



August 2010

ENFORCEABLE OPERATING AGREEMENT PROGRAM REPORT

IC 13-17-13-3

The Indiana Department of Environmental Management (IDEM) has a Source Specific Operating Agreement (SSOA) program (pursuant to 326 IAC 2-9) under which specific types of activities may operate, provided that the source accepts the pre-established terms of the SSOA "as is." Although a source may not simultaneously operate under more than one of the same type of SSOA sources can operate under up to 4 different SSOAs, as long as the total potential to emit for any regulated pollutant, as limited by the SSOAs, does not exceed major source levels.

In all, there are 23 separate SSOAs available to applicants, covering 13 specific types of activities. For those SSOAs that limit the total potential to emit for any regulated pollutant to less than twenty-five (25) tons per year, a public comment period is not required (for a list of these SSOAs, see 326 IAC 2-1.1-3(d)). However, pursuant to 326 IAC 2-5.1-3(a)(1)(E), for those SSOAs that have a limited potential to emit for any regulated pollutant of twenty-five (25) tons per year or more, a New Source Review (NSR) Permit for approval to construct and a thirty (30) day public comment period is required. The final issuance of any SSOA is appealable. With the exception of coal mining and some stone crushing SSOAs there is no annual fee required, but sources are required to file an annual Compliance Notification. Sources are not required to renew their SSOA.

Pursuant to 326 IAC 2-9-1(i), a SSOA does not relieve the Permittee of the responsibility to comply with the provisions of any other applicable federal, state, or local rules, or any New Source Performance Standards (NSPS), 40 CFR Part 60, or National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61 or 40 CFR Part 63.

AS of June 30, 2010, there were **797** currently permitted Source Specific Operating Agreement (SSOA) sources. In 2009, there were SSOAs issued to **43** sources. As of June 30, 2010, there have been SSOAs issued to **15** sources in 2010.