

SECOND NOTICE OF COMMENT PERIOD

LSA Document #22-38

SAFETY-KLEEN SULFUR DIOXIDE MONITORING AND FUEL SAMPLING UPDATES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 7-4.1-16](#) concerning updates for sulfur dioxide monitoring and fuel sampling processes for Safety-Kleen Oil Recovery Company. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: February 16, 2022, Indiana Register (DIN: [20220216-IR-326220038FNA](#)).

CITATIONS AFFECTED: [326 IAC 7-4.1-16](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The Clean Air Act (CAA) requires that the United States Environmental Protection Agency (U.S. EPA) set National Ambient Air Quality Standards (NAAQS) for pollutants that cause or contribute to air pollution, which may reasonably be anticipated to endanger public health and welfare. U.S. EPA has set NAAQS for six criteria pollutants, one of which being sulfur dioxide (SO₂).

Safety-Kleen Oil Recovery Company (Safety-Kleen), Source Identification Number 089-00301, owns and operates an oil re-refinery in Lake County, Indiana. Safety-Kleen is subject to SO₂ limits in [326 IAC 7-4.1-16](#). Safety-Kleen chose to comply with the use of off-gas analysis and fuel sampling for Process Heaters H-201, H-401, and H-406, with the compliance deadline of December 31, 2005. The method of SO₂ monitoring compliance at [326 IAC 7-4.1-16\(5\)\(A\)](#) uses off-gas streams for Process Heaters H-201, H-401, and H-406, and includes fuel sampling and analysis for the sulfur content of the fuel in each fuel tank. The fuel sampling occurs after the fuel in the tank has been mixed to ensure consistent composition and must be done prior to the first fuel burning and prior to burning the fuel when additional fuel has been added to the tank. Safety-Kleen agreed to maintain records sufficient to demonstrate compliance for at least three years and submit any excess emissions reports to IDEM within thirty days after the end of each calendar quarter.

Safety-Kleen was found to be in violation of its SO₂ emission limits which caused an enforcement action to be issued to Safety-Kleen by the department; therefore, Safety-Kleen is updating their SO₂ monitoring method using continuous emission monitor systems (CEMS) for Process Heaters H-201 and H-401. An Agreed Order was made effective on October 20, 2021, between Safety-Kleen Systems, Inc and IDEM. The Agreed Order provides clear instruction for Safety-Kleen regarding the violations of the SO₂ emission limits and the necessary steps to be in compliance with a deadline of May 30, 2022, to complete the installation and certification of Process Heaters H-201 and H-401 CEMS monitoring.

New language is being added in [326 IAC 7-4.1-16\(5\)](#) to address the monitoring needs for the source. Safety-Kleen is planning to install CEMS for stacks H-201 and H-401 while continuing to use off-gas stream monitoring for Process Heater H-406. IDEM is updating the rule language to reflect the SO₂ monitoring method being requested by Safety-Kleen so that the source is in compliance with the pending enforcement action.

Safety-Kleen provided IDEM with 5 years of historical data from Process Heater H-406 to show that this unit is well below the current emission limit of 8 pounds per hour (equivalent to 192 pounds per day) for SO₂ averaging 0.34 pounds per day. This rulemaking will enable Safety-Kleen to install CEMS for process heater stacks H-201 and H-401 while continuing to use quarterly sulfur content monitoring for H-406. IDEM is not proposing to remove compliance demonstration requirements for other units at this source. This rulemaking will be submitted to U.S. EPA as a SIP revision for their approval.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

[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.

Potential Fiscal Impact

This rulemaking will have a significant fiscal impact on the source. Safety-Kleen has requested that IDEM

revise the rules at [326 IAC 7-4.1-16](#) to update the SO₂ monitoring requirements for process heater stacks H-201 and H-401 in order to comply with the Agreed Order that was developed due to an enforcement action issued by the department. The Agreed Order, effective October 20, 2021, between Safety-Kleen and IDEM gives clear instruction for Safety-Kleen to install CEMS for Process Heaters H-201 and H-401 to comply with the state SO₂ regulations. Safety-Kleen will need to install CEMS to both process heater stacks to comply with the SO₂ standards and the enforcement action.

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 Krystal Hackney, Rules Development Branch, Office of Legal Counsel at Khackney1@idem.in.gov, (317) 232-3158 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from February 16, 2022, through March 18, 2022, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the First Notice of Comment Period.

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 #22-38 Safety-Kleen SO₂ Monitoring and Fuel Sampling Updates
Krystal Hackney
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 electronic mail to Khackney1@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.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order 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 or time stamped not later than September 9, 2022.

Additional information regarding this action may be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, Khackney1@idem.in.gov, (317) 232-3158 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 7-4.1-16](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 7-4.1-16](#) Safety-Kleen Oil Recovery Company sulfur dioxide emission limitations

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 16. Safety-Kleen Oil Recovery Company, Source Identification Number 00301, shall comply with the sulfur dioxide emission limits in pounds per hour and other requirements as follows:

- (1) Boilers ~~SB-804, SB-820, SB-821 and SB-823~~, and **SB-822**, and Process Heaters H-302 and H-404 shall **must** use natural gas only.
- (2) Process Heater H-201, with a capacity of twenty-seven and three-tenths (27.3) MMBtu per hour, shall **must** use a combination of natural gas, No. 2 fuel oil equivalent, and off-gases. Process Heater H-301, with a capacity of twenty and zero-tenths (20.0) MMBtu per hour, shall **must** use a combination of natural gas and No. 2 fuel oil equivalent. The combined sulfur dioxide emissions from these two (2) process heaters shall **must** not exceed fourteen (14) pounds per hour and sixty (60) tons per year.

(3) Process Heater H-401, with a capacity of fifteen and three-tenths (15.3) MMBtu per hour, shall **must** use a combination of natural gas, No. 2 fuel oil equivalent, and off-gases. Process Heater H-402, with a capacity of eleven and seven-tenths (11.7) MMBtu per hour, shall **must** use a combination of natural gas and No. 2 fuel oil equivalent. The combined sulfur dioxide emissions from these two (2) process heaters shall **must** not exceed ten and eight-tenths (10.8) pounds per hour and forty-seven and three-tenths (47.3) tons per year.

(4) Process Heater H-406, with a capacity of twenty (20.0) MMBtu per hour, shall **must** use a combination of natural gas and off-gases **off-gas from vessel V-423**. The sulfur dioxide emissions shall **must** not exceed eight (8) pounds per hour.

~~(5) Within thirty (30) days after the effective date of this rule, Safety-Kleen shall choose one (1) of the following compliance options for Process Heaters H-201, H-301, H-401, H-402, and H-406 and submit a letter to the department identifying which option will be used to demonstrate compliance of these process heaters with this rule. With the letter, Safety-Kleen shall submit a fuel and sampling analysis protocol for the selected option for approval by the department. Safety-Kleen shall comply with the approved compliance method by December 31, 2005, and after that date shall use only the selected method to demonstrate compliance of the process heaters in accordance with the approved fuel and sampling analysis protocol. The department shall notify U.S. EPA of the approved option. The options are as follows:~~

~~(A) Safety-Kleen shall demonstrate compliance through monitoring as follows:~~

~~(i) Monitor sulfur content in the off-gas streams for Process Heaters H-201, H-401, and H-406.~~

~~(ii) Prior to sampling the fuel in the fuel tank, mix the contents of the tank to ensure consistent composition of the fuel throughout the tank.~~

~~(iii) Perform fuel sampling and analysis for the sulfur content of the fuel in each fuel tank:~~

~~(AA) prior to the first time the fuel is burned; and~~

~~(BB) subsequently, prior to burning the fuel whenever additional fuel has been added to the tank since the last sampling event.~~

~~(iv) Maintain records sufficient to demonstrate compliance for at least three (3) years.~~

~~(v) Submit an excess emissions report to the department within thirty (30) days after the end of each calendar quarter.~~

~~(B) (5) Safety-Kleen shall demonstrate compliance through monitoring as follows:~~

~~(i) (A) Monitor sulfur content in the off-gas streams for Process Heater H-406.~~

~~(ii) (B) Install and operate sulfur dioxide CEMS on the stacks for Process Heaters H-201 and H-401, and H-406. The CEMS shall **must** be installed, calibrated, operated, and maintained in accordance with [326 IAC 3-5](#).~~

~~(iii) (C) Conduct fuel sampling for heat input and sulfur content and measure the quantity of fuel oil burned in the four (4) process heaters in order to calculate the heat input rate in MMBtu/hr **MMBtu per hour** for Process Heaters H-201 and H-401, as well as the SO₂ emission rate in Process Heaters H-301 and H-402.~~

~~(iv) (D) Prior to sampling the fuel in the fuel tank, mix the contents of the tank to ensure consistent composition of the fuel throughout the tank.~~

~~(v) (E) Perform fuel sampling and analysis for the sulfur content of the fuel in each fuel tank:~~

~~(AA) (i) prior to the first time the fuel is burned; and~~

~~(BB) (ii) subsequently, prior to burning the fuel whenever additional fuel has been added to the tank since the last sampling event.~~

~~(vi) (F) Maintain records sufficient to demonstrate compliance for at least three (3) years.~~

~~(vii) (G) Submit an excess emissions report to the department within thirty (30) days after the end of each calendar quarter.~~

~~(C) Safety-Kleen shall demonstrate compliance through monitoring as follows:~~

~~(i) Install sulfur dioxide CEMS on the stacks for Process Heaters H-201, H-301, H-401, H-402, and H-406. The CEMS shall be installed, calibrated, operated, and maintained in accordance with [326 IAC 3-5](#).~~

~~(ii) Maintain records sufficient to demonstrate compliance for at least three (3) years.~~

~~(iii) Submit an excess emissions report to the department within thirty (30) days after the end of each calendar quarter.~~

(Air Pollution Control Division; [326 IAC 7-4.1-16](#); filed May 25, 2005, 10:50 a.m.: 28 IR 2961)

[Notice of Public Hearing](#)

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An [html](#) version of this document.