
TITLE 326 AIR POLLUTION CONTROL DIVISION

Final Rule

LSA Document #22-109(F)

DIGEST

Adds [326 IAC 8-8.2](#) to incorporate 40 CFR 62, Subpart OOO for municipal solid waste landfills into state rules, and includes federal amendments to 40 CFR 62, Subpart OOO published in the Federal Register on February 14, 2022. Repeals [326 IAC 8-8](#) and [326 IAC 8-8.1](#). Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: April 6, 2022, Indiana Register (DIN: [20220406-IR-326220109FDA](#)).

Notice of First Hearing: April 6, 2022, Indiana Register (DIN: [20220406-IR-326220109PHA](#)).

Date of First Hearing: June 8, 2022.

Proposed Rule: July 6, 2022, Indiana Register (DIN: [20220706-IR-326220109PRA](#)).

Notice of Second Hearing: July 6, 2022, Indiana Register (DIN: [20220706-IR-326220109PHA](#)).

Date of Second Hearing: September 14, 2022.

[326 IAC 8-8](#); [326 IAC 8-8.1](#); [326 IAC 8-8.2](#)

SECTION 1. [326 IAC 8-8.2](#) IS ADDED TO READ AS FOLLOWS:

Rule 8.2. Federal Standards Applicable to Certain Municipal Solid Waste Landfills

[326 IAC 8-8.2-1](#) Adoption of federal standards applicable to certain municipal solid waste landfills

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

Affected: [IC 13-12](#)

Sec. 1. (a) Except as provided in subsection (b), the owner or operator of an existing municipal solid waste landfill (MSWLF) that commenced construction on or before July 17, 2014, and has not been modified or reconstructed since July 17, 2014, must comply with this rule and the July 1, 2021, edition of 40 CFR 62, Subpart OOO*, as amended by 87 FR 8203.

(b) The following authorities are not delegated to the state:

- (1) Approval of alternative methods to determine the nonmethane organic compounds concentration or a site-specific nonmethane generation rate constant k as provided in 40 CFR 62.16718(a)(5).
- (2) Alternative emission standards.
- (3) Major alternatives to test methods or monitoring that make modifications to a federally enforceable test method or to a federal monitoring requirement. These changes may involve the use of unproven technology or modified procedures or an entirely new method.
- (4) Waiver of record keeping.

*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 8-8.2-1](#); filed Feb 8, 2023, 1:36 p.m.: [20230308-IR-326220109FRA](#))

SECTION 2. THE FOLLOWING ARE REPEALED: [326 IAC 8-8](#); [326 IAC 8-8.1](#).

LSA Document #22-109(F)

Proposed Rule: [20220706-IR-326220109PRA](#)

Hearing Held: September 14, 2022

Approved by Attorney General: February 7, 2023

Approved by Governor: February 8, 2023

Filed with Publisher: February 8, 2023, 1:36 p.m.

Documents Incorporated by Reference: 40 CFR 62, Subpart 000, as amended by 87 FR 8203, July 1, 2021

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