



# Challenges to Air Permitting in Indiana

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## Current and Future Challenges

- Lower NAAQ Standards – NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, Ozone
- New and Revised Federal Regulations
- GHG Permitting
- Changing U. S. EPA Guidance and Policies
- Interaction and Coordination with the U.S. EPA



# National Ambient Air Quality Standards (NAAQS)

Changes to Attainment Status and the Effect on Air Permitting



## Revised NAAQS

	Former Standard	Current Standard	Proposed Standard	Designations Effective
<b>Nitrogen Dioxide NO<sub>2</sub> (ppb)</b>	53 (annual)	53 (annual) - retained 100 (hourly) - added	N/A	Feb 2012
<b>Sulfur Dioxide SO<sub>2</sub> (ppb)</b>	140 (daily) 30 (annual)	75 (hourly)	N/A	Jul 2012
<b>Ozone O<sub>3</sub> (ppm)</b>	0.08 (8 hour average)	0.075 (8 hour average)	0.060 - 0.070 (8 hour average) <b>{RECONSIDERED}</b>	Jul 2012-2013
<b>Fine Particles PM<sub>2.5</sub> (ug/m<sup>3</sup>)</b>	65 (daily) 15 (annual)	35 (daily) 15 (annual)	30 - 33 (daily) 11 - 14 (annual)	Oct 2012
<b>Carbon Monoxide CO (ppm)</b>	N/A	9 (8 hour) 35 (1 hour)	9 (8 hour) – retained 35 (1 hour) – retained	Aug 2012
<b>Lead Pb (ug/m<sup>3</sup>)</b>	1.5 (calendar quarterly)	0.15 (rolling 3 month average)	N/A	Nov 2010



## Anticipated NAAQS Implementation Milestones

	NAAQS Promulgation Date	Designations Effective (approx. date)	110(a) SIPs Due (3 yrs after promulgation)	Attainment Demonstration Due	Attainment Date
Primary Nitrogen Dioxide (NO <sub>2</sub> )	Jan 2010	Feb 2012	Jan 2013	Aug 2013	Feb 2017
Primary Sulfur Dioxide (SO <sub>2</sub> )	Jun 2010	Jul 2012	Jun 2013	Jan 2014	Jul 2017
Secondary Nitrogen Dioxide (NO <sub>2</sub> ) and Sulfur Dioxide (SO <sub>2</sub> )	Mar 2012	Apr 2014	Mar 2015	Oct 2015	N/A
Ozone (O <sub>3</sub> ) Delayed Promulgation Date and Accelerated Implementation	Jul 2011	Jul 2012	July 2014	Jul 2015	Jul 2015 - 2032
(2006) Fine Particles (PM <sub>2.5</sub> )	Sep 2006	Dec 2009	Sep 2009	Nov 2012	Nov 2014/2019
(2010) Fine Particles (PM <sub>2.5</sub> )	Proposed - Feb 2011 Final - Oct 2011	Oct 2013	Oct 2014	Oct 2016	Oct 2018
Carbon Monoxide (CO)	Aug 2011	Jun 2013	Aug 2014	Dec 2014	Aug 2018
Lead (Pb)	Oct 2008	2010/2011	Oct 2011	2012/2013	Nov 2015/2016



## What This Means for Permitting

- More Complicated Modeling
- Emission Offset Credits – lack of availability
- Rule Revisions – PM<sub>2.5</sub> and precursors
- LAER vs. BACT
- Increased Netting and ATPA Evaluations
- Increased Scrutiny by U.S. EPA and Environmental Organizations



## New and Proposed Regulations

Cross-State Air Pollution Rule (CSPAR)
Utility Boiler NSPS and MACT
PM <sub>2.5</sub> NAAQS



## What This Means for Permitting

- Regulatory changes create uncertainty for sources – interpretation and implementation
- Litigation and reconsideration of new and revised regulations make it difficult to determine what should be included in the permit
- Lack of U.S. EPA guidance on new rules makes implementation difficult



## GHG Regulation

- January 2011 – “Any way sources and modifications”
- July 2011 – PSD and Title 5 regulation
- GHG BACT Evaluations – lack of guidance, experience, and existing determinations
- Environmental Organizations – appeals and public involvement



## U. S. EPA Interaction and Coordination

- New and revised regulations require more coordination with U.S. EPA
- U.S. EPA guidance – non-existent, delayed, or unclear
- Communication with U.S. EPA – verbal vs. written
- Lack of direct interaction with sources
- Interpretations and the Preamble - Netting/ATPA, GHG/PSD post July 2011



## What is IDEM Doing to Overcome These Challenges?

- IDEM senior management is working directly with U.S. EPA HQ to request timely guidance on regulations and modeling
- Coordinating with U.S. EPA Region 5 to develop case-by-case modeling strategies
- Analyzing available monitoring and modeling data to assess the impact of the changes to the NAAQS
- Providing relevant data to the U.S. EPA showing the significant impact these lower NAAQS standards would have on the State and providing comment on where the standard should be set



## What Else is IDEM Doing?

- Meeting with companies early to discuss potential challenges with new projects
- Coordinating with U.S. EPA Region 5 on modeling protocols early in the process to avoid problems
- Providing GHG BACT evaluations to U.S. EPA Region 5 upon submittal to allow for parallel review and coordination during the review process
- Tracking pending and issued GHG BACT determinations in other States
- Requesting written confirmation of U.S. EPA rule interpretations



## What Can Sources do to Ensure Timely Permitting of Projects?

- Meet early and often with IDEM
- Identify potential regulatory issues prior to submitting the application
- Be responsive when IDEM requests more information
- Allow for as much additional time as possible for permit process
- Work cooperatively with the permit reviewer



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