

Document: Proposed Rule, **Register Page Number:** 27 IR 2768

Source: June 1, 2004, Indiana Register, Volume 27, Number 9

Disclaimer: This document was created from the files used to produce the official CD-ROM Indiana Register.

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule

LSA Document #03-282

DIGEST

Amends 326 IAC 7-4-13 to make corrections and update information for sources listed in the rule. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: November 1, 2003, Indiana Register (27 IR 573).

Second Notice of Comment Period: February 1, 2004, Indiana Register (27 IR 1654).

Notice of First Hearing: April 1, 2004, Indiana Register (27 IR 2299).

Date of First Hearing: May 5, 2004.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on February 1, 2004, at 27 IR 1654, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from February 1, 2004, through March 3, 2004, on IDEM's draft rule language. IDEM received comments from the following party:

American Electric Power (AEP)

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

Comment: We appreciate IDEM's adoption of the language we proposed in comments to the First Notice of Proposed Rulemaking relating to Tanners Creek Plant located in Lawrenceburg. As proposed by IDEM, we support this rule and encourage IDEM to finalize this rule in this form at the earliest possible time and submit it to U.S. EPA for incorporation into the state implementation plan. (AEP)

Response: IDEM is recommending the language suggested by AEP to the Air Pollution Control Board for final adoption.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On May 5, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 7-4-13. No comments were made at the first hearing.

326 IAC 7-4-13

SECTION 1. 326 IAC 7-4-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-4-13 Dearborn County sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-15; IC 13-17

Sec. 13. The following sources and facilities located in Dearborn County shall comply with the sulfur dioxide emission limitations in pounds per million Btu and other requirements:

Source	Facility Description	Emission Limitations	
(1)	Indiana Michigan Power Tanners Creek Station, Source Identification No. 00002	(A) Units 1, 2, and 3 (B) Unit 4 Prior to October 1, 1989 Beginning October 1, 1989 Beginning August 1, 1991	1.2 each 5.24 8.3 6.6 5.24
Beginning July 1, 1988; coal delivered to the Tanners Creek Station shall not exceed a sulfur dioxide emission rate equivalent to an emission limit of six and six-tenths (6.6) pounds per million Btu:			
(2)	Schenley Distillers, Inc.	(A) Boilers 1, 2, 3, 6, 7, and 8 (B) Boilers 4, 5, and 9 (C) Boilers 6, 7, and 8 (D) Monthly reports of total sulfur dioxide emissions from Boilers 6, 7, and 8 for the previous twelve (12) consecutive months shall be submitted to the department at the end of each quarter. Sulfur dioxide emissions shall be based on monthly fuel oil usage, average sulfur content, and heating value.	0.6 each natural gas only 40 tons per year total
(3) (2)	Joseph E. Seagram and Sons, Inc. Pernod Ricard USA, Seagram Lawrenceburg Distillery, Source Identification No. 00005	(A) Boilers 5 and 6 Steam Boiler EU-96 (B) If Boilers 5 and 6 are being operated at the same time; only one (1) of the boilers may use coal or fuel oil. Seagram shall maintain a record of the fuel type used at Boilers 5 and 6 in order to demonstrate compliance with the requirements of this rule. When both boilers are operating simultaneously, daily logs shall be kept. Such records shall be made available to the department upon request. Within thirty (30) days following the end of the calendar quarter in which both Boilers 5 and 6 operated simultaneously, Seagram shall report to the department the fuels used, including daily information for each day during which both boilers operated simultaneously.	1.92 each
(4) (3)	Diamond Thatcher Glass Anchor Glass Container Corporation, Source Identification No. 00007	Furnaces 1 and 2	1.4 each
(Air Pollution Control Board; 326 IAC 7-4-13; filed Aug 28, 1990, 4:50 p.m.: 14 IR 77; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)			

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 September 1, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 7-4-13.

The purpose of this hearing is to receive comments from the public prior to final 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 Christine Pedersen, Rule Development Section, Office of Air Quality, (317) 233-6868 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

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality