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**TITLE 326 AIR POLLUTION CONTROL BOARD**

**Proposed Rule**  
LSA Document #07-202

DIGEST

Amends [326 IAC 2-6.1-7](#) concerning minor source operating permit renewals. Effective 30 days after filing with the Publisher.

**HISTORY**

First Notice: April 18, 2007, Indiana Register (DIN: [20070418-IR-326070202FNA](#)).

Second Notice: September 26, 2007, Indiana Register (DIN: [20070926-IR-326070202SNA](#)).

Notice of First Hearing: September 26, 2007, Indiana Register (DIN: [20070926-IR-326070202PHA](#)).

Change in Notice of Public Hearing: October 17, 2007, Indiana Register (DIN: [20071017-IR-326070202CHA](#)).

Date of First Hearing: December 5, 2007.

**PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)**

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#) until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on September 26, 2007, at DIN: [20070926-IR-326070202SNA](#), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from September 26, 2007, through October 26, 2007, on IDEM's draft rule language. No comments were received during the second comment period.

**SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On December 7, 2007, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [326 IAC 2-6.1-7](#). No comments were made at the first hearing.

**[326 IAC 2-6.1-7](#)**

SECTION 1. [326 IAC 2-6.1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 2-6.1-7](#) Operating permit renewal**

**Authority:** [IC 13-14-8](#); [IC 13-15-3-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

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

Sec. 7. (a) A:

(1) new operating permit shall be valid for a period of time not to exceed five (5) years; and a

(2) permit renewal shall be valid for a period of time not to exceed ten (10) years.

However, permits may be valid for any lesser period if determined necessary for administrative reasons by the commissioner.

(b) At least ~~ninety (90)~~ **one hundred twenty (120)** calendar days before the expiration date of an operating permit, the applicant shall apply for a new operating permit from the commissioner if the applicant wishes to continue operation of the source. If a timely and sufficient application for renewal has been made, the existing permit does not expire until a final decision on the application for renewal has been made by the department.

(c) The application for the operating permit renewal shall include the following information:

(1) Certification that the source has not changed from the initial permit issuance or that all modifications to the source have been reviewed and approved in accordance with this rule.

(2) Identification of any changes to the source that are subject to this article that have not received approval before construction or operation.

(Air Pollution Control Board; [326 IAC 2-6.1-7](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1020; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 801; filed Nov 16, 2007, 1:42 p.m.: [20071212-IR-326060487FRA](#))

[Notice of Public Hearing](#)

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