



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Michael R. Pence  
Governor

Thomas W. Easterly  
Commissioner

November 6, 2014

Mr. George Czerniak  
Director  
Air and Radiation Division  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Re: Clean Air Act, Section 112(l) Delegation  
Request; the Coal and Oil Fired Electric  
Utility Steam Generating NESHAP (326  
IAC 20-89)

Dear Mr. Czerniak:

This letter is to request delegation of authority to Indiana to implement and enforce the National Emission Standard for Hazardous Pollutants (NESHAP) from Coal and Oil Fired Electric Utility Steam Generating Units, 40 CFR 63, Subpart UUUUU. This request is consistent with United States Environmental Protection Agency's (U.S. EPA) final rule approving Indiana's Section 112(l) Program of Delegation (62 FR 36460, July 8, 1997).

Based on prior program submittals and approvals for Indiana's Title V air permit and Section 112 delegation programs, Indiana has met the "up-front" approval requirements as specified in 40 CFR 63.91(d). The remaining criterion for approval is a demonstration that the State has adequate legal authority to implement and enforce the applicable federal standard. The authority for the Coal and Oil Fired Electric Utility Steam Generating Units NESHAP has been established through state rule, 326 IAC 20-89. A copy of the state rule (LSA #13-488), effective October 19, 2014, is enclosed.

I request that U.S. EPA grant Indiana delegation of approval for 326 IAC 20-89. If you have any questions regarding this request, please contact Susan Bem, Rules Development Branch, Office of Legal Counsel at (317) 233-5697.

Sincerely,

Keith Baugues  
Assistant Commissioner  
Office of Air Quality

KB/sb  
Enclosures

cc: Rae Trine

**Final Rule**  
LSA Document #13-488(F)

DIGEST

Adds 326 IAC 20-89 concerning the national emission standard for hazardous air pollutants (NESHAP) for coal-fired and oil-fired electric utility steam generating units. Repeals 326 IAC 24-4 concerning the Clean Air Mercury Rule (CAMR). Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8: October 30, 2013, Indiana Register (DIN: 20131030-IR-326130488FDA).

Notice of Hearing: October 30, 2013, Indiana Register (DIN: 20131030-IR-326130488PHA).

Change in Notice of Public Hearing: January 29, 2014, Indiana Register (DIN: 20140129-IR-326130488CHA).

Date of Hearing: April 9, 2014.

**326 IAC 20-89; 326 IAC 24-4**

SECTION 1. 326 IAC 20-89 IS ADDED TO READ AS FOLLOWS:

**Rule 89. Coal-Fired and Oil-Fired Electric Utility Steam Generating Units**

**326 IAC 20-89-1 Applicability; incorporation by reference of federal standards**

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

**Affected:** IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.9981.**

**(b) The board incorporates by reference 40 CFR 63, Subpart UUUUU\*, National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.**

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, Thirteenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 20-89-1; filed Sep 19, 2014, 3:11 p.m.: 20141015-IR-326130488FRA)

SECTION 2. 326 IAC 24-4 IS REPEALED.

LSA Document #13-488(F)

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8: 20131030-IR-326130488FDA  
Hearing Held: April 9, 2014

Approved by Attorney General: September 4, 2014

Approved by Governor: September 16, 2014

Filed with Publisher: September 19, 2014, 3:11 p.m.

Documents Incorporated by Reference: None Received by Publisher

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