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**TITLE 326 AIR POLLUTION CONTROL DIVISION****SECOND NOTICE OF COMMENT PERIOD**

LSA Document #16-309

**SHORT TERM BACKUP UNITS****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 2-1.1-3](#) concerning the operation of short term backup units. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**HISTORY**

First Notice of Comment Period: July 20, 2016, Indiana Register (DIN: [20160720-IR-326160309FNA](#)).

Continuation of First Notice of Comment Period: May 9, 2018, Indiana Register (DIN: [20180509-IR-326160309FCA](#)).

**CITATIONS AFFECTED:** [326 IAC 2-1.1-3](#).

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

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING****Basic Purpose and Background**

The provisions of [326 IAC 2-1.1-3](#) identify specific conditions under which emission units, operations, or processes are exempt from construction or modification requirements in Indiana's air permitting rules. When an existing permitted emission unit or its control device at a source needs to be taken offline for the purpose of repairing or performing maintenance, a different emission unit or control device often needs to be inserted into the process in its place in order for the process to continue operating while the repair or maintenance is completed. The repairs to these permitted emission units often last longer than thirty (30) days. The current rules do not allow an exemption for this scenario, even though the short term backup unit is often nearly identical to the permitted emission unit taken offline for repair, and there would be no increase in emissions or decrease in control levels. A source that needs to obtain a short term backup unit for this purpose currently must submit a request for a modification of its registration or permit and get approval prior to bringing the short term backup unit on site or operating it. For the source, this can result in additional downtime, lost productivity, extra costs, and the risk of being in violation of the rule if a short term backup unit is used to continue operations.

IDEM requested public comment from July 20, 2016, through August 19, 2016, on alternative ways to achieve the purpose of the rule. In the First Notice, a section pertaining to the applicable federal law to the rulemaking was inadvertently omitted; therefore, IDEM provided for an additional 30-day comment period on the rulemaking from May 9, 2018, through June 8, 2018.

IDEM is proposing changes to [326 IAC 2-1.1-3](#) to add a provision to the list of exemptions, at [326 IAC 2-1.1-3\(h\)](#), to allow the operation of a short term backup unit under certain circumstances without first seeking a modification to a permit. A short term backup unit could be used as a part of normal operations while repairs or maintenance are completed to the original equipment in a reasonable amount of time, without the loss of efficiency or extra administrative costs for IDEM or for the source. The source would still be required to comply with all existing permit terms, limits, and requirements. These changes would allow an exemption under state permitting rules. IDEM does not plan to seek approval of these changes by U.S. EPA. Therefore, sources using this exemption may not be exempt from federal permitting rules.

Although the main change proposed is to add a specific exemption to the rule as stated, IDEM has updated other standard language elsewhere in this section of the current rule.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

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

No element of the draft rule imposes a restriction or requirement on persons to whom the draft rule applies that is more stringent than a restriction or requirement imposed under federal law.

**Potential Fiscal Impact**

This rulemaking will have a positive fiscal impact for each source that would save on the cost and time of applying for a registration, permit modification, or variance for the repair or maintenance event each time there is an occurrence. The source could also minimize downtime if it could quickly change out a permitted emission unit without waiting for the permit modification for a short term condition. IDEM staff time and effort would be saved in reviewing and processing registration and permit requests.

## Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

## SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 20, 2016, through August 19, 2016, and from May 9, 2018, through June 8, 2018, on alternative ways to achieve the purpose of the rule and for suggestions for the development of draft rule language. IDEM received comments from the following party by the comment period deadline:

Robin Ridgway, Purdue University (PU)

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

*Comment:* The commenter stated support for IDEM's proposal to allow for a short term backup unit that is to be used during repair or maintenance of an emission unit or control device to qualify as an exemption under [326 IAC 2-1.1-3](#). The commenter also stated its willingness to work with IDEM on possible rule language. (PU)

*Response:* IDEM appreciates the support from the commenter that short term backup units should be able to qualify as an exemption as proposed in this rule.

## REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #16-309 Short Term Backup Units  
Keelyn Walsh  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to [kwalsh@idem.in.gov](mailto:kwalsh@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

## COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than December 7, 2018. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

## DRAFT RULE

SECTION 1. [326 IAC 2-1.1-3](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 2-1.1-3](#) Exemptions

**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. (a) The operation of a source that consists solely of emission units, operations, or processes identified in this section is exempt from the registration and permitting requirements of this article unless the potential to emit any regulated pollutant from the entire source exceeds an emission threshold establishing the requirement to have a registration or permit under this article.

(b) [Voided by P.L. 112-2000, SECTION 7, effective March 16, 2000.]

(c) Construction or modification of any emission unit, operation, or process identified in this section is exempt from the new source requirements in [326 IAC 2-5.1-2](#) for registrations, new source requirements in [326 IAC 2-5.1-3](#) for permits, modification approval requirements in [326 IAC 2-7-10.5](#), and permit revision requirements in [326 IAC 2-6.1-6](#) and [326 IAC 2-8-11.1](#), unless the construction or modification:

- (1) is subject to federal prevention of significant deterioration (PSD) requirements as set out in [326 IAC 2-2](#) and 40 CFR 52.21\*;
- (2) is subject to nonattainment new source review requirements as set out in [326 IAC 2-3](#);
- (3) is located at a source that has an operating permit issued under [326 IAC 2-7](#), where the construction or modification would be considered a Title I modification under 40 CFR Part 70\*; or
- (4) would result in the source needing to make a transition to an operating permit issued under [326 IAC 2-6.1](#), [326 IAC 2-7](#), or [326 IAC 2-8](#).

(d) The new source requirements of [326 IAC 2-5.1-2](#) for registrations and [326 IAC 2-5.1-3](#) for permits, including the requirement to submit an application, do not apply to new or modifications to existing sources as follows:

(1) New sources or modifications to existing sources that obtain and comply with one (1) of the following enforceable operating agreements under [326 IAC 2-9](#):

- (A) [326 IAC 2-9-2.5](#) or [326 IAC 2-9-3](#) for surface coating operations.
- (B) [326 IAC 2-9-4\(b\)](#) through [326 IAC 2-9-4\(d\)](#) and [326 IAC 2-9-4\(f\)](#) for woodworking operations.
- (C) [326 IAC 2-9-5](#) for abrasive cleaning operations.
- (D) [326 IAC 2-9-7\(b\)\(1\)](#) for sand and gravel operations.
- (E) [326 IAC 2-9-8\(b\)\(1\)](#) for crushed stone processing plants.
- (F) [326 IAC 2-9-9](#) for concrete batch operations.
- (G) [326 IAC 2-9-10](#) for coal mines and coal preparation plants that:
  - (i) have provided public notice under [312 IAC 25-4-108](#); and
  - (ii) included a reference of the application for an operating agreement in the notice.
- (H) [326 IAC 2-9-11](#) for automobile refinishing operations.
- (I) [326 IAC 2-9-12](#) for degreasing operations.

(2) New sources or modifications to existing sources that obtain and comply with up to four (4) of the enforceable operating agreements under [326 IAC 2-9](#) if the total source potential to emit is less than the following thresholds:

- (A) Twenty-five (25) tons per year of either PM, PM<sub>10</sub>, or direct PM<sub>2.5</sub>.
- (B) Twenty-five (25) tons per year of the following pollutants:
  - (i) Sulfur dioxide (SO<sub>2</sub>).
  - (ii) Nitrogen oxides (NO<sub>x</sub>).
- (C) Twenty-five (25) tons per year of VOC for sources that are not described by clause (D).
- (D) Twenty-five (25) tons per year of VOC for sources that require the use of air pollution control equipment to comply with the applicable provisions of [326 IAC 8](#).
- (E) One hundred (100) tons per year of carbon monoxide (CO).
- (F) Five (5) tons per year of lead (Pb).
- (G) Twenty-five (25) tons per year of the following regulated air pollutants:
  - (i) Hydrogen sulfide (H<sub>2</sub>S).
  - (ii) Total reduced sulfur (TRS).
  - (iii) Reduced sulfur compounds.
  - (iv) Fluorides.

(3) New sources that comply with the limitations set forth in [326 IAC 2-11](#).

(4) New sources eligible for and obtaining a general permit that includes emissions limits that are less than the applicability thresholds in [326 IAC 2-5.1-2](#) and [326 IAC 2-5.1-3](#).

(5) New sources with the potential to emit less than ten (10) tons per year of a single HAP, as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of HAPs, and not otherwise required to apply for and obtain a registration or permit.

The exclusion from the new source requirements of [326 IAC 2-5.1-2](#) for registrations and [326 IAC 2-5.1-3](#) for permits under subdivisions (1) through (4) shall only apply **applies** to those rules and rule sections that have been approved by the U.S. EPA as part of the SIP.

(e) Except for modifications subject to [326 IAC 2-2](#) or [326 IAC 2-3](#), the new source requirements of [326 IAC 2-](#)

[5.1-2](#) for registrations and [326 IAC 2-5.1-3](#) for permits, the modification approval requirements under [326 IAC 2-7-10.5](#), and the permit revision requirements under [326 IAC 2-6.1-6](#) and [326 IAC 2-8-11.1](#), including the requirement to submit an application, do not apply to the following:

(1) New sources or modifications to existing sources that are proposed to be operated or constructed, that have the potential to emit less than the following amounts:

- (A) Five (5) tons per year of either PM, PM<sub>10</sub>, or direct PM<sub>2.5</sub>.
- (B) Ten (10) tons per year of sulfur dioxide SO<sub>2</sub>.
- (C) Ten (10) tons per year of nitrogen oxides NO<sub>x</sub>.
- (D) Ten (10) tons per year of VOC for sources or modifications.
- (E) Twenty-five (25) tons per year of carbon monoxide CO.
- (F) Two-tenths (0.2) ton per year of lead Pb.
- (G) One (1) ton per year of a single HAP or two and one-half (2.5) tons per year of any combination of HAPs listed pursuant to Section 112(b) of the CAA.
- (H) Five (5) tons per year of the following regulated air pollutants:
  - (i) Hydrogen sulfide H<sub>2</sub>S.
  - (ii) Total reduced sulfur TRS.
  - (iii) Reduced sulfur compounds.
  - (iv) Fluorides.

(2) Modifications of existing sources that consist of only an emissions unit or units or process or processes whose primary purpose is to conduct research and development into new processes and products, provided the modification:

- (A) is operated under the close supervision of technically trained personnel;
- (B) is conducted for the primary purpose of theoretical research or research and development into new or improved processes and products;
- (C) does not manufacture more than de minimis amounts of commercial products;
- (D) does not contribute to the manufacture of commercial products by collocated sources in more than a de minimis manner; and
- (E) is not subject to [326 IAC 2-2](#) or [326 IAC 2-3](#).

(3) New sources or modifications of existing sources that consist of only a laboratory, as defined in this subdivision, **follows:**

**(A)** As used in this subdivision, "laboratory" means a place or activity **that is conducted on a laboratory scale**, such as a medical, analytical, or veterinary laboratory, devoted to:

- (i) experimental study or teaching; ~~or to~~
- (ii) the testing and analysis of drugs, chemicals, chemical compounds, or other substances; or
- (iii) similar activities.

~~provided that the activities described in this subdivision are conducted on a laboratory scale.~~

**(B)** Activities are conducted on a laboratory scale if the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one (1) person.

**(C)** If a laboratory manufactures or produces products for profit in more than a de minimis manner, it ~~shall~~ **is** not be considered to be a laboratory under this subdivision.

**(D)** Support activities necessary to the operation of the laboratory are considered to be part of the laboratory, ~~Support activities but~~ do not include the provision of power to the laboratory from emission units that:

- (i) provide power to multiple projects; or ~~from emission units that~~
- (ii) would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(4) New sources or modifications of existing sources that consist of only educational and teaching activities, as defined in this subdivision, **follows:**

**(A)** As used in this subdivision, "educational and teaching activities" means activities:

- (i) conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes; ~~provided the activities and~~
- (ii) **that** do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution.

**(B)** Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities, ~~Support activities but~~ do not include the provision of power to the educational and teaching activities from emission units that:

- (i) provide power to multiple projects; or ~~from emission units that~~
- (ii) would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(5) New sources or modifications of existing sources that consist of only combustion related activities, as

follows:

- (A) Space heaters, process heaters, heat treat furnaces, or boilers described as follows:
    - (i) Natural gas-fired combustion sources with heat input ~~equal to or less than~~ **or equal to** ten million (10,000,000) British thermal units per hour.
    - (ii) Propane or liquefied petroleum gas or butane-fired combustion sources with heat input ~~equal to or less than~~ **or equal to** six million (6,000,000) British thermal units per hour.
    - (iii) Fuel oil-fired combustion sources:
      - (AA) with heat input ~~less than or equal to or less than~~ two million (2,000,000) British thermal units per hour; and
      - (BB) firing fuel containing ~~less than or equal to or less than~~ five-tenths percent (0.5%) sulfur by weight.
    - (iv) Wood-fired combustion sources:
      - (AA) with heat input ~~equal to or less than~~ **or equal to** one million (1,000,000) British thermal units per hour; and
      - (BB) not burning treated wood or chemically contaminated wood.
  - (B) Equipment powered by diesel fuel fired or natural gas fired internal combustion engines of capacity ~~equal to or less than~~ **or equal to** five hundred thousand (500,000) British thermal units per hour, except where total capacity of equipment operated by one (1) stationary source exceeds two million (2,000,000) British thermal units per hour.
  - (C) Combustion source flame safety purging on start-up.
  - (D) Portable electrical generators that can be moved by hand from one (1) location to another. As used in this clause, "moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance, or device.
  - (E) Combustion emissions from propulsion of mobile sources.
  - (F) Fuel use related to food preparation for on-site consumption.
  - (G) Tobacco smoking rooms and areas.
  - (H) Blacksmith forges.
  - (I) Indoor and outdoor kerosene heaters.
- (6) New sources or modifications of existing sources that consist of only activities that dispense fuel, as follows:
- (A) A gasoline dispensing operation:
    - (i) having a storage tank capacity ~~equal to or less than~~ **or equal to** ten thousand five hundred (10,500) gallons; and
    - (ii) dispensing less than or equal to one thousand three hundred (1,300) gallons per day.

~~Such~~ **The** storage tanks may be in a fixed location or on mobile equipment.
  - (B) A petroleum fuel other than a gasoline dispensing facility:
    - (i) having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons; and
    - (ii) dispensing ~~less than or equal to~~ three thousand five hundred (3,500) gallons per day. ~~or less.~~
- (7) New sources or modifications of existing sources that consist of only the following VOC and HAP storage containers:
- (A) Storage tanks with:
    - (i) capacity less than or equal to one thousand (1,000) gallons; and
    - (ii) annual throughputs ~~equal to or less than~~ **or equal to** twelve thousand (12,000) gallons.
  - (B) Vessels storing the following:
    - (i) Lubricating oils.
    - (ii) Hydraulic oils.
    - (iii) Machining oils.
    - (iv) Machining fluids.
- (8) New sources or modifications of existing sources that consist of only refractory storage not requiring air pollution control equipment.
- (9) New sources or modifications of existing sources that consist of only equipment used exclusively for the following:
- (A) Packaging of the following:
    - (i) Lubricants.
    - (ii) Greases.
  - (B) Filling drums, pails, or other packaging containers with the following:
    - (i) Lubricating oils.
    - (ii) Waxes.
    - (iii) Greases.
- (10) New sources or modifications of existing sources that consist of only the following:
- (A) Application **as temporary protective coatings** of:
    - (i) oils;



- (ii) greases;
  - (iii) lubricants; and
  - (iv) nonvolatile material.
- ~~as temporary protective coatings.~~
- (B) Machining where an aqueous cutting coolant continuously floods the machining interface.
- (C) Degreasing operations that do not exceed one hundred forty-five (145) gallons per twelve (12) months except if subject to [326 IAC 20-6](#).
- (D) Cleaners and solvents:
- (i) the use of which, for all cleaners and solvents combined, does not exceed one hundred forty-five (145) gallons per twelve (12) months; and**
  - (ii) characterized as having a vapor pressure equal to or less than or equal to:**
    - ~~(i) (AA) two (2) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight (38) degrees Centigrade (one hundred (100) degrees Fahrenheit); or~~
    - ~~(ii) (BB) seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit).~~
- ~~the use of which, for all cleaners and solvents combined, does not exceed one hundred forty-five (145) gallons per twelve (12) months.~~
- (E) The following equipment related to manufacturing activities not resulting in the emission of HAPs as defined under Section 112(b) of the CAA:
- (i) Brazing.
  - (ii) Cutting torches.
  - (iii) Soldering.
  - (iv) Welding.
- (F) Closed loop heating and cooling systems.
- (G) Infrared cure equipment.
- (H) Exposure chambers (towers or columns), for curing of ultraviolet inks and ultraviolet coatings where heat is the intended discharge.
- (I) Any of the following structural steel and bridge fabrication activities:
- (i) Cutting two hundred thousand (200,000) linear feet or less of one (1) inch plate or equivalent per year.
  - (ii) Using eighty (80) tons or less of welding consumables per year.
- (11) New sources or modifications of existing sources that consist of only activities associated with the following recovery systems:
- (A) Rolling oil recovery systems.
  - (B) Ground water oil recovery wells.
- (12) New sources or modifications of existing sources that consist of only solvent recycling systems with batch capacity less than or equal to one hundred (100) gallons.
- (13) New sources or modifications of existing sources that consist of only the following water based activities:
- (A) Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume.
  - (B) Water runoff ponds for petroleum coke-cutting and coke storage piles.
  - (C) Activities associated with the transportation and treatment of sanitary sewage, provided discharge to the treatment plant is under the control of the owner or operator, ~~that is, an~~ **of the** on-site sewage treatment facility. This does not include sanitary sludge incineration.
  - (D) Any operation using aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs as defined under Section 112(b) of the CAA.
  - (E) Water-based adhesives that are less than or equal to five percent (5%) by volume of VOCs excluding HAPs as defined under Section 112(b) of the CAA.
  - (F) Noncontact cooling tower systems with either of the following:
    - (i) Natural draft cooling towers not regulated under a **National Emission Standard for Hazardous Air Pollutants** (NESHAP).
    - (ii) Forced and induced draft cooling tower systems not regulated under a NESHAP.
  - (G) Quenching operations used with heat treating processes.
- Oil, grease, or VOC content ~~shall~~ **must** be determined by a test method acceptable to the commissioner and the U.S. EPA.
- (14) New sources or modifications of existing sources that consist of only trimmers that:
- (A) do not produce fugitive emissions; and
  - (B) are equipped with a dust collection or trim material recovery device, such as a bag filter or cyclone.
- (15) New sources or modifications of existing sources that consist of only stockpiled soils from soil remediation activities that are covered and waiting transport for disposal.
- (16) New sources or modifications of existing sources that consist of only paved and unpaved roads and parking lots with public access.

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- (17) New sources or modifications of existing sources that consist of only general construction activities not related to the construction of an emissions unit.
- (18) New sources or modifications of existing sources that consist of only conveyors as follows:
- (A) Covered conveyors for solid raw material, including:
    - (i) coal or coke conveying less than or equal to three hundred sixty (360) tons per day; or
    - (ii) limestone conveying less than or equal to seven thousand two hundred (7,200) tons per day for sources other than mineral processing plants constructed after August 31, 1983.
  - (B) Uncovered coal or coke conveying less than or equal to one hundred twenty (120) tons per day.
  - (C) Underground conveyors.
  - (D) Enclosed systems for conveying plastic raw material and plastic finished goods.
- (19) New sources or modifications of existing sources that consist of only coal bunker and coal scale exhausts and associated dust collector vents.
- (20) New sources or modifications of existing sources that consist of only asbestos abatement projects regulated by [326 IAC 14-10](#).
- (21) New sources or modifications of existing sources that consist of only routine maintenance and repair of buildings, structures, or vehicles at the source where air emissions from those activities would not be associated with any production process, as follows:
- (A) Purging of gas lines.
  - (B) Purging of vessels.
- (22) New sources or modifications of existing sources that consist of only flue gas conditioning systems and associated chemicals, as follows:
- (A) Sodium sulfate.
  - (B) Ammonia.
  - (C) Sulfur trioxide.
- (23) New sources or modifications of existing sources that consist of only equipment used to collect any material that might be released during a malfunction, process upset, or spill cleanup, as follows:
- (A) Catch tanks.
  - (B) Temporary liquid separators.
  - (C) Tanks.
  - (D) Fluid handling equipment.
- (24) New sources or modifications of existing sources that consist of only furnaces used for melting metals other than beryllium with a brim full capacity ~~equal to or less than~~ **or equal to** four hundred fifty (450) cubic inches by volume.
- (25) New sources or modifications of existing sources that consist of only activities associated with emergencies, as follows:
- (A) On-site fire training approved by the commissioner.
  - (B) Emergency generators as follows:
    - (i) Gasoline generators not exceeding one hundred ten (110) horsepower.
    - (ii) Diesel generators not exceeding one thousand six hundred (1,600) horsepower.
    - (iii) Natural gas turbines or reciprocating engines not exceeding sixteen thousand (16,000) horsepower.
  - (C) Stationary fire pump engines.
- (26) New sources or modifications of existing sources that consist of only grinding and machining operations controlled with fabric filters, scrubbers, mist collectors, wet collectors, and electrostatic precipitators with a design outlet grain loading of less than or equal to three-hundredths (0.03) grain per actual cubic foot and a gas flow rate less than or equal to four thousand (4,000) actual cubic feet per minute, ~~as follows:~~ **including the following:**
- (A) Deburring.
  - (B) Buffing.
  - (C) Polishing.
  - (D) Abrasive blasting.
  - (E) Pneumatic conveying.
  - (F) Woodworking operations.
- (27) New sources or modifications of existing sources that consist of only purge double block and bleed valves.
- (28) New sources or modifications of existing sources that consist of only filter or coalescer media changeout.
- (29) New sources or modifications of existing sources that consist of only vents from ash transport systems not operated at positive pressure.
- (30) New sources or modifications of existing sources that consist of only mold release agents using low volatile products with a vapor pressure less than or equal to two (2.0) kilo Pascals measured at thirty-eight (38) degrees Centigrade.
- (31) New sources or modifications of existing sources that consist of only farm operations, except
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concentrated animal feeding operations as defined in 40 CFR 122.23.

(32) New sources or modifications of existing sources that consist of only water-related activities, as follows:

- (A) Production of hot water for on-site personal use not related to any industrial or production process.
- (B) Water treatment activities used to provide potable and process water for the plant, excluding any activities associated with wastewater treatment.
- (C) Steam traps, vents, leaks, and safety relief valves.
- (D) Cooling ponds.
- (E) Laundry operations using only water solutions of bleach or detergents.
- (F) Demineralized water tanks and demineralizer vents.
- (G) Boiler water treatment operations, not including cooling towers.
- (H) Oxygen scavenging (deaeration) of water.
- (I) Steam cleaning operations and steam sterilizers.
- (J) Pressure washing of equipment.
- (K) Water jet cutting operations.

(33) New sources or modifications of existing sources that consist of only ventilation, venting equipment, and refrigeration, as follows:

- (A) Ventilation exhaust, central chiller water systems, refrigeration, and air conditioning equipment not related to any industrial or production process, including natural draft hoods or ventilating systems that do not remove air pollutants.
- (B) Stack and vents from plumbing traps used to prevent the discharge of sewer gases, handling domestic sewage only, excluding those at wastewater treatment plants or those handling any industrial waste.
- (C) Vents from continuous emissions monitors and other analyzers.
- (D) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
- (E) Air vents from air compressors.
- (F) Vents for air cooling of electric motors provided the air does not commingle with regulated air pollutants.
- (G) Vents from equipment used to air blow water from cooled plastics strands or sheets.

(34) New sources or modifications of existing sources that consist of only activities related to routine fabrication, maintenance, and repair of buildings, structures, equipment, or vehicles at the source where air emissions from those activities would not be associated with any commercial production process, as follows:

- (A) Activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and roadways.
- (B) Painting, including interior and exterior painting of buildings, and solvent use excluding degreasing operations utilizing halogenated organic solvents.
- (C) Brazing, soldering, or welding operations and associated equipment.
- (D) Portable blast-cleaning equipment with enclosures.
- (E) Blast-cleaning equipment using water as the suspension agent and associated equipment.
- (F) Batteries and battery charging stations, except at battery manufacturing plants.
- (G) Lubrication, including:
  - (i) hand-held spray can lubrication;
  - (ii) dipping metal parts into lubricating oil; or
  - (iii) manual or automated addition of cutting oil in machining operations.
- (H) Nonasbestos insulation installation or removal.
- (I) Tarring, retarring, and repair of building roofs.
- (J) Bead blasting of heater tubes.
- (K) Instrument air dryer and filter maintenance.
- (L) Manual tank gauging.
- (M) Open tumblers associated with deburring operations in maintenance shops.

(35) New sources or modifications of existing sources that consist of only activities performed using hand-held equipment, as follows:

- (A) Application of hot melt adhesives with no VOC in the adhesive formulation.
- (B) Buffing.
- (C) Carving.
- (D) Cutting, excluding cutting torches.
- (E) Drilling.
- (F) Grinding.
- (G) Machining wood, metal, or plastic.
- (H) Polishing.
- (I) Routing.
- (J) Sanding.
- (K) Sawing.
- (L) Surface grinding.



- (M) Turning wood, metal, or plastic.
- (36) New sources or modifications of existing sources that consist of only housekeeping and janitorial activities and supplies, as follows:
- (A) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
  - (B) Steam cleaning activities.
  - (C) Restrooms and associated cleanup operations and supplies.
  - (D) Alkaline or phosphate cleaners and associated equipment.
  - (E) Mobile floor sweepers and floor scrubbers.
  - (F) Pest control fumigation.
- (37) New sources or modifications of existing sources that consist of only office-related activities, as follows:
- (A) Office supplies and equipment.
  - (B) Photocopying equipment and associated supplies.
  - (C) Paper shredding.
  - (D) Blueprint machines, photographic equipment, and associated supplies.
- (38) New sources or modifications of existing sources that consist of only lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
- (39) New sources or modifications of existing sources that consist of only storage equipment and activities, as follows:
- (A) Pressurized storage tanks and associated piping for the following:
    - (i) Acetylene.
    - (ii) Anhydrous ammonia.
    - (iii) Carbon monoxide.
    - (iv) Chlorine.
    - (v) Inorganic compounds.
    - (vi) Liquid petroleum gas (LPG).
    - (vii) Liquid natural gas (LNG).
    - (viii) Natural gas.
    - (ix) Nitrogen dioxide.
    - (x) Sulfur dioxide.
  - (B) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOC or HAP as defined under Section 112(b) of the CAA.
  - (C) Storage tanks, reservoirs, and pumping and handling equipment of any size ~~containing~~ **that:**
    - (i) **contain:**
      - ~~(AA)~~ soap;
      - ~~(BB)~~ vegetable oil;
      - ~~(CC)~~ grease;
      - ~~(DD)~~ wax;
      - ~~(EE)~~ animal fat; **and or**
      - ~~(FF)~~ nonvolatile aqueous salt solutions; **provided and**
    - (ii) use appropriate lids and covers. are utilized.**
  - (D) Storage of drums containing maintenance raw materials.
  - (E) Storage of:
    - (i) castings;
    - (ii) lance rods; or
    - (iii) any non-HAP containing material in solid form stored in a sealed or covered container.
  - (F) Portable containers used for the collection, storage, or disposal of materials provided the:
    - (i) container capacity is **less than or equal to** ~~or less than~~ forty-six hundredths (0.46) cubic meter; and
    - (ii) container is closed, except when the material is added or removed.
- (40) New sources or modifications of existing sources that consist of only emergency and standby equipment, as follows:
- (A) Emergency (backup) electrical generators at residential locations, such as dormitories, prisons, and hospitals.
  - (B) Safety and emergency equipment except engine driven fire pumps, including fire suppression systems and emergency road flares.
  - (C) Process safety relief devices installed solely for the purpose of minimizing injury to persons or damage to equipment that could result from abnormal process operating conditions, as follows:
    - (i) Explosion relief vents, diaphragms, or panels.
    - (ii) Rupture discs.
    - (iii) Safety relief valves.
  - (D) Activities and equipment associated with on-site medical care not otherwise specifically regulated.

- (E) Vacuum producing devices for the purpose of removing potential accidental releases.
- (41) New sources or modifications of existing sources that consist of only sampling and testing equipment and activities, as follows:
- (A) Equipment used for quality control **or quality** assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
  - (B) Hydraulic and hydrostatic testing equipment.
  - (C) Ground water monitoring wells and associated sample collection equipment.
  - (D) Environmental chambers not using HAP gases.
  - (E) Shock chambers.
  - (F) Humidity chambers.
  - (G) Solar simulators.
  - (H) Sampling activities, including:
    - (i) sampling of waste; or
    - (ii) glove box sampling, charging, and packaging.
  - (I) Instrument air dryers and distribution.
  - (J) VOC sampling activities associated with soil remediation projects.
- (42) New sources or modifications of existing sources that consist of only use of consumer products and equipment where the product or equipment is:
- (A) used at a source in the same manner as normal consumer use; and
  - (B) not associated with any production process.
- (43) New sources or modifications of existing sources that consist of only equipment and activities related to the handling, treating, and processing of animals, as follows:
- (A) Equipment used exclusively to slaughter animals, but not including the following:
    - (i) Rendering cookers.
    - (ii) Boilers.
    - (iii) Heating plants.
    - (iv) Incinerators.
    - (v) Electrical power generating equipment.
  - (B) Veterinary operating rooms and laboratories.
- (44) New sources or modifications of existing sources that consist of only activities generating limited amounts of fugitive dust, as follows:
- (A) Fugitive emissions related to movement of passenger vehicles, provided:
    - (i) the emissions are not counted for applicability purposes as a major source under [326 IAC 2-7-1\(22\)\(B\)](#); and
    - (ii) any required fugitive dust control plan or its equivalent is submitted.
  - (B) Soil boring.
  - (C) Road salting and sanding.
- (45) New sources or modifications of existing sources that consist of only activities associated with production, as follows:
- (A) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.
  - (B) Electrical resistance welding.
  - (C) Carbon dioxide (CO<sub>2</sub>) lasers, used only on metals and other materials that do not emit HAPs as defined under Section 112(b) of the CAA in the process.
  - (D) Laser trimmers that:
    - (i) do not produce fugitive emissions; and
    - (ii) are equipped with a dust collection device, such as a bag filter, cyclone, or equivalent device.
  - (E) Application equipment for hot melt adhesives with no VOC in the adhesive formulation.
  - (F) Drop hammers or hydraulic presses for forging or metalworking.
  - (G) Air compressors and pneumatically operated equipment, including hand tools.
  - (H) Compressor or pump lubrication and seal oil systems.
  - (I) Equipment used:
    - (i) to mix and package:
      - ~~(i)~~ **(AA)** soaps;
      - ~~(ii)~~ **(BB)** vegetable oil;
      - ~~(iii)~~ **(CC)** grease;
      - ~~(iv)~~ **(DD)** animal fat; ~~and or~~
      - ~~(v)~~ **(EE)** nonvolatile aqueous salt solutions; ~~provided and~~
    - (ii) with appropriate lids and covers. are utilized.**
  - (J) Equipment for washing or drying fabricated glass or metal products, if no:
    - (i) VOCs or HAPs as defined under Section 112(b) of the CAA are used in the process; and
    - (ii) gas, oil, or solid fuel is burned.

(K) Handling of solid steel, including coils and slabs, excluding scrap burning, scarfing, and charging into steel making furnaces and vessels.

(46) The following types of miscellaneous equipment and activities:

(A) Equipment used for surface coating, painting, dipping, or spraying operation, except those that will emit VOCs or HAPs as defined under Section 112(b) of the CAA.

(B) Condensate drains for natural gas and landfill gas.

(C) Electric or steam heated drying ovens and autoclaves, including only the heating emissions and not any associated process emissions.

(D) Salt baths using nonvolatile salts, including caustic solutions that do not result in emissions of any regulated air pollutants.

(E) Ozone generators.

(F) Portable dust collectors.

(G) Scrubber systems circulating water based solutions of inorganic salts or bases that are installed to be available for response to emergency situations.

(H) Soil borrow pits.

(I) Manual loading and unloading operations.

(J) Purging of refrigeration devices using a combination of nitrogen and CFC-22 (R-22) as pressure test media.

(K) Construction and demolition operations.

(L) Mechanical equipment gear boxes and vents that are isolated from process materials.

(M) Nonvolatile mold release waxes and agents.

This subdivision is not meant to describe emission units or activities associated with the miscellaneous equipment and activities that would otherwise require approval under this article.

(f) [326 IAC 2-7](#), [326 IAC 2-8](#), and [326 IAC 2-9](#) shall **do** not apply to a source operating in compliance with the requirements of [326 IAC 2-10](#) or [326 IAC 2-11](#).

(g) [326 IAC 2-6.1](#) shall **does** not apply to a source operating pursuant to one (1) of the following:

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

(2) A federally enforceable state operating permit (FESOP) under [326 IAC 2-8](#).

(3) An operating agreement under [326 IAC 2-9](#).

(4) A permit-by-rule under one (1) of the following rules:

(A) [326 IAC 2-10](#).

(B) [326 IAC 2-11](#).

(h) The requirements for an operating permit revision under [326 IAC 2-6.1-6](#) or [326 IAC 2-8-11.1](#), modification approval under [326 IAC 2-7-10.5](#), or an administrative amendment under [326 IAC 2-8-10](#) shall **do** not apply to the following modifications:

(1) A modification that has the potential to emit less than one (1) ton per year of a single HAP as defined under Section 112(b) of the CAA or two and five-tenths (2.5) tons per year of any combination of HAPs.

(2) A modification at an existing source that meets the following:

(A) The modification consists only of the following:

(i) Changes in a method of operation.

(ii) Minor physical changes as follows:

(AA) The reconfiguration of existing equipment.

(BB) The movement of existing equipment within a building.

(CC) The replacement, reconfiguration, or addition of secondary equipment that supports an emission unit.

(DD) The replacement, reconfiguration, or addition of supporting devices, such as piping or ductwork.

(EE) The replacement or addition of air pollution control devices.

(FF) The removal of equipment.

(iii) A combination of the changes in items (i) and (ii).

(B) The modification does not result in an increase in the potential to emit that:

(i) exceeds the significance levels established in [326 IAC 2-2-1](#);

(ii) exceeds the significance levels established in [326 IAC 2-3-1](#);

(iii) is subject to [326 IAC 2-4.1](#) concerning new source toxics control;

(iv) is greater than or equal to fifteen (15) pounds per day of VOCs from an existing source in Lake County or Porter County that has the potential to emit, as defined by [326 IAC 2-3-1](#)(gg), or actual emissions of twenty-five (25) tons per year;

(v) is greater than or equal to twenty-five (25) pounds per day of NO<sub>x</sub> from an existing source in Lake

County or Porter County that has the potential to emit, as defined by [326 IAC 2-3-1\(gg\)](#), or actual emissions of twenty-five (25) tons per year;

(vi) is greater than or equal to one (1) ton or more per year of lead or lead compounds measured as elemental lead and the source is:

(AA) a primary lead smelter;

(BB) a secondary lead smelter;

(CC) a primary copper smelter;

(DD) a lead gasoline additive plant; or

(EE) a lead-acid storage battery manufacturing plant that produces two thousand (2,000) or more batteries per day;

(vii) is greater than or equal to five (5) tons or more per year of lead or lead compounds measured as elemental lead and the source is not listed in item (vi);

(viii) is greater than or equal to six-tenths (0.6) ton per year, for a source of lead emissions with a potential to emit greater than or equal to five (5) tons per year;

(ix) is an emissions increase of VOC or  $\text{NO}_x$  subject to [326 IAC 2-3-2\(b\)\(2\)](#) or [326 IAC 2-3-2\(b\)\(3\)](#) at an existing source in Lake County or Porter County that emits or has the potential to emit twenty-five (25) tons per year of VOC or  $\text{NO}_x$ ;

(x) is greater than or equal to fifteen (15) tons per year  $\text{PM}_{10}$ ;

(xi) is greater than or equal to ten (10) tons per year direct  $\text{PM}_{2.5}$ ; or

(xii) is subject to the provisions of [326 IAC 8-1-6](#) that has not previously been subject to review in accordance with [326 IAC 8-1-6](#).

(3) Temporary operations and experimental trials that involve construction, reconstruction, or modification and that meet the following criteria:

(A) The potential emissions from the construction or reconstruction of a facility or source or the potential emissions increase from the modification are less than twenty-five (25) tons for the duration of the operation.

(B) The construction, reconstruction, or modification is not a major source or modification as defined by [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-7](#).

(C) The purpose of the construction, reconstruction, or modification is to:

(i) collect data for experimental purposes, including, but not limited to, process improvements, new product development, and pollution prevention; or

(ii) temporarily conduct an operation not considered part of the normal operation or production of the facility or source.

(D) The duration of the temporary operation or experimental trial is less than thirty (30) days of total operating time.

(E) If the construction, reconstruction, or modification is part of a soil or water remediation project, the:

(i) duration of the project is less than twenty-four (24) hours or a greater period, not to exceed seventy-two (72) hours, as determined to be necessary by the department considering the nature of the project or the manner of testing; and

(ii) purpose of the project is to identify parameters necessary to design the remediation effort.

(F) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at least seven (7) days before beginning the construction, reconstruction, or modification. The notice ~~shall~~ **must** contain the following information:

(i) A description of the purpose of the construction, reconstruction, or modification.

(ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or source.

(iii) The dates the owner or operator anticipates the construction, reconstruction, or modification to begin, operations to begin, and operations to cease.

(iv) An estimate of the potential emissions and actual emissions increase resulting from the construction or reconstruction.

(v) The equipment involved in the construction, reconstruction, or modification.

(G) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at most seven (7) days after concluding the temporary operation or experimental trial. The notice ~~shall~~ **must** contain the following information:

(i) The actual start date of the construction, reconstruction, or modification.

(ii) The duration of the temporary operation or experimental trial.

(iii) The actual emissions occurring during the temporary operation or experimental trial.

(H) The exemption provided by this subdivision ~~shall~~ **does** not apply to facilities or sources whose operations are:

(i) experimental in nature;

- (ii) part of pilot plants; or
- (iii) characterized by frequent product changes.

**(4) A short term backup unit used to temporarily replace a permitted emission unit that needs to be taken offline for the purpose of repairing or performing maintenance on the permitted emission unit that meets the following criteria:**

- (A) The repair or planned maintenance event of the permitted emission unit being taken offline must not be a major modification as defined under [326 IAC 2-2](#) or [326 IAC 2-3](#).**
- (B) The short term backup unit is subject to the same permit terms, conditions, and limits required of the permitted emission unit.**
- (C) A fuel combusted in the short term backup unit must be of the same type and grade that is combusted in the permitted emission unit.**
- (D) If the permitted emission unit has a control device, the short term backup unit must have a working control device with the following requirements:**
  - (i) The type of control device on the short term backup unit must be the same as the type of control device on the permitted emission unit.**
  - (ii) The control efficiency of the control device on the short term backup unit must be greater than or equal to the control efficiency of the control device on the permitted emission unit.**
  - (iii) A control device on the short term backup unit must operate at all times that the control device on the permitted emission unit would have been required to operate.**
- (E) The throughput rate of the short term backup unit must not exceed the throughput rate of the permitted emission unit.**
- (F) The short term backup unit must not be in operation at the same time as the permitted emission unit.**
- (G) A short term backup unit must not be on the property of the permitted source for more than one hundred eighty (180) calendar days from the day the short term backup unit is placed on site, except as provided under clause (J).**
- (H) Upon completion of the repair or planned maintenance event on the permitted emission unit, the short term backup unit must be removed from the property of the permitted source within five (5) calendar days.**
- (I) The short term backup unit may only be transferred to replace another permitted emission unit on the same property of the permitted source if the department is notified in accordance with the provisions of clause (K).**
- (J) The owner or operator shall provide a written notice to the department of the proposed placement of the short term backup unit on the property of the permitted source not later than seven (7) days before a planned maintenance, or not later than three (3) days after the placement of the short term backup unit in the case of a malfunction, emergency, or operational failure. The notice must contain the following information:**
  - (i) For a planned maintenance, the following:**
    - (AA) A description of the planned maintenance including the proposed repairs.**
    - (BB) The start date of the planned maintenance.**
    - (CC) The anticipated duration of the planned maintenance.**
  - (ii) For a malfunction, emergency, or operational failure, the following:**
    - (AA) A description of the malfunction, emergency, or operational failure.**
    - (BB) A description of the nature and extent of the repairs.**
    - (CC) The date of the malfunction, emergency, or operational failure.**
    - (DD) The anticipated duration of the repairs.**
  - (iii) A listing of associated equipment and emission control devices of the short term backup unit, with specifications.**
  - (iv) A preventive maintenance plan for the short term backup unit containing the following information:**
    - (AA) Identification of each person responsible for inspecting, maintaining, and repairing the short term backup unit and any associated emission control devices.**
    - (BB) A description and inspection schedule for the items or conditions to be inspected.**
    - (CC) Identification and quantification of the appropriate level of replacement parts for the short term backup unit to be maintained in inventory at the permitted source.**
- (K) The owner or operator shall provide a written notice to the department not later than seven (7) days after the repair or maintenance has been completed with the following information:**
  - (i) The actual arrival and departure dates of the short term backup unit on the property of the permitted source.**
  - (ii) A statement certifying the following:**
    - (AA) The permitted emission unit and the short term backup unit were never operated at the same**

time.

**(BB) The short term backup unit was never operated at a throughput rate that exceeded the throughput rate of the permitted emission unit.**

**(CC) The short term backup unit has been removed from the property of the permitted source.**

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 [www.gpo.gov](http://www.gpo.gov), or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Legal Counsel, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 2-1.1-3](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 982; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1550; filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#); filed Feb 6, 2012, 2:54 p.m.: [20120307-IR-326090493FRA](#); filed Jun 11, 2012, 3:15 p.m.: [20120711-IR-326110251FRA](#))

#### [Notice of Public Hearing](#)

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