
TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #07-286**DIGEST**

Amends [326 IAC 2-1.1-7](#), [326 IAC 2-7-19](#), [326 IAC 2-8-16](#), [326 IAC 2-8-18](#), [326 IAC 2-9-1](#), [326 IAC 2-9-2.5](#), [326 IAC 2-9-3](#), [326 IAC 2-9-4](#), [326 IAC 2-9-5](#), [326 IAC 2-9-6](#), [326 IAC 2-9-7](#), [326 IAC 2-9-8](#), [326 IAC 2-9-9](#), [326 IAC 2-9-10](#), [326 IAC 2-9-11](#), [326 IAC 2-9-12](#), [326 IAC 2-9-13](#), [326 IAC 2-9-14](#), [326 IAC 2-12-1](#), and [326 IAC 2-13-1](#) concerning air program permit fees. Adds [326 IAC 2-1.1-7.5](#) concerning transition fees and permits. Repeals [326 IAC 2-7-22](#), [326 IAC 2-7-23](#), [326 IAC 2-8-19](#), and [326 IAC 2-8-20](#). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: May 30, 2007, Indiana Register (DIN: [20070530-IR-326070286FNA](#)).

Continuation of First Notice of Comment Period: June 30, 2010, Indiana Register (DIN: [20100630-IR-326070286FCA](#)).

Second Notice of Comment Period: November 24, 2010, Indiana Register (DIN: [20101124-IR-326070286SNA](#)).

Notice of First Hearing: November 24, 2010, Indiana Register (DIN: [20101124-IR-326070286PHA](#)).

Change in Notice of Public Hearing: December 22, 2010, Indiana Register (DIN: [20101222-IR-326070286CHA](#)).

Change in Notice of Public Hearing: March 9, 2011, Indiana Register (DIN: [20110309-IR-326070286CHA](#)).
Date of First Hearing: May 4, 2011.

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 November 24, 2010, at DIN: [20101124-IR-326070286SNA](#), 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

The Indiana Department of Environmental Management (IDEM) requested public comment from November 24, 2010, through December 27, 2010, on IDEM's draft rule language. IDEM received a comment from the following party:

B Paul Consulting, LLC (BPC)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The proposed \$50/ton (with a \$50,000 maximum permit fee level for PAL permits is not appropriate. The PAL permit fees were initially established at \$40 per ton (with a \$40,000 maximum) in 2004, when Indiana adopted the PAL rules as part of the new source review (NSR) reform rule adoption. While the 25% increase of permit fees that were put into place by the IDEM Office of Air Quality might be justified on the basis that it had been more than 10 years since most air permit fees had been established, it does not make any sense at all to increase PAL permit fees by 25% just a few short years after they were established. Consequently, the PAL permit fees should remain at \$40 per ton (with a \$40,000 maximum fee).

In further support of this comment permit fees should be based on the level of effort IDEM must expend to review the permit application and issue the permit. When the PAL fees were originally established, they were based on an estimate of the amount of effort IDEM thought they might have to expend to review and issue such permits. At that time, however, IDEM had never issued any PAL permits. Since then, IDEM has issued a few PAL permits, but I am not aware of IDEM having ever done any sort of analysis to demonstrate that the fees for PAL permits correspond to the amount of effort and expense that the agency must expend to review the PAL permit application and issue the PAL permit. I would estimate that the agency has not expended as much as \$40,000 or \$50,000 in resources to review a PAL application and issue a PAL permit. Until IDEM can demonstrate such fees reflect the actual costs to issue these permits, it should not move forward with a 25% fee increase on a relatively new program. (BPC)

Response: The rulemaking is not increasing PAL permit fees. The draft rule updates existing rule language in Indiana's permit review rules at [326 IAC 2](#) to reflect the 25% increase in Title V permit program fees that the Air Pollution Control Board (board) affirmed at their December 2006 meeting. This fee increase became effective on January 1, 2007.

The 25% fee increase applied to all fees, regardless of when a particular fee was established, for Part 70 (Title V), federally enforceable state operating permits (FESOP), and source specific operating agreements (SSOAs). Fees collected from these permitting programs provide the income for the Title V Permit Trust Fund. Analyzing each program's (Title V, SSOA, and FESOP) individual fees to determine if a 25% increase was warranted would have been both cost and resource prohibitive. At the board's October 2006 meeting, IDEM presented information demonstrating that the existing level of fees collected from Title V, FESOP, and SSOA sources for the Title V Trust Program would be inadequate to continue funding Indiana's air permitting program. The board affirmed the 25% fee increase in order to provide IDEM with the necessary resources to continue to implement Indiana's federally required air permitting program. The PAL fees for Title V and FESOP sources were subject to the 25% fee increase, as fees collected from these two permitting programs are part of the Title V Trust Fund.

IDEM has amended the draft rule language at [326 IAC 2-1.1-7\(h\)\(7\)](#) and in the fee table at [326 IAC 2-1.1-7\(p\)](#) to reflect that PAL permit fees for minor source operating permits (MSOPs) were not subject to the 25% fee increase approved by the board. PAL fees for MSOPs will remain at \$40 per ton (with a \$40,000 maximum fee).

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On May 4, 2011, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [326 IAC 2](#). Comments were made by the following parties:

B Paul Consulting, LLC (BPC)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The Air Pollution Control Board (board) is codifying a decision made about five years ago to raise permit fees that are collected as part of the Title V Trust Fund by 25% across the board. Since that time, the state rules concerning permit fees have not reflected the fees that have actually been assessed, so it is a good idea to make the rules say what the agency is actually assessing from a permit fee standpoint. However, I believe there was an oversight when the board affirmed the permit fee increase. The underlying basis for the permit fee increase that occurred in December of 2006 was 25% across the board, because that reflected an inflationary increase that the agency could justify, because the permit fees had been at those levels for about 12 or 13 years, so a 25% increase seemed to make sense.

However, one permit fee that was only a couple of years old at the time the increase went into effect applies to a special type of air permit called plantwide applicability limits (PAL). A PAL is a special type of permit that allows you to make changes and expand at your plant site without having to go through individual permit modifications under the federal permitting program as long as you accept a plantwide cap on your emissions. The fees that were established when the rules for this program were set up in 2004, was \$40 per ton of emissions that you are authorized to emit, with a cap of \$40,000. When the board approved the 25% fee increase, the PAL fees were raised as well, even though they were only two years old, up to \$50 per ton and a maximum of \$50,000.

I am requesting the board to reconsider the decision with regard to the PAL permitting fees and to take the permit fees for the PAL permits back down to what they were when originally promulgated in 2004 (\$40 per ton, maximum \$40,000). The fees were only two years old at the time they were raised, and there was no real reason to raise them by 25%. When the fees were set at the initial \$40 per ton, they were set without really knowing how much effort it would take the agency to issue these permits, and they were probably set at a high level at first. Based on my practical experience, the agency probably is not expending \$40,000 worth of effort for one of these permits, but I am not here to challenge the level that they were set at in 2004, but just to give you another basis for saying it is probably not the right thing to do to have a \$50,000 fee for this type of permit.

I submitted a comment on this issue during the public comment period. My argument is that the board is now codifying the fee changes into the rules, so this is an appropriate time to make adjustments for things that might have been done as an oversight or an error at the time the board did the overall affirmation of the fee increase.

Response: At the time that the agency requested, and the board affirmed the fee increase, the agency did not look at the cost of processing each permit application because the Title V fees are supposed to cover all the direct and indirect costs of the whole Title V program. These costs include monitoring, inspections, rule development and other activities associated with the permit, not just the cost of issuing the permit. Based on cost projections completed in 2006, the agency determined that there was a shortage in actual and projected incomes compared to agency expenses and recognized the need to raise the total income to the Title V Trust Fund. This was accomplished by an across the board 25% fee increase to all fees collected from the permitting programs that provide income for the Title V Permit Trust Fund. The agency's policy was not to look at each permit type to determine if the requested fee increase should differ based on the type of permit, but, in the interest of equity, to increase all fees that go into the Title V Trust Fund by 25% across the board.

[326 IAC 2-1.1-7](#); [326 IAC 2-1.1-7.5](#); [326 IAC 2-7-19](#); [326 IAC 2-7-22](#); [326 IAC 2-7-23](#); [326 IAC 2-8-16](#); [326 IAC 2-8-18](#); [326 IAC 2-8-19](#); [326 IAC 2-8-20](#); [326 IAC 2-9-1](#); [326 IAC 2-9-2.5](#); [326 IAC 2-9-3](#); [326 IAC 2-9-4](#); [326 IAC 2-9-5](#); [326 IAC 2-9-6](#); [326 IAC 2-9-7](#); [326 IAC 2-9-8](#); [326 IAC 2-9-9](#); [326 IAC 2-9-10](#); [326 IAC 2-9-11](#); [326 IAC 2-9-12](#); [326 IAC 2-9-13](#); [326 IAC 2-9-14](#); [326 IAC 2-12-1](#); [326 IAC 2-13-1](#)

SECTION 1. [326 IAC 2-1.1-7](#) IS AMENDED TO READ AS FOLLOWS:**[326 IAC 2-1.1-7](#) Fees****Authority:** [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17](#)**Affected:** [IC 13-15](#); [IC 13-16-2](#)

Sec. 7. **(a) In accordance with this section**, the applicant shall pay a fee based upon the cost to the commissioner of processing and reviewing **applications or requirements** for the applicable registration, following:

- ~~(1) A permit. or~~
- ~~(2) An operating permit revision application and agreement.~~
- ~~(3) A registration.~~
- ~~(4) A modification.~~
- ~~(5) A revision.~~

~~(6) The cost of determining compliance with the terms and conditions of a permit. Except for sources identified in subdivision (5)(A), (5)(B), or (5)(E), sources subject to [326 IAC 2-7-19](#) are exempt from the fees established by subdivisions (1) and (4) through (6). Sources that have received a permit under [326 IAC 2-8](#) are exempt from the fees established by subdivisions (1) and (4) through (6), except to the extent provided in [326 IAC 2-8-16](#). Sources subject to [326 IAC 2-9](#) are exempt from the fees established by subdivision (1). The fees are established as follows:~~

(7) Any other applicable authorization identified in this section.

~~(1) A basic filing fee of one hundred dollars (\$100) shall be submitted with any application submitted to the commissioner for review in accordance with this article.~~

~~(2) A fee of five hundred dollars (\$500) shall be submitted upon billing for:~~

~~(A) a registration under [326 IAC 2-5-1-2](#);~~

~~(B) a minor permit revision under [326 IAC 2-6-1-6](#)(g) or [326 IAC 2-8-11.1](#)(d); or~~

~~(C) a modification under [326 IAC 2-7-10.5](#)(d).~~

~~(3) At the time the notice of a proposed permit, modification approval, or permit revision is published under [326 IAC 2-5-1-3](#), [326 IAC 2-6-1-6](#)(i), [326 IAC 2-8-11.1](#)(f), or a modification under [326 IAC 2-7-10.5](#)(f), permit or significant permit revision fees shall be assessed as follows:~~

~~(A) A construction permit, modification approval, or significant permit revision approval fee of three thousand five hundred dollars (\$3,500) shall be submitted upon billing for those sources subject to [326 IAC 2-5-1-3](#), [326 IAC 2-6-1-6](#)(i), [326 IAC 2-7-10.5](#)(f), or [326 IAC 2-8-11.1](#)(f). The fee assessed under subdivision (1) shall be credited toward this fee.~~

~~(B) A construction permit fee of six thousand dollars (\$6,000) shall be submitted upon billing for those applications requiring review for PSD requirements under [326 IAC 2-2](#) or emission offset under [326 IAC 2-3](#). The fees assessed under subdivision (1) and clause (A) shall be credited toward this fee.~~

~~(C) Air quality analyses fees shall be assessed as follows:~~

~~(i) A fee of three thousand five hundred dollars (\$3,500) shall be submitted upon billing if an air quality analysis is required under [326 IAC 2-2-4](#) or [326 IAC 2-3-3](#).~~

~~(ii) In lieu of the fee under item (i), a fee of six thousand dollars (\$6,000) shall be submitted upon billing for an air quality analysis per pollutant performed by the commissioner upon request of the source owner or operator. The commissioner may deny a request to perform an air quality analysis.~~

~~(D) Fees for control technology analyses for best available control technology (BACT) under [326 IAC 2-2-3](#), lowest achievable emission rate (LAER) under [326 IAC 2-3-3](#), or comparison of control technology to BACT or LAER for purposes of a clean unit designation as described in [326 IAC 2-2-2-2](#) or [326 IAC 2-3-2-2](#) shall be assessed as follows per emissions unit or group of identical emissions units for which a control technology analysis is required:~~

~~(i) A fee of three thousand dollars (\$3,000) shall be submitted upon billing if two (2) to five (5) control technology analyses are required.~~

~~(ii) A fee of six thousand dollars (\$6,000) shall be submitted upon billing if six (6) to ten (10) control technology analyses are required.~~

~~(iii) A fee of ten thousand dollars (\$10,000) shall be submitted upon billing if more than ten (10) control technology analyses are required.~~

~~(E) Miscellaneous fees to cover technical and administrative costs shall be assessed as follows:~~

~~(i) A fee of five hundred dollars (\$500) shall be submitted upon billing for each review for an applicable national emission standard for hazardous air pollutants under [326 IAC 14](#) or [326 IAC 20](#) or an applicable new source performance standard under [326 IAC 12](#).~~

- (ii) A fee of five hundred dollars (\$500) shall be submitted upon billing for each public hearing conducted prior to issuance of the permit or modification approval.
 - (iii) A fee of six hundred dollars (\$600) shall be submitted upon billing for each control technology analysis for BACT for volatile organic compounds under [326 IAC 8-1-6](#) and for maximum achievable control technology under [326 IAC 2-4-1](#).
- (F) Fees for establishing a plantwide applicability limitation (PAL) in a PAL permit shall be assessed as follows:
- (i) A separate fee shall be assessed for each PAL pollutant.
 - (ii) The fee for each PAL pollutant shall be assessed at forty dollars (\$40) per ton of the allowable emissions for that PAL pollutant.
 - (iii) The maximum combined fee for all PAL pollutants shall not exceed forty thousand dollars (\$40,000).
- (4) Annual operating permit fees shall be assessed as follows:
- (A) A basic permit fee of two hundred dollars (\$200) shall be submitted upon billing for each operating permit required under [326 IAC 2-6-1](#).
 - (B) A fee of six hundred dollars (\$600) shall be submitted upon billing for each source with a potential to emit greater than five (5) tons per year of lead.
 - (C) A fee of one hundred dollars (\$100) shall be submitted upon billing for a relocation approval for a portable source.
- (5) In lieu of fees assessed under subdivision (4), annual operating permit fees shall be assessed for identified source categories as follows:
- (A) During the years 1995 through 1999 inclusive, a fee of fifty thousand dollars (\$50,000), less any amount credited under this clause, shall be charged to an electric power plant for a Phase I affected unit, as identified in Table A of Section 404 of the CAA, or for a substitution unit as determined by the U.S. EPA in accordance with Section 404 of the CAA. Any fees paid by that plant for non-Phase I units under [326 IAC 2-7-19](#) shall be credited toward this fee. Prior to 1995, a fee of three thousand dollars (\$3,000) shall be submitted upon billing by the sources described in this clause. The existence of a Phase I unit at an electric power plant does not affect the plant's duty to pay fees for non-Phase I units at the plant.
 - (B) A fee for each coke plant equal to the costs to the commissioner associated with conducting the surveillance activities required to determine compliance with 40 CFR Part 63, Subpart L* shall be submitted upon billing. Any fee collected under this clause shall not exceed one hundred twenty five thousand dollars (\$125,000).
 - (C) A fee of six hundred dollars (\$600) shall be submitted upon billing for each surface coal mining operation per mining area or pit.
 - (D) A fee of two hundred dollars (\$200) shall be submitted upon billing for each grain terminal elevator as defined in [326 IAC 1-2-33.2](#).
 - (E) A fee of twenty five thousand dollars (\$25,000) shall be submitted upon billing for a municipal solid waste incinerator with capacity greater than two hundred fifty (250) tons per day.
- (6) In addition to the fees assessed under subdivisions (1) through (5), miscellaneous fees to cover technical and administrative costs shall be assessed to sources subject to this section except for sources subject to fees established in subdivision (5)(A), (5)(B), or (5)(E) as follows:
- (A) A fee of one thousand four hundred dollars (\$1,400) shall be submitted upon billing for any air quality network required by permit.
 - (B) A fee of seven hundred dollars (\$700) shall be paid for review under [326 IAC 3](#) of any source sampling test required by permit, per emissions unit. This fee shall be paid upon submittal of a protocol for the stack test as required by [326 IAC 3](#).
 - (C) A fee of two hundred dollars (\$200) shall be submitted upon billing for each opacity or pollutant continuous emission monitor required by permit.
- (b) Fees shall be paid in accordance with the following:**
- (1) For the fees described in subsection (c), the commissioner shall either:**
 - (A) adjust the base fee, the cost per ton of emissions fee, and the maximum fee annually by the consumer price index (CPI) using the revision of the CPI that is most consistent with the CPI for the calendar year 1995; or**
 - (B) submit a fee adequacy demonstration to U.S. EPA that demonstrates that the current level of fees provides sufficient funds for operation of the Title V permit program.**
 - (2) Except for the fees described in subsection (c), the commissioner may adjust all fees on January 1 of each calendar year by the CPI using the revision of the CPI that is most consistent with the CPI for the calendar year 1995. Fees listed in this section may have been adjusted by the CPI. Bills shall reflect most current fee schedule.**
 - (7) (3) Except for interim permits under subsection (I), fees shall be paid:**

(A) by mail or in person; ~~and shall be paid~~

(B) upon billing by check or money order, payable to "Cashier, Indiana Department of Environmental Management"; **and**

(C) no later than thirty (30) days after receipt of **the** billing.

Nonpayment may result in denial of a permit application or revocation of the permit.

~~(8)~~ (4) If an annual fee is being paid under a fee payment schedule established under [IC 13-16-2](#), the fee shall be paid in accordance with that schedule. Establishment of a fee payment schedule must be consistent with [IC 13-16-2](#), including the determination that:

(A) a single payment of the entire fee is an undue hardship on the person; ~~and that~~

(B) the commissioner is not required to assess installments separately.

Failure to pay in accordance with the fee payment schedule that results in substantial nonpayment of the fee may result in revocation of the permit.

~~(9)~~ (5) Fees are nonrefundable. **The fees shall neither be refunded nor applied to any subsequent application or reapplication**, if the:

(A) permit is denied or revoked; ~~or the~~

(B) source or emissions unit is shut down; **or**

(C) **application is withdrawn after the start of the public comment period.**

~~the fees shall neither be refunded nor applied to any subsequent application or reapplication.~~

~~(10) If a permit becomes lost or damaged, a replacement may be requested.~~

~~(11) The commissioner may adjust all fees on January 1 of each calendar year by the Consumer Price Index (CPI) using revision of the CPI that is most consistent with the CPI for the calendar year 1995.~~

(c) The Title V operating permit program trust fund described in [326 IAC 2-7-19](#) and [326 IAC 2-8-16](#) includes all fees from the following sources:

(1) Part 70 sources under [326 IAC 2-7](#).

(2) FESOP sources under [326 IAC 2-8](#).

(3) SSOA sources under [326 IAC 2-9](#).

(d) A source that applies for a Part 70 permit under [326 IAC 2-7](#) shall submit the following fees, as applicable:

(1) Six hundred twenty-five dollars (\$625) for the following:

(A) Minor source modification under [326 IAC 2-7-10.5\(d\)](#).

(B) Permit renewal with minor source modification under:

(i) [326 IAC 2-7-4](#) or [326 IAC 2-7-8](#); and

(ii) [326 IAC 2-7-10.5\(d\)](#).

(2) Four thousand three hundred seventy-five dollars (\$4,375) for the following permits that are not subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant source modification under [326 IAC 2-7-10.5\(f\)](#).

(C) Permit renewal with significant source modification under:

(i) [326 IAC 2-7-4](#) or [326 IAC 2-7-8](#); and

(ii) [326 IAC 2-7-10.5\(f\)](#).

(3) Seven thousand five hundred dollars (\$7,500) for the following permits that are subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant source modification under [326 IAC 2-7-10.5\(f\)](#).

(C) Permit renewal with significant source modification under:

(i) [326 IAC 2-7-4](#) or [326 IAC 2-7-8](#); and

(ii) [326 IAC 2-7-10.5\(f\)](#).

(4) Except for a municipal solid waste incinerator with capacity greater than two hundred fifty (250) tons per day, Part 70 annual fees as follows:

(A) A base fee of one thousand eight hundred seventy-five dollars (\$1,875) and an additional fee of forty-one dollars and twenty-five cents (\$41.25) per ton for each ton of regulated air pollutant emitted, to be limited to not more than:

(i) one hundred eighty-seven thousand five hundred dollars (\$187,500); or

(ii) two hundred fifty thousand dollars (\$250,000), if a source:

(AA) emits more than one hundred (100) tons per year of NO_x;

(BB) emits more than one hundred (100) tons per year of VOC; and

(CC) is located in an area designated as serious or severe nonattainment for ozone in accordance with the CAA.

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- (B) The annual fee calculation in clause (A) shall exclude the following:
- (i) The amount of a Part 70 source's actual annual emission of each regulated air pollutant that the source emits in excess of four thousand (4,000) tons per year.
 - (ii) Emissions for which a fee is due in accordance with this section, except from coke plants subject to 40 CFR 63, Subpart L*.
- (5) Fees for establishing a plantwide applicability limitation (PAL) are as follows:
- (A) A separate fee shall be assessed for each PAL pollutant.
 - (B) The fee for each PAL pollutant shall be fifty dollars (\$50) per ton of the allowable emissions for that PAL pollutant.
 - (C) The maximum combined fee for all PAL pollutants shall not exceed fifty thousand dollars (\$50,000).
- (e) A source that applies for a FESOP under [326 IAC 2-8](#), except FESOP general permit sources under [326 IAC 2-8-18](#), shall submit the following fees, as applicable:
- (1) Three thousand seven hundred fifty dollars (\$3,750) for an initial FESOP under [326 IAC 2-8-3](#).
 - (2) Six hundred twenty-five dollars (\$625) for the following:
 - (A) Minor permit revision under [326 IAC 2-8-11.1\(d\)](#).
 - (B) Permit renewal with minor permit revision under:
 - (i) [326 IAC 2-8-3](#) or [326 IAC 2-8-7](#); and
 - (ii) [326 IAC 2-8-11.1\(d\)](#).
 - (3) Four thousand three hundred seventy-five dollars (\$4,375) for the following permits that are not subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:
 - (A) Construction permit under [326 IAC 2-5.1](#).
 - (B) Significant permit revision under [326 IAC 2-8-11.1\(f\)](#) or [326 IAC 2-8-11.1\(g\)](#).
 - (C) Permit renewal with significant permit revision under:
 - (i) [326 IAC 2-8-3](#) or [326 IAC 2-8-7](#); and
 - (ii) [326 IAC 2-8-11.1\(f\)](#) or [326 IAC 2-8-11.1\(g\)](#).
 - (4) Seven thousand five hundred dollars (\$7,500) for the following permits that are subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:
 - (A) Construction permit under [326 IAC 2-5.1](#).
 - (B) Significant permit revision under [326 IAC 2-8-11.1\(f\)](#) or [326 IAC 2-8-11.1\(g\)](#).
 - (C) Permit renewal with significant permit revision under:
 - (i) [326 IAC 2-8-3](#) or [326 IAC 2-8-7](#); and
 - (ii) [326 IAC 2-8-11.1\(f\)](#) or [326 IAC 2-8-11.1\(g\)](#).
 - (5) An annual fee of one thousand eight hundred seventy-five dollars (\$1,875) under [326 IAC 2-8-16\(b\)](#).
 - (6) Fees for establishing a PAL are as follows:
 - (A) A separate fee shall be assessed for each PAL pollutant.
 - (B) The fee for each PAL pollutant shall be fifty dollars (\$50) per ton of the allowable emissions for that PAL pollutant.
 - (C) The maximum combined fee for all PAL pollutants shall not exceed fifty thousand dollars (\$50,000).
- (f) A source that applies for a FESOP general permit under [326 IAC 2-8-18](#) shall submit the following fees, as applicable:
- (1) An application fee of six hundred twenty-five dollars (\$625) under [326 IAC 2-8-18](#).
 - (2) An annual fee of one thousand two hundred fifty dollars (\$1,250) under [326 IAC 2-8-18](#).
- (g) A source that applies for a SSOA under [326 IAC 2-9](#) shall submit the following fees, as applicable:
- (1) Four thousand three hundred seventy-five dollars (\$4,375) for a construction permit under [326 IAC 2-5.1](#).
 - (2) For an existing source, for up to four (4) SSOAs on the same application, an application fee of six hundred twenty-five dollars (\$625) under [326 IAC 2-9](#) as follows:
 - (A) Industrial or commercial surface coatings under [326 IAC 2-9-2.5](#).
 - (B) Surface coating or graphic arts operations under [326 IAC 2-9-3](#).
 - (C) Woodworking operations under [326 IAC 2-9-4](#).
 - (D) Abrasive cleaning operations under [326 IAC 2-9-5](#).
 - (E) Grain elevators under [326 IAC 2-9-6](#).
 - (F) Sand and gravel plants under [326 IAC 2-9-7](#).
 - (G) Crushed stone processing plants under [326 IAC 2-9-8](#).
 - (H) Ready-mix concrete batch plants under [326 IAC 2-9-9](#).
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(I) Coal mines and coal preparation plants under [326 IAC 2-9-10](#).

(J) Automobile refinishing operations under [326 IAC 2-9-11](#).

(K) Degreasing operations under [326 IAC 2-9-12](#).

(L) External combustion sources [326 IAC 2-9-13](#).

(M) Internal combustion sources [326 IAC 2-9-14](#).

(3) An annual fee of one thousand dollars (\$1,000) for crushed stone processing plants under [326 IAC 2-9-8\(b\)\(3\)](#).

(4) An annual fee of seven hundred fifty dollars (\$750) for coal mines and coal preparation plants under [326 IAC 2-9-10](#).

(h) A source that applies for an MSOP under [326 IAC 2-6.1](#) shall submit the following fees, as applicable:

(1) One hundred dollars (\$100) for an initial MSOP under [326 IAC 2-6.1](#).

(2) Six hundred dollars (\$600) for the following:

(A) Minor permit revision under [326 IAC 2-6.1-6\(g\)](#).

(B) Permit renewal with minor permit revision under [326 IAC 2-6.1-7](#) and [326 IAC 2-6.1-6\(g\)](#).

(3) One hundred dollars (\$100) for an MSOP renewal under [326 IAC 2-6.1-7](#).

(4) Three thousand five hundred dollars (\$3,500) for the following permits that are not subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant permit revision under [326 IAC 2-6.1-6\(i\)](#).

(C) Permit renewal with significant permit revision under [326 IAC 2-6.1-7](#) and [326 IAC 2-6.1-6\(i\)](#).

(5) Six thousand dollars (\$6,000) for the following permits that are subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant permit revision under [326 IAC 2-6.1-6\(i\)](#).

(C) Permit renewal with significant permit revision under [326 IAC 2-6.1-7](#) and [326 IAC 2-6.1-6\(i\)](#).

(6) An annual operating fee of two hundred dollars (\$200) under [326 IAC 2-6.1](#).

(7) Fees for establishing a PAL are as follows:

(A) A separate fee shall be assessed for each PAL pollutant.

(B) The fee for each PAL pollutant shall be forty dollars (\$40) per ton of the allowable emissions for that PAL pollutant.

(C) The maximum combined fee for all PAL pollutants shall not exceed forty thousand dollars (\$40,000).

(i) Applicable transition fees shall be submitted as follows:

(1) One thousand two hundred fifty dollars (\$1,250) for a transition from a Part 70 permit to a FESOP.

(2) Except for a transition under subdivision (1), a transition fee shall be the fee associated with the registration, operating agreement, or type of permit for which an application has been submitted to the department.

(j) Sources required to have a registration under [326 IAC 2-5.1-2](#) or [326 IAC 2-5.5](#) shall submit a fee of six hundred dollars (\$600).

(k) General permit sources under [326 IAC 2-12](#) shall submit a fee of six hundred twenty-five dollars (\$625).

(l) Sources seeking an interim permit approval under [326 IAC 2-13-1](#) shall submit a fee as follows:

(1) Title V, FESOP, and SSOA sources shall submit six hundred twenty-five dollars (\$625) with the application for an interim permit approval.

(2) MSOP, registration, or exempt sources shall submit five hundred dollars (\$500) with the application for an interim permit approval.

(3) The fee shall be paid by:

(A) mail or in person; and

(B) check or money order, payable to "Cashier, Indiana Department of Environmental Management" at the time of application.

Nonpayment may result in denial of a permit application or revocation of the permit.

(m) Title V, FESOP, and SSOA sources subject to this article shall submit other applicable fees identified on the bill as follows:

(1) Fees for air quality analyses are as follows:

(A) A fee of four thousand three hundred seventy-five dollars (\$4,375) shall be submitted if an air quality analysis is required under [326 IAC 2-2-5](#) or [326 IAC 2-3-3](#).

(B) In lieu of the fee under clause (A), a fee of seven thousand five hundred dollars (\$7,500) shall be submitted for an air quality analysis per pollutant performed by the department upon request of the source owner or operator. The commissioner may deny a request to perform an air quality analysis.

(2) Fees for control technology analyses for best available control technology (BACT) under [326 IAC 2-2-3](#) or lowest achievable emission rate (LAER) under [326 IAC 2-3-3](#) are as follows per pollutant and per emissions unit or group of identical emissions units for which a control technology analysis is required:

(A) A fee of three thousand seven hundred fifty dollars (\$3,750) shall be submitted if two (2) to five (5) control technology analyses are required.

(B) A fee of seven thousand five hundred dollars (\$7,500) shall be submitted if six (6) to ten (10) control technology analyses are required.

(C) A fee of twelve thousand five hundred dollars (\$12,500) shall be submitted if more than ten (10) control technology analyses are required.

(3) A fee of six hundred twenty-five dollars (\$625) shall be submitted for each review for an applicable:

(A) national emission standard for hazardous air pollutants under:

(i) [326 IAC 14](#);

(ii) [326 IAC 20](#);

(iii) 40 CFR 61; or

(iv) 40 CFR 63; or

(B) new source performance standard under:

(i) [326 IAC 12](#); or

(ii) 40 CFR 60.

(4) A fee of six hundred twenty-five dollars (\$625) shall be submitted for each public hearing conducted prior to issuance of the permit, permit modification, or permit revision approval.

(5) A fee of seven hundred fifty dollars (\$750) shall be submitted for each control technology analysis for BACT for volatile organic compounds under [326 IAC 8-1-6](#) and for maximum achievable control technology under [326 IAC 2-4.1](#).

(6) A fee of one hundred twenty-five dollars (\$125) shall be submitted for each experimental trial approval under section 3(h)(3) of this rule.

(7) Except for Part 70 and FESOP sources, a fee of one hundred twenty-five dollars (\$125) shall be submitted for each relocation approval for a portable source under [326 IAC 2-14](#).

(8) Except for Part 70 and FESOP sources, a fee of eight hundred seventy-five dollars (\$875) shall be submitted for a review under [326 IAC 3](#) of any source sampling test required by permit, per emissions unit. This fee shall be paid upon submittal of a protocol for the stack test as required by [326 IAC 3](#).

(n) MSOP, registration, or exempt sources subject to this article shall submit other applicable fees identified on the bill as follows:

(1) A fee of one hundred dollars (\$100) for an exemption under section 3 of this rule or [326 IAC 2-5.1-1](#)(1).

(2) Fees for air quality analyses are as follows:

(A) A fee of three thousand five hundred dollars (\$3,500) shall be submitted if an air quality analysis is required under [326 IAC 2-2-5](#) or [326 IAC 2-3-3](#).

(B) In lieu of the fee under clause (A), a fee of six thousand dollars (\$6,000) shall be submitted for an air quality analysis per pollutant performed by the department upon request of the source owner or operator. The commissioner may deny a request to perform an air quality analysis.

(3) Fees for control technology analyses for BACT under [326 IAC 2-2-3](#) or LAER under [326 IAC 2-3-3](#) are as follows per pollutant and per emissions unit or group of identical emissions units for which a control technology analysis is required:

(A) A fee of three thousand dollars (\$3,000) shall be submitted if two (2) to five (5) control technology analyses are required.

(B) A fee of six thousand dollars (\$6,000) shall be submitted if six (6) to ten (10) control technology analyses are required.

(C) A fee of ten thousand dollars (\$10,000) shall be submitted if more than ten (10) control technology analyses are required.

(4) A fee of five hundred dollars (\$500) shall be submitted for each review for an applicable:

(A) national emission standard for hazardous air pollutants under:

- (i) [326 IAC 14](#);
- (ii) [326 IAC 20](#);
- (iii) 40 CFR 61; or
- (iv) 40 CFR 63; or

(B) new source performance standard under:

- (i) [326 IAC 12](#); or
- (ii) 40 CFR 60.

(5) A fee of five hundred dollars (\$500) shall be submitted for each public hearing conducted prior to issuance of the permit or revision approval.

(6) A fee of six hundred dollars (\$600) shall be submitted for each control technology analysis for BACT for volatile organic compounds under [326 IAC 8-1-6](#) and for maximum achievable control technology under [326 IAC 2-4.1](#).

(7) A fee of one hundred dollars (\$100) shall be submitted for each experimental trial approval under section 3(h)(3) of this rule.

(8) A fee of one hundred dollars (\$100) shall be submitted for each relocation approval for a portable source under [326 IAC 2-14](#).

(9) A fee of seven hundred dollars (\$700) shall be submitted for review under [326 IAC 3](#) of any source sampling test required by permit, per emissions unit. This fee shall be paid upon submittal of a protocol for the stack test as required by [326 IAC 3](#).

(o) Other annual operating permit fees shall be assessed for identified source categories as follows:

(1) In addition to the applicable fees in this section, a fee for each coke plant equal to the costs to the commissioner associated with conducting the surveillance activities required to determine compliance with 40 CFR Part 63, Subpart L* shall be submitted. Any fee collected under this subdivision shall not exceed one hundred fifty-six thousand two hundred fifty dollars (\$156,250).

(2) A fee of twenty-five thousand dollars (\$25,000) shall be submitted for a municipal solid waste incinerator with capacity greater than two hundred fifty (250) tons per day.

(p) The following table is provided as a reference to the fees described in this section:

| DESCRIPTION | | FEE | REFERENCE |
|---------------------|---|-------------------------------------|---|
| Part 70 Fees | | | |
| | Minor Source Modification | \$625 | 326 IAC 2-7-10.5(d) |
| | Renewal with Minor Source Modification | \$625 | 326 IAC 2-7-4 , 326 IAC 2-7-8 , 326 IAC 2-7-10.5(d) |
| | Construction Permit | \$4,375 | 326 IAC 2-5.1 |
| | Construction Permit with PSD or Emission Offset | \$7,500 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1 |
| | Significant Source Modification | \$4,375 | 326 IAC 2-7-10.5(f) |
| | Significant Source Modification with PSD or Emission Offset | \$7,500 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-7-10.5(f) |
| | Renewal with Significant Source Modification | \$4,375 | 326 IAC 2-7-4 , 326 IAC 2-7-8 , 326 IAC 2-7-10.5(f) |
| | Renewal with Significant Source Modification and PSD or Emission Offset | \$7,500 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-7-4 , 326 IAC 2-7-8 , 326 IAC 2-7-10.5(f) |
| | PAL (Separate fee per PAL pollutant. Maximum combined fee for all PAL pollutants not to exceed \$50,000.) | \$50 per ton of allowable emissions | 326 IAC 2-2.4 , 326 IAC 2-3.4 |
| FESOP Fees | | | |
| | Initial FESOP | \$3,750 | 326 IAC 2-8-3 |
| | Minor Permit Revision | \$625 | 326 IAC 2-8-11.1(d) |
| | Renewal with Minor Permit Revision | \$625 | 326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(d) |
| | Construction Permit | \$4,375 | 326 IAC 2-5.1 |
| | Construction Permit with PSD or Emission Offset | \$7,500 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1 |

| | | | |
|------------------------|--|-------------------------------------|---|
| | Significant Permit Revision | \$4,375 | 326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g) |
| | Significant Permit Revision with PSD or Emission Offset | \$7,500 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g) |
| | Renewal with Significant Permit Revision | \$4,375 | 326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g) |
| | Renewal with Significant Permit Revision and PSD or Emission Offset | \$7,500 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g) |
| | PAL (Separate fee per PAL pollutant. Maximum combined fee for all PAL pollutants not to exceed \$50,000.) | \$50 per ton of allowable emissions | 326 IAC 2-2.4 , 326 IAC 2-3.4 |
| | FESOP general permit | \$625 | 326 IAC 2-8-18 |
| SSOA Fees | | | |
| | Construction Permit | \$4,375 | 326 IAC 2-5.1 , 326 IAC 2-9 |
| | Industrial or Commercial Surface Coatings | \$625 | 326 IAC 2-9-2.5 |
| | Surface Coating or Graphic Arts Operations | \$625 | 326 IAC 2-9-3 |
| | Woodworking Operations | \$625 | 326 IAC 2-9-4 |
| | Abrasive Cleaning Operations | \$625 | 326 IAC 2-9-5 |
| | Grain Elevators | \$625 | 326 IAC 2-9-6 |
| | Sand and Gravel Plants | \$625 | 326 IAC 2-9-7 |
| | Crushed Stone Processing Plants | \$625 | 326 IAC 2-9-8 |
| | Ready-mix Concrete Batch Plants | \$625 | 326 IAC 2-9-9 |
| | Coal Mines and Coal Preparation Plants | \$625 | 326 IAC 2-9-10 |
| | Automobile Refinishing Operations | \$625 | 326 IAC 2-9-11 |
| | Degreasing Operations | \$625 | 326 IAC 2-9-12 |
| | External Combustion Sources | \$625 | 326 IAC 2-9-13 |
| | Internal Combustion Sources | \$625 | 326 IAC 2-9-14 |
| | A source may apply for up to four SSOAs on a single SSOA application and the fee will be \$625 for the application. | | |
| Transition Fees | | | |
| | Transition from Part 70 Permit to FESOP | \$1,250 | 326 IAC 2-1.1-7.5 |
| | All other transition fees shall be the fee associated with the registration, operating agreement, or type of permit for which an application has been submitted to the department in accordance with 326 IAC 2-1.1-7.5 . | | |
| MSOP Fees | | | |
| | Initial MSOP | \$100 | 326 IAC 2-6.1 |
| | Minor Permit Revision | \$600 | 326 IAC 2-6.1-6(g) |
| | Renewal with Minor Permit Revision | \$600 | 326 IAC 2-6.1-7 , 326 IAC 2-6.1-6(g) |
| | Renewal | \$100 | 326 IAC 2-6.1-7 |
| | Construction Permit | \$3,500 | 326 IAC 2-5.1 |
| | Construction Permit with PSD or Emission Offset | \$6,000 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1 |
| | Significant Permit Revision (no PSD or Emission Offset) | \$3,500 | 326 IAC 2-6.1-6(i) |
| | Significant Permit Revision with PSD or Emission Offset | \$6,000 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-6.1-6(i) |
| | Renewal with Significant Permit Revision | \$3,500 | 326 IAC 2-6.1-7 , 326 IAC 2-6.1-6(i) |
| | Renewal with Significant Permit Revision and PSD or Emission Offset | \$6,000 | 326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-6.1-7 , 326 IAC 2-6.1-6(i) |

| | | | |
|--|---|-------------------------------------|---|
| | PAL (Separate fee per PAL pollutant. Maximum combined fee for all PAL pollutants not to exceed \$40,000.) | \$40 per ton of allowable emissions | 326 IAC 2-2.4 , 326 IAC 2-3.4 |
| Registration | | \$600 | 326 IAC 2-5.1-2 , 326 IAC 2-5.5 |
| General Permit | | \$625 | 326 IAC 2-12 |
| Other Fees | | | |
| | Exemption (Exempt Source) | \$100 | 326 IAC 2-1.1-3 , 326 IAC 2-5.1-1(1) |
| | Relocation of a Portable Source (SSOA Source) | \$125 | 326 IAC 2-14 |
| | Relocation of a Portable Source (MSOP, Registration or Exempt Source) | \$100 | 326 IAC 2-14 |
| | Interim Permit (Title V, FESOP, or SSOA Source) | \$625 | 326 IAC 2-13-1 |
| | Interim Permit (MSOP, Registration, or Exempt Source) | \$500 | 326 IAC 2-13-1 |
| | Public Hearing (Title V, FESOP, or SSOA Source) | \$625 | 326 IAC 2-7 , 326 IAC 2-8 , 326 IAC 2-9 |
| | Public Hearing (MSOP, Registration, or Exempt Source) | \$500 | 326 IAC 2-1.1-3 , 326 IAC 2-5.5 , 326 IAC 2-6.1 |
| | NSPS Review (Title V, FESOP, or SSOA Source) | \$625 each | 326 IAC 12-1 , 40 CFR 60 |
| | NSPS Review (MSOP, Registration, or Exempt Source) | \$500 each | 326 IAC 12-1 , 40 CFR 60 |
| | NESHAP Review (Title V, FESOP, or SSOA Source) | \$625 each | 326 IAC 14 , 326 IAC 20 , 40 CFR 61, 40 CFR 63 |
| | NESHAP Review (MSOP, Registration, or Exempt Source) | \$500 each | 326 IAC 14 , 326 IAC 20 , 40 CFR 61, 40 CFR 63 |
| | VOC BACT or MACT Review (Title V, FESOP, or SSOA Source) | \$750 each | 326 IAC 8-1-6 , 326 IAC 2-4.1 |
| | VOC BACT or MACT Review (MSOP, Registration, or Exempt Source) | \$600 each | 326 IAC 8-1-6 , 326 IAC 2-4.1 |
| PSD BACT or LAER Review | | | |
| | 2 to 5 Review Analyses (Title V, FESOP, or SSOA source) | \$3,750 | 326 IAC 2-2-3 , 326 IAC 2-3-3 |
| | 6 to 10 Review Analyses (Title V, FESOP, or SSOA source) | \$7,500 | 326 IAC 2-2-3 , 326 IAC 2-3-3 |
| | 11 or More Review Analyses (Title V, FESOP, or SSOA Source) | \$12,500 | 326 IAC 2-2-3 , 326 IAC 2-3-3 |
| | 2 to 5 Review Analyses (MSOP, Registration, or Exempt Source) | \$3,000 | 326 IAC 2-2-3 , 326 IAC 2-3-3 |
| | 6 to 10 Review Analyses (MSOP, Registration, or Exempt Source) | \$6,000 | 326 IAC 2-2-3 , 326 IAC 2-3-3 |
| | 11 or More Review Analyses (MSOP, Registration, or Exempt Source) | \$10,000 | 326 IAC 2-2-3 , 326 IAC 2-3-3 |
| Air Quality Impact Study Review | | | |
| | If Applicant Does Analysis (Title V, FESOP, or SSOA Source) | \$4,375 | 326 IAC 2-2-5 , 326 IAC 2-3-3 |
| | If Applicant Does Analysis (MSOP, Registration, or Exempt Source) | \$3,500 | 326 IAC 2-2-5 , 326 IAC 2-3-3 |
| | If OAQ Does Analysis (Title V, FESOP, or SSOA Source) | \$7,500 per pollutant | 326 IAC 2-2-5 , 326 IAC 2-3-3 |
| | If OAQ Does Analysis (MSOP, Registration, or Exempt Source) | \$6,000 per pollutant | 326 IAC 2-2-5 , 326 IAC 2-3-3 |
| Experimental Trial Approval (Title V, FESOP, or SSOA Source) | | \$125 | 326 IAC 2-1.1-3(h)(3) |
| Experimental Trial Approval (MSOP, Registration, or Exempt Source) | | \$100 | 326 IAC 2-1.1-3(h)(3) |
| Source Sampling Test (SSOA Source) | | \$875 | 326 IAC 3 |
| Source Sampling Test (MSOP, Registration, or Exempt Source) | | \$700 | 326 IAC 3 |
| Annual Fees | | | |

| | | | |
|--------------------------|--|---|-------------------------------------|
| | Part 70; Limited to \$187,500 per year or, for sources emitting more than 100 tons NO _x per year and more than 100 tons; VOC per year and in serious or severe ozone nonattainment area, \$250,000. (Or up to 4,000 tons per year for each pollutant) | \$1,875 plus \$41.25 per ton for each regulated air pollutant | 326 IAC 2-7 |
| | FESOP Annual Fee | \$1,875 | 326 IAC 2-8-16(b) |
| | FESOP General Permit Annual Fee | \$1,250 | 326 IAC 2-8-18 |
| | SSOA Crushed Stone Processing Plants, Annual | \$1,000 | 326 IAC 2-9-8(b)(3) |
| | SSOA Coal Mines and Coal Preparation Plants, Annual | \$750 | 326 IAC 2-9-10 |
| | MSOP Annual Fee | \$200 | 326 IAC 2-6.1 |
| Other Annual Fees | | | |
| | Monitoring Coke Oven Batteries | up to \$156,250 | |
| | Municipal Solid Waste Incinerator | \$25,000 | 326 IAC 2-7-19(c) |

In any conflict between subsections (a) through (o) and this table, a source shall comply with the provisions in subsections (a) through (o).

*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 2-1.1-7](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 991; filed May 21, 2002, 10:20 a.m.: 25 IR 3057; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3887)

SECTION 2. [326 IAC 2-1.1-7.5](#) IS ADDED TO READ AS FOLLOWS:

[326 IAC 2-1.1-7.5](#) Transition fees and procedures

Authority: [IC 13-14-8](#); [IC 13-17](#)

Affected: [IC 13-15](#)

Sec. 7.5. (a) A permittee may choose to change the level of operating permit under the following conditions:

(1) For the new level of operating permit, the source must meet all applicable:

- (A) limits;
- (B) conditions; and
- (C) legal restrictions.

(2) The permittee shall submit an application to the department for the new level of permit and revocation of the old permit in accordance with the requirements of this article.

(3) If the permittee plans to modify or add to the source in conjunction with the application for a new operating permit, the permittee shall submit the new operating permit application with an application for construction approval.

(4) The permittee shall operate under the terms of the old permit until the new permit issued by the department is effective.

(b) An application for a new level of operating permit under this section shall comply with the following:

(1) Meet the appropriate application requirements under:

- (A) [326 IAC 2-2.4-3](#);
- (B) [326 IAC 2-3.4-3](#);
- (C) [326 IAC 2-5.5-3](#);
- (D) [326 IAC 2-6.1-4](#);
- (E) [326 IAC 2-7-4](#);

(F) [326 IAC 2-8-3](#); or

(G) [326 IAC 2-9-1](#).

(2) Identify the following:

(A) Units, processes, or operations that were removed or modified to reduce the unrestricted potential to emit, if applicable.

(B) Any supporting information or calculations to document that unrestricted potential to emit will be below a particular applicability.

(C) Units, processes, or operations that will accept limitations or conditions to reduce potential to emit, if allowed or required by the new operating permit level.

(D) Limitations or conditions that will be established, including any supporting information or calculations to document that emissions will be below a particular operating permit applicability, if allowed or required by the new operating permit level.

(E) New or modified compliance monitoring requirements for the limitations or conditions, if allowed or required by the new operating permit level.

(3) Include a statement verifying that the information in the existing permit application is valid.

(4) Upon receipt of a bill from the department, pay the appropriate fee in accordance with section 7(i) of this rule.

(c) The applicant shall comply with the notice requirements under the following:

(1) Section 6 of this rule.

(2) [326 IAC 2-2.4-5](#).

(3) [326 IAC 2-3.4-5](#).

(4) [326 IAC 2-5.5-5](#).

(5) [326 IAC 2-7-17](#).

(6) [326 IAC 2-8-13](#).

(d) Payment of an annual operating fee or refund of an annual operating fee paid under section 7 of this rule shall be prorated.

(Air Pollution Control Board; [326 IAC 2-1.1-7.5](#))

SECTION 3. [326 IAC 2-7-19](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-7-19](#) Fees

Authority: [IC 13-14-8](#); [IC 13-17](#)

Affected: [IC 4-21.5](#); [IC 13-15](#); [IC 13-16-2-1](#); [IC 13-17-8](#)

Sec. 19. (a) Owners or operators of Part 70 sources are required to pay annual fees as established by [326 IAC 2-1.1-7](#) and this rule. However, the commissioner shall reduce the fee established by this rule by the following:

(1) Fifty percent (50%) for fees assessed in calendar year 1994.

(2) Twenty-five percent (25%) for fees assessed in calendar year 1995. Prior to issuance of a Part 70 permit, or a FESOP permit, the source is subject to the fees established in this rule, unless notification is provided under [326 IAC 2-8-16\(d\)](#).

(b) A source shall pay the annual fee within thirty (30) calendar days of receipt of a billing by the department. The department shall bill each source no later than July 31, 1994, and no later than February 1 in subsequent years of each year. A source which that begins operation for the first time in a given year shall be billed on a prorated basis by determining the number of complete months remaining in the calendar year and dividing by twelve (12) to determine the percent of the annual fee due to the department. If a source subject to this rule or [326 IAC 2-8](#) does not receive a bill from the department, the applicable fee must be submitted to the department prior to September 1 in 1994, and by April 1 of any subsequent that year. If an annual fee is being paid under a fee schedule established under [IC 13-16-2-1](#), the fee shall be paid in accordance with that schedule. Establishment of a fee payment schedule must be consistent with the provisions of [IC 13-16-2-1](#), including the determination that:

(1) a single payment of the entire fee is an undue hardship on the person; and that

(2) the department is not required to assess installments separately.

(c) Each Part 70 source shall pay a base fee of one thousand five hundred dollars (\$1,500) and shall pay an additional **annual** fee of thirty three dollars (\$33) per ton for each ton of regulated air pollutant emitted, provided that no source shall pay more than one hundred fifty thousand dollars (\$150,000) or, if a source emits more than one hundred (100) tons per year of NO_x and more than one hundred (100) tons per year of VOC and is located in an area designated as serious or severe nonattainment for ozone in accordance with the CAA, the source shall pay no more than two hundred thousand dollars (\$200,000). During the years of 1994 through 1999 inclusive, any affected unit under Section 404 of the CAA shall be exempted from the fees established under this section. Municipal solid waste incinerators subject to [326 IAC 2-1.1-7](#)(5)(E) shall be exempt from the fees established under this section. **326 IAC 2-1.1-7(d)(4)**. The annual emission statement submitted during the previous calendar year required by [326 IAC 2-6](#) or section 5(3)(C)(iii) of this rule and other available information shall be the basis for determining total tons of actual emissions of each regulated pollutant. **The commissioner may require that the source report annual emissions using procedures acceptable to the commissioner prior to billing, if:**

(1) an annual emission report is not required; or if
 (2) more information is needed to accurately determine a source's emissions for a regulated pollutant.
~~the commissioner may require that the source report annual emissions using procedures acceptable to the commissioner prior to billing.~~

(d) ~~The commissioner shall exclude from the fee calculation the following:~~

- (1) ~~The amount of a Part 70 source's actual emission of each regulated pollutant that the source emits in excess of four thousand (4,000) tons per year.~~
 (2) ~~Emissions for which a fee is due in accordance with [326 IAC 2-1.1-7](#), except for emissions from coke plants subject to 40 CFR 63, Subpart L*.~~

(e) **(d)** After review of the source's annual emission statement and all other available information, the commissioner shall calculate the total emissions to be included in the determination of the annual fee. No source shall be required to pay more than a single dollar-per-ton fee during any billing period for any one (1) ton of pollutant emitted. If the source disputes the calculation of total emissions at the time of the billing, the source shall remit the total fee minus the amount attributable to the disputed emissions total within thirty (30) days of the receipt of a billing. The source shall provide supporting emissions calculations for the commissioner's review no later than thirty (30) days from receipt of the initial billing. The commissioner shall review the information and make a final determination of the total annual fee. The source shall pay any remaining fee within fifteen (15) days of receipt of a second billing. The commissioner's determination of a final fee amount is a final action for purposes of [IC 4-21.5](#).

(f) **(e)** The commissioner shall adjust the base fee, the cost per ton of emissions fee, and the maximum fee annually by the Consumer Price Index (CPI) using the revision of the CPI which is most consistent with the CPI for the calendar year 1995. Beginning in 1996, **Part 70 fees in accordance with [326 IAC 2-1.1-7\(b\)\(1\)](#)**. In the event that the revenues collected in a given calendar year are insufficient to support the direct and indirect costs of the Title V operating permit program, the commissioner may adjust the fee schedule as necessary to assure adequate revenues, not to exceed thirteen million seven hundred thousand dollars (\$13,700,000) (adjusted by CPI), are collected. The commissioner shall include the full balance of the Title V operating permit program trust fund in determining whether the available funds for the billing year total thirteen million seven hundred thousand dollars (\$13,700,000) (adjusted by CPI). Prior to making any such fee adjustment, the commissioner shall:

- (1) prepare a report demonstrating:
 (A) the revenue shortfall;
 (B) the need for additional resources to effectively implement the Part 70 permit program; and
 (C) any proposed adjustment to the fee schedule; and shall
 (2) make the report available to the public at least sixty (60) days in advance of a regularly scheduled meeting of the air pollution control board, at which the report shall be discussed and affirmed by a majority vote of the board members present.

Upon a determination by the commissioner that a fee adjustment is necessary, Part 70 sources shall be billed for the adjustment during the billing cycle following such determination.

~~(g) Beginning in 1996, (f)~~ The commissioner shall review the monies in the Title V operating permit trust fund prior to billing Part 70 and FESOP sources. If the balance of the fund, once obligated expenditures are subtracted from the balance, exceeds three million dollars (\$3,000,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over three million dollars (\$3,000,000). Adjustments to individual bills shall be proportional to the

applicable fee divided by the total amount required by all the applicable fees.

~~(h)~~ **(g)** The commissioner shall present a report to the air pollution control board by October 15 of each calendar year. ~~beginning in 1995.~~ The report shall include the following information regarding the permit program required by this rule:

- (1) The number of sources subject to the requirements of this rule.
- (2) The number of permit applications received by the department.
- (3) The number and timeliness of final permit actions taken the previous year.
- (4) A summary of expenditures and revenues to the Title V operating permit program trust fund for the previous year.
- (5) The adequacy of the fees collected by the department to fund the Part 70 permit program.
- (6) A description of any monies deposited into the Title V operating permit program trust fund that were obtained by means other than fees paid under this section or ~~326 IAC 2-8-16~~. **326 IAC 2-1.1-7(d) through 326 IAC 2-1.1-7(g).** The description shall document that ~~such~~ the revenues were not used to cover any direct or indirect costs of the Title V operating permit program.

Based on the report, the board may recommend that the commissioner prepare revisions to the annual fee schedule such that the annual aggregate amount of fees collected under the operating permit program is sufficient to cover only the direct and indirect costs of the permit program.

~~(i)~~ **(h)** A fee schedule established in subsection (c) may be billed in whole or in part by a local air pollution control agency per terms of an enforceable written agreement or contract between the local air agency and the commissioner. Any Part 70 fee paid to a local air agency shall be considered as revenue to the Title V operating permit trust fund and may, after U.S. EPA approval of the Part 70 permit program, only be expended for purposes consistent with [IC 13-17-8-2](#) through [IC 13-17-8-9](#). A local air agency billing to a Part 70 source shall:

- (1)** specify the amount being assessed under this section; and ~~shall~~
- (2)** distinguish any other amount billed as not pursuant to the purposes of [IC 13-17-8-2](#) through [IC 13-17-8-9](#) under an enforceable agreement with the commissioner.

The commissioner or local air agency may direct the source to make payment of fees established under this section in part to both the department and the local air agency such that the total Part 70 permit program fee does not exceed the amount in subsection (c). ~~During 1994, the commissioner may defer to billing of a local air agency if the total billing for all Part 70 sources exceeds the total amount due under this section if specified in an enforceable agreement between the local air agency and the commissioner. During 1994, the commissioner may assess a fee not to exceed twenty five percent (25%) of the local agency fee in order to recover costs associated with development and preparation of a complete statewide Part 70 operating permit program for activities that will not be duplicated by the local air agency if it is determined that the local air agency fees collected from Part 70 and FESOP permittees do not provide adequate revenue for the local agency to develop and prepare the Title V operating permit program at a pace comparable to state development and preparation.~~

*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 2-7-19](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2267; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; errata filed Dec 21, 1994, 9:37 a.m.: 18 IR 1290; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2349; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1045; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed May 21, 2002, 10:20 a.m.: 25 IR 3069)

SECTION 4. [326 IAC 2-8-16](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-8-16](#) Fees

Authority: [IC 13-14-8](#); [IC 13-17](#)

Affected: [IC 13-15](#); [IC 13-16-2-1](#); [IC 13-17-8](#)

Sec. 16. (a) ~~An~~ **The application fee** for an initial FESOP ~~must be accompanied by a fee of three thousand dollars (\$3,000) shall be billed in accordance with [326 IAC 2-1.1-7\(e\)\(1\)](#) unless a source is subject to an application fee established under section 18 of this rule. Any fee paid by the source in accordance with [326 IAC 2-](#)~~

~~4.1.7~~ after January 1, 1994, and before the date an application is submitted or December 31, 1995, whichever is earlier, shall be credited toward the application fee. For sources that submit a FESOP application prior to December 31, 1995, the department shall not assess a fee under [326 IAC 2-1.1-7](#) while the FESOP application is pending.

(b) A source that has been issued a FESOP under this rule shall pay an annual operating fee of ~~one thousand five hundred dollars (\$1,500)~~ **in accordance with [326 IAC 2-1.1-7\(e\)\(5\)](#)** upon billing by the department unless a source is subject to an annual operating fee established under section 18 of this rule. If an annual operating fee is being paid under a fee payment schedule established under [IC 13-16-2-1](#), the fee shall be paid according to the established schedule. Establishment of a fee payment schedule must be consistent with the provisions of [IC 13-16-2-1](#), including the determination that:

- (1) a single payment of the entire fee is an undue hardship on the person; and ~~that~~
- (2) the department is not required to assess installments separately.

For sources that submit an application for a FESOP after December 31, 1995, a source that has been issued a FESOP shall not be assessed an annual operating fee in the billing cycle immediately following issuance of the FESOP, but shall be assessed the annual operating fee in subsequent billing cycles.

(c) The commissioner shall adjust the **FESOP** fees described in subsection (b) each year by the Consumer Price Index (CPI). ~~The revision of the CPI which is most consistent with the CPI for the calendar year 1995 shall be used.~~ **in accordance with [326 IAC 2-1.1-7\(b\)\(1\)](#).**

(d) ~~A source that notifies the department during the calendar year 1994 or 1995 of its intent to file a FESOP application is not subject to the fee schedule contained in [326 IAC 2-7-19](#). The source must continue to pay fees under [326 IAC 2-1.1-7](#) until an application for a FESOP is made by the applicant or until a permit application is required to be submitted under [326 IAC 2-7](#). If a FESOP is not approved by the commissioner prior to the requirement that a Part 70 operating permit application be submitted, the source may be billed for the applicable fee under [326 IAC 2-7-19](#) for the calendar years 1994 and 1995 and subsequent years until a FESOP is issued. A source that applies for a FESOP at least nine (9) months in advance of the requirement to apply for a Part 70 permit is not subject to the [326 IAC 2-7-19](#) fee schedule until the commissioner makes a final determination on the FESOP application or a final Part 70 permit is issued for the source.~~

(e) ~~Beginning in 1996,~~ The commissioner shall review the monies in the Title V operating permit trust fund prior to billing ~~Part 70 sources and~~ FESOP sources. If the balance of the fund, once obligated expenditures are subtracted from the balance, exceeds three million dollars (\$3,000,000) as of July 1 of the billing year, the department shall adjust the annual fee schedule for Part 70 and FESOP sources to bill an aggregate less than the total fee schedule amount equivalent to the amount in excess of three million dollars (\$3,000,000). Adjustments to individual bills shall be proportional to the applicable fee divided by the total amount required by all the applicable fees.

(f) A fee established under this section may be billed in whole or in part by a local air pollution control agency under terms of an enforceable written agreement or contract between the local air agency and the commissioner. Any FESOP fee paid to a local air agency shall be considered as revenue to the Title V operating permit trust fund and after the effective date of approval by the U.S. EPA of the Part 70 permit program may only be expended for purposes consistent with [IC 13-17-8-2](#) through [IC 13-17-8-9](#). A local air agency billing to a FESOP source shall:

- (1) specify the amount being assessed under this section; and ~~shall~~
- (2) distinguish any other amount billed as not pursuant to the purposes of [IC 13-17-8-2](#) through [IC 13-17-8-9](#) under an enforceable agreement with the commissioner.

The commissioner or local air agency may direct the source to make payment of fees established under this rule in part to both the department and local air agency such that the total FESOP fee does not exceed the amount in this rule. ~~During 1994, the department may defer to billing of a local air agency if the total billings for all FESOP sources exceed the total amount due under this rule if specified in an enforceable agreement between the local air agency and the department.~~ The department may assess a fee not to exceed twenty-five percent (25%) of the local fee in order to recover costs associated with development and preparation of a complete statewide Title V operating permit program for activities that will not be duplicated by the local air agency if it is determined that the local air agency fees collected from Part 70 and FESOP permittees do not provide adequate revenues for the local agency to develop and prepare for the Title V operating permit program at a pace comparable to state development and preparation.

(Air Pollution Control Board; [326 IAC 2-8-16](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2279; filed Apr 22, 1997, 2:00

SECTION 5. [326 IAC 2-8-18](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-8-18](#) FESOP general permits

Authority: [IC 13-14-8](#); [IC 13-17](#)

Affected: [IC 13-15](#); [IC 13-16-2-1](#)

Sec. 18. (a) A FESOP general permit may be issued subject to the following conditions:

(1) A FESOP general permit shall:

(A) comply with all requirements applicable to FESOPs under this rule; and ~~shall~~

(B) identify criteria by which sources may qualify for the FESOP general permit.

(2) A FESOP general permit shall include operating conditions that shall apply to any source operating under the FESOP general permit.

(3) The commissioner may, after complying with the notice and opportunity for public participation provided under section 13 of this rule, issue a FESOP general permit covering numerous similar sources. In providing an opportunity for public comment, the commissioner shall publish notice as follows:

(A) In newspapers of general circulation in those areas of the state in which sources that would qualify for coverage under the permit are believed to be located.

(B) In the Indiana Register.

(b) For individual sources ~~and source modifications~~ that wish to obtain FESOP general permit coverage, an applicant shall do the following:

(1) Apply to the department for coverage by the FESOP general permit under the terms of the FESOP general permit or apply for a FESOP consistent with section 3 of this rule. The department may provide, in the FESOP general permit, for applications that deviate from the requirements of section 3 of this rule, provided that ~~such~~ **the** applications include all information necessary to determine qualification for, and assure compliance with, the FESOP general permit.

(2) Request authorization to operate under a FESOP general permit and meet the conditions and terms of the FESOP general permit. The notice provisions of section 13 of this rule are not applicable to a grant by the commissioner of a source's request for authorization to operate under a FESOP general permit.

(3) **Upon billing**, submit a five hundred dollar (\$500) ~~an~~ application fee **in accordance with [326 IAC 2-1.1-7\(f\)\(1\)](#)**.

A source operating under a FESOP general permit issued under this section shall pay an annual operating fee ~~of one thousand dollars (\$1,000)~~ **in accordance with [326 IAC 2-1.1-7\(f\)\(2\)](#)**. If an annual fee is being paid under a payment schedule established under [IC 13-16-2-1](#), the fee shall be paid according to that schedule. Establishment of a fee payment schedule must be consistent with the provisions of [IC 13-16-2-1](#), including the determination that:

(A) a single payment of the entire fee is an undue hardship on the person; and ~~that~~

(B) the department is not required to assess installments separately.

(c) A source that requests and is granted authority to operate under a FESOP general permit shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the FESOP general permit.

(d) General permits may be issued for modifications of existing sources.

(Air Pollution Control Board; [326 IAC 2-8-18](#); filed Apr 22, 1997, 2:00 p.m.: 20 IR 2363; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#))

SECTION 6. [326 IAC 2-9-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-1](#) General provisions

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

Affected: [IC 13-11-2](#); [IC 13-14-8](#)

Sec. 1. (a) The definitions provided in [IC 13-11-2](#), [326 IAC 1-2](#), [326 IAC 2-7](#), and [326 IAC 2-8](#) apply throughout this rule.

(b) A source may limit its potential to emit by complying with the specific restrictions and conditions listed in this rule. A source electing to comply with this rule shall apply to the commissioner for a source specific operating agreement. A source issued a source specific operating agreement pursuant to ~~under~~ this rule is not subject to [326 IAC 2-6.1](#) unless otherwise required by state, federal, or local law. A source issued a source specific operating agreement pursuant to this rule is not subject to [326 IAC 2-5.1](#) or [326 IAC 2-7](#) provided the source specific operating agreement limits the source's potential to emit below the applicability thresholds for [326 IAC 2-5.1](#) or [326 IAC 2-7](#). Until the commissioner has issued an operating agreement for a source that would otherwise be subject to [326 IAC 2-5.1](#), [326 IAC 2-6.1](#), [326 IAC 2-7](#), or [326 IAC 2-8](#), the source is subject to all applicable requirements of those rules. A source complying with this rule may at any time apply for a permit under [326 IAC 2-5.1](#), [326 IAC 2-6.1](#), [326 IAC 2-7](#), or [326 IAC 2-8](#).

(c) The owner or operator of a source seeking an operating agreement shall submit a request to the commissioner. The request shall include all information necessary for the commissioner to verify that the source meets the applicable restrictions and conditions specified in this rule, including the following:

(1) Identifying information.

(2) A description of the following:

(A) The source's:

(i) nature;

(ii) location;

(iii) design capacity; and

(iv) typical operating schedule. ~~of the source.~~

~~(3) Description of (B) The nature and amount of regulated pollutants emitted in the prior twelve (12) months.~~

~~(4) Description of (C) How the source will comply with the applicable restrictions and conditions specified in this rule.~~

~~(5)~~ (3) Certification by a responsible official that the source shall comply with all applicable conditions of this rule.

The request shall be signed by a responsible official who shall certify that the information contained therein is accurate, true, and complete. Any applicable fees specified in this rule shall be submitted with the request.

(d) If the commissioner determines that the source meets the applicable restrictions and conditions specified in any applicable section of this rule, the commissioner shall issue the operating agreement. The operating agreement shall:

(1) specify the source specific restrictions and conditions applicable to the source; and ~~shall also~~

(2) establish specific monitoring and reporting requirements.

Any source for which the commissioner has issued a source specific operating agreement shall provide annual notice to the commissioner stating that the source is in operation and certifying that its operations are in compliance with applicable sections as specified in the operating agreement. This notice shall be submitted no later than January 30 of each year.

(e) Before a source subject to this section modifies its operations in such a way that it will no longer comply with the applicable restrictions and conditions of its source specific operating agreement, it shall obtain the appropriate approval from the commissioner under the following:

(1) [326 IAC 2-2](#).

(2) [326 IAC 2-3](#).

(3) [326 IAC 2-4.1](#).

(4) [326 IAC 2-5.1](#).

(5) [326 IAC 2-6.1](#).

(6) [326 IAC 2-7](#). and

(7) [326 IAC 2-8](#).

(f) Any records required to be kept by a source in accordance with any section of this rule shall be:

(1) maintained at the site for at least five (5) years; and ~~shall be~~

(2) made available for inspection by the department upon request.

(g) A source may apply for up to four (4) different types of source specific operating agreements contained in this rule provided allowable emissions or potential to emit for any regulated air pollutant, as limited under the source specific operating agreements, do not exceed major source levels when aggregated. A source may combine up to four (4) applications. **types of source specific operating agreements in one (1) application.** **Upon billing, the one-time application applicant shall pay the applicable fee for a combined application submittal shall be five hundred dollars (\$500). in accordance with [326 IAC 2-1.1-7\(g\)](#).**

(h) Any source subject to this rule shall report to the department, in writing, any exceedance of a requirement contained in this rule or its operating agreement within one (1) week of its occurrence. The exceedance report shall include information on the actions taken to correct the exceedance, including measures to reduce emissions, in order to comply with the established limits. If an exceedance is the result of a malfunction, then the provisions of [326 IAC 1-6](#) apply.

(i) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided.

(j) **Revocation of the operating agreement and a source becoming subject to the applicable requirements of a major source may result from noncompliance with any:**

(1) applicable provision of this rule; or any

(2) requirement contained in a source's operating agreement.

may result in the revocation of the operating agreement and make a source subject to the applicable requirements of a major source.

(Air Pollution Control Board; [326 IAC 2-9-1](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2280; filed Apr 1, 1996, 9:00 a.m.: 19 IR 1757; filed May 7, 1997, 4:00 p.m.: 20 IR 2303; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1059; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 801)

SECTION 7. [326 IAC 2-9-2.5](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-2.5](#) Industrial or commercial surface coating operations not subject to [326 IAC 8-2](#); graphic arts operations not subject to [326 IAC 8-5-5](#)

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

Affected: [IC 13-11-2](#); [IC 13-15](#); [IC 13-17](#)

Sec. 2.5. (a) As used in this section, "solvent containing material" means any product used in surface coating or graphic arts operations that contains volatile organic compounds (VOC) or hazardous air pollutants (HAP), including, but not limited to, the following:

- (1) Coatings.
- (2) Inks.
- (3) Thinners.
- (4) Degreasing solvents.
- (5) Clean-up solvents.
- (6) Other additives.

(b) Except if it is a modification of a major source in Lake **County** or Porter County subject to [326 IAC 2-3-3](#), any industrial or commercial surface coating operation not subject to the requirements of [326 IAC 8-2](#) or graphic arts operation not subject to the requirements of [326 IAC 8-5-5](#) may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~

(2) One (1) of the following:

(A) All surface coating or graphic arts operations at the source shall use two thousand (2,000) gallons or less of solvent containing material for every twelve (12) month period.

(B) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:

(i) The total amount of VOC shall not exceed two (2) tons per month.

(ii) The total amount of a single HAP shall not exceed eight hundred thirty-three (833) pounds per month.

- (iii) The total amount of any combination of HAP shall not exceed one (1) ton per month.
- (3) For surface coating or graphic arts operations complying with subdivision (2)(A), the following records shall be kept at the source:
 - (A) Purchase orders or invoices of solvent containing materials.
 - (B) An annual summation on a calendar year basis of purchase orders or invoices for all solvent containing materials.
- (4) For surface coating or graphic arts operations complying with subdivision (2)(B), the following records shall be kept at the source:
 - (A) **The** number of gallons of each solvent containing material used.
 - (B) VOC and HAP content (pounds/gallon) of each solvent containing material used.
 - (C) Material safety data sheets (MSDS) for each solvent containing material used.
 - (D) **A** monthly summation of VOC and HAP usage.
 - (E) Purchase orders and invoices for each solvent containing material used.
- (5) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.
- (6) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC and HAP totals and total VOC and HAP emissions for the previous twelve (12) months.

(Air Pollution Control Board; [326 IAC 2-9-2.5](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2305; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 802)

SECTION 8. [326 IAC 2-9-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-3](#) Surface coating or graphic arts operations

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

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

Sec. 3. Any industrial or commercial surface coating operation or graphic arts operation may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following:

- (1) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~
- (2) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:
 - (A) Fifteen (15) pounds per day from surface coating or graphic arts operations at sources located outside of Lake and Porter counties.
 - (B) Seven (7) pounds per day from surface coating or graphic arts operations at sources located in Lake and Porter counties.
- (3) For surface coating or graphic arts operations complying with subdivision (2), the following records shall be kept at the source:
 - (A) **The** number of gallons of each solvent containing material used.
 - (B) VOC and HAP content (pounds/gallon) of each solvent containing material used.
 - (C) Material safety data sheets (MSDS) for all VOC and HAP containing material used.
 - (D) **A** monthly summation of VOC and HAP usage.
 - (E) Purchase orders and invoices for each solvent containing material used.
- (4) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.
- (5) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC totals and total VOC emissions for the previous twelve (12) months.

(Air Pollution Control Board; [326 IAC 2-9-3](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2305; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 803)

SECTION 9. [326 IAC 2-9-4](#) IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-4 Woodworking operations**Authority:** [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 4. (a) Any woodworking operation subject to [326 IAC 6-1](#) or [326 IAC 6-3](#) may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the conditions under subsection (b), (c), (d), (e), or (f).

~~(b) Unless the operations meet the conditions of subsection (e), (d), (e), or (f),~~ Woodworking operations **with an air flow of not greater than four hundred thousand (400,000) actual cubic feet per minute and that emit not greater than one-thousandth (0.001) grain per actual cubic foot of PM₁₀** shall meet the following conditions:

- ~~(1) Request a source specific operating agreement under this section. which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~
- ~~(2) The source shall not emit particulate matter with a diameter less than ten (10) microns PM₁₀ in excess of one-thousandth (0.001) grain per actual cubic foot.~~
- ~~(3) The source shall discharge no visible emissions to the outside air from the woodworking operation.~~
- ~~(4) The source shall not at any time exhaust to the atmosphere greater than four hundred thousand (400,000) actual cubic feet per minute.~~
- ~~(5) The source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.~~

~~(c) Unless the operations meet the conditions of subsection (b), (d), (e), or (f),~~ Woodworking operations **with an air flow of not greater than one hundred twenty-five thousand (125,000) cubic feet per minute and that emit not greater than three-thousandths (0.003) grain per dry standard cubic feet of PM₁₀** shall meet the following conditions:

- ~~(1) The woodworking operations shall be controlled by a baghouse.~~
- ~~(2) The baghouse does not exhaust to the atmosphere greater than one hundred twenty-five thousand (125,000) cubic feet per minute.~~
- ~~(3) The baghouse does not emit particulate matter with a diameter less than ten (10) microns PM₁₀ in excess of three-thousandths (0.003) grain per dry standard cubic feet of outlet air.~~
- ~~(4) Opacity from the baghouse does not exceed ten percent (10%) opacity.~~
- ~~(5) The baghouse is in operation at all times that the woodworking equipment is in use.~~
- ~~(6) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:~~
 - ~~(A) The baghouse shall be inspected.~~
 - ~~(B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.~~
- ~~(7) The baghouse is inspected quarterly when vented to the atmosphere.~~
- ~~(8) The owner or operator keeps the following records:~~
 - ~~(A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.~~
 - ~~(B) Quarterly inspection reports when vented to the atmosphere.~~
 - ~~(C) Visible observation reports.~~
 - ~~(D) Records of corrective actions.~~

~~(d) Unless the operations meet the conditions of subsection (b), (e), (e), or (f),~~ Woodworking operations **with an air flow of not greater than forty thousand (40,000) cubic feet per minute and that emit not greater than one-hundredth (0.01) grain per dry standard cubic feet of PM₁₀** shall meet the following conditions:

- ~~(1) The woodworking operations shall be controlled by a baghouse.~~
- ~~(2) The baghouse does not exhaust to the atmosphere greater than forty thousand (40,000) cubic feet per minute.~~
- ~~(3) The baghouse does not emit particulate matter with a diameter less than ten (10) microns PM₁₀ in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.~~
- ~~(4) Opacity from the baghouse does not exceed ten percent (10%).~~
- ~~(5) The baghouse is in operation at all times that the woodworking equipment is in use.~~
- ~~(6) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:~~

- (A) The baghouse shall be inspected.
- (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (7) The baghouse is inspected quarterly when vented to the atmosphere.
- (8) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

(e) ~~Unless the operations meet the conditions of subsection (b), (c), (d), or (f),~~ Woodworking operations **with an airflow not greater than one hundred twenty-five thousand (125,000) cubic feet per minute and that emit not greater than one-hundredth (0.01) grain per dry standard cubic feet of PM₁₀** shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~
- (3) The baghouse shall not exhaust greater than one hundred twenty-five thousand (125,000) cubic feet per minute to the atmosphere.
- (4) The baghouse shall not emit ~~particulate matter with a diameter less than ten (10) microns PM₁₀~~ **greater than in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.**
- (5) Opacity from the baghouse does not exceed ten percent (10%).
- (6) The baghouse is in operation at all times that the woodworking equipment is in use.
- (7) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (A) The baghouse shall be inspected.
 - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (8) The baghouse is inspected quarterly when vented to the atmosphere.
- (9) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

(f) ~~Unless the operations meet the conditions of subsection (b), (c), (d), or (e),~~ Woodworking operations **with an airflow not greater than sixty-five thousand (65,000) cubic feet per minute and that emit not greater than one-hundredth (0.01) grain per dry standard cubic feet of PM₁₀** shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~
- (3) The baghouse shall not exhaust greater than sixty-five thousand (65,000) cubic feet per minute to the atmosphere.
- (4) The baghouse shall not emit ~~particulate matter with a diameter less than ten (10) microns PM₁₀~~ **greater than in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.**
- (5) Opacity from the baghouse does not exceed ten percent (10%).
- (6) The baghouse is in operation at all times that the woodworking equipment is in use.
- (7) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (A) The baghouse shall be inspected.
 - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (8) The baghouse is inspected quarterly when vented to the atmosphere.
- (9) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

~~(g) The requirement to submit the five hundred dollar (\$500) application fee shall not apply to a source that has been issued an operating agreement under this section.~~

*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 2-9-4](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1060; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; filed May 21, 2002, 10:20 a.m.: 25 IR 3075; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 803)

SECTION 10. [326 IAC 2-9-5](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-5](#) Abrasive cleaning operations

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

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

Sec. 5. Any industrial or commercial source of abrasive cleaning operations may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following:

- (1) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~
- (2) All abrasive cleaning operations shall be totally enclosed.
- (3) Emissions of particulate matter shall not exceed one-hundredth (0.01) grain per actual cubic foot per minute.
- (4) Air flow shall not exceed forty thousand (40,000) actual cubic feet per minute.
- (5) The source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(Air Pollution Control Board; [326 IAC 2-9-5](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2306; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 805)

SECTION 11. [326 IAC 2-9-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-6](#) Grain elevators

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

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

Sec. 6. Any grain elevator subject to [326 IAC 2-6.1](#), [326 IAC 2-7](#), and [326 IAC 2-8](#) may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

- (1) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~
- (2) Grain elevators with storage capacity less than or equal to one million (1,000,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following:
 - (A) Grain elevators shall not receive or ship more than three million (3,000,000) U.S. bushels of grain annually.
 - (B) Each source shall maintain records of the type and amount of grain received and shipped on an annual basis.
- (3) Grain elevators with storage capacity greater than one million (1,000,000) U.S. bushels of grain but ~~no~~ **not** more than two million five hundred thousand (2,500,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following provisions:
 - (A) Grain elevators shall not receive or ship more than ten million (10,000,000) U.S. bushels of grain annually.
 - (B) Each source shall limit particulate matter emissions through the application of mineral oil or soybean oil to all grain after it is received at an application rate of three-hundredths percent (0.03%) by weight or greater.

- (C) Each source shall maintain the following records on a monthly basis:
 - (i) **The** type and amount of grain received and shipped.
 - (ii) **The** amount of mineral oil or soybean oil used and the rate of application.
 - (iii) Purchase orders and invoices for mineral oil or soybean oil.

(Air Pollution Control Board; [326 IAC 2-9-6](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1062; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 805)

SECTION 12. [326 IAC 2-9-7](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-7](#) Sand and gravel plants

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

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

Sec. 7. (a) The following definitions apply throughout this section:

(1) "Annual throughput" means the amount of material that is being processed through the plant on a calendar year basis.

(2) "Sand and gravel" means any unconsolidated mixture of fine or coarse aggregate, or both, found in and processed from a natural deposit.

(3) "Surfactant" means any chemical additive that reduces the surface tension of water.

(4) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:

(A) been mined from beneath bodies of water, such as:

- (i) rivers;
- (ii) estuaries;
- (iii) lakes; or
- (iv) oceans; or

(B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

(5) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any sand and gravel plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most five (5) crushers, ten (10) screens, and a conveying operation shall limit the annual throughput to less than four hundred ten thousand (410,000) tons per year.

(2) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, excluding fugitive particulate emissions utilizing at most nine (9) crushers, twenty (20) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

(3) Sand and gravel plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most twelve (12) crushers, twenty-four (24) screens, and a conveying operation shall limit the annual throughput to less than three million one hundred thousand (3,100,000) tons per year.

(4) Sand and gravel plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) ~~through~~ and (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) A wet process or continuous wet suppressions shall be used.

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten

percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis, such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a sand and gravel plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located pursuant to [326 IAC 6-4](#).

(H) The source shall comply with 40 CFR 60.670, Standards of Performance for Nonmetallic Mineral Processing Plants*, if applicable.

(5) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~

*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 2-9-7](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2307; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 23; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 805)

SECTION 13. [326 IAC 2-9-8](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-8](#) Crushed stone processing plants

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

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

Sec. 8. (a) The following definitions apply throughout this section:

(1) "Annual throughput" means the amount of material that is being processed through the plant in a calendar year.

(2) "Crushed stone" means any composition of limestone, granite, traprock, or any other hard, sound rock that is produced by blasting and then crushing.

(3) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:

(A) been mined from beneath bodies of water, such as:

(i) rivers;

(ii) estuaries;

(iii) lakes; or

(iv) oceans; or

(B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

(4) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any crushed stone processing plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most four (4) crushers, seven (7) screens, and a conveying operation shall limit the annual throughput to less than four hundred thousand (400,000) tons per year.

(2) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons, excluding fugitive particulate emissions, utilizing at most six (6) crushers, thirteen (13) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

(3) Crushed stone processing plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most nine (9) crushers, seventeen (17) screens, and a conveying operation shall comply with the following provisions:

(A) The annual throughput shall not exceed three million (3,000,000) tons per year.

(B) Each source under this subdivision shall pay an annual fee of ~~eight hundred dollars (\$800)~~ **in accordance with [326 IAC 2-1.1-7\(g\)\(3\)](#)**.

(4) Crushed stone processing plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) ~~through~~ **and** (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) The crushing, screening, and conveying operations shall be equipped with dust collectors, unless a wet process or continuous wet suppression system is used, to comply with clause (E).

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a crushed stone plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to [326 IAC 6-4](#).

(H) The source shall comply with 40 CFR 60.670, Standards of Performance for Nonmetallic Mineral Processing Plants*, if applicable.

(5) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~

*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 2-9-8](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2308; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 25; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 806)

SECTION 14. [326 IAC 2-9-9](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-9](#) Ready-mix concrete batch plants

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

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

Sec. 9. (a) The following definitions apply throughout this section:

(1) "Aggregate" means any combination of sand, gravel, and crushed stone in their natural or processed state.

(2) "Aggregate transfer" means the transfer of material:

(A) from:

(i) process equipment onto the ground;

~~(B) from~~ (ii) the ground into hauling equipment;

~~(C) from~~ (iii) hauling equipment onto a storage pile; or

~~(D) from~~ (iv) a storage pile into hauling equipment for transport; or

~~(E)~~ (B) into an initial hopper for further process.

(3) "Cement" means a powdered substance manufactured from calcined carbonate rock (burned lime) and clay that, when mixed with water, forms a cohesive and adhesive material that will harden into a rigid mass.

(4) "Concrete" means a construction material consisting of a coarse and fine aggregate bound by a paste of cement and water, which then sets into a hard and compact substance.

(5) "Ready-mix concrete batch plant" means a facility that prepares and distributes made-to-order batches of concrete in bulk or package form.

(b) Any ready-mix concrete batch plant with actual annual emissions of particulate matter (PM) less than twenty-five (25) tons per year, including fugitive particulate emissions, may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Production shall be limited to three hundred thousand (300,000) cubic yards annually.

(2) Each source shall maintain records of annual production at the site on a calendar year basis.

(3) Fugitive particulate emissions from cement and aggregate silos shall be controlled by operating dust collectors, such that visible emissions do not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*.

(4) Fugitive particulate emissions shall be controlled by applying water on aggregate storage piles, unpaved roadways, and aggregate transfer operations on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass.

The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (i) The first shall be taken at the time of emission generation.
- (ii) The second shall be taken five (5) seconds after the first.
- (iii) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from aggregate transferring operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but ~~no~~ **not** more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(5) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained in such a manner as to meet the requirements of this rule.

(6) Cement transferring operations shall always be enclosed.

(7) Each source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(8) Fugitive particulate emissions at a ready-mix concrete batch plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to [326 IAC 6-4](#).

(9) Request a source specific operating agreement under this section. ~~which shall be accompanied by a one-time application fee of five hundred dollars (\$500).~~

*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 2-9-9](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2309; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 26; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 808)

SECTION 15. [326 IAC 2-9-10](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-10](#) Coal mines and coal preparation plants

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

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

Sec. 10. (a) The following definitions apply throughout this section:

(1) "Coal" means all solid fossil fuels classified **by ASTM designation D388-88*** as:

- (A) anthracite;
- (B) bituminous;
- (C) subbituminous; or
- (D) lignite.

~~by ASTM Designation D388-88*.~~

(2) "Coal mine" means an individual excavation site from which coal is removed by surface or underground mining operations.

(3) "Coal preparation plant" means any facility (excluding underground and surface mining operations) that prepares coal by one (1) or more of the following processes:

- (A) Breaking.
- (B) Crushing.
- (C) Screening.
- (D) Wet or dry cleaning.
- (E) Thermal drying.

(4) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, the following:

- (A) Breakers.
- (B) Crushers.
- (C) Screens.
- (D) Conveyor belts.
- (5) "Collocated source" means any coal preparation facility and coal mine that are:
 - (A) located on one (1) piece of property or on contiguous or adjacent properties; and
 - (B) ~~which are~~ owned or operated by the same person (or by persons under common control).
- (6) "Material transfer" means the transfer of material:
 - (A) from:
 - (i) process equipment onto the ground;
 - ~~(B) from (ii)~~ the ground into hauling equipment;
 - ~~(C) from (iii)~~ hauling equipment onto a storage pile; **or**
 - ~~(D) from (iv)~~ a storage pile into hauling equipment for transport; or
 - ~~(E) (B)~~ into an initial hopper for further processing.
- (7) "Refuse" means the portion of mined coal ~~which~~ **that** is rejected by the preparation plant as unsalable.
- (8) "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream that is exhausted to the air.

(b) Any coal preparation plant, coal mine, or collocated source may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Coal preparation plants that do not utilize thermal dryers or pneumatic coal cleaning equipment and do not emit particulate matter less than ten microns (PM_{10}) in excess of or equal to one hundred (100) tons per year, including fugitive particulate emissions, shall limit the total annual tons of coal shipped to less than five million (5,000,000) tons per year and must comply with the following:

(A) Each coal preparation plant shall maintain at the site total annual throughput records for the previous twelve (12) months on a monthly rolling total, and records shall be kept for a minimum of five (5) years.

(B) The screening, crushing, and conveying operations at a coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9**.

(2) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source from open storage piles, unpaved roadways, or batch transfer operations shall be controlled by applying water or other approved dust suppressant on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9**, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ($1/4$) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(i) The first will be taken at the time of emission generation.

(ii) The second will be taken five (5) seconds after the first.

(iii) The third will be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ($1/4$) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from material transfer operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ($1/4$) mile, from the plume and at approximately right angles to the plume.

(3) All visible emission readings shall be performed by a qualified observer as defined in [326 IAC 1-2-62](#).

(4) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to [326 IAC 6-4](#).

(5) The annual notice required by section 1(d) of this rule shall also include the legal description of the

source's location.

- (6) **Upon billing**, each coal preparation plant, coal mine, or collocated source shall pay: ~~a one-time~~
(A) an application fee of five hundred dollars (\$500) in accordance with [326 IAC 2-1.1-7\(g\)](#); and
(B) an annual fee of six hundred dollars (\$600) in accordance with [326 IAC 2-1.1-7\(g\)\(4\)](#).

*This document is incorporated by reference. Copies 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.

**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 2-9-10](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2310; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 27; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 809)

SECTION 16. [326 IAC 2-9-11](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-11](#) Automobile refinishing operations

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

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

Sec. 11. (a) The following definitions apply throughout this section:

(1) "Automobile refinishing" ~~is defined as~~ **has the meaning set forth in [326 IAC 8-10-2\(5\)](#).**

(2) "Solvent containing material" means any product used in automobile refinishing operations that contains volatile organic compounds (VOC) or hazardous air pollutants (HAP), including, but not limited to, the following:

- (A) Pretreatment wash primers.
- (B) Precoats.
- (C) Primers.
- (D) Primer surfacers.
- (E) Primer sealers.
- (F) Topcoats.
- (G) Specialty coatings.
- (H) Surface preparation products.
- (I) Gun cleaning solutions.
- (J) Paint removers.
- (K) Degreasing solvents.
- (L) Hardeners.
- (M) Catalysts.
- (N) Reducers.
- (O) Other additives.

(b) An owner or operator of an automobile refinishing shop may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) The requirements of [326 IAC 8-10](#), if applicable.

(2) One (1) of the following:

(A) The total amount of all solvent containing material delivered to the automobile refinishing shop, less the amount of solvent containing material quantified by manifest as having been shipped off-site, shall not exceed two thousand (2,000) gallons annually.

(B) The total amount of all solvent containing material delivered to the automobile refinishing shop that meets the VOC limits of [326 IAC 8-10-4\(b\)](#), less the amount of solvent containing material quantified by manifest as having been shipped off-site, shall not exceed three thousand (3,000) gallons annually.

(C) The total amount of VOC delivered to the automobile refinishing shop, less the amount of VOC that is quantified by manifest as having been shipped off-site, shall not exceed one (1) ton per month.

(3) For automobile refinishing shops electing to comply with subdivision (2)(A) or (2)(B), usage shall be determined based on either:

- (A) actual use records; or
- (B) purchase records.

(4) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.

(5) Request a source specific operating agreement under this section. ~~of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).~~

(c) An owner or operator of an automobile refinishing shop that has been issued an operating agreement under this section shall keep the following records at the source:

(1) For automobile refinishing shops complying with subsection (b)(2)(A), the following records shall be kept:

- (A) Purchase or use records of solvent containing materials.
- (B) An annual summation on a calendar year basis of purchase or use records for all solvent containing materials.
- (C) Amount of waste solvent containing material manifested off-site.

(2) For automobile refinishing shops complying with subsection (b)(2)(B), the records required under subdivision (1) and the records required under [326 IAC 8-10-9\(a\)](#) shall be kept.

(3) For automobile refinishing shops complying with subsection (b)(2)(C), the following records shall be kept:

- (A) Purchase orders and invoices for each solvent containing material.
- (B) **The** number of gallons of each solvent containing material used.
- (C) VOC content (pounds/gallon) of each solvent containing material used.
- (D) **The** amount of waste VOC manifested off-site.
- (E) **A** summation on a monthly basis of emissions of VOC.

(Air Pollution Control Board; [326 IAC 2-9-11](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2312; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 810)

SECTION 17. [326 IAC 2-9-12](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-12](#) Degreasing operations

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

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

Sec. 12. (a) An owner or operator of a degreasing operation may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Request a source specific operating agreement under this section. ~~of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).~~

(2) The requirements of [326 IAC 8-3](#) and [326 IAC 20-6](#), if applicable.

(3) The total amount of VOC and HAP delivered to degreasing operations at the source, less the amount of VOC and HAP that is quantified by manifest as having been shipped off-site, on an annual rolling average basis as follows:

- (A) The total amount of any single HAP from degreasing operations shall not exceed eight hundred thirty-three (833) pounds per month.
- (B) The total amount of any combination of HAP from degreasing operations shall not exceed one (1) ton per month.
- (C) The total amount of VOC from degreasing operations at sources located in Lake and Porter counties shall not exceed one (1) ton per month.
- (D) The total amount of VOC from degreasing operations at sources located outside of Lake and Porter counties shall not exceed two (2) tons per month.

(b) An owner or operator of a degreasing operation that has been issued an operating agreement under this section shall keep the following records at the source:

- (1) Purchase records for all degreasing solvents.
- (2) Material safety data sheets (MSDS) for all degreasing solvents.
- (3) **The** amount of waste degreasing solvent manifested off-site.

(4) A monthly summation of VOC and HAP emissions for all degreasing solvents.

(Air Pollution Control Board; [326 IAC 2-9-12](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2313; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 811)

SECTION 18. [326 IAC 2-9-13](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-13](#) External combustion sources

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

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

Sec. 13. (a) The following definitions apply throughout this section:

(1) "Boiler" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water above the boiling point for water at the operating pressure.

(2) "Dryer" means a device that uses the heat generated from combustion of a fuel or electrical resistance to drive off volatile compounds by evaporation from materials processed in such a device.

(3) "Oven" means a device that uses the heat generated from combustion of a fuel or electrical resistance to cause or expedite a chemical curing process or drive off volatile compounds from material processed in such a device.

(4) "Process heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat a material so as to augment or expedite its processing.

(5) "Space heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat the air inside a building or otherwise provide comfort heating.

(6) "Water heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water below the boiling point for water at the operating pressure.

(b) Any external combustion source, including any combination of boilers, space heaters, ovens, dryers, or water heaters may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Visible emissions from the source shall not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*.

(2) One (1) of the following:

(A) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 1 for a single fuel or a combination of two (2) fuels.

(B) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (g), Table 2 for a single fuel or a combination of two (2) fuels.

(c) Sources electing to comply with subsection (b)(2)(A) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(d) Sources electing to comply with subsection (b)(2)(B) must:

(1) comply with the requirements of section 1 of this rule; and

(2) submit a request for a source specific operating agreement. ~~accompanied by a one-time application fee of five hundred dollars (\$500).~~

(e) For sources complying with subsection (b)(2)(B), the following records shall be kept at the source:

(1) Hours operated for each combustion unit.

(2) Records of annual fuel usage for each combustion unit.

(3) Routine maintenance records.

(f) Table 1 limits shall be as follows:

TABLE 1

| Fuel | Maximum Fuel Usage per year |
|------|-----------------------------|
|------|-----------------------------|

| | |
|---------------------------------------|---------------|
| Single Fuel | |
| Natural gas | 1,000.0 MMCF |
| Maximum capacity: 0.3 to <10 MMBtu/hr | |
| Natural gas | 714.0 MMCF |
| Maximum capacity: 10 to 100 MMBtu/hr | |
| Natural gas | 181.0 MMCF |
| Maximum capacity: >100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate) | 1,408.0 kgals |
| Fuel oil #5 and #6 (distillate) | 181.0 kgals |
| Liquified petroleum gas (LPG) | 5,263.0 MMCF |
| Coal (bituminous and subbituminous) | 786.0 tons |
| Bark-only | 5,882.0 tons |
| Wood-only | 7,352.0 tons |
| Wood and bark | 7,352.0 tons |
| Dual Fuel ¹ | |
| Natural gas | 976.0 MMCF |
| Fuel oil #1 and #2 (distillate) | 117.0 kgals |
| Maximum capacity: 0.3 to <10 MMBtu/hr | |
| Natural gas | 697.0 MMCF |
| Fuel oil #1 and #2 (distillate) | 117.0 kgals |
| Maximum capacity: 10 to 100 MMBtu/hr | |
| Natural gas | 177.0 MMCF |
| Fuel oil #1 and #2 (distillate) | 117.0 kgals |
| Maximum capacity: >100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate) | 1,407.0 kgals |
| Natural gas | 83.0 MMCF |
| Maximum capacity: 0.3 to <10 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate) | 1,407.0 kgals |
| Natural gas | 59.0 MMCF |
| Maximum capacity: 10 to 100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate) | 1,407.0 kgals |
| Natural gas | 15.0 MMCF |
| Maximum capacity: >100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate) | 1,291.0 kgals |
| Fuel oil #5 and #6 (residual) | 15.0 kgals |
| Coal (bituminous and subbituminous) | 786.0 tons |
| Bark, wood, or wood and bark | 490.0 tons |
| Bark, wood, or wood and bark | 5,858.0 tons |
| Coal (bituminous and subbituminous) | 65.0 tons |

(¹Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)

Unit abbreviations:

kgals = 10³ gallons

MMCF = 10⁶ cubic feet

(g) Table 2 limits shall be as follows:

TABLE 2

| Fuel | Maximum Fuel Usage per year |
|---------------------------------------|--------------------------------|
| Single Fuel | |
| Natural gas | 1,600.0 MMCF |
| Maximum capacity: 0.3 to <10 MMBtu/hr | |
| Natural gas | 1,142.0 MMCF |
| Maximum capacity: 10 to 100 MMBtu/hr | |
| Natural gas | 290.0 MMCF |

| | |
|---|---------------|
| Maximum capacity: >100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate) | 2,253.0 kgals |
| Fuel oil #5 and #6 (residual) | 291.0 kgals |
| Liquified petroleum gas (LPG) | 8,421.0 MMCF |
| Coal (bituminous and subbituminous) | 1,258.0 tons |
| Bark-only | 9,411.0 tons |
| Wood-only | 11,764.0 tons |
| Wood/bark | 11,764.0 tons |
| Dual Fuel ¹ | |
| Natural gas | 1,562.0 MMCF |
| Fuel oil #1 and #2 (distillate) | 187.0 kgals |
| Maximum capacity: 0.3 to <10 MMBtu/hr | |
| Natural gas | 1,115.0 MMCF |
| Fuel oil #1 and #2 (distillate) | 187.0 kgals |
| Maximum capacity: 10 to 100 MMBtu/hr | |
| Natural gas | 284.0 MMCF |
| Fuel oil #1 and #2 (distillate) | 187.0 kgals |
| Maximum capacity: >100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate fuel) | 2,252.0 kgals |
| Natural gas | 133.0 MMCF |
| Maximum capacity: 0.3 to <10 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate fuel) | 2,252.0 kgals |
| Natural gas | 95.0 MMCF |
| Maximum capacity: 10 to 100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate fuel) | 2,252.0 kgals |
| Natural gas | 24.0 MMCF |
| Maximum capacity: >100 MMBtu/hr | |
| Fuel oil #1 and #2 (distillate fuel) | 2,065.0 kgals |
| Fuel oil #5 and #6 (residual) | 24.0 kgals |
| Coal (bituminous and subbituminous) | 1,258.0 tons |
| Bark, wood, or wood and bark | 784.0 tons |
| Bark, wood, or wood and bark | 9,373.0 tons |
| Coal (bituminous and subbituminous) | 104.0 tons |
| ¹ Top fuel is intended to be the primary fuel; the bottom fuel is the secondary fuel.) | |
| Unit abbreviations: | |
| kgals = 10 ³ gallons | |
| MMCF = 10 ⁶ cubic feet | |

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(Air Pollution Control Board; [326 IAC 2-9-13](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2313; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 28; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 811)

SECTION 19. [326 IAC 2-9-14](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-14](#) Internal combustion sources

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

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

Sec. 14. (a) Any stationary internal combustion source, including any combination of turbines, reciprocating engines, or engines, may elect to comply with this section by complying with section 1 of this rule and one (1) of the following:

- (1) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (e), Table 1 for a single fuel or a combination of two (2) fuels.
- (2) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 2 for a single fuel or a combination of two (2) fuels.

(b) Sources electing to comply with subsection (a)(1) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

- (c) Sources electing to comply with subsection (a)(2) must:
- (1) comply with the requirements of section 1 of this rule; and
 - (2) submit a request for a source specific operating agreement. ~~accompanied by a one-time application fee of five hundred dollars (\$500).~~

- (d) For sources complying with subsection (a)(2), the following records shall be kept at the source:
- (1) Hours operated for each combustion unit.
 - (2) Records of annual fuel usage for each combustion unit.
 - (3) Routine maintenance records.

(e) Table 1 limits shall be as follows:

| TABLE 1 | |
|---------------------------------------|-----------------------------|
| Fuel | Maximum Fuel Usage per Year |
| Large turbine | |
| Natural gas | 227.27 MMCF/yr |
| Distillate | 1,414.42 kgal/yr |
| Uncontrolled natural gas prime movers | |
| Gas turbines | 294.11 MMCF/yr |
| 2-cycle lean burn | 37.03 MMCF/yr |
| 4-cycle lean burn | 31.25 MMCF/yr |
| 4-cycle rich burn | 43.47 MMCF/yr |
| Diesel, reciprocating | |
| <600 HP | 165.51 kgal/yr |
| Gasoline, reciprocating | |
| <250 HP | 12.26 kgal/yr |
| Diesel, large stationary | 235.45 kgal/yr |
| Unit abbreviations: | |
| kgal = 10 ³ gallons | |
| MMCF = 10 ⁶ cubic feet | |

(f) Table 2 limits shall be as follows:

| TABLE 2 | |
|---------------------------------------|-----------------------------|
| Fuel | Maximum Fuel Usage per Year |
| Large turbine | |
| Natural gas | 363.63 MMCF/yr |
| Distillate | 2,263.07 kgal/yr |
| Uncontrolled natural gas prime movers | |
| Gas turbines | 470.58 MMCF/yr |
| 2-cycle lean burn | 59.25 MMCF/yr |
| 4-cycle lean burn | 50.00 MMCF/yr |

| | |
|-----------------------------------|----------------|
| 4-cycle rich burn | 69.56 MMCF/yr |
| Diesel, reciprocating | |
| <600 HP | 264.82 kgal/yr |
| Gasoline, reciprocating | |
| <250 HP | 19.62 kgal/yr |
| Diesel, large stationary | 376.72 kgal/yr |
| Unit abbreviations: | |
| kgal = 10 ³ gallons | |
| MMCF = 10 ⁶ cubic feet | |

(Air Pollution Control Board; [326 IAC 2-9-14](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2315; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 814)

SECTION 20. [326 IAC 2-12-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-12-1](#) General permit issuance

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

Affected: [IC 4-21.5](#); [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule does not apply to permits issued under [326 IAC 2-7](#) or [326 IAC 2-8](#). The commissioner may establish a general permit for a class of emission units, processes, operations, or sources in accordance with the following conditions:

(1) A general permit shall:

- (A) comply with all requirements applicable to operating permits under this article; and ~~shall~~
- (B) identify criteria by which a source may qualify for the general permit.

(2) A general permit shall include the following:

- (A) Operating conditions with which any source operating under the general permit will comply.
- (B) Identification of all applicable requirements.
- (C) Terms and conditions, including monitoring, testing, reporting, record keeping requirements, and other actions to demonstrate compliance with all applicable requirements under this title and the CAA.

(3) A general permit may include terms and conditions that limit source emissions below the applicability thresholds for applicable requirements under this title.

(4) A general permit shall not be issued for a new source or modification subject to the requirements of [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-4.1](#).

(5) The commissioner shall comply with the following provisions for notice and opportunity for public participation:

(A) Prior to establishing a general permit, the commissioner shall provide an opportunity for public comment by publishing a legal notice that includes the following:

(i) A description of the types of sources, processes, emission units, and pollutants to be covered by the general permit.

(ii) Notification to the public of the following:

(AA) A thirty (30) day period for submitting written comments to the commissioner.

(BB) The opportunity for a public hearing for consideration of the general permit or notice of such hearing if one has been scheduled.

(CC) A copy of the general permit and any technical support documents are available upon request.

(B) The legal notice shall be published as follows:

(i) In newspapers of general circulation in a minimum of twelve (12) locations throughout the state.

(ii) In the Indiana Register.

(b) The commissioner may issue a general permit to an emission unit, process, operation, or source within the class of emission units, processes, operations, or sources for which a general permit was established. An applicant for a general permit shall do the following:

(1) Apply to the commissioner for coverage by the general permit under terms of the general permit or submit an application for a general permit under this section. The application for a general permit shall include all information necessary to determine qualification for, and assure compliance with, the general permit.

(2) Request authorization to operate under a general permit and meet the conditions and terms of the general

permit. The commissioner may grant authorization to operate subject to the terms and conditions of the general permit.

(3) The notice provisions of [326 IAC 2-1.1-6](#) are not applicable to a decision by the commissioner on a source's request for authorization to operate under a general permit. This subdivision is not intended to affect applicability of [IC 4-21.5](#).

(4) **Upon billing**, submit an application fee of five hundred dollars (\$500) with the application. **in accordance with [326 IAC 2-1.1-7\(k\)](#).**

(5) Pay an annual operating fee in accordance with ~~[326 IAC 2-1.1-7](#)~~. **[326 IAC 2-1.1-7\(k\)](#)**. Fees shall be paid:

(A) by mail or in person; and ~~shall be paid~~

(B) upon billing by check or money order, payable to "Cashier, Indiana Department of Environmental Management" no later than thirty (30) calendar days after receipt of billing.

Nonpayment shall result in revocation of the permit.

(c) The commissioner shall not issue more than two (2) general permits to any one (1) source in any twelve (12) month period.

(Air Pollution Control Board; [326 IAC 2-12-1](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063)

SECTION 21. [326 IAC 2-13-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-13-1](#) Interim operating permit revision approvals

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

Affected: [IC 13-15-5](#); [IC 13-17](#)

Sec. 1. (a) This section applies to any person who operates an existing source under valid operating permits issued by the commissioner and who proposes to modify a source or construct a new emission unit at the existing source and ~~such~~ the modification or construction requires an operating permit revision or other approval by the commissioner in accordance with this article, excluding the following:

(1) Construction of a major PSD source or major PSD modification as defined in [326 IAC 2-2](#).

(2) A modification in a nonattainment area that has the potential to emit a pollutant for which the nonattainment designation is based in an amount exceeding the levels of emissions that require a permit revision for that pollutant.

(3) Any modification that is subject to [326 IAC 2-4.1](#).

(b) At the time a permit revision application is submitted, or at any time thereafter, any person meeting the requirements of subsection (a) may separately petition the commissioner for an interim approval that would allow construction of the proposed modification to commence while the permit revision application is being reviewed.

(c) To petition for an interim approval, the applicant shall submit the following:

(1) A ~~five hundred dollar (\$500)~~ nonrefundable fee **in accordance with [326 IAC 2-1.1-7\(l\)](#)** by check or money order payable to "Cashier, Indiana Department of Environmental Management". This fee is in addition to all other fees required by [326 IAC 2-1.1-7](#).

(2) A written petition containing the following:

(A) Identification of the type of operating permit revision that would be required ~~pursuant to~~ **under** this article.

(B) All necessary conditions, limits, or restrictions that will be in effect to ensure the construction does not qualify as a major PSD source or major PSD modification or a major new source or reconstructed source of hazardous air pollutants. Limits must be stated as conditions that can be enforced independently of one another, and the time period over which the limits extend should be as short as possible and should generally not exceed one (1) month. In special situations, an annual limit may be acceptable, if approved by the commissioner. Limits on the following shall be considered acceptable:

(i) Raw material consumed.

(ii) Fuel combusted.

(iii) Hours of operation.

(iv) Conditions that specify that the source must install and maintain controls that reduce emissions to a specified emission rate or to a specified efficiency level.

(C) All conditions necessary to meet the requirements of any new source performance standards, national

emission standards for hazardous air pollutants, and any state rules that would apply.

(D) A statement that the applicant consents to federal enforceability of an interim approval.

(E) The applicant's or its authorized agent's signature.

(F) A notarized affidavit that the applicant will proceed with any project approved under this section at its own risk to include, but not be limited to, the following:

(i) Financial risk.

(ii) The risk that the commissioner will require additional or different control technologies in order for a final approval to be issued under applicable law.

(iii) The risk that the commissioner might deny issuance of the final approval.

(d) The commissioner shall approve or deny the petition for an interim approval for a modification that meets the criteria for a minor permit revision, as described under [326 IAC 2-6.1-6\(g\)](#) or [326 IAC 2-8-11.1\(d\)](#) or a modification approval described under [326 IAC 2-7-10.5\(d\)](#), in writing within nineteen (19) days of receipt of the petition. Notwithstanding [IC 13-15-5](#), the commissioner's decision shall be effective immediately.

(e) Upon submission of an application, the applicant proposing a modification that requires a significant permit revision, as described under [326 IAC 2-6.1-6\(i\)](#) or [326 IAC 2-8-11.1\(f\)](#) or a modification approval described under [326 IAC 2-7-10.5\(f\)](#), shall notify the public of such petition by publishing a notice in a minimum of one (1) newspaper of general circulation in the county where the project will occur. The notice shall include **notification** of the following:

(1) ~~Notification~~ of Submittal to the commissioner of a petition for an interim approval.

(2) ~~Notification~~ That the public comment period consists of fourteen (14) calendar days from the date of publication of the public notice to submit written comments to the commissioner. No public hearing is available under this section. The opportunity for a public hearing exists during issuance of the final permit revision under [326 IAC 2-6.1-6](#), [326 IAC 2-7-10.5](#), [326 IAC 2-7-12](#), or [326 IAC 2-8-11.1](#).

(3) ~~Notification~~ That the applicant has submitted an application for a permit revision for the project, and the commissioner shall review the application in accordance with [326 IAC 2-6.1-6](#), [326 IAC 2-7-10.5](#), [326 IAC 2-7-12](#), or [326 IAC 2-8-11.1](#).

(4) ~~Notification~~ That operation of the source cannot commence until the existing operating permit is revised.

(5) ~~Notification~~ That if the interim petition is approved, modification is entirely at the applicant's own risk.

(6) ~~Notification~~ That a copy of the petition and any accompanying materials are available for inspection in a convenient public office such as the public library or local agency in the area to be affected by the proposed construction (to be identified in the notice by the applicant).

(f) The applicant shall notify the commissioner of the date the public notice was published and submit a copy of the proof of publication from the newspaper to the office of air management prior to the end of the fourteen (14) day public comment period.

(g) The applicant shall keep a proof of publication from the newspaper concerning the public notice for as long as the interim permit is effective.

(h) The commissioner may deny the petition for an interim approval if the commissioner determines any of the following:

(1) The source does not intend to modify the source in accordance with its petition.

(2) Construction of a major PSD source or major PSD modification may occur.

(3) The applicability requirements of subsection (a) are not met.

(4) The information contained in the petition is insufficient for the commissioner to determine whether there will be construction of a major PSD source or a major PSD modification.

(5) The petition proposes construction of an emissions unit that, as proposed, will not comply with applicable rules.

(6) The applicant began construction on the modification prior to receiving an interim approval.

(7) The applicant falsified any information contained in its petition or application.

(i) The commissioner shall take final action on a petition for interim approval meeting the criteria for a significant permit revision, as described under [326 IAC 2-6.1-6\(i\)](#) or [326 IAC 2-8-11.1\(f\)](#) or a modification approval described under [326 IAC 2-7-10.5\(f\)](#), by the later of the following dates:

(1) Seventeen (17) days after publication of the public notice if no comments are submitted within the public comment period.

(2) Thirty-one (31) days after publication of the public notice if comments are submitted within the public comment period.

(3) Nineteen (19) days after receipt of the petition for interim approval.

The commissioner shall not approve a petition for interim approval prior to the dates established in subdivisions (1) and (2), as applicable. The commissioner may deny a petition for interim approval at any time within the time periods established by this subsection. Notwithstanding [IC 13-15-5](#), the commissioner's decision shall be effective immediately.

(j) The following provisions apply to all interim approvals:

(1) An interim approval expires on the effective date of the final permit revision approval or denial.

(2) An interim approval shall contain all conditions, restrictions, or limits that guarantee construction of a major PSD source or major PSD modification or a major new source or reconstructed source of hazardous air pollutants does not occur.

(3) All interim approvals are federally enforceable.

(4) An interim approval may be revoked after its effective date upon a written finding by the commissioner that any of the reasons for denial in subsection (h) exists or if the modification is denied.

(Air Pollution Control Board; [326 IAC 2-13-1](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1064)

SECTION 22. THE FOLLOWING ARE REPEALED: [326 IAC 2-7-22](#); [326 IAC 2-7-23](#); [326 IAC 2-8-19](#); [326 IAC 2-8-20](#).

[Notice of Public Hearing](#)

Posted: 06/08/2011 by Legislative Services Agency

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