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**TITLE 326 AIR POLLUTION CONTROL BOARD**

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**Final Rule**

LSA Document #06-18(F)

**DIGEST**

Amends [326 IAC 1-4-1](#) concerning redesignation of Delaware, Greene, Jackson, Vanderburgh, Vigo, and Warrick counties to attainment for the eight-hour ozone standard, the redesignation of Lake County to attainment for the sulfur dioxide standard, and revocation of the one-hour ozone standard. Effective 30 days after filing with the Publisher.

**HISTORY**

[IC 13-14-9-8](#) Notice and Notice of First Hearing: December 1, 2005, Indiana Register (29 IR 1017). This notice was published as LSA #05-331; however, the content has been moved to this rulemaking.

[IC 13-14-9-8](#) Notice and Notice of First Hearing: February 1, 2006, Indiana Register (29 IR 1766).

Date of First Hearing: March 1, 2006.

Proposed Rule and Notice of Second Hearing: April 1, 2006, Indiana Register (29 IR 2285).

Third Comment Period: April 1, 2006, Indiana Register (29 IR 2287).

Date of Second Hearing: May 3, 2006.

Notice of Recall: July 5, 2006, Indiana Register ([20060705-IR-326060018RCA](#)).

Date of Third Hearing: August 2, 2006.

**[326 IAC 1-4-1](#)**

SECTION 1. [326 IAC 1-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 1-4-1](#) Designations**

**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) The air pollution control board incorporates by reference **40 CFR 81.315, revised as of July 1, 2004\***, as amended by the following documents concerning attainment status designations:

(1) 40 CFR 81.315\*.

(2) 66 FR 53665 (October 23, 2001)\*.

(3) 68 FR 1370 (January 10, 2003)\*.

(4) 69 FR 23858 (April 30, 2004)\*.

(1) 69 FR 23900 (April 30, 2004)\*.

(2) 70 FR 44475 (August 3, 2005)\*.

(3) 70 FR 56131 (September 26, 2005)\*.

(4) 70 FR 69097 (November 14, 2005)\*.

(5) 70 FR 69454 (November 16, 2005)\*.

(6) 70 FR 77042 (December 29, 2005)\*.

(7) 71 FR 544 (January 5, 2006)\*.

(b) For purposes of permits that are subject to [326 IAC 2-3](#) due to the designations in subsection (a)(4), (a)(1), notwithstanding [326 IAC 2-3-2\(a\)](#) and [326 IAC 2-3-2\(e\)](#), the requirements of [326 IAC 2-3](#) apply to any permit that:

(1) would otherwise be subject to [326 IAC 2-3](#); and

(2) is issued on or after the effective date of the incorporation of ~~69 FR 23858~~ **69 FR 23900**.

\*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 Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 1-4-1](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341; filed May 21, 2002, 10:20 a.m.: 25 IR 3056; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1077; filed Dec 1, 2003,

10:00 a.m.: 27 IR 1167; filed Nov 12, 2004, 12:15 p.m.: 28 IR 1182; filed Sep 26, 2006, 10:03 a.m.:  
[20061025-IR-326060018FRA](#))

*LSA Document #06-18(F)*

*Proposed Rule: April 1, 2006; 29 IR 2285*

*Hearing Held: May 3, 2006*

*Approved by Attorney General: September 21, 2006*

*Approved by Governor: September 25, 2006*

*Filed with Publisher: September 26, 2006, 10:03 a.m.*

*Documents Incorporated by Reference: 40 CFR 81.315, revised July 1, 2004*

*Small Business Regulatory Coordinator: Sandra El-Yusuf, IDEM Compliance and Technical Assistance Program,  
OPPTA - MC60-04, 100 North Senate Avenue, W-041, Indianapolis, IN 46204-2251, (317) 232-8578,  
[selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)*

*Small Business Assistance Program Ombudsman: Eric Levenhagen, IDEM Small Business Assistance, Program  
Ombudsman, External Affairs - MC50-01, 100 North Senate Avenue, IGCN 1301, Indianapolis, IN 46204-2251,  
(317) 234-3386, [elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)*

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