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**TITLE 326 AIR POLLUTION CONTROL BOARD****FINDINGS AND DETERMINATION OF THE COMMISSIONER  
PURSUANT TO [IC 13-14-9-7](#) AND SECOND NOTICE OF COMMENT PERIOD**  
LSA Document #07-307

**DEVELOPMENT OF NEW LANGUAGE AT [326 IAC 1-1-7](#) CONCERNING INCORPORATION BY REFERENCE, AMENDMENTS TO [326 IAC 20-8](#) CONCERNING HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS; [326 IAC 20-13-5](#) CONCERNING SECONDARY LEAD SMELTERS OPERATIONAL AND WORK PRACTICE STANDARDS; [326 IAC 20-28](#) CONCERNING HAZARDOUS WASTE COMBUSTORS; [326 IAC 20-48](#) CONCERNING EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR BOAT MANUFACTURING; [326 IAC 20-95](#) CONCERNING INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS; AND REPEAL OF [326 IAC 20-25](#) CONCERNING THE REINFORCED PLASTICS COMPOSITES FABRICATING EMISSION UNITS (THE STATE STYRENE RULE)**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language to provide clarification to state rules and provide consistency with federal requirements. This rule adds [326 IAC 1-1-7](#) concerning materials that are incorporated by reference. For consistency with federal requirements, this rule amends [326 IAC 20-8-1](#) concerning hard and decorative chromium electroplating and chromium anodizing tanks; [326 IAC 20-13-5](#) concerning secondary lead smelters operational and work practice standards; [326 IAC 20-28-1](#) concerning hazardous waste combustors; [326 IAC 20-48-1](#) concerning emission standards for hazardous air pollutants for boat manufacturing; [326 IAC 20-95-1](#) concerning industrial, commercial, and institutional boilers and process heaters; and repeals [326 IAC 20-25](#) concerning reinforced plastics composites fabricating emission units (the state styrene rule). IDEM seeks public comment on the draft rule, including suggestions for specific language to be included in the rule, and comments on the affected citations listed or any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [326 IAC 1-1-7](#); [326 IAC 20-8-1](#); [326 IAC 20-13-5](#); [326 IAC 20-25](#); [326 IAC 20-28-1](#); [326 IAC 20-48-1](#); [326 IAC 20-95-1](#).

**AUTHORITY:** [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

**STATUTORY REQUIREMENTS**

[IC 13-14-9-7](#) recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the notice of first public comment period would provide no substantial benefit, IDEM may forgo this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by [IC 13-14-9-7](#), the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-7](#).

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under [\[IC 13-14-9-3\]](#)... would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

**BACKGROUND**

This rulemaking adds [326 IAC 1-1-7](#) to the general provisions applicable to Title 326 to clarify the version of secondary incorporations. It also amends [326 IAC 20-8](#), [326 IAC 20-13-5](#), [326 IAC 20-28](#), [326 IAC 20-48](#), and [326 IAC 20-95](#) to be consistent with federal rules. Finally, it repeals [326 IAC 20-25](#), which has been made obsolete because all sources previously subject to this rule are now subject to either [326 IAC 20-48](#) (Emission Standards for Hazardous Air Pollutants for Boat Manufacturing) or [326 IAC 20-56](#) (Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production).

**New rule at [326 IAC 1-1-7](#)**

The new provision at [326 IAC 1-1-7](#), incorporation by reference, states that unless specified in the document incorporated by reference in a rule, the version of secondary incorporation by references is the latest version in effect on the date of final adoption of the rule.

**Amendment to [326 IAC 20-8](#)**

The first rule proposed to be amended is [326 IAC 20-8](#), hard and decorative chromium electroplating and chromium anodizing tanks. Title V of the Clean Air Act (CAA) requires states to develop programs for issuing operating permits to major stationary sources, sources covered by New Source Performance Standards (NSPS), and sources covered by emission standards for hazardous air pollutants pursuant to Section 112 of the CAA. Section 502(a) of the CAA requires that major or nonmajor sources subject to Sections 111 and 112 standards obtain operating permits. However, the Administrator may exempt certain categories of nonmajor sources from the requirement to obtain a permit "if the Administrator finds that compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories."

On July 21, 1992, U.S. EPA published in the Federal Register implementing regulations for the Title V permit program (40 CFR 70). In 40 CFR 70.3(b)(1), U.S. EPA opted to allow states to temporarily exempt nonmajor sources (except for affected sources and solid waste incineration units), including those which were subject to Section 111 or 112 standards promulgated as of July 21, 1992, from the requirement to obtain a permit.

The temporary exemption was necessary because under Part 70, permitting authorities were expected to process applications and issue permits for tens of thousands of major sources during the early years of the program. The U.S. EPA considered it "unnecessarily burdensome" to also require permitting authorities to issue permits to a larger population of nonmajor sources within the same time frame. The Part 70 regulations specify that this temporary exemption would expire when U.S. EPA completed a rulemaking to determine how the Part 70 program should be structured for nonmajor sources. In addition, the rulemaking was to consider whether to grant permanent exemptions to any source categories for which there was a sufficient record to support such an exemption.

On June 3, 1996, U.S. EPA published a final rule that offered Title V permitting authorities the option to defer permitting of nonmajor sources in chromium electroplating and chromium anodizing tanks (61 FR 27785). IDEM incorporated by reference 40 CFR 63, Subpart N, Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks for major and nonmajor sources, at [326 IAC 20-8-1](#) with provisions for deferred sources to submit a Title V permit application by December 9, 2000, consistent with federal law at the time. On December 19, 2005, U.S. EPA published a final rule exempting the owner or operator of an area source subject to 40 CFR 63, Subpart N, from the obligation to obtain a Title V permit (70 FR 75345). In this rule, IDEM is proposing to delete subsections (c) and (d) from [326 IAC 20-8-1](#) in order to remain consistent with the federal rule. Subsection (c) refers to the exemption for nonmajor sources with regard to a Part 70 permit application. Subsection (d) refers to the compliance date for deferred sources to submit a Title V application. They have now been granted a permanent deferral so this subsection is no longer necessary.

**Amendment to [326 IAC 20-13-5](#)**

The second rule proposed to be amended is [326 IAC 20-13-5](#)(a)(2). This rule applies to secondary lead smelters and incorporates U.S. EPA's NESHAP for this source category. Owners or operators of a secondary lead smelter are required to install and continuously operate a bag leak detection system with an alarm for all baghouses controlling process and process fugitive sources. The current language to initiate procedures to determine the cause of an alarm within one hour is inconsistent with the corrective action requirements in 40 CFR 63.548 to initiate procedures within 30 minutes. Since affected sources have to comply with both requirements, the language referring to one hour is deleted to clarify that sources are subject to the more stringent requirement.

**Amendment to [326 IAC 20-28-1](#)**

The third rule proposed to be amended is [326 IAC 20-28-1](#), hazardous waste combustors. In 1999, U.S. EPA promulgated standards for hazardous waste combustors (64 FR 52828, September 30, 1999). Both industrial sources and environmental groups sought judicial review of the standards. As a result of these petitions certain portions of the standards were vacated. In 2001, the Indiana Air Pollution Control Board adopted [326 IAC 20-28](#), which incorporated by reference 40 CFR 63, Subpart EEE, with the exception of those portions that had been vacated. On October 12, 2005, U.S. EPA finalized national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors (70 FR 59540; October 12, 2005). These standards require hazardous waste combustors to meet hazardous air pollutant (HAP) emission standards reflecting the performance of the maximum achievable control technology (MACT). U.S. EPA's new standards at 40 CFR 63, Subpart EEE, make the exceptions in Indiana's rule at [326 IAC 20-28-1](#) inconsistent with federal law. At this time IDEM is proposing to amend [326 IAC 20-28](#) by deleting those portions of the state rule that were exceptions to the incorporation by reference of 40 CFR 63, Subpart EEE in the 2001 rulemaking. Additionally, IDEM is proposing to remove the Federal Register citation that incorporated by reference amendments to 40 CFR 63, Subpart EEE. By referring only to 40 CFR 63, Subpart EEE, any future federal amendments to this rule may be made through the department's annual rulemaking that updates the definition of "references to the Code of Federal Regulations" at [326 IAC 1-1-3](#) to mean the June 30 edition of the most recent year.

**Amendment to [326 IAC 20-48-1](#)**

The fourth rule amended by this rulemaking is [326 IAC 20-48-1](#), emission standards for hazardous air pollutants for boat manufacturing. The state styrene rule, [326 IAC 20-25](#), was promulgated before there was a final NESHAP to reduce emissions of hazardous air pollutants from boat manufacturing. IDEM subsequently

promulgated a rule to consolidate the requirements from the state styrene rule and the federal NESHAP for boat manufacturers into one rule, [326 IAC 20-48](#). The state styrene rule is being repealed in this rulemaking since all requirements have been subsumed in either the boat manufacturing NESHAP rule, or the reinforced plastic composites production NESHAP rule. [326 IAC 20-48-1\(c\)](#) of the boat manufacturing NESHAP is being amended to delete a reference to [326 IAC 20-25](#) since it is being repealed.

**Amendment to [326 IAC 20-95-1](#)**

The fifth rule amended by this rulemaking is [326 IAC 20-95](#), industrial, commercial and industrial boilers and process heaters NESHAP. On December 6, 2006, at 71 FR 70651, U.S. EPA published a final rule that made a limited number of corrections and amendments to 40 CFR 63.14 and sections 63.7491, 63.7519, 63.7522, 63.7525, 63.7540, 63.7541, 63.7575, and Table 6 of Subpart DDDDD. These changes improve and clarify the procedures for implementing the emissions averaging provisions and for conducting compliance testing when boilers are vented to a common stack. U.S. EPA also clarified several definitions to help affected sources classify "limited use" and "hybrid" boilers, and modified some of the regulatory language based on public comment but overall adopted amendments to the emission averaging provision and other provisions in Subpart DDDDD in a form that is substantially the same form as proposed in October 2005. This amendment adds the provisions from the December 6, 2006, Federal Register to the state rule.

**Repeal of [326 IAC 20-25](#)**

The sixth rule affected by this rulemaking is [326 IAC 20-25](#), concerning styrene emissions from reinforced plastic composite fabricating emission units. The state styrene rule ([326 IAC 20-25](#)) was adopted by the Air Pollution Control Board in October 2000 in advance of the NESHAP for this source category. The state rule applied to all manufacturing of reinforcement plastic composites parts and products, including fiberglass boats. On August 22, 2001, U.S. EPA promulgated a final NESHAP to reduce emissions of hazardous air pollutants from boat manufacturing and IDEM subsequently completed a rulemaking to consolidate the requirements from the state styrene rule and the federal NESHAP for boat manufacturers into one rule, [326 IAC 20-48](#). The applicability section of the state styrene rule was also amended to exempt boat manufacturing sources subject to the boat manufacturing NESHAP from [326 IAC 20-25](#) after the compliance date of the NESHAP.

On April 21, 2003, U.S. EPA promulgated the NESHAP for reinforced plastic composites production. IDEM subsequently completed a rulemaking to consolidate the requirements from the state styrene rule and the NESHAP into one rule, [326 IAC 20-56](#). The reinforced plastics composites production NESHAP covers all sources not covered by the boat manufacturing NESHAP. After the compliance date for existing sources in the reinforced plastic composites production NESHAP, April 21, 2006, all sources that were covered by the state styrene rule should be complying with requirements in either [326 IAC 20-48](#) or [326 IAC 20-56](#) and the state styrene rule is no longer needed. Therefore, IDEM is proposing to repeal [326 IAC 20-25](#).

**[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed Under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

**Potential Fiscal Impact**

There is no expected fiscal impact for this rulemaking. Any costs to sources result from the imposition of federal requirements irrespective of this rulemaking.

**Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Amy Fardy, Rules Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

**Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

[www.in.gov/idem/compliance/ctap/index.html](http://www.in.gov/idem/compliance/ctap/index.html)

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

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

The Small Business Assistance Program Ombudsman is:

Megan Tretter

IDEM Small Business Assistance Program Ombudsman  
MC 50-01 - IGCN 1307  
100 N. Senate Ave.  
Indianapolis, IN 46204-2251  
(317) 234-3386  
mtretter@idem.in.gov

## FINDINGS

The commissioner of IDEM has prepared written findings regarding the addition of [326 IAC 1-1-7](#), amendments to [326 IAC 20-8](#), [326 IAC 20-28](#), [326 IAC 20-48](#), [326 IAC 20-95](#) and repeal of [326 IAC 20-25](#). These findings are prepared under [IC 13-14-9-7](#) and are as follows:

- (1) IDEM proposes to add [326 IAC 1-1-7](#) in order to assign dates to secondary incorporations by reference that are not date specific.
- (2) IDEM proposes to amend [326 IAC 20-8](#), [326 IAC 20-13-5](#), [326 IAC 20-28](#), and [326 IAC 20-95](#) to be consistent with federal regulations 40 CFR 63, Subpart N, 40 CFR 63.548, 40 CFR 63, Subpart EEE, 40 CFR 63, Subpart DDDDD, respectively.
- (3) IDEM proposes to amend [326 IAC 20-48-1](#) to remove references to [326 IAC 20-25](#).
- (4) IDEM proposes to repeal [326 IAC 20-25](#), since the requirements of [326 IAC 20-25](#) have been subsumed in [326 IAC 20-48](#) and [326 IAC 20-56](#).
- (5) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.
- (6) The draft rule is hereby incorporated into these findings.

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Thomas W. Easterly  
Commissioner  
Indiana Department of Environmental Management

## REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the rule. Mailed comments should be addressed to:

#07-307(APCB) Article 20 Cleanup  
Amy Fardy Mail Code 61-50  
c/o Administrative Assistant  
Rules Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor east reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

## COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 27, 2007.

Additional information regarding this action may be obtained from Pat Troth, Rules Development Section, Office of Air Quality, (317) 233-5681 or (800) 451-6027 (in Indiana).

## DRAFT RULE

SECTION 1. [326 IAC 1-1-7](#) IS ADDED TO READ AS FOLLOWS:

### [326 IAC 1-1-7](#) Incorporation by reference

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

**Sec. 7. Unless specified in the documents incorporated by reference in this article, the version of the documents referenced in the incorporated by reference documents is the latest version that is in effect on the date of final adoption of the section in which the document is incorporated.**

(Air Pollution Control Board; [326 IAC 1-1-7](#))

SECTION 2. [326 IAC 20-8-1](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 20-8-1](#) Applicability; incorporation by reference of federal standards**

**Authority:** [IC 13-15-2-1](#); [IC 13-17-3-4](#)

**Affected:** [IC 13-12-3-1](#)

Sec. 1. (a) The provisions of this rule apply to each chromium electroplating or chromium anodizing tank at facilities performing:

- (1) hard chromium electroplating;
- (2) decorative chromium electroplating; or
- (3) chromium anodizing.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart N\*, National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Anodizing Tanks.

(c) Notwithstanding [326 IAC 2-7-2](#), nonmajor sources that have been exempted under 40 CFR 63, Subpart N\* are not required to obtain a Part 70 permit from the department.

(d) Notwithstanding [326 IAC 2-7-4](#)(a), nonmajor sources that have been deferred under 40 CFR 63, Subpart N\* shall submit Part 70 permit applications to the department by December 9, 2000.

\*This document is 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 20-8-1](#); filed December 1, 1995, 10:00 a.m.: 19 IR 659; filed Jul 23, 1998, 4:41 p.m.: 21 IR 4521; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3092)

SECTION 3. [326 IAC 20-13-5](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 20-13-5](#) Operational and work practice standards**

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 5. The owner or operator of a secondary lead smelter must install and continuously operate a bag leak detection system for all baghouses controlling process and process fugitive sources. In accordance with 40 CFR 63.548(g)\* and 40 CFR 63.548(h)\*, baghouses equipped with HEPA filters or used exclusively for the control of fugitive dust emissions are exempt from this requirement. The owner or operator must maintain and operate each baghouse controlling process and process fugitive sources such that the following conditions are met:

- (1) The alarm on the system does not activate for more than five percent (5%) of the total operating time in a six (6) month reporting period.
- (2) Procedures to determine the cause of the alarm are initiated ~~within one (1) hour of the alarm~~ according to the standard operating procedures manual for corrective action required under 40 CFR 63.548\*.

\*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 20-13-5](#); filed Dec 1, 2000, 2:22 p.m.: 24 IR 959; filed May 21, 2002, 10:20 a.m.: 25 IR 3095)

SECTION 4. [326 IAC 20-28-1](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 20-28-1](#) Hazardous waste combustors; 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 all hazardous waste combustors as provided in 40 CFR 63.1200\*. ~~64 FR 52828 (September 30, 1999)\*~~, including the following:

- ~~(1) Hazardous waste incinerators.~~
- ~~(2) Hazardous waste burning cement kilns.~~
- ~~(3) Hazardous waste burning lightweight aggregate kilns.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart EEE\*, ~~64 FR 52828 (September 30, 1999)\*~~, ~~64 FR 63209 (November 19, 1999)\*~~, ~~65 FR 42292 (July 10, 2000)\*~~, and ~~65 FR 67268 (November 9, 2000)\*~~, National Emission Standards for Hazardous Air Pollutants for Hazardous Waste Combustors. ~~with the exception of the following sections:~~

- ~~(1) 63.1206(a)(2), concerning sources that do not intend to comply.~~
- ~~(2) 63.1210(b), concerning notification of intent to comply.~~
- ~~(3) 63.1210(c), concerning public meeting and notice of intent to comply.~~
- ~~(4) 63.1211(b), concerning compliance progress reports associated with the notification of intent to comply.~~
- ~~(5) 63.1212(a), concerning certification of intent to comply.~~
- ~~(6) 63.1212(b), concerning sources that begin burning hazardous waste after September 30, 1999.~~

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402, or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana.

(Air Pollution Control Board; [326 IAC 20-28-1](#); filed Jun 21, 2001, 2:23 p.m.: 24 IR 3617; errata filed Oct 10, 2001, 3:34 p.m.: 25 IR 813)

SECTION 5. [326 IAC 20-48-1](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 20-48-1](#) Applicability; incorporation by reference of federal standards**

**Authority:** [IC 13-15-2-1](#); [IC 13-17-3-4](#)

**Affected:** [IC 13-12-3-1](#)

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5683\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart VVVV\*, National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, except for the following gel coat applications in Table 2 to Subpart VVVV, 40 CFR 63\*, Alternative Organic Hazardous Content Requirements for Open Molding Resin and Gel Coat Operations:

- (1) 3. Pigmented gel coat operations.
- (2) 4. Clear gel coat operations.
- (3) 7. Tooling gel coat operations.

~~(c) Sources subject to this rule are exempt from [326 IAC 20-25](#) after the following compliance dates as provided in Table 1 to Subpart VVVV, 40 CFR 63\*, [Compliance Dates for New and Existing Boat Manufacturing Facilities](#):~~

- ~~(1) August 23, 2004, for an existing source that is a major source on or before August 22, 2001.~~
- ~~(2) One (1) year after becoming a major source for an existing or new nonmajor source.~~
- ~~(3) Upon startup, whichever is later, for a new major source.~~

~~(d) (c) A source shall use the following references or methods to estimate emissions:~~

- ~~(1) "Unified Emission Factors for Open Molding of Composites", July 2001\*, except use of controlled spray emission factors must be approved by the commissioner and U.S. EPA.~~
- ~~(2) "Compilation of Air Pollution Emission Factors AP-42"\*, as defined in [326 IAC 1-2-20.5](#), except emissions from hand layup and spray layup operations must be calculated using:
  - ~~(A) emission factors referenced in subdivision (1); or~~
  - ~~(B) site-specific values using information in subdivision (3).~~~~
- ~~(3) Site-specific values or other means of quantification provided the site-specific values and the emission factors are acceptable to the commissioner and the U.S. EPA.~~

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

*(Air Pollution Control Board; [326 IAC 20-48-1](#); filed Mar 25, 2003, 8:10 a.m.: 26 IR 2611; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR-326060412FRA](#))*

SECTION 6. [326 IAC 20-95-1](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 20-95-1](#) Applicability; incorporation by reference of federal standards**

**Authority:** [IC 13-14-8](#); [IC 13-14-9-7](#); [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 63.7485\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DDDDD\*, as amended by ~~70 FR 76933, December 28, 2005\*~~, **71 FR 70651, December 6, 2006\***, national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers and process heaters.

(c) Owners and operators may use the emission averaging provisions as specified under 40 CFR 63.7522\*.

(d) Under [326 IAC 3-6](#), source sampling procedures, a test protocol form for an emissions test is due thirty-five (35) days before the intended test date.

\*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 20-95-1](#); filed Nov 16, 2006, 4:04 p.m.: [20061213-IR-326050023FRA](#))*

SECTION 7. [326 IAC 20-25](#) IS REPEALED.

[Notice of Public Hearing](#)

*Posted: 06/27/2007 by Legislative Services Agency*

