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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#04-234(APCB)

DEVELOPMENT OF AMENDMENTS CONCERNING SAINT MARY'S COLLEGE/HOLY CROSS 326 IAC 6-1-18

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 326 IAC 6-1-18 concerning particulate matter emission limitations in St. Joseph County. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 6-1-18.

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

Holy Cross Services Corporation, on behalf of St. Mary's College, has submitted a request that IDEM clarify particulate matter emission limitations at 326 IAC 6-1-18 to reflect current operating conditions. Currently, 326 IAC 6-1-18 states that St. Mary's Boiler No. 1 is 100% natural gas fired and Boilers No. 2 and No. 3 are coal fired. However, Boilers No. 1 and No. 2 are actually natural gas fired but also set up to burn No. 2 fuel oil as a backup. Boiler No. 3 exclusively burns natural gas. This outdated information is reflected in St. Mary's Federal Enforceable State Operating Permit (FESOP) which impacts the College's ability to use their facility as it is designed. The purpose of this rulemaking is to update 326 IAC 6-1-18 to clarify that Boilers No. 1 and No. 2 at St. Mary's burn natural gas as their primary fuel with No. 2 fuel oil as a backup fuel, and Boiler No. 3 burns 100% natural gas. This rulemaking will not alter the usage limit of 704, 225 gallons of No. 2 fuel oil per 12 consecutive month period for each of the Boilers No. 1 and No. 2 currently allowed by the permit and will not increase or decrease actual emissions.

Alternatives To Be Considered Within the Rulemaking

The only alternative is to leave 326 IAC 6-1-18 as it is currently written, which is incorrect.

Applicable Federal Law

This rule is approved by the U.S. Environmental Protection Agency (U.S. EPA) as part of Indiana's State Implementation Plan (SIP) for particulate matter. Indiana will send these rules to U.S. EPA to be approved as part of Indiana's SIP so federal law coincides with state law. There should be no concern with applicability because the proposed changes will not allow any increase in emissions.

Potential Fiscal Impact

No potential fiscal impact exists.

Public Participation and Workgroup Information

Currently no workgroup has been formed in relation to this rulemaking. However, if you feel that one is appropriate, or wish to provide other comments on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact Sky Schelle, Rules Section, Office of Air Quality at (317) 234-3533 or (800) 451-6027 (in Indiana).

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.

- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#04-234(APCB) Holy Cross Amendments

Sky Schelle

c/o Rules Section Administrative Assistant

Rules Section

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the 10th floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 1, 2004.

Additional information regarding this action may be obtained from Sky Schelle, Rules Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

Janet G. McCabe
Assistant Commissioner
Office of Air Quality