

Bold = new language

~~Strikeout~~ = existing language deleted in this rulemaking

TITLE 326 AIR POLLUTION CONTROL DIVISION

RULE AS PRELIMINARILY ADOPTED AND PROPOSED FOR FINAL ADOPTION

LSA Document #23-29

DIGEST

Amends 326 IAC 1-1-3 to update the Code of Federal Regulations (CFR) to the July 1, 2022, edition, and amends 326 IAC 20-1-1 to incorporate by reference 40 CFR 63, Subpart C, into the state's emission standards for hazardous air pollutants. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8: January 25, 2023, Indiana Register (DIN: 20230125-IR-326230029FDA).

Notice of First Hearing: January 25, 2023, Indiana Register (DIN: 20230125-IR-326230029PHA).

Change in Notice of Public Hearing: April 19, 2023, Indiana Register (DIN: 20230419-IR-326230029CHA).

Date of First Hearing: June 14, 2023

326 IAC 1-1-3

326 IAC 20-1-1

SECTION 1. 326 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-1-3 References to the Code of Federal Regulations

Authority: IC 4-22-2-21; IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 4-22-9-5; IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (~~CFR~~) means the July 1, 2018, **2022**, edition. (*Air Pollution Control Division; 326 IAC 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: 20070523-IR-326060412FRA; filed Apr 1, 2008, 9:59 a.m.: 20080430-IR-326070373FRA; filed Jul 1, 2009, 3:12 p.m.: 20090729-IR-326080901FRA; filed Oct 1, 2010, 3:49 p.m.: 20101027-IR-326100112FRA; filed Mar 28, 2012, 12:51 p.m.: 20120425-IR-326110472FRA; filed Aug 1, 2014, 10:53 a.m.: 20140827-IR-326130501FRA; filed Nov 7, 2016, 3:35 p.m.: 20161207-IR-326160208FRA; filed Mar 5, 2020, 2:08 p.m.: 20200401-IR-326190382FRA*)

SECTION 2. 326 IAC 20-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-1-1 Incorporation of federal regulations

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 1. The air pollution control board incorporates by reference **following federal regulations are incorporated by reference:**

(1) 40 CFR 63, Subpart A*, concerning general provisions for emission standards for hazardous air pollutants.

(2) **40 CFR 63, Subpart C*, concerning the list of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.**

*These documents are incorporated by reference. Copies ~~section~~ may be obtained from the Government ~~Printing~~ **Publishing** Office, 732 North Capitol Street NW, Washington, D.C. 20401 www.gpo.gov, or are available for review ~~and copying~~ at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth Floor~~, 100 North Senate Avenue, **Thirteenth Floor**, Indianapolis, ~~Indiana~~ **IN** 46204. (*Air Pollution Control Division; 326 IAC 20-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2282; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3089*)