas listed in 326 IAC 2-6-1(a) are required to report emissions of NO_x and VOCs if they emit greater than twenty-five (25) tons per year of either pollutant.

When this rule is complete, it will be submitted to U.S. EPA with the redesignation request for approval into the Indiana SIP to redesignate Lawrenceburg Township, Dearborn County to attainment for the 2008 8-hour ozone standard.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule imposes no restrictions or requirements because it is a direct adoption of federal requirements that are applicable to Indiana and contains no amendments that have a substantive effect on the scope or application of the federal rule.

Potential Fiscal Impact

There will be no fiscal impact from the implementation of this rule beyond that already imposed by federal law. This rulemaking requires emissions reporting for sources in Lawrenceburg Township in Dearborn County that emit VOCs or NO_x above twenty-five (25) tons per year, as required by Section 182(a)(3)(B) of the Clean Air Act. At this time, there are no known sources with emissions of VOCs or NO_x greater than twenty-five (25) tons per year that are not already required to report.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of IC 4-22-2-28.1, small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Patricia Daniel
IDEM Small Business Regulatory Coordinator
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-6562 or (800) 988-7901
ctap@idem.in.gov

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 4-4-35-8 is:

Erik Scheub
Office of Small Business and Entrepreneurship
One North Capitol, Suite 600
Indianapolis, IN 46204
(317) 232-5679
ombudsman@osbe.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 4-4-35-8, specifically IC 4-4-35-8(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Steven N. Howell
IDEM Small Business Assistance Program Ombudsman

IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8587 or (800) 451-6027
snhowell@idem.in.gov

FINDINGS

The commissioner of IDEM has prepared findings regarding rulemaking on emissions reporting as required by federal rule. These findings are prepared under [IC 13-14-9-8](#) and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by federal law to adopt these requirements under the Clean Air Act as established by the U.S. Environmental Protection Agency.
- (3) The environment and persons regulated or otherwise affected by the proposed rule will benefit from prompt adoption of this rule, because it will bring Lawrenceburg Township, Dearborn County into compliance with federal law.
- (4) I have determined that, under the specific circumstances pertaining to this rule, there would be no reasonably anticipated benefit to the environment or to persons regulated or otherwise affected by the proposed rule from the second written comment period under [IC 13-14-9-3](#) or [IC 13-14-9-4](#), or from the first public hearing under [IC 13-14-9-5\(a\)\(1\)](#).
- (5) The draft rule is hereby incorporated into these findings.

Carol S. Comer
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #16-162 Emissions Reporting
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.
- (3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than May 27, 2016. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 2-6-1](#) IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-1 Emissions reporting for Lawrenceburg Township, Dearborn County

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all of the following:

- (1) Sources required to have ~~an~~ a **Part 70** operating permit under 326 IAC 2-7. Part 70 Permit Program.
- (2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:
 - (A) Lake.
 - (B) Porter.
 - (C) LaPorte.
 - (D) Lawrenceburg Township, Dearborn County.**
- (3) Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(b) All sources permitted by the department are subject to section 5 of this rule **concerning** additional information requests.

(c) Sources covered by subsection (a) must comply with the compliance schedule in section 3 of this rule.

(Air Pollution Control Division; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210; filed Jul 14, 2006, 1:25 p.m.: 20060809-IR-326050078FRA)

Notice of Public Hearing

*Posted: 04/27/2016 by Legislative Services Agency
An [html](#) version of this document.*

Notice of Public Hearing
LSA Document #16-162

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on August 10, 2016, at 1:30 p.m., at the Indiana Government Center South, 302 West Washington Street, Conference Center Room 22, Indianapolis, Indiana, the Environmental Rules Board will hold a public hearing on amendments to emissions reporting for Lawrenceburg Township, Dearborn County, concerning redesignation of Lawrenceburg Township to attainment for the 8-hour ozone standard under Section 107(d)(1)(B) of the Clean Air Act (CAA).

The purpose of this hearing is to receive comments from the public prior to consideration of adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

Indiana Government Center North

100 North Senate Avenue

Indianapolis, IN 46204-2251

or call (317) 233-1785 (V). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service (711) or (800) 743-3333. Please provide a minimum of 72 hours notification.

Copies of these rules are now on file at the Rules Development Branch, Office of Legal Counsel, Indiana Department of Environmental Management, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Nancy King, Chief
Rules Development Branch
Office of Legal Counsel

Posted: 04/27/2016 by Legislative Services Agency
An [html](#) version of this document.

Attachment E



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Carol S. Comer
Commissioner

June 27, 2016

CERTIFICATE OF PUBLICATION

This is to certify that the Indiana Department of Environmental Management (IDEM) Notice of Public Hearings for the Environmental Rules Board Meeting, 08/10/2016, regarding the following rulemaking actions:

- Final Adoption, Title 326 CFR Update, LSA #16-208
- Final Adoption, Lawrenceburg Township, Dearborn County Emission Reporting, LSA #16-162
- Preliminary Adoption, Startup, Shutdown, and Malfunctions, LSA #15-326

were published on IDEM's web site on or before July 6, 2016. It will remain posted on the site until at least August 10, 2016.

The notice in full may be found at the following web address, under the "Statewide" category.

<http://www.in.gov/idem/6777.htm>

Web publication of the notice was at the request of Christine Pedersen, Section Chief, Rule Development Section, Office of Legal Counsel, IDEM.

By:

Mike Finkelstein
IDEM Webmaster

Attachments:

Copy of web page as published.

Legal Notice of Public Hearing

Under 40 CFR 51.102, notice is hereby given that the Environmental Rules Board (board) will hold a public hearing at its regularly scheduled meeting on Wednesday, August 10, 2016, for the air program rules listed in this notice. The meeting will convene at 1:30 p.m. at the Indiana Government Center-South, Conference Center Room 22, 302 West Washington Street, Indianapolis, Indiana. The purpose of the hearings is to receive public comments prior to board actions. All interested persons are invited and will be given a reasonable opportunity to express their views concerning the proposed actions.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4696.htm>.

Copies of the proposed air program rules are also available to any person upon request, may be viewed online via the Internet from local libraries, and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center-North, 100 North Senate Avenue, 13th Floor, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 330 West US Highway 30, Suite F, Valparaiso, IN 46385.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Legislative Services Agency, Indiana Government Center-North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.

The following air program rules are noticed for hearing and action:

Title 326 CFR Update. LSA #16-208.

The purpose of this hearing is to receive public comment prior to adoption of amendments to 326 IAC 1-1-3, concerning updates to References to the Code of Federal Regulations (CFR) to mean the July 1, 2015 edition. Upon completion, this rule shall be submitted to the United States Environmental Protection Agency (U.S. EPA) for approval into the Indiana State Implementation Plan. A copy of the most recently published version of this rule is available at: <http://www.in.gov/idem/5679.htm>.

For additional information concerning this rule contact Keelyn Walsh at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or kwalsh@idem.in.gov.

Lawrenceburg Township, Dearborn County Emission Reporting. LSA #16-162.

The purpose of this hearing is to receive public comment prior to adoption of

amendments to 326 IAC 2-6 concerning reporting thresholds for the 8-hour ozone nonattainment area of Lawrenceburg Township in Dearborn County. This rule revision and the request to redesignate Lawrenceburg Township, Dearborn County to attainment for the 2008 8-hour ozone standard, will be submitted to U.S. EPA for approval into the Indiana State Implementation Plan. A copy of the most recently published version of this rule is available at: <http://www.in.gov/idem/5679.htm>.

For additional information concerning this rule contact Keelyn Walsh at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or kwalsh@idem.in.gov.

Startup, Shutdown, and Malfunctions. LSA #15-326.

The purpose of this hearing is to receive public comment prior to preliminary adoption of amendments to 326 IAC 1-6 to address deficiencies identified by U.S. EPA in startup, shutdown, and malfunction provisions in state rules, and amendments to 326 IAC 2-9-1(h) to update a reference. This rule will be submitted to U.S. EPA as a revision to the Indiana State Implementation Plan required by the Clean Air Act. A copy of the most recently published version of this rule is available at: <http://www.in.gov/idem/5679.htm>.

For additional information concerning this rule contact Jack Harmon at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 234-9535 or (800) 451-6027 (ext. 2-8229) (in Indiana), or jaharmon@idem.in.gov.

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearing shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearings or requesting notice shall be given written notice of the actions of the board.

Christine Pedersen, Chief
Rules Development Section
Office of Legal Counsel

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the

Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Attachment F

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BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF AUGUST 10, 2016

ORIGINAL

- - -

PROCEEDINGS

before the Indiana Environmental Rules Board,
Beverly Gard, Chairman, taken before me, Lindy L.
Meyer, Jr., a Notary Public in and for the State
of Indiana, County of Shelby, at the Indiana
Government Center South, Conference Center,
Room 22, 402 West Washington Street,
Indianapolis, Indiana, on Wednesday, August 10,
2016 at 1:30 o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

1 APPEARANCES:

2 BOARD MEMBERS:

- 3 Beverly Gard, Chairman
- 4 Gary Powdrill
- 5 Dr. Ted Niemiec
- 6 Joanne Alexandrovich
- 7 Kelly Carmichael
- 8 Ken Rulon
- 9 William Etzler
- 10 Chris Horn
- 11 Gail Boydston
- 12 Calvin Davidson
- 13 Devin Hillsdon-Smith, Proxy, Indiana Economic
- 14 Development Corporation
- 15 Carol S. Comer (nonvoting)

10 IDEM STAFF MEMBERS:

- 11 Bruno Pigott
- 12 Chris Pedersen
- 13 MaryAnn Stevens
- 14 Lauren Aguilar
- 15 Keelyn Walsh
- 16 Dan Watts
- 17 Peggy Dorsey
- 18 Jeff Sewell
- 19 Jack Harmon
- 20 Nancy King

17 PUBLIC SPEAKERS:

- 18 Bowden Quinn
- 19 Indra Frank
- 20 Tim Maloney
- 21 Bill Beranek

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23

1 1:30 o'clock p.m.
2 August 10, 2016
3 - - -

4 CHAIRMAN GARD: Okay. Thank you.

5 The Chair sees a quorum, so we will call the
6 August 10th, 2016 meeting of the Environmental
7 Rules Board to order. I am going to have you go
8 around the room, we do this every time, because I
9 think sometimes there are probably new people in
10 the room who would like to know who we are and
11 who we represent.

12 (Mr. Rulon arrived.)

13 CHAIRMAN GARD: So, we'll start with
14 Bruno.

15 MR. PIGOTT: Bruno Pigott, Chief of
16 Staff, IDEM.

17 COMM. COMER: Carol Comer,
18 Commissioner, Indiana Department of Environmental
19 Management.

20 MR. HILLSDON-SMITH: Devin
21 Hillsdon-Smith, proxy for the Secretary of
22 Commerce and Economic Development.

23 MR. RULON: Ken Rulon, I represent
agriculture.

1 MR. HORN: Chris Horn, representing
2 labor.

3 MS. BOYDSTON: Gail Boydston,
4 representing manufacturing.

5 CHAIRMAN GARD: Beverly Gard, general
6 public.

7 MR. ETZLER: Bill Etzler, small
8 business.

9 MR. DAVIDSON: Calvin Davidson, solid
10 waste.

11 MR. POWDRILL: Gary Powdrill, general
12 public.

13 CHAIRMAN GARD: And I will say that
14 congratulations are due to Gary, who is getting
15 married this weekend.

16 (Applause.)

17 MR. POWDRILL: Thank you.

18 DR. NIEMIEC: Ted Niemiec, medical.

19 MR. POWDRILL: Let the record show.

20 (Laughter.)

21 DR. NIEMIEC: It will show.

22 MS. ALEXANDROVICH: Joanne
23 Alexandrovich, local government.

1 MR. CARMICHAEL: Kelly Carmichael,
2 public utilities.

3 CHAIRMAN GARD: Okay. The first
4 order of business is the approval of the summary
5 of the May 11th, 2016 Board meeting. Are there
6 any additions or corrections to the summary as
7 presented?

8 (No response.)

9 CHAIRMAN GARD: If not, do I hear a
10 motion to approve the minutes as presented?

11 DR. NIEMIEC: So moved.

12 CHAIRMAN GARD: Is there a second?

13 MR. POWDRILL: Second.

14 CHAIRMAN GARD: All in favor, say
15 aye.

16 MR. HORN: Aye.

17 DR. NIEMIEC: Aye.

18 DR. ALEXANDROVICH: Aye.

19 MS. BOYDSTON: Aye.

20 MR. POWDRILL: Aye.

21 MR. CARMICHAEL: Aye.

22 MR. RULON: Aye.

23 MR. ETZLER: Aye.

1 CHAIRMAN GARD: Ms. Boydston?

2 MS. BOYDSTON: Yes.

3 CHAIRMAN GARD: Mr. Powdrill?

4 MR. POWDRILL: Yes.

5 CHAIRMAN GARD: Mr. Davidson?

6 MR. DAVIDSON: Yes.

7 CHAIRMAN GARD: Mr. Horn?

8 MR. HORN: Yes.

9 CHAIRMAN GARD: Mr. Hillsdon-Smith?

10 MR. HILLSDON-SMITH: Yes.

11 CHAIRMAN GARD: Mr. Carmichael?

12 MR. CARMICHAEL: Yes.

13 CHAIRMAN GARD: Dr. Niemiec?

14 DR. NIEMIEC: Yes.

15 CHAIRMAN GARD: Mr. Rulon?

16 MR. RULON: Yes.

17 CHAIRMAN GARD: Mr. Etzler?

18 MR. ETZLER: Yes.

19 CHAIRMAN GARD: And the Chair votes
20 aye. That is 11 ayes and zero nays. The rule is
21 adopted.

22 This is a public hearing before the
23 Environmental Rules Board of the State of Indiana

1 concerning final adoption of Emission Reporting
2 Rules at 326 IAC 2-6-1 for Lawrenceburg Township
3 in Decatur County.

4 I will now introduce Exhibit E, the
5 proposed rules, into the record of the hearing.

6 Keelyn Walsh will present the rule.

7 MS. WALSH: Hello again. I am Keelyn
8 Walsh, a rule writer with the Rules Development
9 Branch of OLC, and I am here to present Rule
10 No. 16-162, Emissions Reporting for Lawrenceburg
11 Township in Dearborn County, for your
12 consideration.

13 This rulemaking is intended to amend the
14 Emission Reporting Rule at 326 IAC 2-6 to apply
15 the reporting thresholds for nonattainment areas
16 to the eight-hour ozone nonattainment area of
17 Lawrenceburg Township, Dearborn County. IDEM
18 must create permanent and enforceable limits for
19 sources that emit air pollutants in nonattainment
20 areas in order to obtain U.S. EPA's approval of
21 requests for redesignation to attainment.

22 The Cincinnati-Hamilton area, which
23 includes Dearborn County in Indiana, has recorded

1 three years of complete, quality-assured ambient
2 air quality monitoring data for the years 2013
3 to 2015, demonstrating attainment of the
4 eight-hour ozone standard. This rulemaking is
5 required by federal law and is one of the
6 elements of the process necessary to redesignate
7 Lawrenceburg Township in Dearborn County to
8 attainment for the eight-hour ozone National
9 Ambient Air Quality Standards.

10 This rulemaking is a component of the
11 redesignation process that will save money for
12 sources that expand existing operations, as well
13 as encourage new sources to locate in the area.
14 When this rule is complete, it will be submitted
15 to U.S. EPA with the redesignation request for
16 approval into the Indiana SIP to redesignate
17 Lawrenceburg Township, Dearborn County to
18 attainment for the 2008 eight-hour ozone
19 standard.

20 Redesignating the area to attainment will
21 also allow affected sources to be permitted under
22 the PSD program under 326 IAC 2-2 instead of the
23 emission offset programs under 326 IAC 2-3, which

1 will provide cost savings for sources.

2 IDEM requests that the Board final adopt
3 this rule as presented, and there is program
4 staff available to answer any further questions
5 you may have.

6 Thank you.

7 CHAIRMAN GARD: Are there any
8 questions? Yes.

9 MR. HILLSDON-SMITH: Yeah.

10 So, how long, in your experience, would it
11 take for the U.S. EPA to respond and then us
12 to -- I mean best case scenario -- for us to then
13 have Dearborn Township redesignated as in
14 attainment?

15 MS. WALSH: Good question. I might
16 defer that to program staff or Chris.

17 MS. PEDERSEN: Generally speaking,
18 when we submit redesignation requests, it can
19 take anywhere from three to six months up to even
20 18 months. They are really acting much quicker
21 than they used to, so I would anticipate it would
22 be sooner rather than later.

23 MR. HILLSDON-SMITH: Okay. Thank

1 you.

2 CHAIRMAN GARD: Any additional
3 questions?

4 (No response.)

5 CHAIRMAN GARD: Thank you.

6 I don't have any speaker cards turned in.
7 Is there anyone in the audience that would like
8 to address this issue?

9 (No response.)

10 CHAIRMAN GARD: This hearing is
11 concluded.

12 The Board will now consider final adoption
13 of Emission Reporting Rules at 326 IAC 2-6-1 for
14 Lawrenceburg Township in Dearborn County. Is
15 there any Board discussion?

16 (No response.)

17 CHAIRMAN GARD: Do I hear a motion to
18 adopt the final rule?

19 MR. HORN: So moved.

20 MS. ALEXANDROVICH: Second.

21 CHAIRMAN GARD: Dr. Alexandrovich?

22 MS. ALEXANDROVICH: Yes.

23 CHAIRMAN GARD: Ms. Boydston?

1 MS. BOYDSTON: Yes.

2 CHAIRMAN GARD: Mr. Powdrill?

3 MR. POWDRILL: Yes.

4 CHAIRMAN GARD: Mr. Davidson?

5 MR. DAVIDSON: Yes.

6 CHAIRMAN GARD: Mr. Horn?

7 MR. HORN: Yes.

8 CHAIRMAN GARD: Mr. Hillsdon-Smith?

9 MR. HILLSDON-SMITH: Yes.

10 CHAIRMAN GARD: Mr. Carmichael?

11 MR. CARMICHAEL: Yes.

12 CHAIRMAN GARD: Dr. Niemiec?

13 DR. NIEMIEC: Yes.

14 CHAIRMAN GARD: Mr. Rulon?

15 MR. RULON: Yes.

16 CHAIRMAN GARD: Mr. Etzler?

17 MR. ETZLER: Yes.

18 CHAIRMAN GARD: The Chair votes aye.

19 There are 11 ayes and zero nays. The rule has
20 been adopted.

21 This is a public hearing before the
22 Environmental Rules Board of the State of Indiana
23 concerning final adoption of amendments to rules

1 be on the IDEM Web site and be submitted to
2 appropriate people in the General Assembly and
3 available for public consumption.

4 So, does anybody that was on the Committee
5 want to make any comments about it at all?

6 (No response.)

7 CHAIRMAN GARD: Well, thank you all
8 very much for participating.

9 Let's see. What's next? This is Open
10 Forum. Is there anybody in the audience that
11 wanted to address the Board today?

12 (No response.)

13 CHAIRMAN GARD: Seeing none, the next
14 meeting of the Environmental Rules Board is set
15 for, tentatively, November 9th at 1:30 in
16 Conference Room A. They're moving us around.
17 That's the day after election, which may not
18 be -- everyone may not be totally awake by then,
19 but anyway, that's tentatively the next meeting.

20 Is there anything else to come before the
21 Board?

22 (No response.)

23 CHAIRMAN GARD: If not, is there a

1 motion to adjourn?

2 DR. NIEMIEC: So moved.

3 CHAIRMAN GARD: Is there a second?

4 MR. HILLSDON-SMITH: Second.

5 CHAIRMAN GARD: All in favor, say

6 aye.

7 MR. HORN: Aye.

8 DR. NIEMIEC: Aye.

9 DR. ALEXANDROVICH: Aye.

10 MS. BOYDSTON: Aye.

11 MR. POWDRILL: Aye.

12 MR. CARMICHAEL: Aye.

13 MR. RULON: Aye.

14 MR. ETZLER: Aye.

15 MR. DAVIDSON: Aye.

16 MR. HILLSDON-SMITH: Aye.

17 CHAIRMAN GARD: Aye.

18 Opposed, nay.

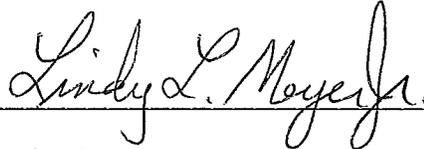
19 (No response.)

20 CHAIRMAN GARD: We are adjourned.

21 - - -
22 Thereupon, the proceedings of
23 August 10, 2016 were concluded
at 3:14 o'clock p.m.
- - -

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Wednesday, August 10, 2016 in this matter and
8 transcribed by me.

9
10 

11 Lindy L. Meyer, Jr.,

12 Notary Public in and

13 for the State of Indiana.

14
15 My Commission expires October 27, 2016.
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TITLE 326 AIR POLLUTION CONTROL DIVISION

DRAFT RULE
LSA Document #16-162

DIGEST

Amends 326 IAC 2-6-1 concerning inclusion of Lawrenceburg Township, Dearborn County on the list of marginally classified nonattainment areas required to submit emissions reporting information. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule: April 27, 2016, Indiana Register (DIN: 20160427-IR-326160162FDA).

Notice of First Hearing: April 27, 2016, Indiana Register (DIN: 20160427-IR-326160162PHA).

Date of First Hearing: August 10, 2016.

326 IAC 2-6-1

DRAFT RULE

SECTION 1. 326 IAC 2-6-1 IS ADDED/AMENDED TO READ AS FOLLOWS:

326 IAC 2-6-1 Emissions reporting for Lawrenceburg Township, Dearborn County

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all of the following:

(1) Sources required to have an a **Part 70** operating permit under 326 IAC 2-7. ~~Part 70 Permit Program.~~

(2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:

(A) Lake.

(B) Porter.

(C) LaPorte.

(D) Lawrenceburg Township, Dearborn County.

(3) Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(b) All sources permitted by the department are subject to section 5 of this rule **concerning** additional information requests.

(c) Sources covered by subsection (a) must comply with the compliance schedule in

section 3 of this rule. (*Air Pollution Control Division; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210; filed Jul 14, 2006, 1:25 p.m.: 20060809-IR-326050078FRA*)