

## TITLE 326 AIR POLLUTION CONTROL DIVISION

**Emergency Rule**  
LSA Document #22-379(E)

DIGEST

Temporarily amends [326 IAC 1-4-11](#) and [326 IAC 1-4-23](#) to change the status of Clark and Floyd counties from "marginal nonattainment" to "attainment" for the 2015 8-hour National Ambient Air Quality Standards (NAAQS) for ozone. Temporarily amends [326 IAC 1-4-46](#) and [326 IAC 1-4-65](#) to change the status of Lake and Porter counties from "serious nonattainment" to "attainment" for the 2008 8-hour NAAQS for ozone. Temporarily amends [326 IAC 1-4-46](#) and [326 IAC 1-4-65](#) to change the status for certain townships in Lake and Porter counties from "marginal nonattainment" to "moderate nonattainment" for the 2015 8-hour NAAQS for ozone. Temporarily removes Clark and Floyd counties and the southern townships of Lake and Porter counties from [326 IAC 2-6-1](#). Statutory authority: [IC 13-14-8-1](#). Effective December 15, 2022.

SECTION 1. (a) This SECTION supersedes [326 IAC 1-4-11](#).

(b) The following attainment status designations are applicable to Clark County:

Pollutant	Designation
SO <sub>2</sub>	Better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	Attainment effective July 5, 2022, for the 2015 8-hour ozone standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

SECTION 2. (a) This SECTION supersedes [326 IAC 1-4-23](#).

(b) The following attainment status designations are applicable to Floyd County:

Pollutant	Designation
SO <sub>2</sub>	Better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	Attainment effective July 5, 2022, for the 2015 8-hour ozone standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

SECTION 3. (a) This SECTION supersedes [326 IAC 1-4-46](#).

(b) The following attainment status designations are applicable to Lake County:

Pollutant	Designation
-----------	-------------

SO <sub>2</sub>	Better than national standards.
CO	Attainment effective February 18, 2000, for the part of the city of East Chicago bounded by Columbus Drive on the north; the Indiana Harbor Canal on the west; 148 <sup>th</sup> Street, if extended, on the south; and Euclid Avenue on the east. Unclassifiable or attainment effective November 15, 1990, for the remainder of East Chicago and Lake County.
O <sub>3</sub>	Attainment effective May 20, 2022, for the 2008 8-hour ozone standard.
O <sub>3</sub>	Moderate nonattainment effective October 7, 2022, for the 2015 8-hour ozone standard for Calumet, Hobart, North, Ross, and St. John townships. Unclassifiable or attainment effective August 3, 2018, for the 2015 8-hour ozone standard for the remainder of the county.
PM <sub>2.5</sub>	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Attainment effective March 11, 2003, for the cities of East Chicago, Hammond, Whiting, and Gary. Unclassifiable effective November 15, 1990, for the remainder of Lake County.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

SECTION 4. (a) This SECTION supersedes [326 IAC 1-4-65](#).

(b) The following attainment status designations are applicable to Porter County:

Pollutant	Designation
SO <sub>2</sub>	Cannot be classified for the area bounded on the north by Lake Michigan; on the west by the Lake County and Porter County line; on the south by I-80 and I-90; and on the east by the LaPorte County and Porter County line. The remainder of Porter County is better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	Attainment effective May 20, 2022, for the 2008 8-hour ozone standard.
O <sub>3</sub>	Moderate nonattainment effective October 7, 2022, for the 2015 8-hour ozone standard for Center, Jackson, Liberty, Pine, Portage, Union, Washington, and Westchester townships. Unclassifiable or attainment effective August 3, 2018, for the remainder of the county.
PM <sub>2.5</sub>	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

SECTION 5. (a) This SECTION supersedes [326 IAC 2-6-1](#).

(b) This rule applies to all of the following:

- (1) Sources required to have a Part 70 operating permit under [326 IAC 2-7](#).
- (2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO<sub>x</sub>) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:

(A) Lake; Calumet, Hobart, North, Ross, and St. John townships only.

(B) Porter; Center, Jackson, Liberty, Pine, Portage, Union, Washington, and Westchester townships only.

(3) Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(c) All sources permitted by the department are subject to [326 IAC 2-6-5](#) concerning additional information requests.

SECTION 6. A variance request from the requirements of this document shall be made in accordance with [IC 13-14-8-8](#).

*LSA Document #22-379(E)*

*Filed with Publisher: December 15, 2022, 9:24 a.m.*

*Posted: 12/21/2022 by Legislative Services Agency*

An [html](#) version of this document.