ARTICLE 2. PERMIT REVIEW RULES

Rule 1. Construction and Operating Permit Requirements

326 IAC 2-1-1 Applicability of rule (Repealed)

Sec. 1. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-2 Registration (Repealed)

Sec. 2. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-3 Construction permits (Repealed)

Sec. 3. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-3.1 Interim construction permit (Repealed)

Sec. 3.1. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-3.2 Enhanced new source review (Repealed)

Sec. 3.2. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-3.3 Maximum achievable control technology (MACT) (Repealed)

Sec. 3.3. *(Repealed by Air Pollution Control Board; filed Jun 27, 1997, 4:20 p.m.: 20 IR 3011)*

326 IAC 2-1-3.4 New source toxics control (Repealed)

Sec. 3.4. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108)*

326 IAC 2-1-4 Operating permits (Repealed)

Sec. 4. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-5 Emission limitations (Repealed)

Sec. 5. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-6 Transfer of permits (Repealed)

Sec. 6. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-7 Fees (Repealed)

Sec. 7. *(Repealed by Air Pollution Control Board; filed Nov 30, 1990, 4:20 p.m.: 14 IR 607)*

326 IAC 2-1-7.1 Fees for registration, construction permits, and operating permits (Repealed)

Sec. 7.1. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-8 Appeals of permit denials, revocations or conditions (Repealed)

Sec. 8. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-9 Revocation of permits (Repealed)

Sec. 9. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-10 Permit no defense (Repealed)

Sec. 10. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-11 Local jurisdiction (Repealed)

Sec. 11. *(Repealed by Air Pollution Control Board; filed Nov 30, 1990, 4:20 p.m.: 14 IR 607)*

326 IAC 2-1-11.1 Local jurisdiction (Repealed)

Sec. 11.1. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-12 Resolution of permitting conflicts (Repealed)

Sec. 12. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-1-13 Board discretion (Repealed)

Sec. 13. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

Rule 1.1. General Provisions

326 IAC 2-1.1-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11-2; IC 13-15; IC 13-17

Sec. 1. For purposes of this article, the definition given for a term in this rule shall control in any conflict between 326 IAC 1-2 and this article. In addition to the definitions provided in IC 13-11-2 and 326 IAC 1-2, the following definitions apply throughout this article unless expressly stated otherwise or unless the context clearly implies otherwise:

(1) "Authorized individual" means an individual responsible for the overall operation of one (1) or more manufacturing, production, or operating plants or a duly authorized representative of such person. For any public agency, the term means either a ranking elected official, the chief executive officer, or a designated representative of such person having responsibility for the overall operations of a principal geographic unit of the agency.

(2) "General permit" means a permit that is applicable to a class or category of sources or modifications thereto, whether or not under common ownership or control, that are subject to similar applicable requirements.

(3) "Major modification" means a modification to an existing major source to which either 326 IAC 2-2 or 326 IAC 2-3 applies.

(4) "Major source" means any source or facility to which either 326 IAC 2-2 or 326 IAC 2-3 applies.

(5) "Minor modification" means a modification to an existing source to which neither 326 IAC 2-2 nor 326 IAC 2-3 applies and is not exempt under section 3 of this rule.

(6) "Minor physical change" means a change at an existing source that includes, but is not limited to, the following:

(A) The reconfiguration of existing equipment.

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

(C) The replacement, reconfiguration, or addition of ancillary equipment.
(D) The replacement, reconfiguration, or addition of supporting devices, such as piping or ductwork.
(E) The replacement or addition of air pollution control devices.

(7) "Minor source" means any source or facility to which 326 IAC 2-5.1 applies, but to which neither 326 IAC 2-2 nor 326 IAC 2-3 applies.

(8) "New emissions unit" means an emissions unit for which construction commences on or after the effective date of this rule.

(9) "New portable source" means any portable operation that has not commenced construction as of the effective date of this rule or does not have a valid operating permit as of the effective date of this rule.

(10) "New source" means a source for which construction commences on or after the effective date of this rule that will be constructed on undeveloped land or will be constructed at a location for which a valid permit has not been issued.

(11) "Operation" means a single piece of equipment or multiple pieces of like equipment, a process or multiple like processes, a plant or multiple like plants, or any combination of the three (3) that performs similar functions or when operated together produces similar products.

(12) "Plant-wide applicability limit" means a plant-wide enforceable emission limitation established for a stationary source such that subsequent physical or operational changes resulting in emissions that remain less than the limit are excluded from preconstruction or modification approval or operating permit revision requirements under this article.

(13) "Pollution control project" means any activity or project undertaken at an existing emissions unit which, as its primary purpose, reduces regulated air pollutant emissions from such unit. Such activities or projects do not include the replacement of an existing unit with a newer or different unit, or the reconstruction of an existing unit, and are limited to any of the following:

(A) The installation of conventional or innovative pollution control equipment technology, including, but not limited to, the following:

(i) Conventional and advanced flue gas desulfurization and sorbent injection for sulfur dioxide (SO_2).
(ii) Electrostatic precipitators, baghouses, high efficiency multiclones, and scrubbers for particulates.
(iii) Flue gas recirculation, low-NO_x burners, selective noncatalytic reduction, and selective catalytic reduction for NO_x.
(iv) Regenerative thermal oxidizers (RTO), catalytic oxidizers, condensers, thermal incinerators, flares, and carbon adsorbers for VOCs and HAPs.

(B) Switching to an inherently less polluting fuel. Any activity that is necessary to accommodate switching to an inherently less polluting fuel is considered to be part of the pollution control project to the extent the activities are undertaken to maintain the currently used capacity of the unit at the time the fuel switch is implemented.

(14) "Pollution prevention project" means any activity or project at an existing emissions unit where the primary purpose of such an activity or project is the reduction or elimination of the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources. Such activity or project includes any practice that reduces:

(A) the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
(B) the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. The term does not include recycling, energy recovery, treatment, disposal, or the use of any add-on air pollution control technology.

(15) "Portable source" means any operation, process, or emissions unit, other than mobile sources, that emits or has the potential to emit any regulated air pollutant and is specifically designed to be and capable of being moved from one (1) location or site to another location or site and is moved to other locations or sites at least one (1) time during the term of the permit. Indicia of transportability include, but are not limited to:

(A) wheels;
(B) skids;
(C) trailer; or
(D) platform.

(16) "Potential to emit" means the maximum capacity of a stationary source or emissions unit to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant,

including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the U.S. EPA, the department, or the appropriate local air pollution control agency. The term does not alter or affect the use of potential to emit for any other purpose under the CAA, (or "capacity factor" as used in Title IV of the CAA) or the regulations promulgated thereunder.

(17) "Process" means any combination of equipment that is physically connected and operated in sequence that, when the process is operated, could operate independently to generate energy, refine or produce materials or parts, or produce a finished product.

(Air Pollution Control Board; 326 IAC 2-1.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 980; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105)

326 IAC 2-1.1-2 Applicability

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. 2. (a) This rule applies to the issuance of a registration, permit, modification approval, or operating permit revision required under this article and the sources or emissions unit or units required to obtain a registration, permit, modification approval, or operating permit revision under this article, except where rules in this article establish more specific requirements. No person shall construct, operate, or modify a source or emissions unit required to obtain a registration, permit, modification approval, or operating permit revision prior to issuance of a registration, permit, modification approval, or operating permit revision, except as provided in this article.

(b) Specific registration, permitting, modification approval, and operating permit revision requirements are located in the following provisions of this article:

(1) Construction of major sources and major modifications in attainment areas under 326 IAC 2-2.

(2) Construction of major sources and major modifications in nonattainment areas under 326 IAC 2-3.

(3) Construction or reconstruction of major sources of hazardous air pollutants under 326 IAC 2-4.1.

(4) Construction of new sources under 326 IAC 2-5.1.

(5) Operation and modification of minor sources pursuant to registrations under 326 IAC 2-5.5.

(6) Operation and modification of minor sources pursuant to state operating permits under 326 IAC 2-6.1.

(7) Operation and modification of major sources pursuant to Part 70 permits under 326 IAC 2-7.

(8) Operation and modification of minor sources pursuant to federally enforceable state operating permits (FESOPs) under 326 IAC 2-8.

(9) Operation and modification of minor sources pursuant to source specific operating agreements (SSOAs) under 326 IAC 2-9.

(10) Operation and modification of sources pursuant to permits-by-rule under 326 IAC 2-10 or 326 IAC 2-11.

(11) Operation and modification of sources pursuant to general permits under 326 IAC 2-12.

(12) Modification of sources pursuant to interim permit revision procedures under 326 IAC 2-13.

(13) Operation and modification of portable sources under 326 IAC 2-14.

(c) The commissioner may require the owner or operator of a source or emissions unit (excluding single-family dwellings) that has the potential to emit any air pollutant to complete a permit application. If after review of a permit application, the commissioner determines that the source or emissions unit is subject to the registration, permit, modification approval, or permit revision provisions under this article and is required to receive such registration, permit, modification approval, or permit revision, the commissioner may require the owner or operator of the source or emissions unit to obtain a construction or operating permit, modification approval, or permit revision prior to constructing, operating, or modifying the source or emissions unit.

(d) The requirement for a registration, permit, modification approval, or permit revision shall be based on the following:

(1) Unless specifically listed as a source type required to obtain a registration or permit under 326 IAC 2-5.1, the requirement to obtain a registration or permit for construction of a new source shall be based on whether the potential to emit any regulated pollutant from all emissions units at the source exceeds the applicability thresholds in 326 IAC 2-5.1.

(2) Unless specifically listed as a source type required to have an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the requirement to obtain an operating permit shall be based on whether the potential to emit any regulated pollutant from all emissions units at the source exceeds the applicability thresholds for operating permits within this article.

(3) Unless specifically listed as a type of modification required to obtain an operating permit revision or modification approval

under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the requirement to obtain an operating permit revision shall be based on whether the sum of the potential to emit any regulated pollutant from new emission units and the increase of the potential to emit any regulated pollutant from modified existing emission units at the source exceeds the applicability thresholds for operating permit revisions within this article.

(e) Any exemption granted under this rule shall apply only to the requirement to have prior approval before construction, operation, or modification of a source or emissions unit. An exemption under this rule does not exempt a source from any other requirements applicable to the source under this title. *(Air Pollution Control Board; 326 IAC 2-1.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 981; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

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) 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 sources as follows:

(1) New 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 have provided public notice under 310 IAC 12-3-106 and included a reference of the application for an operating agreement in such notice.

(H) 326 IAC 2-9-11 for automobile refinishing operations.

(I) 326 IAC 2-9-12 for degreasing operations.

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

(3) 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.

(4) New sources with the potential to emit less than ten (10) tons per year of a single hazardous air pollutant (HAP), as defined under Section 112(b) of the Clean Air Act, 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 (3) shall only apply to those rules and rule sections that have been approved by the U.S. EPA as part of the state implementation plan (SIP).

(e) Except for modifications subject to 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 particulate matter (PM) or particulate matter with an aerodynamic diameter less than ten (10) micrometers (PM_{10}).

(B) Ten (10) tons per year of sulfur dioxide (SO_2).

(C) Ten (10) tons per year of nitrogen oxides (NO_x).

(D) Ten (10) tons per year of volatile organic compounds (VOC) for sources or modifications that are not described by clause (E).

(E) Five (5) tons per year of volatile organic compounds (VOC) for sources or modifications that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(F) Twenty-five (25) tons per year of carbon monoxide (CO).

(G) Two-tenths (0.2) ton per year of lead (Pb).

(H) One (1) ton per year of a single hazardous air pollutant (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.

(I) Five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H_2S).

(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. As used in this subdivision, "laboratory" means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds or other substances, or similar activities, provided that the activities described in this subdivision are conducted on a laboratory scale. 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. If a laboratory manufactures or produces products for profit in more than a de minimis manner, it shall not be considered to be a laboratory under this subdivision. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or from emission units that 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. As used in this subdivision, "educational and teaching activities" means activities conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes provided the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution. Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities. Support activities do not include the provision of power to the educational and teaching activities from emission units that provide power to multiple projects or from emission units that 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, including the following:

(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 ten million (10,000,000) British thermal units per hour.
(ii) Propane or liquified petroleum gas or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) British thermal units per hour.
(iii) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) British thermal units per hour and firing fuel containing equal to or less than five-tenths percent (0.5%) sulfur by weight.
(iv) Wood-fired combustion sources with heat input equal to or less than one million (1,000,000) British thermal units per hour and 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 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 startup.
(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, including the following:
(A) A gasoline dispensing operation having a storage tank capacity equal to or less than ten thousand five hundred (10,500) gallons and dispensing less than or equal to one thousand three hundred (1,300) gallons per day. Such storage tanks may be in a fixed location or on mobile equipment.
(B) A petroleum fuel other than a gasoline dispensing facility, having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons, and dispensing 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 capacity less than or equal to one thousand (1,000) gallons and annual throughputs equal to or less than 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 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 characterized as:
(i) having a vapor pressure equal to or less than two (2) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight degrees Centigrade (38°C) (one hundred (100) degrees Fahrenheit); or
(ii) having a vapor pressure equal to or less than seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty degrees Centigrade (20°C) (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 Clean Air Act:
(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.
(ii) Using eighty (80) tons or less of welding consumables.
(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 run-off 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 on-site sewage treatment facility.
(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 Clean Air Act.
(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 Clean Air Act.
(F) Noncontact cooling tower systems with either of the following:
(i) Natural draft cooling towers not regulated under a 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 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 do not produce fugitive emissions and that 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.
(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, including the following:
(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, such as the following:
(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, including the following:
(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 four hundred fifty (450) cubic inches by volume.
(25) New sources or modifications of existing sources that consist of only activities associated with emergencies, including the following:
(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 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, 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 (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.
(32) New sources or modifications of existing sources that consist of only water-related activities, including the following:
(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, including the following:
(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, including the following:
(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, including the following:

(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, including the following:

(A) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
(B) Steam cleaning activities.
(C) Rest rooms and associated clean-up 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, including the following:

(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, including the following:

(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) (propane).
(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 Clean Air Act.

(C) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soap, vegetable oil, grease, wax, animal fat, and nonvolatile aqueous salt solutions, provided 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 container capacity is equal to or less than forty-six hundredths (0.46) cubic meter and the 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, including the following:
(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, including the following:
(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, including the following:
(A) Equipment used for quality control/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 used at a source in the same manner as normal consumer use and is 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, including the following:
(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, including the following:
(A) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes as a major source under 326 IAC 2-7-1(22)(B), and 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, including the following:

(A) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.

(B) Electrical resistance welding.

(C) Carbon dioxide (CO_2) lasers, used only on metals and other materials that do not emit HAPs as defined under Section 112(b) of the Clean Air Act in the process.

(D) Laser trimmers that do not produce fugitive emissions and 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 to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(J) Equipment for washing or drying fabricated glass or metal products, if no VOCs or HAPs as defined under Section 112(b) of the Clean Air Act are used in the process, and no 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 Clean Air Act.

(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 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 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 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 hazardous air pollutant (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 consists only of changes in a method of operation, a reconfiguration of existing equipment or other minor physical changes, or a combination thereof, and that does not result in an increase in the potential to emit that:

(A) exceeds the significance levels established in 326 IAC 2-2-1 when subject only to specific emission limits contained in this title;

(B) exceeds the significance levels established in 326 IAC 2-3-1 when subject only to specific emission limits contained in this title;

(C) is subject to 326 IAC 2-4.1 concerning new source toxics control;

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

(E) is greater than or equal to twenty-five (25) pounds per day of NO_x from an existing source in Lake or Porter County that has the potential to emit, as defined by 326 IAC 2-3-1(v), or actual emissions of twenty-five (25) tons per year;

(F) 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:

(i) a primary lead smelter;

(ii) a secondary lead smelter;

(iii) a primary copper smelter;

(iv) a lead gasoline additive plant; or

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

(G) 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 clause (F);

(H) 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;

(I) is an emissions increase of VOC or 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 or Porter County that emits or has the potential to emit twenty-five (25) tons per year of VOC or NO_x;

(J) is greater than or equal to fifteen (15) tons per year particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}); or

(K) 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 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 the 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 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 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 not apply to facilities or sources whose operations are experimental in nature, part of pilot plants, or characterized by frequent product changes.

*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 2-1.1-3; 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)*

326 IAC 2-1.1-4 Federal provisions

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) Nothing in this article shall allow for the circumvention or violation of any federal law or regulation or the requirements under 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9. In the case of a conflict between this rule and a provision of federal law or regulation, the more stringent requirement applies.

(b) Any person proposing the construction of a major prevention of significant deterioration (PSD) source or major PSD modification as defined under 326 IAC 2-2, that is or will be located in an attainment area or unclassified area under 326 IAC 1-4, shall comply with the requirements of 326 IAC 2-2 in addition to the applicable requirements of this rule.

(c) Any person proposing the construction or modification of a major source or emissions unit as defined under 326 IAC 2-3, that will:

(1) significantly impact upon the air quality of a nonattainment area; or

(2) be located in a nonattainment area under 326 IAC 1-4;

shall comply with the requirements of 326 IAC 2-3 in addition to the applicable requirements of this rule. *(Air Pollution Control Board; 326 IAC 2-1.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 990)*

326 IAC 2-1.1-5 Air quality requirements

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. (a) The commissioner shall not issue a registration, permit, modification approval, or operating permit revision under this article if the commissioner determines the terms and conditions of the registration, permit, modification approval, or operating permit revision:

(1) would allow a source to cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS);

(2) would allow a violation of a PSD maximum allowable increase;

(3) do not assure compliance with all applicable air pollution control rules, except as provided by an enforceable compliance schedule; or

(4) are not protective of the public health.

(b) The commissioner may require any source to perform an air quality analysis to demonstrate compliance with the NAAQS.

(Air Pollution Control Board; 326 IAC 2-1.1-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 990)

326 IAC 2-1.1-6 Public notice

Authority: IC 13-14-8; IC 13-15-2; IC 13-15-3-1; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-5-3; IC 13-17

Sec. 6. (a) Registrations, permits, modification approvals, and operating permit revisions issued under this article shall be subject to the following public notice requirements, except as otherwise required in this article. The commissioner shall notify the public of the opportunity to comment on the proposed approval or denial of the registration, permit, modification approval, or operating permit revision as follows:

(1) The commissioner shall provide notice of the receipt of a permit or operating permit revision application to the following:
(A) The county executive of a county that is affected by the permit application.
(B) The executive of a city that is affected by the permit application.
(C) The executive of a town council of a town that is affected by the permit application.
The commissioner may require a person who submits an application to provide information on the application necessary for the commissioner to implement this subdivision.
(2) The commissioner shall publish a notice requesting comment on the proposed permit or permit revision approval or denial in a newspaper of general circulation in the area where the source or emissions unit is located.
(3) The commissioner shall provide a document supporting the proposed permit or permit revision for public inspection in the offices of the local air pollution control agency or the local health commissioner.
(4) The commissioner shall allow a period of at least thirty (30) calendar days opportunity for public comment.
(5) The commissioner may allow opportunity for a public hearing unless otherwise noted.
(6) The commissioner shall provide notice of the commissioner's issuance or denial to those parties listed in IC 13-15-5-3(c).
(b) The following approvals and operating permit revisions shall not be subject to the public notice requirements of this section:
(1) Registrations issued pursuant to 326 IAC 2-5.1-2.
(2) Notice-only operating permit revisions pursuant to 326 IAC 2-6.1-6(d).
(3) Administrative amendments pursuant to 326 IAC 2-7-11 and 326 IAC 2-8-10.
(4) A determination by the commissioner that a source is exempt from the requirements of this article.
(5) A minor permit revision or modification approval under the following:
(A) 326 IAC 2-6.1-6(g).
(B) 326 IAC 2-7-10.5(d).
(C) 326 IAC 2-8-11.1(d).

(c) Within ten (10) days of the submission of an application, each applicant shall place a copy of the permit application or operating permit revision application for public review at a library in the county where the construction or modification is proposed. Each applicant shall notify the commissioner of the location of the library where the copy of the application was placed.

(d) Any person applying for a permit upon land that is either undeveloped or for which a valid existing permit has not been issued shall make, not more than ten (10) working days after submitting the permit application, a reasonable effort to provide notice to all owners or occupants of land adjoining the land which is the subject of the application. Each applicant shall pay the cost of compliance with this subsection. The notice shall be in writing and include the date on which the application was submitted and a brief description of the subject of the application.

(e) Upon written request to the commissioner, a person may be included on a list of persons to receive notification of public comment periods, issuances or denials, or both. *(Air Pollution Control Board; 326 IAC 2-1.1-6; filed Nov 25, 1998, 12:13 p.m.: 22 IR 990; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-1.1-7 Fees

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-8
Affected: IC 13-15; IC 13-16-2; IC 13-17

Sec. 7. The applicant shall pay a fee based upon the cost to the commissioner of processing and reviewing the applicable registration, permit, or operating permit revision application and 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:

(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.

(7) Fees shall be paid by mail or in person and shall be paid upon billing by check or money order, payable to "Cashier, Indiana Department of Environmental Management" no later than thirty (30) days after receipt of billing. Nonpayment may result in denial of a permit application or revocation of the permit.

(8) 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 single payment of the entire fee is an undue hardship on the person and that 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) Fees are nonrefundable. If the permit is denied or revoked or the source or emissions unit is shut down, 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.

*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)*

326 IAC 2-1.1-8 Time periods for determination on permit applications

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 4-21.5; IC 13-15; IC 13-17

Sec. 8. (a) The department shall approve or deny an application received by the department within the following number of calendar days from receipt of such application:

(1) Two hundred seventy (270) days for an application concerning an air pollution construction permit for a major source or major modification, modification approval, a significant permit revision under 326 IAC 2-6.1-6(i)(1)(A), 326 IAC 2-7-10.5(f)(1), or 326 IAC 2-8-11.1(f)(1)(A), or a federally enforceable state operating permit (FESOP) under 326 IAC 2-8. For FESOP applications submitted before July 1, 1995, the two hundred seventy (270) days shall commence July 1, 1995.

(2) One hundred twenty (120) days for an application concerning an air pollution construction permit for a minor source required under 326 IAC 2-5.1-3 or a significant permit revision required under 326 IAC 2-6.1-6(i)(1)(B) through 326 IAC 2-6.1-6(i)(1)(J), 326 IAC 2-7-10.5(f)(2) through 326 IAC 2-7-10.5(f)(9), or 326 IAC 2-8-11.1(f)(1)(B) through 326 IAC 2-8-11.1(f)(1)(J).

(3) Sixty (60) days for an application concerning an air pollution registration required under 326 IAC 2-5.1-2 or a source specific operating agreement under 326 IAC 2-9.

(4) Forty-five (45) days for an application concerning a minor permit revision described under 326 IAC 2-6.1-6(g), 326 IAC 2-7-10.5(d), or 326 IAC 2-8-11.1(d)(1).

(5) Forty-five (45) days shall be added to the time period established in this subsection if the department determines that a public hearing should be held under section 6 of this rule.

(b) The department shall approve or deny an application filed with the department within the time period described under subsection (a) unless:

(1) the general assembly enacts a statute that imposes a new requirement on permit applications that makes it infeasible for the department to approve or deny the application within the applicable time period specified in subsection (a); or

(2) the department and an applicant, in regard to a particular permit application, agree in writing to extend the time period allowed under subsection (a).

(c) The time period described under subsection (a) shall begin and end as follows:

(1) The time period begins on:

(A) the date an application and a required fee is received and stamped received by the department; or

(B) the date marked by the department on a certified mail return receipt accompanying an application and a required fee;

whichever is earlier.

(2) The time period ends on the date that the department's decision to approve or deny an application is issued.

(d) The time period described under subsection (a) may be suspended if:

(1) the department receives a written request from an applicant to suspend processing of the application so that an issue related to an application can be resolved or additional information concerning an application can be provided; or

(2) the department mails a request for additional information to the applicant describing the reasons the application is not complete after determining that any of the following apply:

(A) An application does not contain all of the information or documents, required by rules adopted by the board, that the department needs to process the application.

(B) An application contains provisions that are not consistent with an applicable rule or law.

(C) An applicant fails to pay the required fee or submits a check that is not covered with sufficient funds.

(e) The time period described under subsection (a) shall be suspended on the day the applicant receives the department's request for additional information.

(f) The department may request, as part of a request for additional information, that an applicant conduct tests or sampling to provide information, consistent with requirements in rules adopted by the board, that is necessary for the department to process the application.

(g) The time period described under subsection (a) shall resume:

(1) on the date the department receives, and stamps as received, the information or payment completing the application; or

(2) on the date marked on the certified mail return receipt that accompanied information or payment completing the application; whichever is earlier.

(h) If an applicant's response does not provide all information requested in the request for additional information, the department shall notify the applicant within forty-five (45) calendar days after receiving the response. If the department finds an application to be incomplete after reviewing an applicant's response to a second or subsequent request for additional information, the department shall:

(1) deny the application pursuant to subsection (j); or

(2) choose to issue a further request for additional information;

however, the time period described in subsection (a) may not be suspended unless the applicant agrees in writing to defer processing of the application pending the applicant's response to the request for additional information.

(i) The department shall inform a source of the status of the department's review of the source's application or shall issue a request for additional information:

(1) within thirty (30) calendar days of the day an application concerning an air pollution construction permit for a minor source or a minor modification was filed with the department; and

(2) within forty-five (45) calendar days of the day an application concerning an air pollution construction permit for a major source or major modification was filed with the department.

This rule does not establish a time frame for responding to air registration applications filed with the department other than that listed in subsection (a).

(j) The department may deny a permit application because the application is incomplete if an applicant:

(1) fails to submit, within sixty (60) calendar days of receipt of a request for additional information, the requested information or a schedule for providing the requested information;

(2) does not adhere to the schedule submitted under subdivision (1); or

(3) fails to submit, within thirty (30) calendar days of receipt of a request for payment, a required fee or submits a check that is not covered with sufficient funds.

(k) The department may deny a permit application because it contains provisions that are not consistent with applicable rules or laws.

(l) A permit application fee for renewal of an operating permit or an annual fee for an operating permit is nonrefundable.

(m) If the department does not issue or deny a construction permit, registration, or permit revision within the time period specified under subsection (a), the department shall automatically refund the permit, registration, or permit revision application fee paid by the applicant, except as described in subsection (n)(2).

(n) Upon expiration of the specified time period in subsection (a), the department shall do the following:

(1) Provide the applicant with a written determination of whether the time period specified under subsection (a) has expired.

(2) If the time period under subsection (a) has expired, the department shall refund the applicant's application fee within thirty (30) calendar days of the expiration of the time period specified in subsection (a). The department shall not refund the application fee if, within thirty (30) calendar days of the expiration of the time period specified in subsection (a), the department determines:

(A) one (1) or more of the proposed emissions units is in operation without prior written authorization from the department; or

(B) construction has commenced on one (1) or more of the emissions units without prior written authorization from the department.

(3) If the applicant is eligible for a refund of the application fee, the department shall do the following:

(A) Continue to review the application.

(B) Approve or deny the application as soon as practicable.

(C) Not bill the applicant for additional charges related to the application.

(D) Issue a schedule to the applicant for making a final determination on the pending application.

(o) The department shall present a report to the air pollution control board by October 15 of each calendar year, beginning in 1993. The report shall contain an evaluation of the actions taken by the department to improve the process of issuing air permits. The report shall include the following information for permits subject to the permit schedules in subsection (a) and for permit renewal applications:

(1) The number of permit applications received and the number of permits issued or denied in the previous calendar year and the number of pending applications.

(2) A description of the reduction or increase in the number of permit applications in the air permit program during the preceding calendar year.

(3) The median review time spent on applications and renewals.
(4) The number of public hearings requested and conducted.
(5) The amount of air program permit fees collected and air program fee revenue spent during the preceding calendar year and the amount of fees refunded.
(6) A discussion of possible increases or decreases in the operating costs of the department's air program permit and inspection activities.
(7) A discussion of the measures that have been taken by the department to improve the operating efficiency of the air permit and inspection programs.
(8) The amount of time the department spent conducting hearings on appeal and objections hearings under IC 4-21.5 regarding air permits.
(9) The number of requests for additional information issued by the department under subsection (d).
(10) A discussion of the department's operational goals for the air program in the next twelve (12) months. The goals shall include processing at least ninety-five percent (95%) of the permit applications within the time frames listed under subsection (a).
(p) The remedies provided in subsections (m) and (n) are not the only remedies available to a permit applicant. A permit applicant is not prohibited from seeking other remedies available at law or in equity. *(Air Pollution Control Board; 326 IAC 2-1.1-8; filed Nov 25, 1998, 12:13 p.m.: 22 IR 993; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105)*

326 IAC 2-1.1-9 Revocation
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. Any permit to construct or operate or any permit revision approval granted by the commissioner may be revoked for any of the following reasons:
(1) Violation of any conditions of the permit or permit revision approval.
(2) Failure to disclose all the relevant facts or misrepresentation in obtaining the permit or permit revision approval.
(3) Changes in regulatory requirements that mandate either a temporary or permanent reduction of discharge of contaminants. However, the amendment of appropriate sections of a permit shall not require revocation of a permit.
(4) Noncompliance with an order issued pursuant to 326 IAC 1-5 to reduce emissions during an air pollution episode.
(5) For a permit authorizing construction, failure to commence construction of the source or emissions unit within eighteen (18) months from the date of the issuance of the permit, or if during the construction of the source or emissions unit, work is suspended for a continuous period of one (1) year or more.
(6) Any other cause that establishes in the judgment of the commissioner the fact that continuance of the permit or permit revision approval is not consistent with the purposes of this article.
(Air Pollution Control Board; 326 IAC 2-1.1-9; filed Nov 25, 1998, 12:13 p.m.: 22 IR 995)

326 IAC 2-1.1-9.5 General provisions; term of permit
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11-2; IC 13-15-3-6; IC 13-17

Sec. 9.5. (a) Except as provided in IC 13-15-3-6(a), the following are effective for a term not to exceed five (5) years:
(1) A permit to construct.
(2) A permit to operate.
(3) A permit modification.
(b) Notwithstanding the permit term in subsection (a), any condition established in a permit issued pursuant to a permitting program approved into the state implementation plan shall remain in effect until:
(1) the condition is modified in a subsequent permit action; or
(2) the emission unit to which the condition pertains permanently ceases operation.
(Air Pollution Control Board; 326 IAC 2-1.1-9.5; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1557)

326 IAC 2-1.1-10 Local agencies

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-6; IC 13-17

Sec. 10. (a) A local agency may be authorized by the commissioner to do the following:

(1) Process and review applications for registrations, construction permits, operating permits, and operating permit revisions required under this article.

(2) Issue or deny registrations, construction permits, operating permits, and permit revision approvals in accordance with the requirements of this article as a designated representative of the commissioner.

Such authorization may be in the form of a written agreement or contract between the commissioner and the local agency.

(b) Emission limitations, monitoring, testing, reporting, and record keeping requirements may be established by a designated local agency. If the commissioner determines that an emission limitation in a permit or permit revision approval, that has been proposed or issued by any local agency, conflicts with the attainment or maintenance of an ambient air quality standard or does not assure compliance with an applicable requirement, the commissioner shall do the following:

(1) Notify the local agency of the conflict and give the local agency sixty (60) days within which to resolve the conflict.

(2) Issue or deny the permit or permit revision in accordance with this article and IC 13-15-6, if the conflict is not resolved within sixty (60) calendar days.

(c) A local agency may be authorized by the commissioner to perform compliance related activities as a designated representative, including those activities under section 11 of this rule. The authorization may be in the form of a written agreement or contract between the commissioner and the local agency.

(d) A local agency may be authorized by the commissioner to collect all or part of the permit fees established in this rule or to substitute a permit fee schedule that meets the requirement of approximating the costs to the department and the local agency of processing and reviewing the applicable construction or operating permit or other activity and the costs of determining compliance with the terms and conditions of such permit and applicable rules. Such authorization may be in the form of a written agreement or contract between the commissioner and the local agency and shall specify the fee schedule to be applied and the recipient of the fees. *(Air Pollution Control Board; 326 IAC 2-1.1-10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 995)*

326 IAC 2-1.1-11 Compliance requirements

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. The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U.S. EPA. This section applies to all sources issued a registration, permit, modification approval, or permit revision under this article. *(Air Pollution Control Board; 326 IAC 2-1.1-11; filed Nov 25, 1998, 12:13 p.m.: 22 IR 995; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105)*

326 IAC 2-1.1-12 Emissions cap programs

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) This section applies to sources operating pursuant to a Part 70 permit under 326 IAC 2-7 or a federally enforceable state operating permit (FESOP) under 326 IAC 2-8. The owner or operator may request that the commissioner include terms and conditions establishing an emissions cap program or programs for one (1) or more pollutants.

(b) For a source applying for an emissions cap program or programs, the commissioner may issue a Part 70 or FESOP permit that includes terms and conditions necessary to assure compliance with applicable air quality rules and that allow the owner or operator to make modifications at the source, without preconstruction approval or operating permit revision, as long as compliance with the emissions cap program or programs is maintained.

(c) An emissions cap program or programs may be based on one (1) of the following:

(1) Actual emissions, not to exceed allowable emissions, including a reasonable operating margin that is less than the significant emissions rate as defined in 326 IAC 2-2-1. Actual emissions shall be calculated using the actual emissions for any

twelve (12) consecutive months during the one hundred twenty (120) months preceding the request for an emissions cap program or programs.

(2) The prevention of significant deterioration (PSD) permitted allowable emissions for sources that have received a PSD permit. For sources located in nonattainment areas and subject to 326 IAC 2-3, the permit must have been issued within the past five (5) years.

(3) A permit limitation, not to exceed allowable emissions, on the potential to emit of a pollutant that is less than the applicability thresholds of 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, or other applicable requirement provided that control technology has been reviewed for all permitted emissions under the emissions cap program or programs.

The emissions cap program or programs may consist of a plant-wide applicability limit or multiple caps, except if the multiple caps would allow a violation of 326 IAC 2-2 or 326 IAC 2-3.

(d) In addition to the application information required under 326 IAC 2-7-4(c) and 326 IAC 2-8-3(c), an application requesting an emissions cap program or programs shall include the following information:

(1) Identification, description, and location of the emission units that will be included under and comply with an emissions cap program or programs.

(2) Identification of any emission limitations or standards or other requirements applicable to the pollutants and emission units to be included under an emissions cap program or programs.

(3) A description of an emissions cap program or programs to be established at the source. The emissions cap program or programs may consist of a plant-wide applicability limit or multiple limits, except if the multiple limits would allow a violation of 326 IAC 2-2 or 326 IAC 2-3.

(4) A description of any new applicable requirements, permit terms, or conditions that may apply.

(5) A description of the record keeping, reporting, and compliance monitoring requirements to be implemented with the emissions cap program or programs.

(6) Emissions information or other relevant information to be used for the basis of the emissions cap program or programs.

(e) In addition to the permit content and compliance requirements under 326 IAC 2-7 and 326 IAC 2-8, a permit that includes an emissions cap program or programs shall include the following:

(1) All terms necessary to determine compliance with the emissions cap program or programs and all associated applicable requirements.

(2) An enforceable emission limit or limits.

(3) Terms and conditions that allow construction of new emissions units or reconstruction or modification of existing emissions units that would otherwise require preconstruction approval or operating permit revision, provided the actual emissions from the emissions units specified under an emissions cap program or programs or to be included under the emissions cap program or programs, do not exceed the emissions cap limit or limits.

(4) Terms and conditions that allow for trading of emission increases and decreases solely for the purpose of complying with the emissions cap program or programs, provided the permit contains adequate terms and conditions to determine compliance with the limit and with any emissions trading provisions.

(5) Replicable procedures and permit terms that ensure the emissions cap limit or limits is enforceable and changes pursuant to the limit are quantifiable and enforceable.

(6) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the requirements of this title, and the Clean Air Act.

(7) Terms and conditions that require the owner or operator to provide notice to the commissioner for those changes under an emissions cap program limit that would have otherwise required preconstruction or modification approval or operating permit revision.

(8) Terms and conditions that provide for future review of the emissions cap program or programs and associated permit conditions that could affect the limit or limits.

(f) An owner or operator of a source operating pursuant to a Part 70 or FESOP permit that includes an emissions cap program or programs may make changes under the emissions cap limit that would otherwise require preconstruction or modification approval or operating permit revision provided the commissioner receives notification at least ten (10) days before beginning actual construction of each physical change or implementing each operational change. The notice shall:

(1) include the company name and address and source and permit identification numbers;

(2) describe the physical or operational change, including an estimate of the potential to emit of the emissions associated with the change;

(3) identify on the layout diagram of the source what emissions unit or units the physical or operational change will affect;
(4) provide the schedule for constructing each physical change and implementing each operational change;
(5) identify any additional applicable requirements that are applicable to the physical or operational change and include any monitoring, record keeping, or reporting requirements to assure compliance with the applicable requirements;
(6) provide a statement for all regulated pollutants, except the pollutant for which the emissions cap limit has been established, that demonstrates that the physical or operational change will not trigger any federal or state permitting requirement for any regulated pollutant; and
(7) provide a statement that the physical or operational change will not result in emissions greater than the emissions cap limit.
(Air Pollution Control Board; 326 IAC 2-1.1-12; filed Nov 25, 1998, 12:13 p.m.: 22 IR 996)

Rule 2. Prevention of Significant Deterioration (PSD) Requirements

326 IAC 2-2-1 Definitions

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) The definitions in this section apply throughout this rule.
(b) "Actual emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit as determined in accordance with the following:
(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive twenty-four (24) month period preceding the particular date and representative of normal source operation. The department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
(2) The department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
(3) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
(4) The term shall not apply for calculating a significant emissions increase under section 2(d) of this rule or for establishing a PAL under 326 IAC 2-2.4. Instead, subsections (e) and (rr) shall apply for those purposes.
(c) "Adverse impact on visibility" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the federal Class I area as defined in section 13 of this rule. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with:
(1) times of visitor use of the federal Class I area; and
(2) the frequency and timing of natural conditions that reduce visibility.
(d) "Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless a source is subject to enforceable permit limits that restrict the operating rate or hours of operation, or both) and the most stringent of the:
(1) applicable standards as set forth in 40 CFR Part 60* and 40 CFR Part 61*;
(2) state implementation plan emissions limitation, including those with a future compliance date; or
(3) emissions rate specified as an enforceable permit condition, including those with a future compliance date.
(e) "Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with the following:
(1) For any existing electric utility steam generating unit, "baseline actual emissions" means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the five (5) year period immediately preceding when the owner or operator begins actual construction of the project. The commissioner shall allow the use of a different time period upon a determination that it is more representative of normal source operation. The baseline actual emissions shall be determined in accordance with the following:
(A) The average rate shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions to the extent they are affected by the project.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty-four (24) month period.

(C) For a regulated NSR pollutant, when a project involves multiple emissions units, only one (1) consecutive twenty-four (24) month period may be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated NSR pollutant.

(D) The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information available for determining annual emissions, in tons per year, and for adjusting this amount if required by clause (B).

(2) For an existing emissions unit other than an electric utility steam generating unit, "baseline actual emissions" means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the ten (10) year period immediately preceding either the date the owner or operator begins actual construction of the project or the date a complete permit application is received by the department for a permit required by this rule, except that the ten (10) year period shall not include any period earlier than November 15, 1990. The baseline actual emissions shall be determined in accordance with the following:

(A) The average rate shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions to the extent they are affected by the project.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four (24) month period.

(C) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply had the major stationary source been required to comply with the limitations during the consecutive twenty-four (24) month period. However, if an emission limitation is part of a maximum achievable control technology standard that the U.S. EPA proposed or promulgated under 40 CFR Part 63*, the baseline actual emissions need only be adjusted if the department has applied the emissions reductions to an attainment demonstration or maintenance plan consistent with the requirements of 326 IAC 2-3-3(b)(14).

(D) For a regulated NSR pollutant, when a project involves multiple emissions units, only one (1) consecutive twenty-four (24) month period may be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated NSR pollutant.

(E) The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information available for determining annual emissions, in tons per year, and for adjusting this amount if required by clauses (B) and (C).

(3) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of the unit shall equal zero (0) and thereafter, for all other purposes, shall equal the unit's potential to emit.

(4) For a PAL for a stationary source, the baseline actual emissions shall be calculated as follows:

(A) For an existing electric utility steam generating unit, in accordance with subdivision (1).

(B) For an existing emissions unit except an existing electric utility steam generating unit, in accordance with subdivision (2).

(C) For a new emissions unit, in accordance with subdivision (3).

(f) "Baseline area" means the following:

(1) Any intrastate area (and every part thereof) designated as attainment or unclassifiable in accordance with 326 IAC 1-4 in which the major stationary source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than one (1) microgram per cubic meter ($\mu g/m^3$) (annual average) of the pollutant for which the minor source baseline date is established.

(2) Area redesignations under 326 IAC 1-4 and Section 107(d)(1) (D) or 107(d)(1)(E) of the Clean Air Act (CAA) cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:

(A) establishes a minor source baseline date; or

(B) is subject to 40 CFR Part 52.21* and this rule and would be constructed in the same state as the state proposing the redesignation.

(3) Any baseline area established originally for the total suspended particulate (TSP) increments shall remain in effect and shall

apply for purposes of determining the amount of available PM_{10} increments, except that the baseline area shall not remain in effect if U.S. EPA rescinds the corresponding minor source baseline date in accordance with 40 CFR Part 52.21(b)(14)(iv)*.

(g) "Baseline concentration" means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include the following:

(1) The actual emissions, as defined in subsection (b), representative of sources in existence on the applicable minor source baseline date except as provided in subdivision (3).

(2) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(3) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase or increases:

(A) Actual emissions, as defined in subsection (b), from any major stationary source on which construction commenced after the major source baseline date.

(B) Increases and decreases of actual emissions, as defined in subsection (b), at any stationary source occurring after the minor source baseline date.

(h) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. Such activities include, but are not limited to, the following:

(1) Installation of building supports and foundations.

(2) Laying underground pipework.

(3) Construction of permanent storage structures.

With respect to a change in method of operations, the term refers to those on-site activities other than preparatory activities that mark the initiation of the change.

(i) "Best available control technology" or "BACT" means an emissions limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated NSR pollutant that would be emitted from any proposed major stationary source or major modification, that the commissioner, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for the source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of the pollutant. In no event shall application of best available control technology result in emissions of any pollutant that would exceed the emissions allowed by any applicable standard under 40 CFR Part 60* and 40 CFR Part 61*. If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard not feasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirements for the application of best available control technology. The standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of the design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

(j) "Building, structure, facility, or installation" means all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group, for example, that have the same first two (2) digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office)*.

(k) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.

(l) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy–Clean Coal Technology", up to a total amount of two billion five hundred million dollars ($2,500,000,000) for commercial demonstration of clean coal technology or similar projects funded through appropriations for U.S. EPA. The federal contribution for a qualifying project shall be at least twenty percent (20%) of the total cost of the demonstration project.

(m) "Clean unit" means an emissions unit that meets one (1) of the following criteria:

(1) An emissions unit that:

(A) has been issued a major NSR permit that requires compliance with BACT or LAER;

(B) is complying with the BACT or LAER requirements; and

(C) qualifies as a clean unit under 326 IAC 2-2.2-1.

(2) An emissions unit that has been designated by the department as a clean unit based on the criteria in 326 IAC 2-2.2-2.

(3) An emissions unit that has been designated as a clean unit by the U.S. EPA in accordance with 40 CFR Part 52.21(y)(3)(i) through 40 CFR Part 52.21(y)(3)(iv)*.

(n) "Commence", as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or

(2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(o) "Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the department from requesting or accepting any additional information.

(p) "Construction" means any physical change or change in the method of operation, including:

(1) fabrication;

(2) erection;

(3) installation;

(4) demolition; or

(5) modification;

of an emissions unit, that would result in a change in emissions.

(q) "Continuous emissions monitoring system" or "CEMS" means all of the equipment that may be required to meet the data acquisition and availability requirements of this rule to complete the following:

(1) Sample emissions on a continuous basis.

(2) If applicable, condition emissions.

(3) Analyze emissions on a continuous basis.

(4) Provide a record of emissions on a continuous basis.

(r) "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emissions rate in terms of mass per unit of time.

(s) "Continuous parameter monitoring system" or "CPMS" means all of the equipment necessary to meet the data acquisition and availability requirements of this rule to:

(1) monitor:

(A) process and control device operational parameters; and

(B) other information, such as gas flow rate, O_2 or CO_2 concentrations; and

(2) record the average operational parameter value on a continuous basis.

(t) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third (⅓) of its potential electric output capacity and more than twenty-five (25) megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(u) "Emissions unit" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant. For purposes of this rule, there are the following two (2) types of emissions units:

(1) A new emissions unit is any emissions unit that is, or will be, newly constructed and that has existed for less than two (2) years from the date the emissions unit first operated.

(2) An existing emissions unit is any emissions unit that does not meet the requirements in subdivision (1). A replacement unit is an existing emissions unit.

(v) "Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over the lands.

(w) "Federally enforceable" means all limitations and conditions that are enforceable by the U.S. EPA, including:

(1) those requirements developed pursuant to 40 CFR Part 60* and 40 CFR Part 61*;

(2) requirements within the state implementation plan; and

(3) any permit requirements established pursuant to 40 CFR Part 52.21* or under regulations approved pursuant to 40 CFR

Part 51, Subpart I*, including operating permits issued under an EPA-approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under the program.

(x) "Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(y) "High terrain" means any area having an elevation nine hundred (900) feet or more above the base of the stack of a source.

(z) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(aa) "Indian reservation" means any federally recognized reservation established by:

(1) treaty;

(2) agreement;

(3) executive order; or

(4) act of Congress.

(bb) "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

(cc) "Lowest achievable emission rate" or "LAER" means, for any source, the more stringent rate of emissions based on the most stringent emissions limitation of the following:

(1) Contained in the state implementation plan for the class or category of stationary source unless the owner or operator of the proposed stationary source demonstrates that the limitations are not achievable.

(2) Achieved in practice by the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions unit within the stationary source. In no event shall the application of the lowest achievable emission rate allow a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(dd) "Low terrain" means any area other than high terrain.

(ee) "Major modification" means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase and a significant net emissions increase of a regulated NSR pollutant from the major stationary source. The following shall apply:

(1) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include the following:

(A) Routine maintenance, repair, and replacement.

(B) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.

(C) Use of an alternative fuel by reason of an order under Section 125 of the CAA.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a source that the source:

(i) was capable of accommodating before January 6, 1975, unless the change would be prohibited under any enforceable permit condition that was established after January 6, 1975, pursuant to:

(AA) 40 CFR Part 52.21*;

(BB) this rule;

(CC) 326 IAC 2-3; or

(DD) minor new source review regulations approved pursuant to 40 CFR Part 51.160 through 40 CFR Part 51.166*; or

(ii) is approved to use under any permit issued under 40 CFR Part 52.21* or under this rule.

(F) An increase in the hours of operation or in the production rate unless the change would be prohibited under any enforceable permit condition that was established after January 6, 1975, pursuant to 40 CFR Part 52.21* or under this rule or 326 IAC 2-3.

(G) Any change in ownership at a source.

(H) The addition, replacement, or use of a pollution control project at an existing emissions unit meeting the requirements of 326 IAC 2-2.3. A replacement control technology must provide more effective emission control than that of the replaced control technology to qualify for this exclusion.

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project provided that the project complies with:

(i) the state implementation plan; and

(ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

(J) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(K) The reactivation of a very clean coal-fired electric utility steam generating unit.

(3) The term shall not apply to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under 326 IAC 2-2.4 for a PAL for that pollutant. Instead, the definition at 326 IAC 2-2.4-2(g) shall apply.

(ff) "Major source baseline date" means the following:

(1) In the case of particulate matter and sulfur dioxide, January 6, 1975.

(2) In the case of nitrogen dioxide, February 8, 1988.

(gg) "Major stationary source" means the following:

(1) Any of the following stationary sources of air pollutants that are located or proposed to be located in an attainment or unclassifiable area as designated in 326 IAC 1-4 and that emit or have the potential to emit one hundred (100) tons per year or more of any regulated NSR pollutant:

(A) Fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(B) Coal cleaning plants (with thermal driers).

(C) Kraft pulp mills.

(D) Portland cement plants.

(E) Primary zinc smelters.

(F) Iron and steel mill plants.

(G) Primary aluminum ore reduction plants.

(H) Primary copper smelters.

(I) Municipal incinerators capable of charging more than fifty (50) tons of refuse per day.

(J) Hydrofluoric, sulfuric, and nitric acid plants.

(K) Petroleum refineries.

(L) Lime plants.

(M) Phosphate rock processing plants.

(N) Coke oven batteries.

(O) Sulfur recovery plants.

(P) Carbon black plants (furnace process).

(Q) Primary lead smelters.

(R) Fuel conversion plants.

(S) Sintering plants.

(T) Secondary metal production plants.

(U) Chemical process plants.

(V) Fossil fuel boilers (or combinations thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(W) Taconite ore processing plants.

(X) Glass fiber processing plants.

(Y) Charcoal production plants.

(Z) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.

(2) Any stationary source with the potential to emit two hundred fifty (250) tons per year or more of a regulated NSR pollutant.

(3) Any of the following stationary sources with potential emissions of five (5) tons per year or more of lead or lead compounds measured as elemental lead:

(A) Primary lead smelters.

(B) Secondary lead smelters.

(C) Primary copper smelters.

(D) Lead gasoline additive plants.

(E) Lead-acid storage battery manufacturing plants that produce two thousand (2,000) or more batteries per day.

(4) Any other stationary source with potential emissions of twenty-five (25) or more tons per year of lead or lead compounds measured as elemental lead.

(5) Any physical change occurring at a stationary source not qualifying under subdivisions (1) through (4) if the change would by itself qualify as a major stationary source under subdivisions (1) through (4).

(6) Notwithstanding subdivisions (1) through (5), a source or modification of a source shall not be considered a major stationary source if it would qualify under subdivisions (1) through (5) only if fugitive emissions, to the extent quantifiable, are considered in calculating potential to emit of the stationary source or modification and the source does not belong to any of the categories listed in subdivision (1) or any other stationary source category that, as of August 7, 1980, is being regulated under Section 111 or 112 of the CAA (42 U.S.C. 7411 or 42 U.S.C. 7412).

(7) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

(hh) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or major modification subject to the requirements of this rule or to 40 CFR Part 52.21* submits a complete application under the relevant regulations, including the following:

(1) The trigger date is the following:

(A) In the case of particulate matter and sulfur dioxide, August 7, 1977.

(B) In the case of nitrogen dioxide, February 8, 1988.

(2) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under 326 IAC 1-4 for the pollutant on the date of its complete application under this rule; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(3) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that the commissioner may rescind a minor source baseline date where it can be shown, to the satisfaction of the commissioner, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM_{10} emissions.

(ii) "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and air quality control laws and regulations that are part of the state implementation plan.

(jj) "Net emissions increase", with respect to any regulated NSR pollutant emitted by a major stationary source, means the following:

(1) The amount by which the sum of the following exceeds zero (0):

(A) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under section 2(d) of this rule.

(B) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this clause shall be determined as provided in subsection (e), except that subsection (e)(1)(C) and (e)(2)(D) shall not apply.

(2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the following:

(A) The date five (5) years before construction of the particular change commences.

(B) The date that the increase from the particular change occurs.

(3) An increase or decrease in actual emissions is creditable only if:

(A) the department has not relied on the increase or decrease in actual emissions in issuing a permit to the source under

40 CFR Part 52.21* or this rule and the permit is in effect when the increase in actual emissions from the particular change occurs; and

(B) the increase or decrease in emissions did not occur at a clean unit except as provided in 326 IAC 2-2.2-1(h) and 326 IAC 2-2.2-2(j).

(4) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

(5) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.

(6) A decrease in actual emissions is creditable only to the extent that:

(A) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) it is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(C) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(D) the decrease in actual emissions did not result from the installation of add-on control technology or application of pollution prevention practices that were relied on in designating an emissions unit as a clean unit under 326 IAC 2-2.2-2 or 326 IAC 2-3.2-2. Once an emissions unit has been designated as a clean unit, the owner or operator cannot later use the emissions reduction from the air pollution control measures that the clean unit designation is based on in calculating the net emissions increase for another emissions unit. However, any new emission reductions that were not relied upon in a PCP excluded under 326 IAC 2-2.3-1 or for a clean unit designation are creditable to the extent they meet the requirements in 326 IAC 2-2.3-1(g)(4) for the PCP and 326 IAC 2-2.2-1(h) and 326 IAC 2-2.2-2(j) for a clean unit.

(7) An increase that results from the physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period not to exceed one hundred eighty (180) days.

(8) Subsection (b)(1) shall not apply for determining creditable increases and decreases.

(kk) "Plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this rule. For the purposes of this rule, a PAL is an actuals PAL.

(ll) "Pollution control project" or "PCP" means any activity, set of work practices, or project, including pollution prevention undertaken at an existing emissions unit that reduces emissions of air pollutants from the unit. The qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. Projects not listed in this subsection may qualify for a case-specific PCP exclusion under 326 IAC 2-2.3-1(c) and 326 IAC 2-2.3-1(f). The following projects are presumed to be environmentally beneficial under 326 IAC 2-2.3-1(c)(1):

(1) Conventional or advanced flue gas desulfurization or sorbent injection for control of sulfur dioxide.

(2) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for control of particulate matter or other pollutants.

(3) Flue gas recirculation, low-NO_x burners or combustors, selective noncatalytic reduction, selective catalytic reduction, low emission combustion for internal combustion engines, and oxidation/absorption catalyst for control of nitrogen oxides.

(4) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this rule, "hydrocarbon combustion flare" means either a flare:

(A) used to comply with an applicable NSPS or MACT standard, including uses of flares during startup, shutdown, or malfunction permitted under the standard; or

(B) that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than two hundred thirty (230) mg/dscm hydrogen sulfide.

(5) Activities or projects undertaken to accommodate switching or partially switching to an inherently less polluting fuel to be limited to the following fuel switches:

(A) Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to five-hundredths percent (0.05%) sulfur diesel.

(B) Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal.

(C) Switching from coal to wood, excluding construction or demolition waste, chemical or pesticide treated wood, and other forms of unclean wood.

(D) Switching from coal to No. 2 fuel oil with a five-tenths percent (0.5%) maximum sulfur content.

(E) Switching from high sulfur coal to low sulfur coal with a maximum one and two-tenths percent (1.2%) sulfur content.

(6) Activities or projects undertaken to accommodate switching from the use of one (1) ozone depleting substance (ODS) to the use of a substance with a lower or zero (0) ozone depletion potential (ODP), including changes to equipment needed to accommodate the activity or project, that meet the following requirements:

(A) The productive capacity of the equipment is not increased as a result of the activity or project.

(B) The projected usage of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS. This determination shall be made using the following procedure:

(i) Determine the ODP of the substances by consulting 40 CFR Part 82, Subpart A, Appendices A and B*.

(ii) Calculate the replaced ODP-weighted amount by multiplying the baseline actual usage, using the annualized average of any twenty-four (24) consecutive months of usage within the past ten (10) years, by the ODP of the replaced ODS.

(iii) Calculate the projected ODP-weighted amount by multiplying the projected actual usage of the new substance by its ODP.

(iv) If the value calculated in item (ii) is more than the value calculated in item (iii), then the projected use of the new substance is lower than the baseline usage of the replaced ODS, on an ODP-weighted basis.

(mm) "Pollution prevention" means the following:

(1) Any activity that eliminates or reduces the release of air pollutants, including fugitive emissions, and other pollutants to the environment prior to recycling, treatment, or disposal, through:

(A) process changes;

(B) product reformulation or redesign; or

(C) substitution of less polluting raw materials.

(2) The term does not include:

(A) recycling, except certain in-process recycling practices;

(B) energy recovery;

(C) treatment; or

(D) disposal.

(nn) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions do not count in determining the potential to emit of a stationary source.

(oo) "Predictive emissions monitoring system" or "PEMS" means all of the equipment necessary to, on a continuous basis:

(1) monitor:

(A) process and control device operational parameters; and

(B) other information, such as gas flow rate, O_2 or CO_2 concentrations; and

(2) calculate and record the mass emissions rate, such as pounds per hour.

(pp) "Prevention of significant deterioration program" or "PSD program" means a major source preconstruction permit program that has been approved by the U.S. EPA and incorporated into the state implementation plan to implement the requirements of 40 CFR Part 51.166 or the program in 40 CFR Part 52.21. Any permit issued under the program is a major NSR permit.

(qq) "Project" means a physical change in, or change in the method of operation of, an existing major stationary source.

(rr) "Projected actual emissions" means the following:

(1) The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any consecutive twelve (12) month period of the five (5) years following the date the unit resumes regular operation after the project, or in any consecutive twelve (12) month period of the ten (10) years following the date the unit resumes regular operation, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(2) In determining the projected actual emissions under this subsection, before beginning actual construction, the owner or operator of the major stationary source:

(A) shall:

(i) consider all relevant information, including, but not limited to:

(AA) historical operational data;

(BB) the company's own representations;

(CC) the company's expected business activity and the company's highest projections of business activity;

(DD) the company's filings with the state or federal regulatory authorities; and

(EE) compliance plans under the approved state implementation plan;

(ii) include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions to the extent they are affected by the project; and

(iii) exclude, in calculating any increase in emissions that result from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive twenty-four (24) month period used to establish the baseline actual emissions under subsection (e) and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

(B) in lieu of using the method set out in clause (A), may elect to use the emissions unit's potential to emit, in tons per year, as defined under subsection (nn).

(ss) "Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) has not been in operation for the two (2) year period prior to the enactment of the CAA Amendments of 1990, and the emissions from the unit continue to be carried in the department's emissions inventory at the time of enactment;

(2) was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five percent (85%) and a removal efficiency for particulates of no less than ninety-eight percent (98%);

(3) is equipped with low-NO_x burners prior to the time of commencement of operations following reactivation; and

(4) is otherwise in compliance with the requirements of the CAA.

(tt) "Reasonably available control technology" or "RACT" means devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

(1) the necessity of imposing the controls in order to attain and maintain a national ambient air quality standard;

(2) the social, environmental, and economic impact of the controls; and

(3) alternative means of providing for attainment and maintenance of the standard.

(uu) "Regulated NSR pollutant" means any of the following:

(1) Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for the pollutants identified by the U.S. EPA.

(2) Any pollutant that is subject to any standard promulgated under Section 111 of the CAA.

(3) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the CAA.

(4) Any pollutant that otherwise is subject to regulation under the CAA, except that any or all hazardous air pollutants either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, which have not been delisted pursuant to Section 112(b)(3) of the CAA, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the CAA.

(5) Notwithstanding subdivision (4), any pollutant listed in subsection (xx)(1)(A) through (xx)(1)(U).

(vv) "Repowering" means replacement of an existing coal-fired boiler with one (1) of the following clean coal technologies:

(1) Atmospheric or pressurized fluidized bed combustion.

(2) Integrated gasification combined cycle.

(3) Magnetohydrodynamics.

(4) Direct and indirect coal-fired turbines.

(5) Integrated gasification fuel cells.

(6) As determined by U.S. EPA, in consultation with the Secretary of Energy, a derivative of one (1) or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in

widespread commercial use as of November 15, 1990.

The term shall also include any oil or gas-fired unit, or both, that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy. The department shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the CAA.

(ww) "Secondary emissions" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. The term includes emissions from any off-site support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. For the purpose of this rule, secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the source or modification that causes the secondary emissions. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from:

(1) the tailpipe of a motor vehicle;

(2) a train; or

(3) a vessel.

(xx) "Significant" means the following:

(1) In reference to a net emissions increase or the potential of the source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

(A) Carbon monoxide: one hundred (100) tons per year.

(B) Nitrogen oxides: forty (40) tons per year.

(C) Sulfur dioxide: forty (40) tons per year.

(D) Particulate matter: twenty-five (25) tons per year.

(E) PM_{10}: fifteen (15) tons per year.

(F) Ozone: forty (40) tons per year of volatile organic compounds.

(G) Lead: six-tenths (0.6) ton per year.

(H) Asbestos: seven one-thousandths (0.007) ton per year.

(I) Beryllium: four ten-thousandths (0.0004) ton per year.

(J) Mercury: one-tenth (0.1) ton per year.

(K) Vinyl chloride: one (1) ton per year.

(L) Fluorides: three (3) tons per year.

(M) Sulfuric acid mist: seven (7) tons per year.

(N) Hydrogen sulfide (H_2S): ten (10) tons per year.

(O) Total reduced sulfur (including H_2S): ten (10) tons per year.

(P) Reduced sulfur compounds (including H_2S): ten (10) tons per year.

(Q) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): thirty-five ten-millionths (0.0000035) or 3.5×10^{-6} ton per year.

(R) Municipal waste combustor metals (measured as particulate matter): fifteen (15) tons per year.

(S) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): forty (40) tons per year.

(T) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): fifty (50) tons per year.

(U) Ozone-depleting substances (ODS): one hundred (100) tons per year.

(V) Any regulated NSR pollutant other than the pollutants listed in this subsection: any emission rate.

(2) Any emissions rate or any net emissions increase associated with a major stationary source or major modification that would be constructed within ten (10) kilometers of a Class I area and has an impact on the area equal to or greater than one (1) microgram per cubic meter (24-hour average).

(yy) "Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant, as defined in subsection (xx), for that pollutant.

(zz) "Stationary source" means any building, structure, facility, or installation that emits or may emit a regulated NSR pollutant. A stationary source does not include emissions resulting from an internal combustion engine used for transportation purposes or from a nonroad engine or nonroad vehicle.

(aaa) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that:

(1) is operated for a period of five (5) years or less; and

(2) complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

*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 2-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2391; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3022; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2020; filed Nov 25, 1998, 12:13 p.m.: 22 IR 997; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Oct 23, 2000, 9:47 a.m.: 24 IR 668; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2412; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1557; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2216; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3889)*

326 IAC 2-2-2 Applicability

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 2. (a) The requirements of sections 3 through 5, 7, 8, 10, 14, and 15 of this rule apply to the construction of any new major stationary source or the major modification of any existing major stationary source except as this rule otherwise provides.

(b) The requirements of this rule apply to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable in 326 IAC 1-4.

(c) No new major stationary source or major modification to which the requirements of sections 3 through 5, 7, 8(a), 10, 14, and 15 apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet the requirements of sections 3 through 5, 7, 8(a), 10, 14, and 15 of this rule.

(d) The requirements of this rule will be applied in accordance with the following:

(1) Except as otherwise provided in subsections (e) and (f), and consistent with the definition of major modification contained in section 1(ee) of this rule, a project is a major modification for a regulated NSR pollutant if it causes both a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(2) Prior to beginning actual construction, the procedure for calculating if a significant emissions increase will occur depends upon the type of emissions units being modified as provided in subdivisions (3) through (6). The procedure for calculating, before beginning actual construction, if a significant net emissions increase will occur at the major stationary source is contained in section 1(jj) of this rule. Regardless of any preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(3) For an actual-to-projected-actual applicability test for projects that only involve existing emissions units, a significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit equals or exceeds the significant amount for that pollutant.

(4) For an actual-to-potential applicability test for projects that only involve construction of new emissions units, a significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

(5) For a project that will be constructed and operated at a clean unit without causing the emissions unit to lose its clean unit designation, no emissions increase is considered to occur.

(6) For projects that involve a combination of emission units using the tests in subdivisions (3) through (5), a significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subdivisions (3) through (5), as applicable, with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant.

(e) For any major stationary source for which a PAL has been established for a regulated NSR pollutant, the major stationary source shall comply with the requirements under 326 IAC 2-2.4.

(f) An owner or operator undertaking a PCP shall comply with the requirements under 326 IAC 2-2.3.

(g) Sources that are located in or proposed to be located in an area designated as nonattainment under 326 IAC 1-4 for a pollutant shall be exempt from the requirements of this rule for that particular pollutant and subject to 326 IAC 2-3.

(h) A source or modification of a source that is or would be a nonprofit health or nonprofit educational institution shall be

exempt from the requirements of sections 3, 4, and 7 of this rule.

(i) The requirements of sections 3 through 5, 7, 8, 10, 14, and 15 of this rule do not apply to a particular major stationary source or major modification if the source or modification is a portable stationary source that has previously received a permit under 326 IAC 2-5.1-3 or 326 IAC 2-7 and the permit contains conditions from 40 CFR Part 52.21* or this rule if:

(1) the source proposes to relocate and emissions of the source at the new location would be temporary;

(2) the emissions from the source would not exceed its allowable emissions;

(3) emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

(4) ten (10) days' advance notice is given to the department prior to the relocation identifying the proposed new location and probable duration of the operation at the new location.

*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 2-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2395; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1098; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1001; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2419; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1564; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3899)*

326 IAC 2-2-3 Control technology review; requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 3. Any owner or operator of a major stationary source or major modification shall comply with the following requirements:

(1) A major stationary source or major modification shall meet each applicable emissions limitation under the state implementation plan and each applicable emissions standard and standard of performance under 40 CFR Part 60* and 40 CFR Part 61*.

(2) A new, major stationary source shall apply best available control technology for each regulated NSR pollutant for which the source has the potential to emit in significant amounts as defined in section 1 of this rule.

(3) A major modification shall apply best available control technology for each regulated NSR pollutant for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase of the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time, which occurs no later than eighteen (18) months prior to commencement of construction of each independent phase of the project. At this time, the owner or operator of the applicable source may be required to demonstrate the adequacy of any previous determination of best available control technology for that 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 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 2-2-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2395; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2419; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1564; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3901)*

326 IAC 2-2-4 Air quality analysis; requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 4. (a) Any application for a permit under the provisions of this rule or for a clean unit designation under 326 IAC 2-2.2-2 shall contain an analysis of ambient air quality in the area that the major stationary source, major modification, or clean unit would affect for each of the following pollutants:

(1) For a source, each regulated NSR pollutant that the source would have the potential to emit in a significant amount.

(2) For a modification, each regulated NSR pollutant for which the modification would result in a significant net emissions

increase.
(3) For a clean unit designation, each regulated NSR pollutant emitted by the unit for which the owner or operator requests the department to designate the unit as a clean unit.
(b) Exemptions are as follows:
(1) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the allowable emissions of that pollutant from the source or the net emissions increase of that pollutant from the modification would:
(A) impact no Class I area and no area where an applicable increment is known to be violated; and
(B) be temporary.
(2) A source, modification, or clean unit designation shall be exempt from the requirements of this section with respect to monitoring for a particular pollutant if either of the following apply:
(A) The emissions increase of the pollutant from a new source, the net emissions increase of the pollutant from a modification, or the allowable emission rate on which the clean unit designation is based, would cause, in any area, air quality impacts less than:
(i) Carbon monoxide: 575 $\mu g/m^3$, 8-hour average.
(ii) Nitrogen dioxide: 14 $\mu g/m^3$, annual average.
(iii) PM_{10}: 10 $\mu g/m^3$, 24-hour average.
(iv) Sulfur dioxide: 13 $\mu g/m^3$, 24-hour average.
(v) Ozone: No de minimis air quality level is provided for ozone; however, any net increase of one hundred (100) tons per year or more of volatile organic compounds subject to PSD would be required to provide ozone ambient air quality data.
(vi) Lead: 0.1 $\mu g/m^3$, 3-month average.
(vii) Mercury: 0.25 $\mu g/m^3$, 24-hour average.
(viii) Beryllium: 0.001 $\mu g/m^3$, 24-hour average.
(ix) Fluorides: 0.25 $\mu g/m^3$, 24-hour average.
(x) Vinyl chloride: 15 $\mu g/m^3$, 24-hour average.
(xi) Total reduced sulfur: 10 mg/m^3, 1-hour average.
(xii) Hydrogen sulfide: 0.2 $\mu g/m^3$, 1-hour average.
(xiii) Reduced sulfur compounds: 10 $\mu g/m^3$, 1-hour average.
(B) The concentrations of the pollutant in the area affected by the source, modification, or clean unit designation are less than the concentrations listed in clause (A) or the pollutant is not listed in clause (A).
(c) All monitoring required by this section shall be done in accordance with the following provisions:
(1) With respect to any pollutant for which no ambient air quality standard designated in 326 IAC 1-3 exists, the analysis shall contain such air quality monitoring data as the commissioner determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.
(2) With respect to any pollutant (other than nonmethane hydrocarbons) for which an ambient air quality standard as designated in 326 IAC 1-3 does exist, the analysis shall contain continuous air quality monitoring data gathered for the purpose of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.
(3) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one (1) year preceding receipt of the application, except that, if the commissioner determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year (but not less than four (4) months), the data that is required shall have been gathered over at least that shorter period.
(4) The owner or operator of the proposed major stationary source or major modification of volatile organic compounds who satisfies all conditions of 40 CFR Part 51, Appendix S, Section IV* may provide postapproval monitoring data for ozone in lieu of providing preconstruction data as required under this subsection.
(5) The owner or operator of a major stationary source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the commissioner determines is necessary to determine the effect of the emissions that the source or modification may have, or are having, on air quality in any area.
(6) The owner or operator of a major stationary source or major modification shall comply with the requirements of 40 CFR Part 58, Appendix B* during operation of monitoring stations for purposes of complying with this section.

(7) All air quality monitoring shall be done in accordance with state and federal monitoring procedures as set forth in the following references: May 1987 U.S. EPA, "Ambient Air Monitoring Guidelines for Prevention of Significant Deterioration" (EPA 45014-87-007)* and the May 1999, "Indiana Department of Environmental Management, Office of Air Management Quality Assurance Manual*".

*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 2-2-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2396; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3026; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1099; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2420; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1565; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3901)*

326 IAC 2-2-5 Air quality impact; requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 5. (a) The owner or operator of the proposed major stationary source or major modification shall demonstrate that allowable emissions increases in conjunction with all other applicable emissions increases or reductions (including secondary emissions) will not cause or contribute to air pollution in violation of any:

(1) ambient air quality standard, as designated in 326 IAC 1-3, in any air quality control region; or

(2) applicable maximum allowable increase over the baseline concentration in any area as described in section 6 of this rule.

(b) The owner or operator that requests a clean unit designation under 326 IAC 2-2.2-2 shall demonstrate that the allowable emissions rate on which the clean unit designation is based will not cause or contribute to air pollution in violation of any:

(1) ambient air quality standard, as designated in 326 IAC 1-3, in any air quality control region; or

(2) applicable maximum allowable increase over the baseline concentration in any area.

(c) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the allowable emissions of that pollutant from the new source or the net emissions increase of that pollutant from the modification would:

(1) impact no Class I area and no area where an applicable increment is known to be violated; and

(2) be temporary.

(d) The requirements of this section do not apply to a major stationary source or major modification with respect to total suspended particulate matter.

(e) Air quality impact analysis required by this section shall be conducted in accordance with the following provisions:

(1) Any estimates of ambient air concentrations used in the demonstration processes required by this section shall be based upon the applicable air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W (Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Guideline on Air Quality Models)*.

(2) Where an air quality impact model specified in the guidelines cited in subdivision (1) is inappropriate, a model may be modified or another model substituted provided that all applicable guidelines are satisfied.

(3) Modifications or substitution of any model may only be done in accordance with guideline documents and with written approval from U.S. EPA and shall be subject to public comment procedures set forth in 326 IAC 2-1.1-6.

*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 2-2-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2024; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1001; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2422; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1566; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3902)*

326 IAC 2-2-6 Increment consumption; requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) Any demonstration under section 5 of this rule shall demonstrate that increased emissions caused by the proposed

major stationary source or major modification will not exceed eighty percent (80%) of the available maximum allowable increases (MAI) over the baseline concentrations for sulfur dioxide, particulate matter, and nitrogen dioxide indicated in subsection (b)(1). Available maximum allowable increases are determined by adjusting the MAI to include impacts from actual emissions:

(1) from any major stationary source or major modification on which construction commenced after the major source baseline date; and

(2) increases and decreases at any source occurring after the minor source baseline date.

On a case-by-case basis, a source may petition the commissioner to use in excess of this eighty percent (80%). The commissioner may authorize such use provided the source adequately demonstrates the need for the same.

(b) Increment consumption shall be in accordance with the following:

(1) The following allowable increments reflect the PSD increments for a Class II area (as defined in the CAA). Indiana has no Class I or Class III areas; however, should some areas of the state be classified as Class I or III, the PSD increments pursuant to 40 CFR Part 52.21* to which it must be adhered. New permits issued after January 1, 1995, shall use PM_{10} as the indicator for particulate matter. The allowable increments are as follows:

Maximum Allowable Increments

Pollutants	Allowable Increments (Micrograms per Cubic Meter, $\mu g/m^3$ Limits)
(A) Particulate matter:	
(PM_{10}):	
Annual arithmetic mean	17
24-hour maximum	30
(B) Sulfur dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
(C) Nitrogen dioxide:	
Annual arithmetic mean	25

(2) For any period other than the annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

(3) When an applicant proposes to construct a major stationary source or major modification in an area designated as attainment or unclassified and the increments listed in subdivision (1) have been consumed, the increased emissions from the source or modification may be permitted to be offset by reducing emissions in the affected areas by an equal amount of the pollutant for which the area was designated as attainment or unclassified.

(4) The following pollutant concentrations shall be excluded when determining compliance with a maximum allowable increase:

(A) Concentrations attributable to the increase in emissions from sources that have converted from the use of petroleum products or natural gas, or both, by reason of an order in effect under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 over the emissions from such sources before the effective date of such an order.

(B) Concentrations attributable to the increase in emissions from sources that have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan.

(C) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources.

(D) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen oxides from stationary sources that are affected by state implementation plan revisions approved by U.S. EPA are excluded provided the following criteria is met:

(i) Such exclusion shall not exceed two (2) years in duration unless a longer time is approved by the commissioner and the U.S. EPA.

(ii) Such exclusion is not renewable.

(iii) Such exclusion shall allow no emissions increase that would impact a Class I area or an area where an applicable increment is known to be violated, or cause or contribute to a violation of an ambient air quality

standard as designated in 326 IAC 1-3.

(iv) An emission limitation shall be in effect at the end of the time period specified in accordance with item (i) that will ensure that the emissions levels will not exceed those levels occurring from such source before the exclusion was granted.

(5) No exclusion of such a concentration under subdivision (4)(A) through (4)(B) shall apply more than five (5) years after the date the exclusion is granted under this rule. If both such order and plan are applicable, no such exclusion shall apply more than five (5) years after the latter of such effective dates.

*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 2-2-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2025; filed Oct 3, 1995, 3:00 p.m.: 19 IR 185; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2422; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1567; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2222; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3903)*

326 IAC 2-2-7 Additional analysis; requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 7. (a) The owner or operator shall provide an analysis of the following:

(1) Impairment to visibility, soils, and vegetation that would occur as a result of the major stationary source, major modification, or clean unit designation and general commercial, residential, industrial, and other growth associated with the source, modification, or clean unit. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source, modification, or clean unit designation.

(b) The requirements of this section shall not apply to a major stationary source or major modification as defined in section 1 of this rule, with respect to a particular pollutant, if the allowable emissions of that pollutant from the source or the net emissions increase of the pollutant from the modification would:

(1) impact no Class I area and no area where an applicable increment is known to be violated; and

(2) be temporary.

(Air Pollution Control Board; 326 IAC 2-2-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2399; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1568; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3904)

326 IAC 2-2-8 Source obligation

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 8. (a) The following shall apply to any owner or operator who proposes to construct, constructs, or operates a major stationary source or major modification subject to this rule:

(1) Approval to construct, under section 2(b) of this rule, shall become invalid if construction is not commenced within eighteen (18) months after receipt of the approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The commissioner may extend the eighteen (18) month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.

(2) Approval for construction shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirements under local, state, or federal law.

(3) At the time a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation that was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(b) The following provisions apply to projects at an existing emissions unit at a major stationary source, other than projects at a clean unit or at a source with a PAL, in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in section 1(rr)(2)(A) of this rule for calculating projected actual emissions:

(1) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) A description of the project.

(B) Identification of any emissions unit whose emissions of a regulated NSR pollutant could be affected by the project.

(C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including:

(i) the baseline actual emissions;

(ii) the projected actual emissions;

(iii) the amount of emissions excluded under section 1(rr)(2)(A)(iii) of this rule; and

(iv) an explanation for why the amount was excluded, and any netting calculations, if applicable.

(2) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in subdivision (1) to the department. Nothing in this subdivision shall be construed to require the owner or operator of the unit to obtain any determination from the department before beginning actual construction.

(3) The owner or operator shall:

(A) monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subdivision (1)(B); and

(B) calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity of or the potential to emit that regulated NSR pollutant at the emissions unit.

(4) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the department within sixty (60) days after the end of each year during which records must be generated under subdivision (3) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(5) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified in subdivision (1) exceed the baseline actual emissions, as documented and maintained under subdivision (1)(C), by a significant amount, as defined in section 1(xx) of this rule, for that regulated NSR pollutant and if the emissions differ from the preconstruction projection as documented and maintained under subdivision (1)(C). The report shall be submitted to the department within sixty (60) days after the end of the year. The report shall contain the following:

(A) The name, address, and telephone number of the major stationary source.

(B) The annual emissions as calculated under subdivision (3).

(C) The emissions calculated under the actual-to-projected actual test stated in section 2(d)(3) of this rule.

(D) Any other information that the owner or operator wishes to include in the report, such as an explanation as to why the emissions differ from the preconstruction projection.

(c) The owner or operator of the source shall make the information required to be documented and maintained under subsection (b) available for review upon a request for inspection by the department. The general public may request this information from the department under 326 IAC 17.1. *(Air Pollution Control Board; 326 IAC 2-2-8; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2400; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3904)*

326 IAC 2-2-9 Innovative control technology

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 9. Any owner or operator of a proposed major stationary source or major modification may request the commissioner in writing to approve a system of innovative control technology as follows:

(1) The commissioner shall, with the consent of the governors of other affected states, allow the source or modification to

employ a system of innovative control technology if the following are met:

(A) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(B) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under section 3 of this rule by a date specified by the commissioner. Such date shall not be later than four (4) years from the time of startup or seven (7) years from the date of permit issuance.

(C) The source or modification will meet the requirements of sections 3 and 5 of this rule, based on the emissions rate that the source employing the system of innovative control technology would be required to meet on the date specified by the commissioner.

(D) The source or modification will not, before the date specified by the commissioner:

(i) cause or contribute to a violation of an applicable ambient air quality standard as designated in 326 IAC 1-3; or

(ii) impact any area where an applicable increment is known to be violated.

(E) All other applicable requirements, including those for public participation, have been met.

(F) If applicable, the provisions of section 14 of this rule, relating to Class I areas, have been satisfied with respect to all periods during the life of the source or modification.

(2) The commissioner shall withdraw any approval to employ a system of innovative control technology made under this section if:

(A) the proposed system fails by the specified date to achieve the required continuous emissions reductions rate;

(B) the proposed system fails before the specified date, so as to contribute to an unreasonable risk to public health, welfare, or safety; or

(C) the commissioner decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(3) If a major stationary source or major modification fails to meet the required level of continuous emission reduction within the specified time period, or the approval is withdrawn in accordance with subdivision (2), the commissioner may allow the major stationary source or major modification up to an additional three (3) years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

(Air Pollution Control Board; 326 IAC 2-2-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2400; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2424; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1568)

326 IAC 2-2-10 Source information

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 10. The owner or operator of a proposed major stationary source, major modification, or an owner or operator that requests a clean unit designation shall submit all information necessary to perform any analysis or make any determination required under this rule or under the clean unit designation requirements as follows:

(1) With respect to a source or modification to which this rule applies, such information shall include:

(A) a description of the nature, location, design capacity, and typical operating schedule of the major stationary source or major modification, including specifications and drawings showing its design and plant layout;

(B) a detailed schedule for construction of the major stationary source or major modification; and

(C) a detailed description as to what system of continuous emission reduction is planned for the major stationary source or major modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

(2) Upon request of the commissioner, the owner or operator shall also provide information on the following:

(A) The air quality impact of the major stationary source or major modification, including meteorological and topographical data necessary to estimate such impact.

(B) The air quality impact and the nature and extent of any or all general commercial, residential, industrial, and other growth that has occurred since the baseline date in the area that the major stationary source or major modification would affect.

(Air Pollution Control Board; 326 IAC 2-2-10; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425;

filed Aug 10, 2004, 3:35 p.m.: 27 IR 3905)

326 IAC 2-2-11 Stack height provisions
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 11. (a) The allowed emission rate for any regulated pollutant under this rule shall not be affected in any manner by the following:

(1) That portion of a stack height exceeding good engineering practice, as established in 326 IAC 1-7, that was not in existence by December 31, 1970.

(2) Any other dispersion technique not implemented before December 31, 1970.

(b) Subsection (a) shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented prior to that date. *(Air Pollution Control Board; 326 IAC 2-2-11; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425)*

326 IAC 2-2-12 Permit rescission
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15-6; IC 13-15-7; IC 13-17

Sec. 12. Any permit issued under this rule shall remain in effect unless and until it is rescinded, modified, revoked, or it expires in accordance with 326 IAC 2-1.1-9.5 or section 8 of this rule. The following apply to rescission:

(1) Any owner or operator of a major stationary source or major modification who holds a permit for the source or modification that was issued under 40 CFR 52.21* or this rule prior to January 19, 2002, may request the commissioner to rescind the permit or a particular portion of the permit.

(2) The commissioner shall grant an application for rescission if the application shows that this rule would not apply to the major stationary source or major modification.

(3) If the commissioner rescinds a permit under this section, the public shall be given adequate notice of the rescission. Publication of an announcement of the rescission in the affected region within sixty (60) days of the rescission shall be considered adequate notice.

*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 2-2-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1569; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2223)*

326 IAC 2-2-13 Area designation and redesignation
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 13. (a) All of the following areas that were in existence on August 7, 1977, shall be Class I areas and shall not be redesignated:

(1) International parks.

(2) National wilderness areas that exceed five thousand (5,000) acres in size.

(3) National memorial parks that exceed five thousand (5,000) acres in size.

(4) National parks that exceed six thousand (6,000) acres in size.

(b) The following shall apply to area designations:

(1) Areas that were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(2) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

(3) The following areas may be redesignated only as Class I or II:

(A) An area that as of August 7, 1977, exceeded ten thousand (10,000) acres in size and was a:
(i) national monument;
(ii) national primitive area;
(iii) national preserve;
(iv) national recreational area;
(v) national wild and scenic river;
(vi) national wildlife refuge; or
(vii) national lakeshore or seashore.

(B) A national park or national wilderness area established after August 7, 1977, that exceeds ten thousand (10,000) acres in size.

(c) The following shall apply to area redesignations:

(1) All areas, except as otherwise provided under subsection (a), are designated Class II as of December 5, 1974. Redesignation, except as otherwise precluded by subsection (a), may be proposed by the department or Indian governing bodies, as provided in this section, subject to approval by U.S. EPA as a revision to the applicable state implementation plan.

(2) The department may submit to U.S. EPA a proposal to redesignate areas of the state Class I or Class II provided the following:

(A) At least one (1) public hearing has been held in accordance with procedures established in 40 CFR 51.102*.

(B) Other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing.

(C) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the:
(i) health;
(ii) environmental;
(iii) economic;
(iv) social; and
(v) energy effects;
of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion.

(D) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the department has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not in excess of sixty (60) days, to confer with the department respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any federal land manager had submitted written comments and recommendations, the department shall have published a list of any inconsistencies between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the federal land manager.

(E) The department has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area under subsection (a) may be redesignated as Class III if the following occurs:

(A) The redesignation would meet the requirements of subdivision (2).

(B) The redesignation, except a redesignation established by an Indian governing body, has been specifically approved by the governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation.

(C) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard.

(D) Any permit application for any major stationary source or major modification, subject to review under section 5(c) of this rule, that could receive a permit under this rule only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. The appropriate Indian governing body may submit to U.S. EPA a proposal to redesignate areas Class I, Class II, or Class III provided the following:

(A) The Indian governing body has followed procedures equivalent to those required of the department under subdivisions (2), (3)(C), and (3)(D).

(B) Such redesignation is proposed after consultation with the state or states in which the Indian reservation is located and that border the Indian reservation.

(5) If U.S. EPA disapproves a proposed redesignation, the classification of the area shall be that which was in effect prior to the redesignation that was disapproved.

(6) If U.S. EPA disapproves any proposed redesignation, the department or Indian governing body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by U.S. EPA.

*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 2-2-13; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2426; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 19)*

326 IAC 2-2-14 Sources impacting federal Class I areas: additional requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 14. (a) The department shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the federal land manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall be given within thirty (30) days of receipt of a permit application and at least sixty (60) days prior to any public hearing on the application for a permit to construct and shall include the following:

(1) A copy of all information relevant to the permit application.

(2) An analysis of the proposed source's anticipated impacts on visibility in the federal Class I area.

The department shall also provide the federal land manager and such federal officials with a copy of the preliminary determination required under this section, and shall make available to them any materials used in making that determination, promptly after the department makes the determination. The department shall also notify all affected federal land managers within thirty (30) days of receipt of any advance notification of any such permit application.

(b) The federal land manager and the federal official charged with direct responsibility for management of the Class I area have an affirmative responsibility to protect the air quality related values, including visibility, of the Class I area and to consider, in consultation with U.S. EPA, whether a proposed source or modification will have an adverse impact on such values.

(c) The department shall consider any analysis performed by the federal land manager, provided to the department within thirty (30) days of the notification required by subsection (a), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any federal Class I area. Where the department finds that the analysis does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result in the federal Class I area, the department must, in the notice of public hearing on the permit application, either explain the decision or give notice as to where the explanation may be obtained.

(d) The federal land manager of any Class I area may demonstrate to the department that the emissions from a proposed major stationary source or major modification would have an adverse impact on the air quality-related values, including visibility, of a Class I area, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the department concurs with the demonstration, then the department shall not issue the permit.

(e) The owner or operator of a proposed major stationary source or major modification may demonstrate to the federal land manager that the emissions from the source or modification would have no adverse impact on the air quality related values of any Class I areas, including visibility, notwithstanding that the change in air quality resulting from emissions from the major stationary source or major modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with the demonstration and the federal land manager so certifies, the department

may issue the permit provided that the applicable requirements of this section are otherwise met, to issue the permit with emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter, and nitrogen oxides shall not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

Pollutant	Maximum Allowable Increase (Micrograms Per Cubic Meter)
Particulate matter:	
PM_{10}, annual arithmetic mean	17
PM_{10}, 24 hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24 hour maximum	91
3 hour maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

(f) The owner or operator of a proposed major stationary source or major modification that cannot be approved under subsection (e) may demonstrate to the department that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that an exemption under this subsection would not adversely affect the air quality related values of the area, including visibility. The department, after consideration of the federal land manager's recommendation, if any, and subject to the federal land manager's concurrence, may, after notice and public hearing, grant an exemption from such maximum allowable increase. If such exemption is granted, the department shall issue a permit to such major stationary source or major modification pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(g) In any case where the department recommends an exemption in which the federal land manager does not concur, the recommendations of the department and the federal land manager shall be transmitted to the president. The president may approve the department's recommendation if the president finds that the exemption is in the national interest. If the exemption is approved, the department shall issue a permit pursuant to the requirements under subsection (h) provided that the applicable requirements of this section are otherwise met.

(h) In the case of a permit issued pursuant to subsection (f) or (g), the major stationary source or major modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the major stationary source or major modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period:

	Maximum Allowable Increase (Micrograms Per Cubic Meter) of Sulfur Dioxide	
	Terrain Areas	
Period of Exposure	Low	High
24 hour maximum	36	62
3 hour maximum	130	221

(i) The department shall transmit to the U.S. EPA a copy of each permit application relating to a major stationary source or major modification and provide notice to the U.S. EPA of the following actions related to consideration of such permit under this section:

(1) Receipt of an advanced notification of a permit application affected by this section.

(2) Any written notice provided to the federal land manager under this section.

(3) Public notice of a preliminary determination.

(4) Notices of public hearings.

(5) Decisions to grant or deny exemptions in accordance with this section.

(6) Any decision in accordance with subsection (c) that an analysis submitted by the federal land manager does not demonstrate

to the satisfaction of the department that an adverse impact on visibility will result in the Class I area.

(7) Denial of a permit.

(8) Issuance of a permit.

(Air Pollution Control Board; 326 IAC 2-2-14; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2427; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2427; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1569)

326 IAC 2-2-15 Public participation

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 15. (a) An application submitted under this rule shall be processed in accordance with 326 IAC 2-1.1-8.

(b) In addition to the requirements under 326 IAC 2-1.1-6, the requirements in this subsection apply. When making a permit decision under this rule, the department shall do the following:

(1) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(2) Include information concerning the degree of increment consumption that is expected from the source or modification with the public notice under 326 IAC 2-1.1-6(a)(2).

(3) Send a copy of the notice of public comment to the applicant, U.S. EPA, and officials and agencies having knowledge of the location where the proposed construction would occur as follows:

(A) Any other state or local air pollution control agencies.

(B) Any comprehensive regional land use planning agency.

(C) Any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the source or modification.

(4) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing or hearings in making a final decision on the approvability of the application. The department shall make all comments available for public inspection in the same locations where the department made available preconstruction information relating to the proposed source or modification.

(5) Make a final determination whether construction should be approved, approved with conditions, or disapproved.

(6) Make the notification of the final determination available for public inspection at the same location where the department made available preconstruction information and public comments relating to the source.

(Air Pollution Control Board; 326 IAC 2-2-15; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2428)

326 IAC 2-2-16 Ambient air ceilings

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 16. No concentration of a pollutant under this rule shall exceed the concentration permitted under the national:

(1) secondary ambient air quality standard as listed under 40 CFR 50.5 through 40 CFR 50.7* and 40 CFR 50.9* through 40 CFR 50.12*; or

(2) primary ambient air quality standard as listed under 40 CFR 50.4*, 40 CFR 50.6* through 40 CFR 50.9*, 40 CFR 50.11*, and 40 CFR 50.12*;

whichever concentration is lowest for the pollutant for a period of exposure.

*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 2-2-16; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2429; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 20)*

Rule 2.2. Clean Unit Designations in Attainment Areas

326 IAC 2-2.2-1 Clean unit designation for emission units subject to BACT or LAER

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) An owner or operator of a major stationary source may use the clean unit test in accordance with 326 IAC 2-2-2(d)(5) in place of provisions in 326 IAC 2-2-2(d)(3) and 326 IAC 2-2-2(d)(4) to determine whether emissions increases at a clean unit are part of a project that is a major modification according to this section. The provisions of this section apply to any emissions unit for which the department has issued a major NSR permit within the last ten (10) years. A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6. Unless otherwise noted, the definitions in 326 IAC 2-2-1 apply to this section.

(b) The following provisions apply to a clean unit:

(1) Any project for which the owner or operator begins actual construction after the effective date of the clean unit designation, as determined in accordance with subsection (d), and before the expiration date, as determined in accordance with subsection (e), will be considered to have occurred while the emissions unit was a clean unit.

(2) If a project at a clean unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT and the project would not alter any physical or operational characteristics that formed the basis for the BACT determination as specified in subsection (f)(4), the emissions unit remains a clean unit.

(3) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT or the project would alter any physical or operational characteristics that formed the basis for the BACT determination as specified in subsection (f)(4), then the emissions unit loses its designation as a clean unit upon issuance of the necessary permit revisions, unless the unit requalifies as a clean unit under subsection (c)(3). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the clean unit designation ends immediately prior to the time when actual construction begins.

(4) A project that causes an emissions unit to lose its designation as a clean unit is considered an existing emission unit and is subject to the applicability requirements of 326 IAC 2-2-2(d)(1) through 326 IAC 2-2-2(d)(4) and 326 IAC 2-2-2(d)(6).

(c) An emissions unit automatically qualifies as a clean unit when the unit meets the criteria in subdivisions (1) and (2). After the original clean unit expires in accordance with subsection (e) or is lost under subsection (b)(3), the emissions unit may requalify as a clean unit under either subdivision (3) or under the clean unit provisions in section 2 of this rule. To requalify as a clean unit under subdivision (3), the emissions unit must obtain a new major NSR permit and meet all the criteria in subdivision (3). The clean unit designation applies individually for each pollutant emitted by the emissions unit. The criteria to qualify or requalify to use the clean unit applicability test are as follows:

(1) The emissions unit must have received a major NSR permit within the last ten (10) years. The owner or operator must maintain and be able to provide information that would demonstrate that this permitting requirement is met.

(2) Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology, which includes pollution prevention or work practices, that meets both the following requirements:

(A) The control technology achieves the BACT or LAER level of emissions reductions as determined through issuance of a major NSR permit within the past ten (10) years. However, the emissions unit is not eligible for the clean unit designation if the BACT determination resulted in no requirement to reduce emissions below the level of a standard, uncontrolled, new emissions unit of the same type.

(B) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or expenses to apply a pollution prevention technique to an emissions unit.

(3) To requalify for the clean unit designation, the emissions unit must obtain a new major NSR permit that requires compliance with the current-day BACT or LAER, and the emissions unit must meet the requirements in subdivisions (1) and (2).

(d) The effective date of an emissions unit's clean unit designation is determined according to the following:

(1) For original clean unit designation and emissions units that requalify as clean units by implementing new control technology to meet current-day BACT, the effective date is the date the emissions unit's air pollution control technology is placed into service or three (3) years after the issuance date of the major NSR permit, whichever is earlier.

(2) For emissions units that requalify for the clean unit designation using an existing control technology, the effective date is

the date the new, major NSR permit is issued.

(e) An emissions unit's clean unit designation expiration date is determined according to the following:

(1) For any emissions unit that automatically qualifies as a clean unit under subsection (c)(1) and (c)(2) or requalifies by implementing new control technology to meet current-day BACT under subsection (c)(3), the clean unit designation expires:

(A) ten (10) years after the effective date or the date the equipment went into service, whichever is earlier; or

(B) at any time the owner or operator fails to comply with the provisions for maintaining the clean unit designation in subsection (g).

(2) For any emissions unit that requalifies as a clean unit under subsection (c)(3) using an existing control technology, the clean unit designation expires:

(A) ten (10) years after the effective date; or

(B) any time the owner or operator fails to comply with the provisions for maintaining the clean unit designation in subsection (g).

(f) After the effective date of the clean unit designation and in accordance with the provisions of 326 IAC 2-7-12, but no later than when the Part 70 permit is renewed, the Part 70 permit for the major stationary source must include the following terms and conditions related to the clean unit:

(1) A statement that the emissions unit qualifies as a clean unit and a list of the pollutants for which the clean unit designation was issued.

(2) The effective date of the clean unit designation. If this date is not known when the clean unit designation is initially recorded in the Part 70 permit, the permit must describe the event that will determine the effective date. When the effective date is determined, the owner or operator must notify the department of the exact date. This specific effective date must be added to the source's Part 70 permit at the first opportunity, such as a modification, revision, reopening, or renewal of the Part 70 permit for any reason, whichever comes first, but in no case later than the next renewal.

(3) The expiration date of the clean unit designation. If this date is not known when the clean unit designation is initially recorded into the Part 70 permit, then the permit must describe the event that will determine the expiration date. When the expiration date is determined, the owner or operator must notify the department of the exact date. The expiration date must be added to the source's Part 70 permit at the first opportunity, such as a modification, revision, reopening, or renewal of the Part 70 permit for any reason, whichever comes first, but in no case later than the next renewal.

(4) All emission limitations and work practice requirements adopted in conjunction with BACT or LAER, and any physical or operational characteristic that formed the basis for the BACT or LAER determination, such as potential to emit, production capacity, or throughput.

(5) Monitoring, record keeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining the clean unit designation in accordance with subsection (g).

(6) Terms reflecting the owner or operator's duties to maintain the clean unit designation and the consequences of failing to do so as described in subsection (g).

(g) To maintain the clean unit designation, the owner or operator must conform to all the restrictions listed in this subsection. This subsection applies independently to each pollutant for which the emissions unit has the clean unit designation. Failing to conform to the restrictions for one (1) pollutant affects the clean unit designation only for that pollutant. The following provisions apply:

(1) The clean unit must be in compliance with the emission limitation and work practice requirements adopted in conjunction with the BACT or LAER that is recorded in the major NSR permit and subsequently reflected in the Part 70 permit. The owner or operator may not make a physical change in or change in the method of operation of the clean unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the BACT or LAER determination as specified in subsection (f)(4).

(2) The clean unit must be in compliance with any terms and conditions in the Part 70 permit related to the unit's clean unit designation.

(3) The clean unit must continue to control emissions using the specific air pollution control technology that was the basis for its clean unit designation. If the emissions unit or control technology is replaced, then the clean unit designation ends.

(h) An emissions increase or decrease that occurs at a clean unit must not be used in calculating a significant net emissions increase unless:

(1) the use of the increase or decrease for the calculation occurs:

(A) before the effective date of the clean unit designation; or

(B) after the clean unit designation expires; or

(2) the emissions unit reduces emissions below the level that qualified the unit as a clean unit.

If the clean unit reduces emissions below the level that qualified the unit as a clean unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a clean unit and the new emissions limitation if the reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(i) The clean unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. If a clean unit is located in an attainment area and the area is redesignated to nonattainment, its clean unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the clean unit designation. However, if an existing clean unit designation expires, it must requalify under the requirements that are currently applicable in the area. *(Air Pollution Control Board; 326 IAC 2-2.2-1; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3906)*

326 IAC 2-2.2-2 Clean unit designations for emission units that have not previously received a major NSR permit

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 2. (a) An owner or operator of a major stationary source may use the clean unit test in accordance with 326 IAC 2-2-2(d)(5) in place of provisions in 326 IAC 2-2-2(d)(3) and 326 IAC 2-2-2(d)(4) to determine whether emissions increases at a clean unit are part of a project that is a major modification according to this section. This section applies to emissions units that do not qualify as clean units under section 1 of this rule, but that are achieving a level of emissions control comparable to BACT, as determined by the department in accordance with this section. A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6. Unless otherwise noted, the definitions in 326 IAC 2-2-1 apply to this section.

(b) The following provisions apply to a clean unit designated under this section:

(1) Any project for which the owner or operator begins actual construction after the effective date of the clean unit designation as determined in accordance with subsection (e) and before the expiration date as determined in accordance with subsection (f) will be considered to have occurred while the emissions unit was a clean unit.

(2) If a project at a clean unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined under subsection (d) to be comparable to BACT, and the project would not alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT as specified in subsection (h)(4), the emissions unit remains a clean unit.

(3) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined under subsection (d) to be comparable to BACT, or the project would alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT as specified in subsection (h)(4), then the emissions unit loses its designation as a clean unit upon issuance of the necessary permit revisions unless the unit requalifies as a clean unit under subsection (c)(3). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the clean unit designation ends immediately prior to the time when actual construction begins.

(4) A project that causes an emissions unit to lose its designation as a clean unit is considered an existing emission unit and is subject to the applicability requirements of 326 IAC 2-2-2(d)(1) through 326 IAC 2-2-2(d)(4) and 326 IAC 2-2-2(d)(6).

(c) An emissions unit qualifies as a clean unit when the unit meets the criteria in subdivisions (1) through (2). After the original clean unit designation expires in accordance with subsection (f) or is lost under subsection (b)(3), the emissions unit may requalify as a clean unit under either subdivision (3) or under the clean unit provisions in section 1 of this rule. To requalify as a clean unit under subdivision (3), the emissions unit must obtain a new permit issued under subsections (g) and (h) and meet all the criteria in subdivision (3). The department shall make a separate clean unit designation for each pollutant emitted by the emissions unit for which the emissions unit qualifies as a clean unit. The following provisions apply to qualify or requalify to use the clean unit applicability test:

(1) Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology, which includes pollution prevention or work practices, that meets both the following requirements:

(A) The owner or operator has demonstrated that the emissions unit's control technology is comparable to BACT

according to the requirements of subsection (d). However, the emissions unit is not eligible for a clean unit designation if its emissions are not reduced below the level of a standard, uncontrolled emissions unit of the same type.

(B) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or to retool the unit to apply a pollution prevention technique.

(2) In order to qualify as a clean unit, the department must determine that the allowable emissions from the emissions unit will not cause or contribute to a violation of any national ambient air quality standard or PSD increment or adversely impact an air quality related value, such as visibility, that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(3) To requalify for the clean unit designation, the emissions unit must obtain a new permit under subsections (g) and (h) that demonstrates that the emissions unit's control technology is achieving a level of emission control comparable to current-day BACT, and the emissions unit must meet the requirements in subdivisions (1)(A) and (2).

(d) The owner or operator may demonstrate that the emissions unit's control technology is comparable to BACT for purposes of subsection (c)(1) in accordance with the following:

(1) The emissions unit's control technology is presumed to be comparable to BACT if it achieves an emission limitation that is equal to or better than BACT, as defined in 326 IAC 2-2-1(i), determined at the time of submission of the clean unit designation application to the department. The department shall also compare this presumption to any additional BACT determinations of which the department is aware and shall consider any information on achieved-in-practice pollution control technologies provided during the public comment period to determine whether any presumptive determination that the control technology is comparable to BACT is correct.

(2) The owner or operator may demonstrate that the emissions unit's control technology is substantially as effective as BACT. In addition, any other person may present evidence related to whether the control technology is substantially as effective as BACT during the public participation process required under subsection (g). The department shall consider the evidence on a case-by-case basis and determine whether the emissions unit's air pollution control technology is substantially as effective as BACT.

(3) To qualify for a clean unit designation, the owner or operator of an emissions unit must demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day BACT requirements.

(e) The effective date of an emissions unit's clean unit designation is the date that the approval under 326 IAC 2-7-10.5 is issued or the date that the emissions unit's air pollution control technology is placed into service, whichever is later.

(f) For any emissions unit, the clean unit designation expires ten (10) years from the effective date of the clean unit designation as determined according to subsection (e). In addition, for all emissions units, the clean unit designation expires any time the owner or operator fails to comply with the provisions for maintaining the clean unit designation in subsection (i).

(g) The department shall designate an emissions unit a clean unit only by issuing an approval under 326 IAC 2-7-10.5 that includes requirements for public notice of the proposed clean unit designation and opportunity for public comment. The approval must also meet the requirements in subsection (h).

(h) The approval under 326 IAC 2-7-10.5 must include the terms and conditions set forth in this subsection. The following terms and conditions must be incorporated into the major stationary source's Part 70 permit in accordance with the provisions of 326 IAC 2-7-12:

(1) A statement that the emissions unit qualifies as a clean unit and a list of the pollutants for which the clean unit designation was issued.

(2) The effective date of the clean unit designation. If this date is not known when the department issues the approval, then the approval must describe the event that will determine the effective date. When the effective date is known, then the owner or operator must notify the department of the exact date. This specific effective date must be added to the source's Part 70 permit at the first opportunity, such as a modification, reopening, or renewal of the Part 70 permit for any reason, whichever comes first, but in no case later than the next renewal.

(3) The expiration date of the clean unit designation. If this date is not known when the department issues the approval, then the approval must describe the event that will determine the expiration date. When the expiration date is known, then the owner or operator must notify the department of the exact date. The expiration date must be added to the source's Part 70 permit at the first opportunity, such as a modification, reopening, or renewal of the Part 70 permit for any reason, whichever comes first, but in no case later than the next renewal.

(4) All emission limitations and work practice requirements adopted in conjunction with emission limitations necessary to

assure that the control technology continues to achieve an emission limitation comparable to BACT and any physical or operational characteristic that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT, such as potential to emit, production capacity, or throughput.

(5) Monitoring, record keeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining its clean unit designation in accordance with subsection (i).

(6) Terms reflecting the owner or operator's duties to maintain the clean unit designation and the consequences of failing to do so as described in subsection (i).

(i) To maintain the clean unit designation, the owner or operator must conform to all the restrictions listed in this subsection. This subsection applies independently to each pollutant for which the emissions unit has the clean unit designation. Failing to conform to the restrictions for one (1) pollutant affects the clean unit designation only for that pollutant. The following provisions apply:

(1) The clean unit must comply with all emission limitations and work practice requirements adopted to ensure that the control technology continues to achieve emission control comparable to BACT.

(2) The owner or operator may not make a physical change in or change in the method of operation of the clean unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the determination that the control technology is achieving a level of emission control that is comparable to BACT as specified in subsection (h)(4).

(3) The clean unit must comply with any terms and conditions in the Part 70 permit related to the unit's clean unit designation.

(4) The clean unit must continue to control emissions using the specific air pollution control technology that was the basis for its clean unit designation. If the emissions unit or control technology is replaced, then the clean unit designation ends.

(j) An emissions increase or decrease that occurs at a clean unit must not be used in calculating a significant net emissions increase unless:

(1) the use of the increase or decrease for the calculation occurs:

(A) before the date this rule is effective; or

(B) after the clean unit designation expires; or

(2) the emissions unit reduces emissions below the level that qualified the unit as a clean unit.

If the clean unit reduces emissions below the level that qualified the unit as a clean unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a clean unit and the new emissions limitation if the reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(k) If a clean unit is located in an attainment area and the area is redesignated to nonattainment, its clean unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the clean unit designation. However, if a clean unit's designation expires or is lost under section 1(c)(3) of this rule and subsection (b)(3), it must requalify under the requirements that are currently applicable. *(Air Pollution Control Board; 326 IAC 2-2.2-2; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3908)*

Rule 2.3. Pollution Control Project Exclusion Procedural Requirements in Attainment Areas

326 IAC 2-2.3-1 Pollution control project exclusion procedural requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This section applies to an owner or operator that plans to construct or install a pollution control project (PCP). A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6. Unless otherwise noted, the definitions in 326 IAC 2-2-1 apply to this section.

(b) Before an owner or operator begins actual construction of a PCP, the owner or operator must either submit a notice to the department if the project is listed in 326 IAC 2-2-1(ll), or, if the project is not listed in 326 IAC 2-2-1(ll), the owner or operator must submit a permit application and obtain approval to use the PCP exclusion from the department under 326 IAC 2-7-10.5 consistent with the requirements in subsection (f). Regardless of whether the owner or operator submits a notice or a permit application, the project must meet the requirements in subsection (c), and the notice or permit application must contain the information required in subsection (d).

(c) Any project that relies on the PCP exclusion must meet the following requirements:

(1) The environmental benefit from the emissions reductions of any regulated NSR pollutants must outweigh the environmental detriment of emissions increases in any regulated NSR pollutants. A statement that a technology listed in 326 IAC 2-2-1(ll) is being used shall be presumed to satisfy this requirement.

(2) The emissions increases from the project must not cause or contribute to a violation of any national ambient air quality standard or PSD increment or adversely impact an air quality related value, such as visibility, that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(d) In the notice or permit application submitted to the department, the owner or operator must include, at a minimum, the following information:

(1) A description of the project.

(2) The potential emissions increases and decreases of any regulated NSR pollutant, the projected emissions increases and decreases using the methodology in 326 IAC 2-2-2(d) that will result from the project, and a copy of the environmentally beneficial analysis required by subsection (c)(1).

(3) A description of monitoring and record keeping, and all other methods, to be used on an ongoing basis to demonstrate that the project is environmentally beneficial. Methods must be sufficient to meet the requirements in 326 IAC 2-7.

(4) A certification by the responsible official, as defined in 326 IAC 2-7-1(34), that the project will be designed and operated in a manner that is consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by subsection (c), with information submitted in the notice or permit application, and in a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(5) Demonstration that the PCP will not have an adverse air quality impact as required by subsection (c)(2). An air quality impact analysis is not required for any pollutant that will not experience a significant emissions increase as a result of the project. An air quality impact analysis required for any pollutant that will experience a significant emissions increase as a result of the project shall be performed in accordance with 326 IAC 2-2-4 and 326 IAC 2-2-5.

(e) For projects listed in 326 IAC 2-2-1(ll), the owner or operator may begin actual construction of the project immediately after notice is sent to the department unless otherwise prohibited under requirements of the state implementation plan. The owner or operator shall respond to any requests by the department for additional information that the department determines is necessary to evaluate the suitability of the project for the PCP exclusion.

(f) Before an owner or operator may begin actual construction of a PCP that is not listed in 326 IAC 2-2-1(ll), the project must be approved by the department in an approval issued under 326 IAC 2-7-10.5. This includes the requirement that the department provide the public with notice of the proposed approval, with access to the environmentally beneficial analysis and the air quality analysis, and provide at least a thirty (30) day period for the public and the U.S. EPA to submit comments. The department shall address all material comments received by the end of the comment period before taking final action on the approval.

(g) Upon installation of the PCP, the owner or operator must comply with the following requirements:

(1) The owner or operator must operate the PCP in a manner consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by subsection (c), with information submitted in the notice or permit application required by subsection (d), and in a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(2) The owner or operator must maintain copies on site of the environmentally beneficial analysis, the air quality impacts analysis, and monitoring and other emission records to prove that the PCP operated consistent with the general duty requirements in subdivision (1).

(3) The owner or operator must comply with any provisions in the approval issued under 326 IAC 2-7 related to use and approval of the PCP exclusion.

(4) Emission reductions created by a PCP shall not be included in calculating a significant net emissions increase unless the emissions unit further reduces emissions after qualifying for the PCP exclusion. The owner or operator may generate a credit for the difference between the level of reduction that was used to qualify for the PCP exclusion and the new emissions limitation if the reductions are surplus, quantifiable, and permanent.

(Air Pollution Control Board; 326 IAC 2-2.3-1; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3910)

Rule 2.4. Actuals Plantwide Applicability Limitations in Attainment Areas

326 IAC 2-2.4-1 Applicability
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule governs actuals plantwide applicability limitations (PAL). A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6.

(b) The department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in this rule.

(c) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, that meets the requirements in this rule, and that complies with the PAL permit:

(1) is not a major modification for the PAL pollutant;

(2) does not have to be approved through 326 IAC 2-2; and

(3) is not subject to 326 IAC 2-2-8(a)(3).

(d) Except as provided under subsection (c)(3), a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL. *(Air Pollution Control Board; 326 IAC 2-2.4-1; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3911)*

326 IAC 2-2.4-2 Definitions
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 2. (a) The definitions in this section apply throughout this rule. A term that is not defined in this section shall have the meaning set forth in 326 IAC 2-2-1 or in the CAA.

(b) "Actuals PAL", for a major stationary source, means a PAL based on the baseline actual emissions of all emissions units at the source that emit or have the potential to emit the PAL pollutant.

(c) "Allowable emissions", for the purposes of this rule, means the following:

(1) The emissions rate of a stationary source calculated using the maximum rated capacity of the source unless the source is subject to federally enforceable limits that restrict the operating rate or hours of operation, or both, and the most stringent of the:

(A) applicable standards as set forth in 40 CFR Part 60* and 40 CFR Part 61*;

(B) state implementation plan emissions limitation, including those with a future compliance date; or

(C) emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(2) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(3) An emissions unit's potential to emit shall be determined using the definition in 326 IAC 2-2-1.

(d) "Major emissions unit" means any emissions unit that emits or has the potential to emit one hundred (100) tons per year or more of the PAL pollutant in an attainment area.

(e) "PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL under section 11 of this rule is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(f) "PAL effective period" means the period beginning with the PAL effective date and ending ten (10) years later.

(g) "PAL major modification" means, notwithstanding the definitions for major modification and net emissions increase in 326 IAC 2-2-1, any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(h) "PAL permit" means the permit issued by the department that contains PAL provisions for a major stationary source.

(i) "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.

(j) "Plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this rule. For the purposes of this rule, a PAL is an actuals PAL.

(k) "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level as defined in 326 IAC 2-2-1(xx) or in the CAA, whichever is lower, for that PAL

pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in subsection (d).

(l) "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant as defined in 326 IAC 2-2-1(xx) or in the CAA, whichever is lower.

*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 2-2.4-2; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3912)*

326 IAC 2-2.4-3 Permit application requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 3. As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the department for approval:

(1) A list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.

(2) Calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

(3) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a twelve (12) month rolling total for each month as required by section 13(a) of this rule.

(Air Pollution Control Board; 326 IAC 2-2.4-3; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3912)

326 IAC 2-2.4-4 General requirements for establishing PALs

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 4. (a) The department may establish a PAL at a major stationary source provided that, at a minimum, the following requirements are met:

(1) The PAL shall impose an annual emission limitation in tons per year, which is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve (12) months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve (12) consecutive months is less than the PAL, a twelve (12) month average, rolled monthly. For each month during the first eleven (11) months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(2) The PAL shall be established in a PAL permit that meets the public participation requirements in section 5 of this rule.

(3) The PAL permit shall contain all the requirements of section 7 of this rule.

(4) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(5) Each PAL shall regulate emissions of only one (1) regulated NSR pollutant.

(6) Each PAL shall have a PAL effective period of ten (10) years.

(7) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, record keeping, and reporting requirements provided in sections 12 through 14 of this rule for each emissions unit under the PAL through the PAL effective period.

(b) At no time during or after the PAL effective period are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under 326 IAC 2-3-3 unless the level of the PAL is reduced by the amount of the emissions reductions and the reductions would be creditable in the absence of the PAL. *(Air Pollution Control Board; 326 IAC 2-2.4-4; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3913)*

326 IAC 2-2.4-5 Public participation requirements for PALs
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 5. PALs for existing major stationary sources shall be:
(1) established;
(2) renewed;
(3) increased;
(4) terminated; or
(5) revoked;
through 326 IAC 2-7-17. This includes the requirement that the department provide the public with notice of the proposed approval of a PAL permit and at least a thirty (30) day period for submittal of public comment. The department must address all material comments before taking final action on the permit. *(Air Pollution Control Board; 326 IAC 2-2.4-5; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3913)*

326 IAC 2-2.4-6 Establishing a 10 year actuals PAL level
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 6. (a) The actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source plus an amount equal to the applicable significant level for the PAL pollutant under 326 IAC 2-2-1(xx) or under the CAA, whichever is lower.

(b) For establishing the actuals PAL level for a PAL pollutant, only one (1) consecutive twenty-four (24) month period shall be used to determine the baseline actual emissions in accordance with 326 IAC 2-2-1(e) for all existing emissions units. A different consecutive twenty-four (24) month period may be used for each different PAL pollutant.

(c) Emissions associated with units that were permanently shutdown after this twenty-four (24) month period must be subtracted from the PAL level.

(d) Emissions from units, except modifications to existing units, on which actual construction began after the twenty-four (24) month period must be added to the PAL level in an amount equal to the potential to emit of the units.

(e) The department shall specify a reduced PAL level, in tons per year, in the PAL permit to become effective on the future compliance date of any applicable federal or state regulatory requirement that the department is aware of prior to issuance of the PAL permit. *(Air Pollution Control Board; 326 IAC 2-2.4-6; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3913)*

326 IAC 2-2.4-7 Contents of the PAL permit
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 7. The PAL permit must contain, at a minimum, the following information:
(1) The PAL pollutant and the applicable source-wide emission limitation in tons per year.
(2) The PAL permit effective date and the expiration date of the PAL.
(3) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with section 10 of this rule before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the department.
(4) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions.
(5) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of section 9 of this rule.
(6) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a twelve (12) month rolling total as required by section 13(a) of this rule.
(7) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with section

12 of this rule.

(8) A requirement to retain the records required under section 13 of this rule on site. The records may be retained in an electronic format.

(9) A requirement to submit the reports required under section 14 of this rule by the required deadlines.

(10) Any other requirements that the department deems necessary to implement and enforce the PAL.

(Air Pollution Control Board; 326 IAC 2-2.4-7; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3914)

326 IAC 2-2.4-8 PAL effective period and reopening of the PAL permit

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 8. (a) The department shall specify a PAL effective period of ten (10) years.

(b) For reopening of the PAL permit, the following requirements must be met:

(1) During the PAL effective period, the department shall reopen the PAL permit to:

(A) correct typographical or calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

(B) reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under 326 IAC 2-3-3; or

(C) revise the PAL to reflect an increase in the PAL as provided under section 11 of this rule.

(2) The department has discretion to reopen the PAL permit to reduce the PAL as follows:

(A) To reflect newly applicable federal requirements with compliance dates after the PAL effective date.

(B) Consistent with any other requirement that is enforceable as a practical matter and that the state may impose on the major stationary source under the state implementation plan.

(C) If the department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(3) Except for the permit reopening in subdivision (1)(A) for the correction of typographical or calculation errors that do not increase the PAL level, all other reopenings shall be conducted in accordance with the public participation requirements of section 5 of this rule.

(Air Pollution Control Board; 326 IAC 2-2.4-8; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3914)

326 IAC 2-2.4-9 Expiration of a PAL

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 9. (a) Any PAL that is not renewed in accordance with the procedures in section 10 of this rule shall expire at the end of the PAL effective period, and the requirements in this section shall apply.

(b) Each emissions unit or each group of emissions units that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures:

(1) Within the time frame specified for PAL renewals in section 10(b) of this rule, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit or each group of emissions units, if the distribution is more appropriate as decided by the department by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under section 10(e) of this rule, the distribution shall be made as if the PAL had been adjusted.

(2) The department shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the department determines is appropriate.

(c) Each emissions unit shall comply with the allowable emission limitation on a twelve (12) month rolling basis. The department may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

(d) Until the department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subsection (b)(2), the source shall continue to comply with a source-wide, multiunit emissions cap equivalent to the level of the PAL emission limitation.

(e) Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if the change meets the definition of major modification in 326 IAC 2-2-1(ee).

(f) The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established under 326 IAC 2-2-8(a)(3), but were eliminated by the PAL in accordance with section 1(c)(3) of this rule. *(Air Pollution Control Board; 326 IAC 2-2.4-9; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3914)*

326 IAC 2-2.4-10 Renewal of a PAL

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 10. (a) The department shall follow the procedures specified in section 5 of this rule in approving any request to renew a PAL for a major stationary source and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During the public review, any person may propose a PAL level for the source for consideration by the department.

(b) A major stationary source owner or operator shall submit a timely application to the department to request renewal of a PAL. A timely application is one that is submitted at least six (6) months prior to, but not earlier than eighteen (18) months from, the date of PAL expiration. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(c) The application to renew a PAL permit shall contain the following information:

(1) The information required in section 3 of this rule.

(2) A proposed PAL level.

(3) The sum of the potential to emit of all emissions units under the PAL with supporting documentation.

(4) Any other information the owner or operator wishes the department to consider in determining the appropriate level for renewing the PAL.

(d) In determining whether and how to adjust the PAL, the department shall consider the options outlined in subdivisions (1) and (2). However, in no case may any adjustment fail to comply with subdivision (3). The following provisions apply:

(1) If the emissions level calculated in accordance with section 6 of this rule is equal to or greater than eighty percent (80%) of the PAL level, the department may renew the PAL at the same level without considering the factors set forth in subdivision (2).

(2) The department may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions or that it determines to be appropriate considering:

(A) air quality needs;

(B) advances in control technology;

(C) anticipated economic growth in the area;

(D) desire to reward or encourage the source's voluntary emissions reductions; or

(E) other factors as specifically identified by the department.

(3) Notwithstanding subdivisions (1) and (2):

(A) if the potential to emit of the major stationary source is less than the PAL, the department shall adjust the PAL to a level no greater than the potential to emit of the source; and

(B) the department shall not approve a renewed PAL level higher than the current PAL unless the major stationary source has complied with section 11 of this rule.

(e) If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period and if the department has not already adjusted for the requirement, the PAL shall be adjusted at the time of PAL permit renewal or Part 70 permit renewal, whichever occurs first. *(Air Pollution Control Board; 326 IAC 2-2.4-10; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3915)*

326 IAC 2-2.4-11 Increasing a PAL during the PAL effective period

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 11. (a) The department may increase a PAL emission limitation during the PAL effective period only if the major stationary source complies with the following provisions:

(1) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. The application shall identify the emissions units contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(2) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls plus the sum of the allowable emissions of the new or modified emissions units exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ten (10) years. In this case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(3) The owner or operator shall obtain a major NSR permit for all emissions units identified in subdivision (1) regardless of the magnitude of the emissions increase resulting from them. These emissions units shall comply with any emissions requirements resulting from the major NSR process even though they have also become subject to the PAL or continue to be subject to the PAL.

(4) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(b) The department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls as determined in accordance with subsection (a)(2), plus the sum of the baseline actual emissions of the small emissions units.

(c) The PAL permit must be revised to reflect the increased PAL level under the public notice requirements of section 5 of this rule. *(Air Pollution Control Board; 326 IAC 2-2.4-11; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3916)*

326 IAC 2-2.4-12 Monitoring requirements for PALs

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 12. (a) The following general requirements apply:

(1) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determine plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by the system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(2) The PAL monitoring system must employ one (1) or more of the four (4) general monitoring approaches meeting the minimum requirements set forth in subsection (b) and must be approved by the department.

(3) Notwithstanding subdivision (2), an alternative monitoring approach may be employed:

(A) that meets subdivision (1); and

(B) if it is approved by the department.

(4) Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

(b) The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in subsections (c) through (i):

(1) Mass balance calculations for activities using coatings or solvents.

(2) CEMS.

(3) CPMS or PEMS.

(4) Emission factors.

(c) An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit.

(2) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process.

(3) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from the material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(d) An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(1) CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B*.

(2) CEMS must sample, analyze, and record data at least every fifteen (15) minutes while the emissions unit is operating.

(e) An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(1) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit.

(2) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another less frequent interval approved by the department, while the emissions unit is operating.

(f) An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(1) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development.

(2) The emissions unit shall operate within the designated range of use for the emission factor if applicable.

(3) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six (6) months of PAL permit issuance unless the department determines that testing is not required.

(g) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data unless another method for determining emissions during the periods is specified in the PAL permit.

(h) Notwithstanding the requirements in subsections (c) through (g), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, the department shall, at the time of permit issuance:

(1) establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at the operating points; or

(2) determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

(i) All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the department. The testing must occur at least once every five (5) years after issuance of the PAL.

*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 2-2.4-12; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3916)*

326 IAC 2-2.4-13 Record keeping requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 13. (a) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this rule and of the PAL, including a determination of each emissions unit's twelve (12) month rolling total emissions, for five (5) years from the date of the record.

(b) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL

effective period plus five (5) years:

(1) A copy of the PAL permit application and any applications for revisions to the PAL.

(2) Each annual certification of compliance pursuant to 40 CFR Part 70* and the data relied on in certifying the compliance.

*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 2-2.4-13; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3917)*

326 IAC 2-2.4-14 Reporting and notification requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 14. (a) The owner or operator shall submit semiannual monitoring reports and deviation reports to the department in accordance with 326 IAC 2-7. The reports shall meet the requirements of this section.

(b) A semiannual report shall be submitted to the department within thirty (30) days of the end of each reporting period. This report shall contain the following information:

(1) The identification of owner and operator and the permit number.

(2) Total annual emissions in tons per year based on a twelve (12) month rolling total for each month in the reporting period recorded under section 13(a) of this rule.

(3) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.

(4) A list of any emissions units modified or added to the major stationary source during the preceding six (6) month period.

(5) The number, duration, and cause of any deviations or monitoring malfunctions, other than the time associated with zero (0) and span calibration checks, and any corrective action taken.

(6) Information about monitoring system shutdowns including the following:

(A) Notification to the department of the shutdown of any monitoring system.

(B) Whether the shutdown was permanent or temporary.

(C) The reason for the shutdown.

(D) The anticipated date that the monitoring system will be fully operational or replaced with another monitoring system.

(E) Whether the emissions unit monitored by the monitoring system continued to operate.

(F) If the emissions unit monitored by the monitoring system continued to operate, the calculation of the:

(i) emissions of the pollutant; or

(ii) number determined by method included in the permit, as provided by section 12(g) of this rule.

(7) A signed statement by the responsible official, as defined in 326 IAC 2-7-1(34), certifying the truth, accuracy, and completeness of the information provided in the report.

(c) The major stationary source owner or operator shall promptly submit reports to the department of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted under 326 IAC 2-7-5(3)(C)(ii) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by 326 IAC 2-7-5(3)(C)(ii). The reports shall contain the following information:

(1) The identification of owner and operator and the permit number.

(2) The PAL requirement that experienced the deviation or that was exceeded.

(3) Emissions resulting from the deviation or the exceedance.

(4) A signed statement by the responsible official, as defined in 326 IAC 2-7-1(34), certifying the truth, accuracy, and completeness of the information provided in the report.

(d) The owner or operator shall submit to the department the results of any revalidation test or method within three (3) months after completion of the test or method. *(Air Pollution Control Board; 326 IAC 2-2.4-14; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3917)*

326 IAC 2-2.4-15 Termination and revocation of a PAL

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 15. (a) This section applies to any PAL that is terminated or revoked prior to the PAL expiration date.

(b) A major stationary source owner or operator may at any time submit a written request to the department to terminate or revoke a PAL prior to the expiration or renewal of the PAL.

(c) Each emissions unit or each group of emissions units that existed under the PAL shall be in compliance with an allowable emission limitation under a revised permit established according to the following procedures:

(1) The major stationary source owner or operator may submit a proposed allowable emission limitation for each emissions unit or each group of emissions units by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under section 10(e) of this rule, such distribution shall be made as if the PAL had been adjusted.

(2) The department shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the department determines is appropriate. The determination of distribution of the PAL allowable emissions may be based on the emissions limitations that were eliminated by the PAL in accordance with section 1(c)(3) of this rule.

(d) Each emissions unit shall be in compliance with the allowable emission limitation on a twelve (12) month rolling basis. The department may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

(e) Until the department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subsection (c)(2), the source shall continue to comply with a source-wide, multiunit emissions cap equivalent to the level of the PAL emission limitation.

(f) The department shall follow the procedures specified in section 5 of this rule in terminating or revoking a PAL for a major stationary source and shall provide the proposed distributed allowable emission limitations to the public for review and comment. During such public review, any person may propose a PAL distribution of allowable emissions for the source for consideration by the department. *(Air Pollution Control Board; 326 IAC 2-2.4-15; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3918)*

Rule 2.5. Pollution Control Projects (Repealed)

(Repealed by Air Pollution Control Board; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3954)

Rule 2.6. Federal NSR Requirements for Sources Subject to P.L.231-2003, SECTION 6, Endangered Industries

326 IAC 2-2.6-1 Applicability

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. This rule applies to any source that meets both of the following criteria:

(1) A source that belongs to industrial categories that function under the following Standard Industrial Classification (SIC) codes:

(A) Blast furnaces and steel mills (3312).
(B) Gray and ductile iron foundries (3321).
(C) Malleable iron foundries (3322).
(D) Steel investment foundries (3324).
(E) Steel foundries (3325).
(F) Aluminum foundries (3365).
(G) Copper foundries (3366).
(H) Nonferrous foundries (3369).

(2) A source belonging to an industry listed in subdivision (1) that experienced at least a ten percent (10%) job loss or a ten percent (10%) decline in production during calendar years 2001 and 2002.

(Air Pollution Control Board; 326 IAC 2-2.6-1; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3919)

326 IAC 2-2.6-2 Procedure for obtaining a clean unit designation, approval of a pollution control project, or establishment of a plantwide applicability limitation

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 2. (a) Until July 1, 2005, the owner or operator of a source under this rule that plans to request a clean unit designation, approval of a pollution control project, or establishment of a plantwide applicability limitation shall comply with the following applicable requirements except the substitutions in subsection (b):

(1) 326 IAC 2-2.
(2) 326 IAC 2-2.2.
(3) 326 IAC 2-2.3.
(4) 326 IAC 2-2.4.
(5) 326 IAC 2-3.
(6) 326 IAC 2-3.2.
(7) 326 IAC 2-3.3.
(8) 326 IAC 2-3.4.

(b) The following substitutions shall be made for provisions in the rules in subsection (a):

(1) For the clean unit potential to emit limit:

State rule provision	Substitute with federal rule provision
326 IAC 2-2.2-1(f)(4)	40 CFR Part 52.21(x)(6)(iv)*
326 IAC 2-2.2-1(g)(1)	40 CFR Part 52.21(x)(7)(i)*
326 IAC 2-2.2-2(h)(4)	40 CFR Part 52.21(y)(8)(iv)*
326 IAC 2-2.2-2(i)(2)	40 CFR Part 52.21(y)(9)(ii)*
326 IAC 2-3.2-1(f)(4)	40 CFR Part 51.165(c)(6)(iv)*
326 IAC 2-3.2-1(g)(1)(A)	40 CFR Part 51.165(c)(7)(i)(A)*
326 IAC 2-3.2-2(h)(4)	40 CFR Part 51.165(d)(8)(iv)*
326 IAC 2-3.2-2(i)(2)	40 CFR Part 51.165(d)(9)(ii)*

(2) For the clean unit retroactive designation and comparability analysis:

State rule provision	Substitute with federal rule provision
326 IAC 2-2.2-2(d)(1)	40 CFR Part 52.21(y)(4)(i)*
326 IAC 2-2.2-2(f)	40 CFR Part 52.21(y)(6)*
326 IAC 2-3.2-2(d)(1)	40 CFR Part 51.165(d)(4)(i)*
326 IAC 2-3.2-2(f)	40 CFR Part 51.165(d)(6)*

(c) The owner or operator of a source subject to this rule shall also comply with the federal provisions in 40 CFR Part 52.21(y)(4)(iii)(A) and 40 CFR Part 51.165(d)(4)(iii)(A).

(d) In addition to subsections (a) and (b), the source shall submit to the department evidence that the industry to which the source belongs, based on the Standard Industrial Classification listed in section 1(1) of this rule, experienced at least a ten percent (10%) job loss or a ten percent (10%) decline in production during calendar years 2001 and 2002.

(e) After July 1, 2005, the owner or operator of a source under this rule that plans to request a clean unit designation, approval of a pollution control project, or establishment of a plantwide applicability limitation shall comply with the following applicable requirements:

(1) 326 IAC 2-2.
(2) 326 IAC 2-2.2.
(3) 326 IAC 2-2.3.
(4) 326 IAC 2-2.4.
(5) 326 IAC 2-3.
(6) 326 IAC 2-3.2.
(7) 326 IAC 2-3.3.
(8) 326 IAC 2-3.4.

*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 2-2.6-2; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3919)*

Rule 3. Emission Offset

326 IAC 2-3-1 Definitions

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Actual emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit as determined in accordance with the following:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive twenty-four (24) month period which precedes the particular date and which is representative of normal source operation. The commissioner shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The commissioner may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) The term shall not apply for calculating a significant emissions increase under section 2(c) of this rule or for establishing a PAL under 326 IAC 2-3.4. Instead, subsections (d) and (mm) shall apply for those purposes.

(c) "Allowable emissions" means the emissions rate of a source calculated using the maximum rated capacity of the source unless a source is subject to enforceable permit limits that restrict the operating rate or hours of operation, or both, and the most stringent of the following:

(1) The applicable standards as set forth in 40 CFR Part 60, New Source Performance Standards (NSPS)*, and 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS)*.

(2) The emissions limitation imposed by any rule in this title, including those with a future compliance date.

(3) The emissions rate specified as an enforceable permit condition, including those with a future compliance date.

(d) "Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined as follows:

(1) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the five (5) year period immediately preceding when the owner or operator begins actual construction of the project. The commissioner may allow the use of a different time period upon a determination that it is more representative of normal source operation. The baseline actual emissions shall be determined in accordance with the following:

(A) The average rate shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions to the extent they are affected by the project.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty-four (24) month period.

(C) For a regulated NSR pollutant, when a project involves multiple emissions units, only one (1) consecutive twenty-four (24) month period may be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated NSR pollutant.

(D) The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information available for determining annual emissions, in tons per year, and for adjusting this amount if required by clause (B).

(2) For an existing emissions unit, other than an electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the ten (10) year period immediately preceding either the date the

owner or operator begins actual construction of the project or the date a complete permit application is received by the department for a permit required under 326 IAC 2-3, except that the ten (10) year period shall not include any period earlier than November 15, 1990. The baseline actual emissions shall be determined in accordance with the following:

(A) The average rate shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions and to the extent they are affected by the project.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four (24) month period.

(C) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply had the major stationary source been required to comply with the limitations during the consecutive twenty-four (24) month period. However, if an emission limitation is part of a maximum achievable control technology standard that the U.S. EPA proposed or promulgated under 40 CFR Part 63*, the baseline actual emissions need only be adjusted if the state has applied the emissions reduction to an attainment demonstration or maintenance plan consistent with the requirements of section 3(b)(14) of this rule.

(D) For a regulated NSR pollutant, when a project involves multiple emissions units, only one (1) consecutive twenty-four (24) month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated NSR pollutant.

(E) The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information available for determining annual emissions, in tons per year, and for adjusting this amount if required by clauses (B) and (C).

(3) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of the unit shall equal zero (0) and thereafter, for all other purposes, shall equal the unit's potential to emit.

(4) For a PAL for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in subdivision (1), for other existing emissions units in accordance with the procedures contained in subdivision (2), and for a new emissions unit in accordance with the procedures contained in subdivision (3).

(e) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. These activities include, but are not limited to, the following:

(1) Installation of building supports and foundations.

(2) Laying underground pipework.

(3) Construction of permanent storage structures.

With respect to a change in method of operations, the term refers to those on-site activities, other than preparatory activities, that mark the initiation of the change.

(f) "Best available control technology" or "BACT" means an emissions limitation, including a visible emission standard, based on the maximum degree of reduction for each regulated NSR pollutant that would be emitted from any proposed major stationary source or major modification that the commissioner, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for the source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of the pollutant. In no event shall application of best available control technology result in emissions of any pollutant that would exceed the emissions allowed by any applicable standard under 40 CFR Part 60* or 40 CFR Part 61*. If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of best available control technology. The standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of the design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

(g) "Building, structure, facility, or installation" means all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group, that is, those that have the same first two (2) digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement, U.S. Government Printing Office*.

(h) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.

(i) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy–Clean Coal Technology", up to a total amount of two billion five hundred million dollars ($2,500,000,000) for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the U.S. EPA. The federal contribution for a qualifying project shall be at least twenty percent (20%) of the total cost of the demonstration project.

(j) "Clean unit" means an emissions unit that meets one (1) of the following criteria:

(1) An emissions unit that:

(A) has been issued a major NSR permit that requires compliance with BACT or LAER;

(B) is complying with the BACT or LAER requirements; and

(C) qualifies as a clean unit under 326 IAC 2-3.2-1.

(2) An emissions unit that has been designated by the department as a clean unit based on the criteria in 326 IAC 2-3.2-2.

(3) An emissions unit that has been designated as a clean unit by the U.S. EPA in accordance with 40 CFR Part 52.21(y)(3)(i) through 40 CFR Part 52.21(y)(3)(iv)*.

(k) "Commence", as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or

(2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(l) "Complete", in reference to an application for a permit, means that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the commissioner from requesting or accepting additional information.

(m) "Construction" means any physical change or change in the method of operation, including:

(1) fabrication;

(2) erection;

(3) installation;

(4) demolition; or

(5) modification;

of an emissions unit, that would result in a change in actual emissions.

(n) "Continuous emissions monitoring system" or "CEMS" means all of the equipment that may be required to meet the data acquisition and availability requirements of this rule to complete the following:

(1) Sample emissions on a continuous basis.

(2) If applicable, condition emissions.

(3) Analyze emissions on a continuous basis.

(4) Provide a record of emissions on a continuous basis.

(o) "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emissions rate in terms of mass per unit of time.

(p) "Continuous parameter monitoring system" or "CPMS" means all of the equipment necessary to meet the data acquisition and availability requirements of this rule to:

(1) monitor:

(A) process and control device operational parameters; and

(B) other information, such as gas flow rate, O_2 or CO_2 concentrations; and

(2) record average operational parameter values on a continuous basis.

(q) "de minimis", in reference to an emissions increase of volatile organic compounds from a modification in a serious or severe ozone nonattainment area, means an increase that does not exceed twenty-five (25) tons per year when the net emissions increases from the proposed modification are aggregated on a pollutant specific basis with all other net emissions increases from the source over a five (5) consecutive calendar year period prior to, and including, the year of the modification.

(r) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of

supplying more than one-third (⅓) of its potential electric output capacity and more than twenty-five (25) megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(s) "Emissions unit" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant. For purposes of this rule, there are the following two (2) types of emissions units:

(1) A new emissions unit is any emissions unit that is, or will be, newly constructed and that has existed for less than two (2) years from the date the emissions unit first operated.

(2) An existing emissions unit is any emissions unit that does not meet the requirements in subdivision (1). A replacement unit is an existing emissions unit.

(t) "Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over the lands.

(u) "Federally enforceable" means all limitations and conditions that are enforceable by the U.S. EPA, including:

(1) those requirements developed pursuant to 40 CFR Part 60* and 40 CFR Part 61*;

(2) requirements within the state implementation plan; and

(3) any permit requirements established pursuant to 40 CFR Part 52.21* or under regulations approved pursuant to 40 CFR Part 51, Subpart I*, including operating permits issued under an EPA-approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under the program.

(v) "Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(w) "Incidental emissions reductions" means the reductions in emissions of a pollutant achieved as an indirect result of complying with another rule for another pollutant.

(x) "Internal offset" means to use net emissions decreases from within the source to compensate for an increase in emissions.

(y) "Lowest achievable emission rate" or "LAER" means, for any source, the more stringent rate of emissions based on the most stringent emissions limitation of the following:

(1) Contained in the implementation plan of any state for the class or category of stationary source unless the owner or operator of the proposed stationary source demonstrates that the limitations are not achievable.

(2) Achieved in practice by the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions unit within the stationary source. In no event shall the application of the lowest achievable emission rate allow a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(z) "Major modification" means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase and a significant net emissions increase of a regulated NSR pollutant from the major stationary source or, in an area that is classified as either a serious or severe ozone nonattainment area, an increase in VOC emissions that is not de minimis. The following provisions apply:

(1) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include the following:

(A) Routine maintenance, repair, and replacement.

(B) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan under the Federal Power Act.

(C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a source that the source:

(i) was capable of accommodating before December 21, 1976, unless the change would be prohibited under any enforceable permit condition that was established after December 21, 1976, under 40 CFR Part 52.21* or regulations approved under 40 CFR Part 51.160 through 40 CFR Part 51.165* or 40 CFR Part 51.166*; or

(ii) is approved to use under any permit issued under this rule.

(F) An increase in the hours of operation or in the production rate unless the change would be prohibited under any

enforceable permit condition that was established after December 21, 1976, under 40 CFR Part 52.21* or regulations approved under 40 CFR Part 51.160 through 40 CFR Part 51.165* or 40 CFR Part 51.166*.

(G) Any change in ownership at a stationary source.

(H) The addition, replacement, or use of a pollution control project at an existing emissions unit meeting the requirements of 326 IAC 2-3.3. A replacement control technology must provide more effective emissions control than that of the replaced control technology to qualify for this exclusion.

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project provided that the project complies with:

(i) the state implementation plan; and

(ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(3) The term shall not apply to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under 326 IAC 2-2.4 for a PAL for that pollutant. Instead, the definition at 326 IAC 2-2.4-2(g) shall apply.

(aa) "Major stationary source" means the following:

(1) Any stationary source of air pollutants, except for those subject to subdivision (2), that emits or has the potential to emit one hundred (100) tons per year or more of any regulated NSR pollutant.

(2) For ozone nonattainment areas, the term includes any stationary source or group of sources located within a contiguous area and under common control that emits or has the potential to emit volatile organic compounds that would equal or exceed any of the following rates:

Ozone Classification	Rate
Marginal	100 tons per year
Moderate	100 tons per year
Serious	50 tons per year
Severe	25 tons per year

(3) Any of the following stationary sources with potential emissions of five (5) tons per year or more of lead or lead compounds measured as elemental lead:

(A) Primary lead smelter.

(B) Secondary lead smelters.

(C) Primary copper smelters.

(D) Lead gasoline additive plants.

(E) Lead-acid storage battery manufacturing plants that produce two thousand (2,000) or more batteries per day.

(4) Any other stationary source with potential emissions of twenty-five (25) or more tons per year of lead or lead compounds measured as elemental lead.

(5) Any physical change occurring at a stationary source not qualifying under subdivision (1) if the change would by itself qualify as a major stationary source under subdivision (1).

(bb) "Necessary preconstruction approvals or permits" means those permits or approvals required under 326 IAC 2-2, 326 IAC 2-5.1, and 326 IAC 2-7.

(cc) "Net emissions decrease" means the amount by which the sum of the creditable emissions increases and decreases from any source modification project is less than zero (0).

(dd) "Net emissions increase", with respect to any regulated NSR pollutant emitted by a major stationary source, means the following:

(1) The amount by which the sum of the following exceeds zero (0):

(A) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under section 2(c) and 2(d) of this rule.

(B) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this clause shall be determined as provided in subsection (d), except that subsection (d)(1)(C) and (d)(2)(D) shall not apply.

(2) For the purpose of determining de minimis in an area classified as serious or severe for ozone, the amount by which the sum of the emission increases and decreases from any source modification project exceeds zero (0).

(3) The following emissions increases and decreases are to be considered when determining net emissions increase:

(A) Any increase in actual emissions from a particular physical change or change in the method of operation.

(B) Any of the following increases and decreases in actual emissions that are contemporaneous with the particular change and are otherwise creditable:

(i) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs after January 16, 1979, and between the following:

(AA) The date five (5) years before construction of the particular change commences.

(BB) The date that the increase from the particular change occurs.

(ii) An increase or decrease in actual emissions is creditable only if the commissioner has not relied on the increase or decrease in issuing a permit for the source under this rule, which permit is in effect when the increase in actual emissions from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if the increase or decrease in emissions did not occur at a clean unit except as provided in 326 IAC 2-3.2-1(h) and 326 IAC 2-3.2-2(j).

(iv) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.

(v) A decrease in actual emissions is creditable only to the extent that:

(AA) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(BB) it is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(CC) the commissioner has not relied on it in issuing any permit under regulations approved under 40 CFR Part 51, Subpart I* or the state has not relied on it in demonstrating attainment or reasonable further progress;

(DD) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(EE) the decrease in actual emissions did not result from the installation of add-on control technology or application of pollution prevention practices that were relied on in designating an emissions unit as a clean unit under 326 IAC 2-2.2-2 or 326 IAC 2-3.2-2. Once an emissions unit has been designated as a clean unit, the owner or operator cannot later use the emissions reduction from the air pollution control measures that the clean unit designation is based on in calculating the net emissions increase for another emissions unit. However, any new emissions reductions that were not relied upon in a PCP excluded under 326 IAC 2-3.3-1 or for a clean unit designation are creditable to the extent they meet the requirements in 326 IAC 2-3.3-1(g)(4) for the PCP and 326 IAC 2-3.2-1(h) and 326 IAC 2-3.2-2(j) for a clean unit.

(vi) An increase that results from the physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period not to exceed one hundred eighty (180) days.

(vii) Subsection (b)(1) shall not apply for determining creditable increases and decreases or after a particular change or change in method of operation.

(ee) "New", in reference to a major stationary source, a modified major stationary source, or a major modification, means one that commences construction after the effective date of this rule.

(ff) "Nonattainment major new source review program" means a major source preconstruction permit program that has been approved by the U.S. EPA and incorporated into the state implementation plan to implement the federal requirements of 40 CFR Part 51.165*, or a program that implements 40 CFR Part 51, Appendix S, Sections I through VI*. Any permit issued under the program is a major NSR permit.

(gg) "Pollution control project" or "PCP" means any activity, set of work practices, or project, including pollution prevention, undertaken at an existing emissions unit that reduces emissions of air pollutants from the unit. The qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. Projects not listed in this subsection may qualify for a case-specific PCP exclusion under 326 IAC 2-3.3-1(c) and 326 IAC 2-3.3-1(f). The following projects are presumed to be environmentally beneficial under 326 IAC 2-3.3-1(c)(1):

(1) Conventional or advanced flue gas desulfurization or sorbent injection for control of sulfur dioxide.

(2) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for control of particulate matter or other pollutants.
(3) Flue gas recirculation, low-NO_x burners or combustors, selective noncatalytic reduction, selective catalytic reduction, low emission combustion for internal combustion engines, and oxidation/absorption catalyst for control of nitrogen oxides.
(4) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this rule, "hydrocarbon combustion flare" means either a flare:
(A) used to comply with an applicable NSPS or MACT standard, including uses of flares during startup, shutdown, or malfunction permitted under the standard; or
(B) that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than two hundred thirty (230) mg/dscm hydrogen sulfide.
(5) Activities or projects undertaken to accommodate switching, or partially switching, to an inherently less polluting fuel, to be limited to the following fuel switches:
(A) Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to five-hundredths percent (0.05%) sulfur diesel.
(B) Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal.
(C) Switching from coal to wood, excluding construction or demolition waste, chemical or pesticide treated wood, and other forms of unclean wood.
(D) Switching from coal to No. 2 fuel oil with a five-tenths percent (0.5%) maximum sulfur content.
(E) Switching from high sulfur coal to low sulfur coal with a maximum one and two-tenths percent (1.2%) sulfur content.
(6) Activities or projects undertaken to accommodate switching from the use of one (1) ozone depleting substance (ODS) to the use of a substance with a lower or zero (0) ozone depletion potential (ODP), including changes to equipment needed to accommodate the activity or project, that meet the following requirements:
(A) The productive capacity of the equipment is not increased as a result of the activity or project.
(B) The projected usage of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS. This determination shall be made using the following procedure:
(i) Determine the ODP of the substances by consulting 40 CFR Part 82, Subpart A, Appendices A and B*.
(ii) Calculate the replaced ODP-weighted amount by multiplying the baseline actual usage, using the annualized average of any twenty-four (24) consecutive months of usage within the past ten (10) years, by the ODP of the replaced ODS.
(iii) Calculate the projected ODP-weighted amount by multiplying the projected future annual usage of the new substance by its ODP.
(iv) If the value calculated in item (ii) is more than the value calculated in item (iii), then the projected use of the new substance is lower than the baseline usage of the replaced ODS, on an ODP-weighted basis.
(hh) "Pollution prevention" means the following:
(1) Any activity that eliminates or reduces the release of air pollutants, including fugitive emissions, and other pollutants to the environment prior to recycling, treatment, or disposal through:
(A) process changes;
(B) product reformulation or redesign; or
(C) substitution of less polluting raw materials.
(2) The term does not include:
(A) recycling, except certain in-process recycling practices;
(B) energy recovery;
(C) treatment; or
(D) disposal.
(ii) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable as a practical matter. Secondary emissions do not count in determining the potential to emit of a stationary source.

(jj) "Predictive emissions monitoring system" or "PEMS" means all of the equipment necessary to:

(1) monitor:

(A) process and control device operational parameters; and

(B) other information, such as gas flow rate, O_2 or CO_2 concentrations; and

(2) calculate and record the mass emissions rate on a continuous basis.

(kk) "Prevention of significant deterioration permit" or "PSD permit" means any permit that is issued under 326 IAC 2-2 or under the program in 40 CFR Part 52.21*.

(ll) "Project" means a physical change in, or change in the method of operation of, an existing major stationary source.

(mm) "Projected actual emissions" means the following:

(1) The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any consecutive twelve (12) month period of the five (5) years following the date the unit resumes regular operation after the project, or in any consecutive twelve (12) month period of the ten (10) years following the date the unit resumes regular operation, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(2) In determining the projected actual emissions before beginning actual construction, the owner or operator of the major stationary source:

(A) shall:

(i) consider all relevant information, including, but not limited to:

(AA) historical operational data;

(BB) the company's own representations;

(CC) the company's expected business activity and the company's highest projections of business activity;

(DD) the company's filings with the state or federal regulatory authorities; and

(EE) compliance plans under the approved plan;

(ii) include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions to the extent they are affected by the project; and

(iii) exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive twenty-four (24) month period used to establish the baseline actual emissions under subsection (d) and that is also unrelated to the particular project, including any increased utilization due to product demand growth; or

(B) in lieu of using the method set out in clause (A), may elect to use the emissions unit's potential to emit, in tons per year, as defined under subsection (ii).

(nn) "Reasonable further progress" or "RFP" means the annual incremental reductions in emissions of a pollutant that are sufficient in the judgment of the board to provide reasonable progress towards attainment of the applicable ambient air quality standards established by 326 IAC 1-3 by the dates set forth in the Clean Air Act.

(oo) "Regulated NSR pollutant" means the following:

(1) Nitrogen oxides or any volatile organic compounds.

(2) Any pollutant for which a national ambient air quality standard has been promulgated.

(3) Any pollutant that is a constituent or precursor of a general pollutant listed under subdivision (1) or (2) provided that a constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant.

(pp) "Secondary emission" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this rule, secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions. Secondary emissions may include, but are not limited to, emissions from:

(1) ships or trains coming to or from the new or modified stationary source; and

(2) an off-site support facility that would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(qq) "Significant", in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, means a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy

Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM_{10}	15 tpy
Ozone (marginal and moderate areas)	40 tpy of volatile organic compound (VOC)
Lead	0.6 tpy

(rr) "Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant as defined in subsection (qq) for that pollutant.

(ss) "Source modification project" means all those physical changes or changes in the methods of operation at a source that are necessary to achieve a specific operational change.

(tt) "Stationary source" means any building, structure, facility, or installation, including a stationary internal combustion engine, that emits or may emit a regulated NSR pollutant.

(uu) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is operated for a period of five (5) years or less and that complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

*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 2-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1106; filed Nov 12, 1993, 4:00 p.m.: 17 IR 725; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1002; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Aug 17, 2001, 3:45 p.m.: 25 IR 6; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3920)*

326 IAC 2-3-2 Applicability

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 2. (a) This rule applies to new major stationary sources or major modifications constructed in an area designated, as of the date of submittal of a complete application, as nonattainment in 326 IAC 1-4, for a pollutant for which the stationary source or modification is major.

(b) This rule applies to modifications of major stationary sources of volatile organic compounds (VOC) in serious and severe ozone nonattainment areas as follows:

(1) A modification of a major stationary source with a de minimis increase in emissions shall be exempt from section 3 of this rule.

(2) A modification having an increase in emissions that is not de minimis to an existing major stationary source that does not have the potential to emit one hundred (100) tons or more of volatile organic compounds (VOC) per year will not be subject to section 3(a) of this rule if the owner or operator of the source elects to internal offset the increase by a ratio of one and three-tenths (1.3) to one (1). If the owner or operator does not make the election or is unable to, section 3(a) of this rule applies, except that BACT shall be substituted for LAER required by section 3(a)(2) of this rule.

(3) A modification having an increase in emissions that is not de minimis to an existing major stationary source emitting or having the potential to emit one hundred (100) tons of volatile organic compounds (VOC) or more per year will be subject to the requirements of section 3(a) of this rule, except that the owner or operator may elect to internal offset the increase at a ratio of one and three-tenths (1.3) to one (1) as a substitute for LAER required by section 3(a)(2) of this rule.

(c) The requirements of this rule will be applied in accordance with the following:

(1) Except as otherwise provided in subsections (k) and (l) and consistent with the definition of major modification in section 1(z) of this rule, a project is a major modification for a regulated NSR pollutant if it causes a significant emissions increase and a significant net emissions increase except for VOC emissions in a severe or serious nonattainment area for ozone. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(2) Prior to beginning actual construction, the procedure for calculating whether a significant emissions increase will occur depends upon the type of emissions units being modified, in accordance with this subsection, except for VOC emissions in a severe or serious nonattainment area for ozone. The procedure for calculating, before beginning actual construction, whether

a significant net emissions increase will occur at the major stationary source is contained in section 1(dd) of this rule. Regardless of any preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(3) For an actual-to-projected-actual applicability test for projects that only involve existing emissions units, a significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit equals or exceeds the significant amount for that pollutant.

(4) For an actual-to-potential applicability test for projects that only involve construction of new emissions units, a significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

(5) For a project that will be constructed and operated at a clean unit without causing the emissions unit to lose its clean unit designation, no emissions increase is considered to occur.

(6) For projects that involve a combination of emission units using the tests in subdivisions (3) through (5), a significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subdivisions (3) through (5), as applicable, with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant.

(d) At the time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation that was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then this rule applies to the source or modification as though construction had not yet commenced on the source or modification.

(e) In the case of an area that has been redesignated nonattainment, any source that would not have been required to submit a permit application under 326 IAC 2-2 concerning the prevention of significant deterioration will not be subject to this rule if construction commences within eighteen (18) months of the area's redesignation.

(f) Major stationary sources or major modifications that would locate in any area designated as attainment or unclassifiable in the state and would exceed the following significant impact levels at any locality, for any pollutant that is designated as nonattainment, must meet the requirements specified in section 3(a)(1) through 3(a)(3) of this rule. All values are expressed in micrograms per cubic meter ($\mu g/m^3$):

Pollutant	Annual	24-hour	8-hour	3-hour	1-hour
Sulfur dioxide	1	5	X	25	X
Total suspended particulates	1	5	X	X	X
PM_{10}	1	5	X	X	X
Nitrous oxides	1	X	X	X	X
Carbon monoxide	X	X	500	X	2,000

(g) This rule does not apply to a source or modification, other than a source of volatile organic compounds in a serious or severe ozone nonattainment area or a source of PM_{10} in a serious PM_{10} area, that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(1) Coal cleaning plants (with thermal driers).
(2) Kraft pulp mills.
(3) Portland cement plants.
(4) Primary zinc smelters.
(5) Iron and steel mill plants.
(6) Primary aluminum ore reduction plants.
(7) Primary copper smelters.
(8) Municipal incinerators capable of charging more than two hundred fifty (250) tons of refuse per day.
(9) Hydrofluoric, sulfuric, and nitric acid plants.
(10) Petroleum refineries.
(11) Lime plants.
(12) Phosphate rock processing plants.
(13) Coke oven batteries.

(14) Sulfur recovery plants.
(15) Carbon black plants (furnace process).
(16) Primary lead smelters.
(17) Fuel conversion plants.
(18) Sintering plants.
(19) Secondary metal production plants.
(20) Chemical process plants.
(21) Fossil-fuel boilers (or combinations thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
(22) Petroleum storage and transfer unit with a storage capacity exceeding three hundred thousand (300,000) barrels.
(23) Taconite ore processing plants.
(24) Glass fiber processing plants.
(25) Charcoal production plants.
(26) Fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
(27) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

(h) For purposes of this rule, secondary emissions from a source need not be considered in determining whether the source would qualify as a major source. If a source is subject to this rule on the basis of the direct emissions from the source, the applicable conditions must also be met for secondary emissions. The secondary emissions may be exempt from the requirements specified in section 3(a)(2) through 3(a)(3) of this rule.

(i) Hazardous air pollutants listed in and regulated by 326 IAC 14-1 are not exempt from this rule.

(j) The installation, operation, cessation, or removal of temporary clean coal technology demonstration projects funded under the Department of Energy–Clean Coal Technology Appropriations may be exempt from the requirements of section 3 of this rule. To qualify for this exemption, the project must be at an existing facility, operate for no more than five (5) years, and comply with all other applicable rules for the area.

(k) For any major stationary source operating under a PAL for a regulated NSR pollutant, the major stationary source shall comply with requirements under 326 IAC 2-3.4.

(l) An owner or operator undertaking a PCP shall comply with the requirements under 326 IAC 2-3.3.

(m) The following specific provisions apply to projects at existing emissions units at a major stationary source, other than projects at a clean unit or at a source with a PAL, in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in section 1(mm)(2)(A) of this rule for calculating projected actual emissions:

(1) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
(A) A description of the project.
(B) Identification of the emissions units whose emissions of a regulated NSR pollutant could be affected by the project.
(C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including:
(i) the baseline actual emissions;
(ii) the projected actual emissions;
(iii) the amount of emissions excluded under section 1(mm)(2)(A)(3) of this rule and an explanation for why the amount was excluded; and
(iv) any netting calculations, if applicable.

(2) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in subdivision (1) to the department. Nothing in this subdivision shall be construed to require the owner or operator of the unit to obtain any determination from the department before beginning actual construction.

(3) The owner or operator shall:
(A) monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions units identified in subdivision (1)(B); and

(B) calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at the emissions unit.

(4) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the department within sixty (60) days after the end of each year during which records must be generated under subdivision (3) setting out the unit's annual emissions during the year that preceded submission of the report.

(5) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified in subdivision (1), exceed the baseline actual emissions, as documented and maintained under subdivision (1)(C), by a significant amount for that regulated NSR pollutant, and if the emissions differ from the preconstruction projection as documented and maintained under subdivision (1)(C). The report shall be submitted to the department within sixty (60) days after the end of the year. The report shall contain the following:

(A) The name, address, and telephone number of the major stationary source.

(B) The annual emissions as calculated under subdivision (3).

(C) The emissions calculated under the actual to projected actual test stated in subsection (c)(3).

(D) Any other information that the owner or operator wishes to include in the report.

(6) The owner or operator of the source shall make the information required to be documented and maintained under subdivisions (1) through (5) available for review upon a request for inspection by the department. The general public may request this information from the department under 326 IAC 17.1.

(Air Pollution Control Board; 326 IAC 2-3-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2404; filed Nov 12, 1993, 4:00 p.m.: 17 IR 728; filed Aug 17, 2001, 3:45 p.m.: 25 IR 11; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3929)

326 IAC 2-3-3 Applicable requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 3. (a) Prior to the issuance of a construction permit to a source subject to this rule, the applicant shall comply with the following requirements:

(1) The proposed major new source or major modification shall demonstrate that the source will meet all applicable requirements of this title, any applicable new source performance standard in 40 CFR Part 60*, or any national emission standard for hazardous air pollutants in 40 CFR Part 61*. If the commissioner determines that the proposed major new source cannot meet the applicable emission requirements, the permit to construct will be denied.

(2) The applicant will apply emission limitation devices or techniques to the proposed construction or modification such that the LAER for the applicable pollutant will be achieved.

(3) The applicant shall either demonstrate that all existing major sources owned or operated by the applicant in the state are in compliance with all applicable emission limitations and standards contained in the Clean Air Act and in this title or demonstrate that they are in compliance with a federally enforceable compliance schedule requiring compliance as expeditiously as practicable.

(4) The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) Emissions resulting from the proposed construction or modification shall be offset by a reduction in actual emissions of the same pollutant from an existing source or combination of existing sources. The emission offset shall be such that there will be reasonable further progress toward attainment of the applicable ambient air quality standards as follows:

(A) Greater than one-for-one unless otherwise specified.

(B) For ozone nonattainment areas, the following table shall determine the minimum offset ratio requirements for major stationary sources of volatile organic compounds:

Ozone Classification	Minimum Offset Requirements
Marginal	1.1 to 1
Moderate	1.15 to 1

Serious	1.2 to 1
Severe	1.3 to 1

(6) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with Section 173 of the CAA shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
(7) The applicant shall obtain the necessary preconstruction approvals and shall meet all the permit requirements specified in 326 IAC 2-5.1 or 326 IAC 2-7, as applicable.
(8) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with an applicable provision of the state implementation plan and any other requirements under local, state, or federal law.
(b) The following provisions shall apply to all emission offset evaluations:
(1) Emission offsets shall be determined on a tons per year and, whenever possible, a pounds per hour basis when all facilities requiring offset involved in the emission offset calculations are operating at their maximum potential or allowed production rate. When offsets are calculated on a tons per year basis, the baseline emissions for existing sources providing the offsets shall be calculated using the allowed or actual annual operating hours, whichever is less.
(2) The baseline for determining credit for emission offsets will be the emission limitations or actual emissions, whichever is lower, in effect at the time the application to construct or modify a source is filed. Credit for emission offset purposes may be allowable for existing control that goes beyond that required by source-specific emission limitations contained in this title.
(3) In cases where the applicable rule under this title does not contain an emission limitation for a source or source category, the emission offset baseline involving the sources shall be the actual emissions determined at their maximum expected or allowable production rate.
(4) In cases where emission limitations for existing sources allow greater emissions than the potential to emit of the source, emission offset credit shall only be allowed for emissions controlled below the potential to emit.
(5) A source may receive offset credit from emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels if the reductions are permanent, quantifiable, and federally enforceable.
(A) If the area has an attainment plan approved by U.S. EPA, the shutdown or curtailment is creditable only if it occurred on or after the date of the most recent emissions inventory or attainment demonstration. However, in no event may credit be given for shutdowns that occurred prior to August 7, 1977. For the purposes of this clause, the department may choose to consider a prior shutdown or curtailment to have occurred after the date of its most recent emissions inventory if the inventory explicitly includes, as current existing emissions, the emissions from such previously shutdown or curtailed sources.
(B) The reductions may be credited in the absence of an approved attainment demonstration only if:
(i) the shutdown or curtailment occurred on or after the date the new source permit application is filed; or
(ii) the applicant can establish that the proposed new source is a replacement for the shutdown or curtailed source and the cutoff date provisions in clause (A) are observed.
(6) Emission offset credit involving an existing fuel combustion source will be based on the allowable emissions under other rules of this title for the type of fuel being burned at the time the new source application is filed. If the existing source commits to switch to a cleaner fuel at some future date, emission offset credit based on the allowable emissions for the fuels involved is acceptable, provided the permit is conditioned to require the use of a specific alternative control measure that would achieve the same degree of emission reduction should the source switch back to a dirtier fuel at some later date. The commissioner will grant emission offset credit for fuel switching only after ensuring that adequate supplies of the new fuel are available at least for the next ten (10) years.
(7) In the case of volatile organic compound emissions, no emission offset credit may be allowed for replacing one (1) hydrocarbon compound with another of lesser reactivity, except for those compounds defined as nonphotochemically reactive hydrocarbons in 326 IAC 1-2-48.
(8) No emission reduction may be approved to offset emissions that cannot be federally enforced. Offsetting emissions shall be considered federally enforceable if the reduction is included as a condition in the applicable permit as specified in 326 IAC 2-5.1 or 326 IAC 2-7 if issued under a federally-approved air permit program.
(9) Emission reductions required under any other rule adopted by the board shall not be creditable as emission reductions and therefore cannot be used for emission offsets.
(10) Incidental emission reductions that are not otherwise required by any other rule adopted by the board shall be creditable

as emission reductions for emission offsets if the emission reductions meet all of the other requirements for offsets.

(11) A source may offset by alternative or innovative means emission increases from rocket engine or motor firing and cleaning related to the firing at an existing or modified major source that tests rocket engines or motors under the following conditions:

(A) Any modification proposed is solely for the purpose of expanding the testing of rocket engines or motors at an existing source that is permitted to test the engines on November 15, 1990.

(B) The source demonstrates to the satisfaction of the department that:

(i) it has used all reasonable means to obtain and utilize offsets, as determined on an annual basis, for the emissions increases beyond allowable levels;

(ii) all available offsets are being used; and

(iii) sufficient offsets are not available to the source.

(C) The source has obtained a written finding from:

(i) the Department of Defense;

(ii) the Department of Transportation;

(iii) the National Aeronautics and Space Administration; or

(iv) other appropriate federal agency;

that the testing of rocket motors or engines at the facility is required for a program essential to the national security.

(D) The source will comply with an alternative measure, imposed by the department, designed to offset any emission increases beyond permitted levels not directly offset by the source.

(12) Decreases in actual emissions resulting from the installation of add-on control technology or application of pollution prevention measures that were relied upon in designating an emissions unit as a clean unit or a project as a PCP cannot be used as offsets.

(13) Decreases in actual emissions occurring at a clean unit cannot be used as offsets except as provided in 326 IAC 2-3.2-1(h) and 326 IAC 2-3.2-2(j). Decreases in actual emissions occurring at a PCP cannot be used as offsets except as provided in 326 IAC 2-3.3-1(g)(4).

(14) Credit for an emissions reduction can be claimed to the extent that the department has not relied on it in:

(A) issuing any permit under regulations approved pursuant to 40 CFR Part 51 Subpart I*; or

(B) a demonstration for attainment or reasonable further progress.

*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 2-3-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2406; filed Nov 12, 1993, 4:00 p.m.: 17 IR 730; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1005; filed Aug 17, 2001, 3:45 p.m.: 25 IR 12; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3931)*

326 IAC 2-3-4 Banking of emission offsets

Authority: IC 13-1-1-4; IC 13-7-7
Affected: IC 13-1-1; IC 13-7-10

Sec. 4. (a) For new sources obtaining permits by applying offsets after January 16, 1979, the commissioner may allow offsets that exceed the requirements of reasonable further progress toward attainment to be banked (i.e., saved to provide offsets for a source seeking a permit in the future) for use under this rule (326 IAC 2-3).

(b) An existing source that reduces its own emissions beyond those required by this title (326 IAC) may bank its excess emission reduction with the prior approval of the commissioner. The commissioner may allow these banked offsets to be used under the preconstruction review program as long as these banked emissions are identified and not used for in the control strategy submitted to EPA to demonstrate attainment and maintenance of ambient air quality standards.

(c) Banked emissions shall be the property of the person providing the offset and shall be identified and registered by the commissioner and shall be incorporated into an enforceable permit.

(d) Decrease in emissions may be credited for offset purposes only if it occurs between the date five (5) years before construction commences on a proposed physical or operational change and the date the increase in actual emissions from that change occurs. In other words, emission reductions may be banked for five (5) years, plus time for construction.

(e) The commissioner may not approve the construction of a source using banked offsets if the new source would interfere

with the attainment and maintenance of ambient air quality standards or if such use would violate any other condition set forth in this rule (326 IAC 2-3). *(Air Pollution Control Board; 326 IAC 2-3-4; filed Mar 10, 1988, 1:20 pm: 11 IR 2407)*

326 IAC 2-3-5 Location of offsetting emissions

Authority: IC 13-1-1-4; IC 13-7-7
Affected: IC 13-1-1

Sec. 5. Emission offsets generally must be obtained by the same source or other existing sources in the same nonattainment area. However, the commissioner may allow offsets to be obtained in another nonattainment area under the following conditions:

(1) The other nonattainment area must have an equal or higher nonattainment classification than the nonattainment area in which the source would construct. This nonattainment classification must be for the same pollutant.

(2) The emissions from the other nonattainment area must contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source would construct.

However, it is desirable to obtain offset from sources located as close to the proposed new source site as possible. The applicant shall show that nearby offsets were investigated and reasonable alternatives were not available before offsets from sources at greater distances can be approved. In such cases, the commissioner may increase the ratio of the required offsets. *(Air Pollution Control Board; 326 IAC 2-3-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2407; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732)*

Rule 3.2. Clean Unit Designations in Nonattainment Areas

326 IAC 2-3.2-1 Clean unit designations for emission units subject to LAER

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) An owner or operator of a major stationary source may use the clean unit test in accordance with 326 IAC 2-3-2(c)(5) in place of provisions in 326 IAC 2-3-1(q), 326 IAC 2-3-2(c)(3), and 326 IAC 2-3-2(c)(4) to determine whether emissions increases at a clean unit are part of a project that is a major modification or greater than de minimis for VOC emissions in severe or serious nonattainment areas for ozone according to this section. This section applies to any emissions unit for which the department has issued a major NSR permit within the last ten (10) years. A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6. Unless otherwise noted, the definitions in 326 IAC 2-3-1 apply to this section.

(b) The following provisions apply to a clean unit:

(1) Any project for which the owner or operator begins actual construction after the effective date of the clean unit designation, as determined in accordance with subsection (d), and before the expiration date, as determined in accordance with subsection (e), will be considered to have occurred while the emissions unit was a clean unit.

(2) If a project at a clean unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with LAER and the project would not alter any physical or operational characteristics that formed the basis for the LAER determination as specified in subsection (f)(4), the emissions unit remains a clean unit.

(3) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with LAER or the project would alter any physical or operational characteristics that formed the basis for the LAER determination as specified in subsection (f)(4), then the emissions unit loses its designation as a clean unit upon issuance of the necessary permit revisions, unless the unit requalifies as a clean unit under subsection (c)(3). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the clean unit designation ends immediately prior to the time when actual construction begins.

(4) A project that causes an emissions unit to lose its designation as a clean unit is considered an existing emission unit and is subject to the applicability requirements of 326 IAC 2-3-2(c)(1) through 326 IAC 2-3-2(c)(4) and 326 IAC 2-3-2(c)(6).

(5) For emissions units that meet the requirements of clauses (A) and (B), the BACT level of emissions reductions or work practice requirements shall satisfy the requirement for LAER in meeting the requirements for clean units under subsections (c) through (h). For these emissions units, all requirements for the LAER determination under subdivisions (2) and (3) shall also apply to the BACT permit terms and conditions. In addition, the requirements of subsection (g)(1)(B) do not apply to emissions units that qualify for clean unit status under this subdivision. The emissions units must be in compliance with the

following:

(A) The emissions unit must have received a PSD permit within the last ten (10) years, and the permit must require the emissions unit to comply with BACT.

(B) The emissions unit must be located in an area that was redesignated as nonattainment for the relevant pollutants after issuance of the PSD permit and before the date this rule is effective in the state implementation plan.

(c) An emissions unit automatically qualifies as a clean unit when the unit meets the criteria in subdivisions (1) and (2). After the original clean unit designation expires in accordance with subsection (e) or is lost under subsection (b)(3), the emissions unit may requalify as a clean unit under either subdivision (3) or under the clean unit provisions in section 2 of this rule. To requalify as a clean unit under subdivision (3), the emissions unit must obtain a new major NSR permit and meet all the criteria in subdivision (3). The clean unit designation applies individually for each pollutant emitted by the emissions unit. The criteria to qualify or requalify to use the clean unit applicability test are as follows:

(1) The emissions unit must have received a major NSR permit within the last ten (10) years. The owner or operator must maintain and be able to provide information that would demonstrate that this permitting requirement is met.

(2) Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology, which includes pollution prevention or work practices, and that meets both of the following requirements:

(A) The control technology achieves the LAER level of emissions reductions as determined through issuance of a major NSR permit within the past ten (10) years. However, the emissions unit is not eligible for the clean unit designation if the LAER determination resulted in no requirement to reduce emissions below the level of a standard, uncontrolled, new emissions unit of the same type.

(B) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or expenses to apply a pollution prevention technique to an emissions unit.

(3) To requalify for the clean unit designation, the emissions unit must obtain a new major NSR permit that requires compliance with the current-day LAER, and the emissions unit must meet the requirements in subdivisions (1) and (2).

(d) The effective date of an emissions unit's clean unit designation is determined according to the following:

(1) For original clean unit designation and emissions units that requalify as clean units by implementing a new control technology to meet current-day LAER, the effective date is the date the emissions unit's air pollution control technology is placed into service or three (3) years after the issuance date of the major NSR permit, whichever is earlier.

(2) For emissions units that requalify for the clean unit designation using an existing control technology, the effective date is the date the new, major NSR permit is issued.

(e) An emissions unit's clean unit designation expiration date is determined according to the following:

(1) For any emissions unit that automatically qualifies as a clean unit under subsection (c)(1) and (c)(2) or requalifies by implementing new control technology to meet current-day LAER under subsection (c)(3), the clean unit designation expires:

(A) ten (10) years after the effective date or the date the equipment went into service, whichever is earlier; or

(B) at any time the owner or operator fails to comply with the provisions for maintaining the clean unit designation in subsection (g).

(2) For any emissions unit that requalifies as a clean unit under subsection (c)(3) using an existing control technology, the clean unit designation expires:

(A) ten (10) years after the effective date; or

(B) any time the owner or operator fails to comply with the provisions for maintaining the clean unit designation in subsection (g).

(f) After the effective date of the clean unit designation and in accordance with the provisions of 326 IAC 2-7-12, but no later than when the Part 70 permit is renewed, the Part 70 permit for the major stationary source must include the following terms and conditions related to the clean unit:

(1) A statement that the emissions unit qualifies as a clean unit and a list of the pollutants for which the clean unit designation was issued.

(2) The effective date of the clean unit designation. If this date is not known when the clean unit designation is initially recorded in the Part 70 permit, the permit must describe the event that will determine the effective date. When the effective date is determined, the owner or operator must notify the department of the exact date. This specific effective date must be added to the source's Part 70 permit at the first opportunity, such as a modification, reopening, or renewal of the Part 70 permit for any reason, whichever comes first, but in no case later than the next renewal.

(3) The expiration date of the clean unit designation. If this date is not known when the clean unit designation is initially recorded into the Part 70 permit, then the permit must describe the event that will determine the expiration date. When the expiration date is determined, the owner or operator must notify the department of the exact date. The expiration date must be added to the source's Part 70 permit at the first opportunity, such as a modification, reopening, or renewal of the Part 70 permit for any reason, whichever comes first, but in no case later than the next renewal.

(4) All emission limitations and work practice requirements adopted in conjunction with the LAER determination and any physical or operational characteristic that formed the basis for the LAER determination, such as potential to emit, production capacity, or throughput.

(5) Monitoring, record keeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining the clean unit designation in accordance with subsection (g).

(6) Terms reflecting the owner or operator's duties to maintain the clean unit designation and the consequences of failing to do so as described in subsection (g).

(g) To maintain the clean unit designation, the owner or operator must conform to all the restrictions listed in this subsection. This subsection applies independently to each pollutant for which the emissions unit has the clean unit designation. Failing to conform to the restrictions for one (1) pollutant affects the clean unit designation only for that pollutant. The following provisions apply:

(1) The clean unit must be in compliance with the emission limitations and work practice requirements adopted in conjunction with the LAER that is recorded in the major NSR permit and subsequently reflected in the Part 70 permit, including the following:

(A) The owner or operator may not make a physical change in or change in the method of operation of the clean unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the LAER determination as specified in subsection (f)(4).

(B) The clean unit may not emit above a level that has been offset.

(2) The clean unit must comply with any terms and conditions in the Part 70 permit related to the unit's clean unit designation.

(3) The clean unit must continue to control emissions using the specific air pollution control technology that was the basis for its clean unit designation. If the emissions unit or control technology is replaced, then the clean unit designation ends.

(h) An emissions increase or decrease that occurs at a clean unit must not be used in calculating a significant net emissions increase or used in a netting analysis or be used for generating offsets unless:

(1) the use of the increase or decrease for the calculation occurs:

(A) before the effective date of the clean unit designation; or

(B) after the clean unit designation expires; or

(2) the emissions unit reduces emissions below the level that qualified the unit as a clean unit.

However, if the clean unit reduces emissions below the level that qualified the unit as a clean unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a clean unit and the new emissions limitation if the reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(i) The clean unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. If a clean unit is located in an attainment area and the area is redesignated to nonattainment, its clean unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the clean unit designation. However, if an existing clean unit designation expires, it must requalify under the requirements that are currently applicable in the area. *(Air Pollution Control Board; 326 IAC 2-3.2-1; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3933)*

326 IAC 2-3.2-2 Clean unit designations for emission units that have not previously received a major NSR permit

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 2. (a) An owner or operator of a major stationary source may use the clean unit test in accordance with 326 IAC 2-3-2(c)(5) in place of provisions in 326 IAC 2-3-1(q), 326 IAC 2-3-2(c)(3), and 326 IAC 2-3-2(c)(4) to determine whether emissions increases at a clean unit are part of a project that is a major modification or greater than de minimis for VOC emissions in severe or serious nonattainment areas for ozone under this section. This section applies to emissions units that do not qualify as clean units

under section 1 of this rule, but that are achieving a level of emissions control comparable to LAER as determined by the department in accordance with this section. A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6. Unless otherwise noted, the definitions in 326 IAC 2-3-1 apply to this section.

(b) The following apply to a clean unit designated under this section:

(1) Any project for which the owner or operator begins actual construction after the effective date of the clean unit designation as determined in accordance with subsection (e) and before the expiration date as determined in accordance with subsection (f) will be considered to have occurred while the emissions unit was a clean unit.

(2) If a project at a clean unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined under subsection (d) to be comparable to LAER, and the project would not alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to LAER as specified in subsection (h)(4), the emissions unit remains a clean unit.

(3) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined under subsection (d) to be comparable to LAER, or the project would alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to LAER as specified in subsection (h)(4), then the emissions unit loses its designation as a clean unit upon issuance of the necessary permit revisions unless the unit requalifies as a clean unit under subsection (c)(3). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the clean unit designation ends immediately prior to the time when actual construction begins.

(4) A project that causes an emissions unit to lose its designation as a clean unit is considered an existing emission unit and is subject to the applicability requirements of 326 IAC 2-3-2(c)(1) through 326 IAC 2-3-2(c)(4) and 326 IAC 2-3-2(c)(6).

(c) An emissions unit qualifies as a clean unit when the unit meets the criteria in subdivisions (1) through (2). After the original clean unit designation expires under subsection (f) or is lost under subsection (b)(3), the emissions unit may requalify as a clean unit under either subdivision (3) or under the clean unit provisions in section 1 of this rule. To requalify as a clean unit under subdivision (3), the emissions unit must obtain a new permit issued under subsections (g) and (h) and meet all the criteria in subdivision (3). The department shall make a separate clean unit designation for each pollutant emitted by the emissions unit for which the emissions unit qualifies as a clean unit. The following apply to qualify or requalify to use the clean unit applicability test:

(1) Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology, which includes pollution prevention or work practices, that meets both of the following requirements:

(A) The owner or operator has demonstrated that the emissions unit's control technology is comparable to LAER according to the requirements of subsection (d). However, the emissions unit is not eligible for a clean unit designation if its emissions are not reduced below the level of a standard, uncontrolled emissions unit of the same type.

(B) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or to retool the unit to apply a pollution prevention technique.

(2) In order to qualify as a clean unit, the department must determine that the allowable emissions from the emissions unit will not cause or contribute to a violation of any national ambient air quality standard or any applicable PSD increment or adversely impact an air quality related value, such as visibility, that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(3) To requalify for the clean unit designation, the emissions unit must obtain a new permit under subsections (g) and (h) that demonstrates that the emissions unit's control technology is achieving a level of emission control comparable to current-day LAER, and the emissions unit must meet the requirements in subdivisions (1)(A) and (2).

(d) The owner or operator may demonstrate that the emissions unit's control technology is comparable to LAER for purposes of subsection (c)(1) in accordance with the following:

(1) The emissions unit's control technology is presumed to be comparable to LAER if it achieves an emission limitation that is at least as stringent as LAER, as defined in 326 IAC 2-3-1(y), determined at the time of submission of the clean unit designation application to the department. The department shall also compare this presumption to any additional LAER determinations of which the department is aware and shall consider any information on achieved-in-practice pollution control technologies provided during the public comment period to determine whether any presumptive determination that the control technology is comparable to LAER is correct.

(2) The owner or operator may demonstrate that the emissions unit's control technology is substantially as effective as LAER.

In addition, any other person may present evidence related to whether the control technology is substantially as effective as LAER during the public participation process required under subsection (g). The department shall consider the evidence on a case-by-case basis and determine whether the emissions unit's air pollution control technology is substantially as effective as LAER.

(3) To qualify for a clean unit designation, the owner or operator of an emissions unit must demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day LAER requirements.

(e) The effective date of an emissions unit's clean unit designation is the date that the approval under 326 IAC 2-7-10.5 is issued or the date that the emissions unit's air pollution control technology is placed into service, whichever is later.

(f) For any emissions units, the clean unit designation expires ten (10) years from the effective date of the clean unit designation as determined according to subsection (e). In addition, for all emissions units, the clean unit designation expires any time the owner or operator fails to comply with the provisions for maintaining the clean unit designation in subsection (i).

(g) The department shall designate an emissions unit a clean unit only by issuing an approval under 326 IAC 2-7-10.5 that includes requirements for public notice of the proposed clean unit designation and opportunity for public comment. The approval must also meet the requirements in subsection (h).

(h) The approval under 326 IAC 2-7-10.5 must include the terms and conditions set forth in this subsection. The following terms and conditions must be incorporated into the major stationary source's Part 70 permit in accordance with 326 IAC 2-7-12:

(1) A statement that the emissions unit qualifies as a clean unit and a list of the pollutants for which the clean unit designation was issued.

(2) Effective date of the clean unit designation. If this date is not known when the department issues the approval, then the approval must describe the event that will determine the effective date. When the effective date is known, the owner or operator must notify the department of the exact date. This specific effective date must be added to the source's Part 70 permit at the first opportunity, such as a modification, reopening, or renewal of the Part 70 permit for any reason, whichever is first, but in no case later than the next renewal.

(3) The expiration date of the clean unit designation. If this date is not known when the department issues the approval, then the approval must describe the event that will determine the expiration date. When the expiration date is known, the owner or operator must notify the department of the exact date. The expiration date must be added to the source's Part 70 permit at the first opportunity, such as a modification, reopening, or renewal of the Part 70 permit for any reason, whichever is first, but in no case later than the next renewal.

(4) All emission limitations and work practice requirements adopted in conjunction with emission limitations necessary to assure that the control technology continues to achieve an emission limitation comparable to LAER and any physical or operational characteristic that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to LAER, such as potential to emit, production capacity, or throughput.

(5) Monitoring, record keeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining its clean unit designation in accordance with subsection (i).

(6) Terms reflecting the owner or operator's duties to maintain the clean unit designation and the consequences of failing to do so as described in subsection (i).

(i) To maintain clean unit designation, the owner or operator must conform to all the restrictions listed in this subsection. This subsection applies independently to each pollutant for which the emissions unit has the clean unit designation. Failing to conform to the restrictions for one (1) pollutant affects the clean unit designation only for that pollutant. The following apply:

(1) The clean unit must comply with the emission limitations and work practice requirements adopted to ensure that the control technology continues to achieve emission control comparable to LAER.

(2) The owner or operator may not make a physical change in or change in the method of operation of the clean unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the determination that the control technology is achieving a level of emission control that is comparable to LAER as specified in subsection (h)(4).

(3) The clean unit may not emit above a level that has been offset.

(4) The clean unit must comply with any terms and conditions in the Part 70 permit related to the unit's clean unit designation.

(5) The clean unit must continue to control emissions using the specific air pollution control technology that was the basis for its clean unit designation. If the emissions unit or control technology is replaced, then the clean unit designation ends.

(j) An emissions increase or decrease that occurs at a clean unit must not be used in calculating a significant net emissions increase or used in a netting analysis or be used for generating offsets unless:

(1) the use of the increase or decrease for the calculation occurs:
(A) before the date this rule is effective; or
(B) after the clean unit designation expires; or
(2) the emissions unit reduces emissions below the level that qualified the unit as a clean unit.
However, if the clean unit reduces emissions below the level that qualified the unit as a clean unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a clean unit and the new emissions limitation if the reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(k) The clean unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. If a clean unit's designation expires or is lost under section 1(b)(3) of this rule and subsection (b)(3), it must requalify under the requirements that are currently applicable. *(Air Pollution Control Board; 326 IAC 2-3.2-2; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3935)*

Rule 3.3. Pollution Control Project Exclusion Procedural Requirements in Nonattainment Areas

326 IAC 2-3.3-1 Pollution control project exclusion procedural requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This section applies to an owner or operator that plans to construct or install a pollution control project (PCP). A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6. Unless otherwise noted, the definitions in 326 IAC 2-3-1 apply to this rule.

(b) Before an owner or operator begins actual construction of a PCP, the owner or operator must either submit a notice to the department, if the project is listed in 326 IAC 2-3-1(gg), or, if the project is not listed in 326 IAC 2-3-1(gg), the owner or operator must submit a permit application and obtain approval to use the PCP exclusion from the department under 326 IAC 2-7-10.5 consistent with the requirements in subsection (f). Regardless of whether the owner or operator submits a notice or a permit application, the project must meet the requirements in subsection (c), and the notice or permit application must contain the information required in subsection (d).

(c) Any project that relies on the PCP exclusion must meet the following requirements:
(1) The environmental benefit from the emissions reductions of any regulated NSR pollutants must outweigh the environmental detriment of emissions increases in any regulated NSR pollutants. A statement that a technology listed in 326 IAC 2-3-1(gg) is being used shall be presumed to satisfy this requirement.
(2) The emissions increases from the project must not cause or contribute to a violation of any national ambient air quality standard or PSD increment or adversely impact an air quality related value, such as visibility, that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(d) In the notice or permit application submitted to the department, the owner or operator must include, at a minimum, the following information:
(1) A description of the project.
(2) The potential emissions increases and decreases of any regulated NSR pollutant, the projected emissions increases and decreases using the methodology in 326 IAC 2-3-2(c) that will result from the project, and a copy of the environmentally beneficial analysis required by subsection (c)(1).
(3) A description of monitoring and record keeping, and all other methods, to be used on an ongoing basis to demonstrate that the project is environmentally beneficial. Methods must be sufficient to meet the requirements in 326 IAC 2-7.
(4) A certification by the responsible official, as defined in 326 IAC 2-7-1(34), that the project will be designed and operated in a manner that is consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by subsection (c), with information submitted in the notice or permit application, and in a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.
(5) Demonstration that the PCP will not have an adverse air quality impact as required by subsection (c)(2). An air quality impact analysis is not required for any pollutant that will not experience a significant emissions increase as a result of the

project.

(e) For projects listed in 326 IAC 2-3-1(gg), the owner or operator may begin actual construction of the project immediately after notice is sent to the department unless otherwise prohibited under requirements of the state implementation plan. The owner or operator shall respond to any requests by the department for additional information that the department determines is necessary to evaluate the suitability of the project for the PCP exclusion.

(f) Before an owner or operator may begin actual construction of a PCP that is not listed in 326 IAC 2-3-1(gg), the project must be approved by the department in an approval issued under 326 IAC 2-7-10.5. This includes the requirement that the department provide the public with notice of the proposed approval, with access to the environmentally beneficial analysis and the air quality analysis, and provide at least a thirty (30) day period for the public and the U.S. EPA to submit comments. The department shall address all material comments received by the end of the comment period before taking final action on the permit.

(g) Upon installation of the PCP, the owner or operator must comply with the following requirements:

(1) The owner or operator must operate the PCP in a manner consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by subsection (c), with information submitted in the notice or permit application required by subsection (d), and in a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(2) The owner or operator must maintain copies on site of the environmentally beneficial analysis, the air quality impacts analysis, and monitoring and other emission records to prove that the PCP operated consistent with the general duty requirements in subdivision (1).

(3) The owner or operator must comply with any provisions in the approval issued under 326 IAC 2-7 related to use and approval of the PCP exclusion.

(4) Emission reductions created by a PCP shall not be included in calculating a significant net emissions increase or be used for generating offsets unless the emissions unit further reduces emissions after qualifying for the PCP exclusion. The owner or operator may generate a credit for the difference between the level of reduction that was used to qualify for the PCP exclusion and the new emission limitation if the reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(h) If the PCP would result in a significant net emissions increase in any regulated NSR pollutant for which the area is classified as nonattainment, except in an area that is classified as either serious or severe nonattainment for ozone, the significant net emissions increase from the PCP shall be offset on a one-to-one (1:1) ratio. The emission offset shall be a reduction in actual emissions of the same pollutant from an existing source or combination of existing sources. In addition, the significant net emission increase from the PCP shall be offset so that the emissions increase will not cause or contribute to a violation of any national ambient air quality standard or PSD increment or adversely impact an air quality related value, such as visibility, that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(i) If the PCP would result in an increase in VOC emissions that is not de minimis in an area that is classified as either serious or severe nonattainment for ozone, the VOC net emissions increase from the PCP shall be offset on a one-to-one (1:1) ratio. The VOC emission offset shall be a reduction in actual emissions of the same pollutant from an existing source or combination of existing sources. In addition, the VOC net emissions increase from the PCP shall be offset so that the emissions increase will not cause or contribute to a violation of any national ambient air quality standard or PSD increment or adversely impact an air quality related value, such as visibility, that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public. *(Air Pollution Control Board; 326 IAC 2-3.3-1; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3938)*

Rule 3.4. Actuals Plantwide Applicability Limitations in Nonattainment Areas

326 IAC 2-3.4-1 Applicability

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) The department may approve the use of an actuals plantwide applicability limitation (PAL) for any existing major stationary source, except as provided in subsection (b), if the PAL meets the requirements in this rule. A source that is subject to P.L.231-2003, SECTION 6 shall comply with the requirements of 326 IAC 2-2.6.

(b) The department shall not allow an actuals PAL for VOC or NO_x for any major stationary source located in an extreme ozone nonattainment area.

(c) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL, that level meets the requirements in this rule, and that complies with the PAL permit:

(1) is not a major modification for the PAL pollutant;

(2) does not have to be approved through 326 IAC 2-3; and

(3) is not subject to 326 IAC 2-3-2(d).

(d) Except as provided under subsection (c)(3), a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL. *(Air Pollution Control Board; 326 IAC 2-3.4-1; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3939)*

326 IAC 2-3.4-2 Definitions

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 2. (a) The definitions in this section apply throughout this rule. A term that is not defined in this section shall have the meaning set forth in 326 IAC 2-3-1 or in the CAA.

(b) "Actuals PAL", for a major stationary source, means a PAL based on the baseline actual emissions of all emissions units at the source that emit or have the potential to emit the PAL pollutant.

(c) "Allowable emissions" means the following:

(1) The emissions rate of a stationary source calculated using the maximum rated capacity of the source unless the source is subject to federally enforceable limits that restrict the operating rate or hours of operation, or both, and the most stringent of the:

(A) applicable standards as set forth in 40 CFR Part 60* and 40 CFR Part 61*;

(B) state implementation plan emissions limitation, including those with a future compliance date; or

(C) emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(2) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(3) An emissions unit's potential to emit shall be determined using the definition in 326 IAC 2-3-1.

(d) "Major emissions unit" means any emissions unit that emits or has the potential to emit:

(1) one hundred (100) tons per year or more of the PAL pollutant in an attainment area; or

(2) the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the CAA for nonattainment areas.

(e) "PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL under section 11 of this rule is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(f) "PAL effective period" means the period beginning with the PAL effective date and ending ten (10) years later.

(g) "PAL major modification" means, notwithstanding the definitions for major modification in 326 IAC 2-3-1(z) and net emissions increase in 326 IAC 2-3-1(dd), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(h) "PAL permit" means the permit issued by the department that contains PAL provisions for a major stationary source.

(i) "PAL pollutant" means the regulated NSR pollutant for which a PAL is established at a major stationary source.

(j) "Plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this rule. For the purposes of this rule, a PAL is an actuals PAL.

(k) "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level, as defined in 326 IAC 2-3-1 or in the CAA, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in subsection (d).

(l) "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in 326 IAC 2-3-1(qq) or in the CAA, whichever is lower.

*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 2-3.4-2; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3940)*

326 IAC 2-3.4-3 Permit application requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 3. As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the department for approval:

(1) A list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.

(2) Calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

(3) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a twelve (12) month rolling total for each month as required by section 13(a) of this rule.

(Air Pollution Control Board; 326 IAC 2-3.4-3; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3941)

326 IAC 2-3.4-4 Establishing PALs; general requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 4. (a) The department may establish a PAL at a major stationary source provided that, at a minimum, the following requirements are met:

(1) The PAL shall impose an annual emission limitation in tons per year, which is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve (12) months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve (12) consecutive months is less than the PAL, on a twelve (12) month average, rolled monthly. For each month during the first eleven (11) months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(2) The PAL shall be established in a PAL permit that meets the public participation requirements in section 5 of this rule.

(3) The PAL permit shall contain all the requirements of section 7 of this rule.

(4) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(5) Each PAL shall regulate emissions of only one (1) pollutant.

(6) Each PAL shall have a PAL effective period of ten (10) years.

(7) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, record keeping, and reporting requirements provided in sections 12 through 14 of this rule for each emissions unit under the PAL through the PAL effective period.

(b) At no time during or after the PAL effective period are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under 326 IAC 2-3-3 unless the level of the PAL is reduced by the amount of the emissions reductions and the reductions would be creditable in the absence of the PAL. *(Air Pollution Control Board; 326 IAC 2-3.4-4; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3941)*

326 IAC 2-3.4-5 Public participation requirements for PALs

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 5. PALs for existing major stationary sources shall be:
(1) established;
(2) renewed;
(3) increased;
(4) terminated; or
(5) revoked;
through a procedure that is consistent with 326 IAC 2-7-17. This includes the requirement that the department provide the public with notice of the proposed approval of a PAL permit and at least a thirty (30) day period for submittal of public comment. The department must address all material comments before taking final action on the permit. *(Air Pollution Control Board; 326 IAC 2-3.4-5; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3941)*

326 IAC 2-3.4-6 Establishing a 10 year actuals PAL level
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 6. (a) The actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source plus an amount equal to the least of the following levels:
(1) The applicable significant level in 326 IAC 2-3-1(qq) for the PAL pollutant.
(2) The de minimis level in 326 IAC 2-3-1(q) in case of the PAL for VOC emissions for sources located in severe or serious nonattainment areas.
(3) The level specified under CAA.
(b) For establishing the actuals PAL level for a PAL pollutant, only one (1) consecutive twenty-four (24) month period shall be used to determine the baseline actual emissions for all existing emissions units. A different consecutive twenty-four (24) month period may be used for each different PAL pollutant.
(c) Emissions associated with units that were permanently shutdown after this twenty-four (24) month period must be subtracted from the PAL level.
(d) Emissions from units, except modifications to existing units, on which actual construction began after the twenty-four (24) month period must be added to the PAL level in an amount equal to the potential to emit of the units.
(e) The department shall specify a reduced PAL level, in tons per year, in the PAL permit to become effective on the future compliance date of any applicable federal or state regulatory requirement that the department is aware of prior to issuance of the PAL permit. *(Air Pollution Control Board; 326 IAC 2-3.4-6; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3941)*

326 IAC 2-3.4-7 Contents of the PAL permit
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 7. The PAL permit must contain, at a minimum, the following information:
(1) The PAL pollutant and the applicable source-wide emission limitation in tons per year.
(2) The PAL permit effective date and the expiration date of the PAL.
(3) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with section 10 of this rule before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the department.
(4) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions.
(5) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of section 9 of this rule.
(6) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a twelve (12) month rolling total as required by section 13(a) of this rule.
(7) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with section 12 of this rule.

(8) A requirement to retain the records required under section 13 of this rule on site. The records may be retained in an electronic format.
(9) A requirement to submit the reports required under section 14 of this rule by the required deadlines.
(10) Any other requirements that the department deems necessary to implement and enforce the PAL.
(Air Pollution Control Board; 326 IAC 2-3.4-7; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3942)

326 IAC 2-3.4-8 PAL effective period and reopening of the PAL permit
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 8. (a) The department shall specify a PAL effective period of ten (10) years.
(b) For reopening of the PAL permit, the following requirements must be met:
(1) During the PAL effective period, the department shall reopen the PAL permit to:
(A) correct typographical or calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;
(B) reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under 326 IAC 2-3-3; or
(C) revise the PAL to reflect an increase in the PAL as provided under section 11 of this rule.
(2) The department has discretion to reopen the PAL permit to reduce the PAL as follows:
(A) To reflect newly applicable federal requirements with compliance dates after the PAL effective date.
(B) Consistent with any other requirement that is enforceable as a practical matter and that the state may impose on the major stationary source under the state implementation plan.
(C) If the department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation or to an adverse impact on an air quality related value that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.
(3) Except for the permit reopening in subdivision (1)(A) for the correction of typographical or calculation errors that do not increase the PAL level, all other reopenings shall be conducted in accordance with the public participation requirements of section 5 of this rule.
(Air Pollution Control Board; 326 IAC 2-3.4-8; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3942)

326 IAC 2-3.4-9 Expiration of a PAL
Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 9. (a) Any PAL that is not renewed in accordance with the procedures in section 10 of this rule shall expire at the end of the PAL effective period, and the requirements in this section shall apply.
(b) Each emissions unit or each group of emissions units that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures:
(1) Within the time frame specified for PAL renewals in section 10(b) of this rule, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit or each group of emissions units, if the distribution is more appropriate as decided by the department by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under section 10(e) of this rule, the distribution shall be made as if the PAL had been adjusted.
(2) The department shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the department determines is appropriate.
(c) Each emissions unit shall comply with the allowable emission limitation on a twelve (12) month rolling basis. The department may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.
(d) Until the department issues the revised permit incorporating allowable limits for each emissions unit, or each group of

emissions units, as required under subsection (b)(1), the source shall continue to comply with a source-wide, multiunit emissions cap equivalent to the level of the PAL emission limitation.

(e) Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment major NSR requirements if the change meets the definition of major modification in 326 IAC 2-3-1.

(f) The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established under 326 IAC 2-3-2(d) but were eliminated by the PAL under section 1(c)(3) of this rule. *(Air Pollution Control Board; 326 IAC 2-3.4-9; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3943)*

326 IAC 2-3.4-10 Renewal of a PAL

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 10. (a) The department shall follow the procedures specified in section 5 of this rule in approving any request to renew a PAL for a major stationary source and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During the public review, any person may propose a PAL level for the source for consideration by the department.

(b) A major stationary source owner or operator shall submit a timely application to the department to request renewal of a PAL. A timely application is one that is submitted at least six (6) months prior to, but not earlier than eighteen (18) months from, the date of PAL expiration. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(c) The application to renew a PAL permit shall contain the following information:

(1) The information required in section 3 of this rule.

(2) A proposed PAL level.

(3) The sum of the potential to emit of all emissions units under the PAL with supporting documentation.

(4) Any other information the owner or operator wishes the department to consider in determining the appropriate level for renewing the PAL.

(d) In determining whether and how to adjust the PAL, the department shall consider the options outlined in this subsection. However, in no case may any adjustment fail to comply with subdivision (3). The following provisions apply:

(1) If the emissions level calculated in accordance with section 6 of this rule is equal to or greater than eighty percent (80%) of the PAL level, the department may renew the PAL at the same level without considering the factors set forth in subdivision (2).

(2) The department may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions or that it determines to be appropriate considering:

(A) air quality needs;

(B) advances in control technology;

(C) anticipated economic growth in the area;

(D) desire to reward or encourage the source's voluntary emissions reductions; or

(E) other factors as specifically identified by the department.

(3) Notwithstanding subdivisions (1) and (2):

(A) if the potential to emit of the major stationary source is less than the PAL, the department shall adjust the PAL to a level no greater than the potential to emit of the source; and

(B) the department shall not approve a renewed PAL level higher than the current PAL unless the major stationary source has complied with section 11 of this rule.

(e) If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period and if the department has not already adjusted for the requirement, the PAL shall be adjusted at the time of PAL permit renewal or Part 70 permit renewal, whichever occurs first. *(Air Pollution Control Board; 326 IAC 2-3.4-10; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3943)*

326 IAC 2-3.4-11 Increasing a PAL during the PAL effective period

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 11. (a) The department may increase a PAL emission limitation during the PAL effective period only if the major stationary source complies with the following provisions:

(1) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. The application shall identify the emissions units contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(2) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls plus the sum of the allowable emissions of the new or modified emissions units exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ten (10) years. In this case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(3) The owner or operator shall obtain a major NSR permit for all emissions units identified in subdivision (1) regardless of the magnitude of the emissions increase resulting from them. These emissions units shall comply with any emissions requirements resulting from the nonattainment major NSR process, even though they have also become subject to the PAL or continue to be subject to the PAL.

(4) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(b) The department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls as determined in accordance with subsection (a)(2), plus the sum of the baseline actual emissions of the small emissions units.

(c) The PAL permit must be revised to reflect the increased PAL level under the public notice requirements of section 5 of this rule. *(Air Pollution Control Board; 326 IAC 2-3.4-11; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3944)*

326 IAC 2-3.4-12 Monitoring requirements for PALs

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 12. (a) The following general requirements apply:

(1) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by the system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(2) The PAL monitoring system must employ one (1) or more of the four (4) general monitoring approaches meeting the minimum requirements set forth in subsection (b) and must be approved by the department.

(3) Notwithstanding subdivision (2), an alternative monitoring approach may be employed:

(A) that meets subdivision (1); and

(B) if it is approved by the department.

(4) Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

(b) The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in subsections (c) through (i):

(1) Mass balance calculations for activities using coatings or solvents.

(2) CEMS.

(3) CPMS or PEMS.

(4) Emission factors.

(c) An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit.

(2) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process.

(3) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from the material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(d) An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(1) CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B*.

(2) CEMS must sample, analyze, and record data at least every fifteen (15) minutes while the emissions unit is operating.

(e) An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(1) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit.

(2) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another less frequent interval approved by the department, while the emissions unit is operating.

(f) An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(1) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development.

(2) The emissions unit shall operate within the designated range of use for the emission factor, if applicable.

(3) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six (6) months of PAL permit issuance unless the department determines that testing is not required.

(g) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data unless another method for determining emissions during the periods is specified in the PAL permit.

(h) Notwithstanding the requirements in subsections (c) through (g), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, the department shall, at the time of permit issuance:

(1) establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at the operating points; or

(2) determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

(i) All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the department. The testing must occur at least once every five (5) years after issuance of the PAL.

*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 2-3.4-12; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3944)*

326 IAC 2-3.4-13 Record keeping requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 13. (a) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this rule and of the PAL, including a determination of each emissions unit's twelve (12) month rolling total emissions, for five (5) years from the date of the record.

(b) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL

effective period plus five (5) years:

(1) A copy of the PAL permit application and any applications for revisions to the PAL.

(2) Each annual certification of compliance pursuant to 40 CFR Part 70* and the data relied on in certifying the compliance.

*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 2-3.4-13; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3945)*

326 IAC 2-3.4-14 Reporting and notification requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 14. (a) The owner or operator shall submit semiannual monitoring reports and deviation reports to the department in accordance with 326 IAC 2-7. The reports shall meet the requirements of this section.

(b) A semiannual report shall be submitted to the department within thirty (30) days of the end of each reporting period. This report shall contain the following information:

(1) The identification of owner and operator and the permit number.

(2) Total annual emissions in tons per year based on a twelve (12) month rolling total for each month in the reporting period recorded under section 13(a) of this rule.

(3) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.

(4) A list of any emissions units modified or added to the major stationary source during the preceding six (6) month period.

(5) The number, duration, and cause of any deviations or monitoring malfunctions, other than the time associated with zero (0) and span calibration checks, and any corrective action taken.

(6) Information about monitoring system shutdowns including the following:

(A) Notification to the department of the shutdown of any monitoring system.

(B) Whether the shutdown was permanent or temporary.

(C) The reason for the shutdown.

(D) The anticipated date that the monitoring system will be fully operational or replaced with another monitoring system.

(E) Whether the emissions unit monitored by the monitoring system continued to operate.

(F) If the emissions unit monitored by the monitoring system continued to operate, the calculation of the:

(i) emissions of the pollutant; or

(ii) number determined by method included in the permit, as provided by section 12(g) of this rule.

(7) A signed statement by the responsible official, as defined in 326 IAC 2-7-1(34), certifying the truth, accuracy, and completeness of the information provided in the report.

(c) The major stationary source owner or operator shall promptly submit reports to the department of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted under 326 IAC 2-7-5(3)(C)(ii) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by 326 IAC 2-7-5(3)(C)(ii). The reports shall contain the following information:

(1) The identification of owner and operator and the permit number.

(2) The PAL requirement that experienced the deviation or that was exceeded.

(3) Emissions resulting from the deviation or the exceedance.

(4) A signed statement by the responsible official, as defined in 326 IAC 2-7-1(34), certifying the truth, accuracy, and completeness of the information provided in the report.

(d) The owner or operator shall submit to the department the results of any revalidation test or method within three (3) months after completion of the test or method. *(Air Pollution Control Board; 326 IAC 2-3.4-14; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3946)*

326 IAC 2-3.4-15 Termination and revocation of a PAL

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 15. (a) This section applies to any PAL that is terminated or revoked prior to the PAL expiration date.

(b) A major stationary source owner or operator may at any time submit a written request to the department to terminate or revoke a PAL prior to the expiration or renewal of the PAL.

(c) Each emissions unit or each group of emissions units that existed under the PAL shall be in compliance with an allowable emission limitation under a revised permit established according to the following procedures:

(1) The major stationary source owner or operator may submit a proposed allowable emission limitation for each emissions unit or each group of emissions units by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under section 10(e) of this rule, such distribution shall be made as if the PAL had been adjusted.

(2) The department shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the department determines is appropriate. The determination of distribution of the PAL allowable emissions may be based on the emissions limitations that were eliminated by the PAL in accordance with section 1(c)(3) of this rule.

(d) Each emissions unit shall be in compliance with the allowable emission limitation on a twelve (12) month rolling basis. The department may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

(e) Until the department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subsection (c)(2), the source shall continue to comply with a source-wide, multiunit emissions cap equivalent to the level of the PAL emission limitation.

(f) The department shall follow the procedures specified in section 5 of this rule in terminating or revoking a PAL for a major stationary source and shall provide the proposed distributed allowable emission limitations to the public for review and comment. During such public review, any person may propose a PAL distribution of allowable emissions for the source for consideration by the department. *(Air Pollution Control Board; 326 IAC 2-3.4-15; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3946)*

Rule 4. Compliance Using the Bubble Approach (Repealed)

(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)

Rule 4.1. Major Sources of Hazardous Air Pollutants

326 IAC 2-4.1-1 New source toxics control

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) Any owner or operator who constructs or reconstructs a major source of hazardous air pollutants (HAP), as defined in 40 CFR 63.41*, after July 27, 1997, including owners or operators with permit applications pending with the department on the effective date of this section, shall comply with the requirements of this section, except as specifically specified in this rule. This section does not apply to an owner or operator that has received all necessary permits for the construction or reconstruction before July 27, 1997. On and after June 29, 1998, this section is intended to implement Section 112(g)(2)(B) of the Clean Air Act (CAA). Subsection (c)(3)(E) and (c)(3)(I) shall not apply to an owner or operator that has received all necessary permits for the construction or reconstruction before June 29, 1998.

(b) This section does not apply to the following exclusions set forth in 40 CFR 63.40*:

(1) Electric utility steam generating units until such time as these units are added to the source category list under Section 112(c)(5) of the CAA.

(2) A major source specifically regulated, or exempted from regulation, by a standard issued pursuant to Section 112(d), 112(h), or 112(j) of the CAA.

(3) Stationary sources that are within a source category that has been deleted from the source category list under Section 112(c)(9) of the CAA.

(4) Research and development activities, as defined in 40 CFR 63.41*.

(c) The air pollution control board incorporates by reference the following provisions of 40 CFR 63, Subpart B, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*:

(1) 40 CFR 63.41 Definitions*.
(2) 40 CFR 63.42* Program requirements governing construction or reconstruction of major sources.
(3) The following subsections of 63.43 Maximum achievable control technology (MACT) determinations for constructed and reconstructed major sources:
(A) 40 CFR 63.43(a) Applicability*.
(B) 40 CFR 63.43(b) Requirements for constructed and reconstructed major sources*.
(C) 40 CFR 63.43(d) Principles of MACT determinations*.
(D) 40 CFR 63.43(e) Application requirements for a case-by-case MACT determination*.
(E) 40 CFR 63.43(i) EPA notification*.
(F) 40 CFR 63.43(j) Effective date*.
(G) 40 CFR 63.43(k) Compliance date*.
(H) 40 CFR 63.43(l) Compliance with MACT determinations*.
(I) 40 CFR 63.43(m) Reporting to the Administrator*.
(4) 40 CFR 63.44 Requirements for constructed or reconstructed major sources subject to a subsequently promulgated MACT standard or MACT requirement*.

(d) The administrative procedures, public notice, and issuance of MACT approvals under this section are set forth in 326 IAC 2-1.1 and 326 IAC 2-5.1. In addition, permits issued to sources subject to this section shall conform to the provisions of 40 CFR 63.43(g) Notice of MACT approval*.

(e) This subsection sets forth provisions for a transition period from July 27, 1997, through June 28, 1998, for those sources who have construction permit applications pending with the department on July 27, 1997 (transition applicants). Transition applicants are not required to comply with subsection (c)(3)(D). The department shall notify transition applicants that this section applies to its pending application and provide for an opportunity for the applicant to submit information that may be used by the department to complete the determination of MACT under this section. The department may request additional information regarding the transition applicant's project necessary to determine the proposed control technology and air emissions for purposes of making the determination required by this section. The department may not exceed the applicable permit timeline for completion of review of a transition applicant's application in order to comply with this section. The department's determination of MACT under this section may be based on information about similar sources and hazardous air pollutant emissions that is reasonably available to the department within the applicable time frame for permit review and shall not be construed to be a MACT determination under Section 112(g) of the CAA.

(f) Subsection (c)(4), except 40 CFR 63.44(a)*, does not apply to a source issued a MACT determination pursuant to the transition program set forth in subsection (e).

*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 2-4.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1007; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed May 21, 2002, 10:20 a.m.: 25 IR 3058)*

Rule 5. General Provisions and Time Periods for Determinations on Permit Applications (Repealed)
(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)

Rule 5.1. Construction of New Sources

326 IAC 2-5.1-1 Exemptions
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. The following shall be exempt from the requirements of this rule:
(1) New sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or not specifically required to obtain a registration or permit under this rule.
(2) Existing sources operating pursuant to a permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.
(3) Existing sources operating pursuant to a source specific operating agreement under 326 IAC 2-9.

(4) Existing sources operating pursuant to a permit by rule under 326 IAC 2-10 or 326 IAC 2-11.

(Air Pollution Control Board; 326 IAC 2-5.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 791)

326 IAC 2-5.1-2 Registrations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 4-21.5-3-4; IC 13-15-4-9; IC 13-17

Sec. 2. (a) On and after the effective date of this rule, this section applies to the following new sources:

(1) Sources with a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO_2).

(ii) Nitrogen oxides (NO_x).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources not described in clause (D).

(D) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(G) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H_2S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(2) Any source that:

(A) is subject to 326 IAC 20-8; and

(B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(b) No person subject to subsection (a) shall construct or operate any new source subject to this section without registering the new source with the commissioner.

(c) The registrant shall submit an application in accordance with this rule to the commissioner. The application shall include the following information:

(1) Company name and address.

(2) Descriptive information as follows:

(A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable state air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and

complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(d) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(e) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application; or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9.

(f) A registration issued by the commissioner shall include terms and conditions that include all of the following:

(1) Identification of any and all applicable requirements.

(2) A physical description of the emissions unit or units and operating information consistent with the application information.

(3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.

(4) An approval to operate in accordance with 326 IAC 2-5.5.

(g) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(h) The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4.

(i) The commissioner shall not issue a registration that limits a source's potential to emit. *(Air Pollution Control Board; 326 IAC 2-5.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 791)*

326 IAC 2-5.1-3 Permits

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-4-9; IC 13-17

Sec. 3. (a) On and after the effective date of this rule, a new source must obtain a construction permit prior to beginning construction of an emissions unit under either of the following conditions:

(1) The potential to emit is equal to or greater than the following:

(A) One (1) ton or more per year of lead or lead compounds measured as elemental lead and the source is one (1) of the following:

(i) A primary lead smelter.

(ii) A secondary lead smelter.

(iii) A primary copper smelter.

(iv) A lead gasoline additive plant.

(v) A lead-acid storage battery manufacturing plant that produces two thousand (2,000) or more batteries per day.

(B) Five (5) tons or more per year of lead or lead compounds measured as elemental lead and the source is not listed in clause (A).

(C) One hundred (100) tons per year of carbon monoxide (CO).

(D) Ten (10) tons per year of any single hazardous air pollutant or twenty-five (25) tons per year of any combination of hazardous air pollutants listed pursuant to Section 112(b) of the CAA.

(E) Twenty-five (25) tons per year of the following regulated air pollutants:

(i) Particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).

(ii) Sulfur dioxide (SO_2).

(iii) Nitrogen oxides (NO_x).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H_2S).

(vi) Total reduced sulfur (TRS).

(vii) Reduced sulfur compounds.

(viii) Fluorides.

(2) The source belongs to any of the following source categories:

(A) A source consisting of a chromium electroplating tank, chromium anodizing tank, or an operation subject to 326 IAC 20-8. Sources consisting only of decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent that are subject to section 2 of this rule are not included.

(B) A source that includes medical waste incinerators subject to 40 CFR 60, Subpart Ec*.

(C) Area or minor sources that include an emission unit or units that require a Part 70 operating permit under 326 IAC 2-7.

(b) Any person proposing the construction of a new source and required to obtain a construction permit under subsection (a), including any source or emissions unit that is subject to 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1, shall prepare and submit a permit application to the commissioner in accordance with subsection (c).

(c) At a minimum, an application shall include the following information:

(1) The company name and address.

(2) The following descriptive information:

(A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source.

(4) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA, the ambient air quality standards set forth in 326 IAC 1-3, or the prevention of significant deterioration maximum allowable increase under 326 IAC 2-2:

(A) Information on the nature and amount of the pollutants to be emitted, including an estimate of the potential to emit any regulated air pollutants.

(B) Estimates of offset credits as required under 326 IAC 2-3, for sources to be constructed in nonattainment areas.

(C) Monitoring, testing, reporting, and record keeping requirements.

(D) Any other information (including, but not limited to, the air quality impact) determined by the commissioner to be necessary to demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(d) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application; or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) calendar days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) calendar days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9.

(e) Permits issued under this article shall contain the following:

(1) Emission limitations for any source or emissions unit that assure:

(A) the ambient air quality standards set forth in 326 IAC 1-3 will be attained or maintained, or both;

(B) the applicable prevention of significant deterioration maximum allowable increases set forth in 326 IAC 2-2 will be maintained;

(C) the public health will be protected; and

(D) compliance with the requirements of this title and the requirements of the CAA will be maintained.

(2) Monitoring, testing, reporting, and record keeping requirements that assure reasonable information is provided to evaluate

compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA. Such requirements shall be in accordance with 326 IAC 3 and other applicable regulations.

(3) A requirement that any revision of an emission limitation, monitoring, testing, reporting, and record keeping requirements shall be made consistent with the permit revision requirements under 326 IAC 2-6.1-6, 326 IAC 2-7-12, or 326 IAC 2-8-11.1.

(4) The following requirements with respect to compliance:

(A) The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner.

(B) Upon presentation of credentials and other documents as may be required by law, the owner or operator shall allow the commissioner, an authorized representative of the commissioner, or the U.S. EPA to perform the following:

(i) Enter upon the premises where a permitted source is located or emissions related activity is conducted, or where records required by a permit term or condition are kept.

(ii) Have access to and copy any records that must be kept under this title or the conditions of a permit or permit revision.

(iii) Inspect any operations, processes, emissions units (including monitoring and air pollution control equipment), or practices regulated or required under a permit or permit revision.

(iv) Sample or monitor substances or parameters for the purpose of assuring compliance with a permit, permit revision, or applicable requirement, as authorized by the CAA and this title.

(v) Document alleged violations using cameras or video equipment. Such documentation may be subject to a claim of confidentiality under 326 IAC 17.

(5) For sources that will operate pursuant to an operating permit under 326 IAC 2-6.1, a requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the permit. The commissioner may request that the source provide an identification of all emissions units that have been installed that are described under 326 IAC 2-1.1-3(d)(1) through 326 IAC 2-1.1-3(d)(31) with the annual notification.

(f) Any permit issued under this section shall conform to the permit content requirements under subsection (e), except for the following:

(1) Any permit that includes limitations on the potential to emit of a source must conform with the federally enforceable state operating permit (FESOP) permit content and compliance requirements under 326 IAC 2-8-4 and 326 IAC 2-8-5.

(2) An applicant may request that the permit content and compliance requirements conform with the Part 70 requirements under 326 IAC 2-7-5 and 326 IAC 2-7-6 if the applicant is also requesting that the Part 70 permit issuance requirements under 326 IAC 2-7 apply.

(g) The commissioner shall provide for public notice and comment in accordance with 326 IAC 2-1.1-6 prior to issuing a construction permit.

(h) After receiving an approval to construct and prior to receiving approval to operate, a source shall prepare an affidavit of construction as follows:

(1) The affidavit shall include the following:

(A) Name and title of the authorized individual.

(B) Company name.

(C) An affirmation that the source was constructed in conformance with the requirements and intent of the construction permit application.

(D) Identification of any changes to the source not included in the construction permit application or any amendment thereof.

(E) Signature of the authorized individual.

(2) The affidavit shall be notarized.

(3) A source shall submit the affidavit to the commissioner after construction has been completed.

(i) A source may not operate any air pollutant emitting source or emissions unit prior to receiving a validation letter issued by the commissioner, except as provided in the following:

(1) A source may operate upon submission of an affidavit of construction that affirms that the source is described by, and will comply with, the construction permit as issued or previously amended.

(2) The commissioner shall issue a validation letter within five (5) working days of receipt of the affidavit of construction.

(3) The validation letter may authorize the operation of all or part of the source.

(4) The validation letter may include amendments to the permit if the amendments are requested by the source and if such amendment does not constitute a modification and require public notice and comment under 326 IAC 2-1.1-6.

(5) A validation letter may not approve the operation of any emissions unit if an amendment requested by the source would constitute a modification and require public notice and comment under 326 IAC 2-1.1-6.

*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 2-5.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1009; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed May 21, 2002, 10:20 a.m.: 25 IR 3059)*

326 IAC 2-5.1-4 Transition procedures

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-4-9; IC 13-17

Sec. 4. (a) The commissioner shall include an approval to operate and operating conditions in an initial construction permit. The level of approval shall be as follows:

(1) A source must obtain approval to operate under a state operating permit under 326 IAC 2-6.1 if the permit does not include terms and conditions that limit the potential to emit of the source to below thresholds that would require a Part 70 permit.

(2) A source must obtain approval to operate as a FESOP under 326 IAC 2-8 if the permit includes terms and conditions that limit the potential to emit of the source to below the thresholds that require the source to obtain a Part 70 permit and is issued in accordance with 326 IAC 2-8-13.

(3) A source must obtain approval to operate as a Part 70 source under 326 IAC 2-7 if:

(A) the source is constructing under 326 IAC 2-2 or 326 IAC 2-3; or

(B) the potential to emit exceeds the Part 70 major source thresholds as defined in 326 IAC 2-7-1(22).

The permit must include the permit content in accordance with 326 IAC 2-7-5 and compliance requirements in accordance with 326 IAC 2-7-6, and the permit must be issued in accordance with 326 IAC 2-7-17.

(b) If all terms and conditions of 326 IAC 2-1.1-6 were satisfied in the processing of the construction permit, then the emission limitations may be included in the subsequent operating permit without repeating the public notice requirements in 326 IAC 2-1.1-6. *(Air Pollution Control Board; 326 IAC 2-5.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1011; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3947)*

Rule 5.5. Registrations

326 IAC 2-5.5-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) The following shall be exempt from the requirements of this rule:

(1) Existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or are not specifically required to obtain a registration under this rule.

(2) Existing sources operating pursuant to one (1) of the following:

(A) A Part 70 permit under 326 IAC 2-7.

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

(C) A source specific operating agreement under 326 IAC 2-9.

(D) A permit by rule under 326 IAC 2-10.

(E) A permit by rule under 326 IAC 2-11.

(F) A minor source operating permit under 326 IAC 2-6.1.

(b) On and after the effective date of this rule, this rule applies to the following existing sources:

(1) Sources with a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO_2).

(ii) Nitrogen oxides (NO_x).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources that are not described in clause (D).

(D) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(G) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H_2S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(2) Any existing source that:

(A) is subject to 326 IAC 20-8; and

(B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(c) No person subject to subsection (b) shall operate an existing source subject to this rule without registering the source with the commissioner. *(Air Pollution Control Board; 326 IAC 2-5.5-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 792)*

326 IAC 2-5.5-2 Compliance schedule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. (a) Any chrome electroplating source that meets the applicability criteria under section 1(b)(2) of this rule shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air registration shall apply for approval under this rule no later than twenty-four (24) months from the effective date of this rule.

(c) Any existing source not described by subsection (a) that does not have a valid air registration shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule. *(Air Pollution Control Board; 326 IAC 2-5.5-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 793)*

326 IAC 2-5.5-3 Application requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-4-9; IC 13-17

Sec. 3. (a) Any person required to prepare an application under section 1(b) of this rule shall prepare and submit a permit application to the commissioner in accordance with this section.

(b) The application shall include the following information:

(1) Company name and address.

(2) Descriptive information as follows:

(A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable state air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(c) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(d) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application; or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. *(Air Pollution Control Board; 326 IAC 2-5.5-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 793)*

326 IAC 2-5.5-4 Registration content

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. (a) A registration issued by the commissioner shall include terms and conditions that include all of the following:

(1) Identification of any and all applicable requirements.

(2) A physical description of the emissions unit or units and operating information consistent with the application information.

(3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.

(b) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(c) The commissioner shall not issue a registration that limits a source's potential to emit. *(Air Pollution Control Board; 326 IAC 2-5.5-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 793)*

326 IAC 2-5.5-5 Public notice

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 4-21.5-3-4; IC 13-15; IC 13-17

Sec. 5. The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4. *(Air Pollution Control Board; 326 IAC 2-5.5-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 794)*

326 IAC 2-5.5-6 Source modification

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 6. (a) Any person proposing to construct new emissions units, modify existing emissions units, or otherwise modify the source as described in this section shall submit an application or notification in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof if the repair or replacement:

(1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;

(2) is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1; and

(3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or registration revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or registration revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following:

(1) The information required under section 3(b) of this rule.

(2) Identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements as appropriate.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes and shall not require public notice or prior approval by the commissioner:

(1) Changes correcting typographical errors.

(2) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.

(3) Changes in ownership or operational control of a source.

(4) Modifications that would require more frequent monitoring or reporting.

(5) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in 326 IAC 2-5.1-3(a) or a significant change in the method or methods to demonstrate or monitor compliance.

(6) Incorporation of newly applicable requirements as a result of a change in applicability.

(7) Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60, 40 CFR 61, or 40 CFR 63*.

(8) Incorporation of newly-applicable monitoring or testing requirements specified in 40 CFR 60, 40 CFR 61, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.

(9) Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.

(10) Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs unless the modification would increase the potential to emit of the source above ten (10) tons per year of a single HAP or twenty-five (25) tons per year of any combination of HAPs.

(11) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless:

(A) the modification results in the replacement or repair of an entire process;

(B) the modification qualifies as a reconstruction of an entire process; or

(C) the modification may result in an increase of actual emissions.

(12) Modifications that consist of emission units described under 326 IAC 2-1.1-3(e)(1) through 326 IAC 2-1.1-3(e)(31).

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) days of making the change or modification and shall include the information required under section 3(b) of this rule. The notification shall be sent by one (1) of the following means:

(1) Certified mail.

(2) Delivery by hand or express service.

(3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall revise the registration consistent with the following:

(1) The commissioner shall revise the registration within thirty (30) days of receipt of the notification.

(2) The commissioner shall send a copy of the revised registration to the registrant.

(3) The registrant may implement the change or modification upon submittal of the notification.

(g) Any person proposing to make a change or modification not described in subsection (d) shall submit an application concerning the change or modification prior to making the change or modification and shall include the information under subsection (c).

(h) An application submitted in accordance with subsection (g) shall be processed as follows:

(1) Within forty-five (45) days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:

(A) Approve the modification request and issue a revised registration incorporating the modification.

(B) Determine that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

(C) Deny the modification request.

(2) If after review of the application, the commissioner determines that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the commissioner shall:

(A) notify the source of the requirement to obtain an operating permit;

(B) provide the source with the appropriate permit application forms; and

(C) issue or deny the operating permit pursuant to the requirements in 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, whichever is applicable.

(Air Pollution Control Board; 326 IAC 2-5.5-6; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 794; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)

Rule 6. Emission Reporting

326 IAC 2-6-1 Applicability

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all of the following:

(1) Sources required to have an operating permit under 326 IAC 2-7, Part 70 Permit Program.

(2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:

(A) Lake.

(B) Porter.

(C) LaPorte.

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

(b) All sources permitted by the department are subject to section 5 of this rule, additional information requests.

(c) Sources covered by subsection (a) must comply with the compliance schedule in section 3 of this rule. *(Air Pollution Control Board; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210; filed Jul 14, 2006, 1:25 p.m.: 20060809-IR-326050078FRA)*

326 IAC 2-6-2 Definitions

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-11-2; IC 13-15; IC 13-17

Sec. 2. For purposes of this rule, the definition given for a term in this rule shall control in any conflict between 326 IAC 1-2 and this rule. In addition to the definitions provided in IC 13-11-2 and 326 IAC 1-2, the following definitions apply throughout this rule unless expressly stated otherwise:

(1) "Actual emissions" means the emissions in tons per year of any pollutant emitted by an emissions unit for the calendar year.

(2) "Annual process rate" means the actual or estimated annual fuel, process, or solid waste operating rate in a calendar year.

(3) "Ash content" means the inert residual portion of a fuel.

(4) "Capture efficiency" means the percent of the total emissions captured and routed to the air pollution control equipment.
(5) "Control efficiency" means the percent of the total emissions routed to the air pollution control equipment that are destroyed or captured by the air pollution control equipment. The control efficiency includes control equipment downtime and any malfunctions that occurred while the emission unit or units are in operation. If the actual control efficiency during the calendar year is unknown or cannot reasonably be predicted from available data, then the efficiency provided by the manufacturer may be used.
(6) "Control equipment identification code" means the code provided by the department that defines the equipment used to reduce, by destruction or removal, the amount of air pollutants in a gas stream prior to discharge to the ambient air. Examples of destruction or removal are incineration and carbon adsorption.
(7) "Days per week in operation" means the days per week that the emitting process operates averaged over the inventory period.
(8) "Design capacity" means a measure of the size of a point source based on the reported maximum operational capacity of the unit.
(9) "Downtime" means the period of time when the air pollution control equipment is not operational and the process it is controlling is in operation.
(10) "Emission factor" means an estimate of the rate at which a pollutant is released to the atmosphere as the result of some activity, divided by the rate of that activity, such as production rate or throughput.
(11) "Emissions group" means any combination of like emissions units or processes from a single building, adjacent buildings, or areas. Like emissions units or processes will contain emission units with same or similar emission estimating methods or source classification codes.
(12) "Estimated emissions method code" means a code provided by the department that identifies the estimation technique used in the calculation of estimated emissions.
(13) "Fugitive emissions" has the meaning set forth in 326 IAC 2-7-1(18).
(14) "Heat content" means the amount of thermal heat energy in a solid, liquid, or gaseous fuel.
(15) "Hours per day in operation" means hours per day that the emitting process operated averaged over the days in operation in the calendar year.
(16) "Maximum nameplate capacity" means a measure of a unit's size that the manufacturer puts on the unit's nameplate.
(17) "Oxides of nitrogen" or "NO_x" means all oxides of nitrogen, including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as molecular weight of nitrogen dioxide.
(18) "Percent annual throughput" means the weighted percent of yearly activity for the following quarters:
(A) Winter meaning December, January, and February of the same year. For example, winter 2004 would be equal to the sum of the monthly percent activity for January 2004, February 2004, and December 2004.
(B) Spring meaning March through May of the same calendar year.
(C) Summer meaning June through August of the same calendar year.
(D) Fall meaning September through November of the same calendar year.
(19) "Potential to emit" has the meaning set forth in 326 IAC 2-7-1(29).
(20) "Process rate" means a quantity per unit time of any raw material or process intermediate consumed, or product generated through the use of any equipment, source operation, or process. For a stationary internal combustion unit or any other fuel burning equipment, this term means the quantity of fuel burned per unit time.
(21) "Responsible official" has the meaning set forth in 326 IAC 2-7-1(34).
(22) "Sulfur content" means the sulfur content of a fuel, expressed as percent by weight.

(Air Pollution Control Board; 326 IAC 2-6-2; filed Nov 12, 1993, 4:00 p.m.: 17 IR 733; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210)

326 IAC 2-6-3 Compliance schedule

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 3. (a) The owner or operator of a source subject to section 1(a) of this rule must submit an emission statement covering the previous calendar year to the department according to the following schedule:
(1) Annually, by July 1, for sources subject to section 1(a)(2) of this rule or with the potential to emit annual emissions greater than or equal to any of the following emission thresholds:

(A) Two thousand five hundred (2,500) tons per year of any of the following:
(i) Carbon monoxide.
(ii) Oxides of nitrogen.
(iii) Sulfur dioxide.
(B) Two hundred fifty (250) tons per year of either of the following:
(i) Particulate matter less than or equal to ten (10) micrometers (PM_{10}).
(ii) Volatile organic compounds.
(2) Triennially, by July 1, according to the schedule in subsection (b) for all sources not subject to annual reporting in subdivision (1).
(b) The county schedule for reporting under subsection (a)(2) is as follows:
(1) Starting in 2004, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:
(A) Adams County.
(B) Allen County.
(C) Benton County.
(D) Carroll County.
(E) Cass County.
(F) Dekalb County.
(G) Elkhart County.
(H) Fulton County.
(I) Huntington County.
(J) Jasper County.
(K) Kosciusko County.
(L) LaGrange County.
(M) Lake County.
(N) LaPorte County.
(O) Marshall County.
(P) Miami County.
(Q) Newton County.
(R) Noble County.
(S) Porter County.
(T) Pulaski County.
(U) St. Joseph County.
(V) Starke County.
(W) Steuben County.
(X) Wabash County.
(Y) Wells County.
(Z) White County.
(AA) Whitley County.
(2) Starting in 2005, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:
(A) Blackford County.
(B) Boone County.
(C) Clinton County.
(D) Delaware County.
(E) Fayette County.
(F) Fountain County.
(G) Grant County.
(H) Hamilton County.
(I) Hancock County.
(J) Hendricks County.

(K) Henry County.
(L) Howard County.
(M) Jay County.
(N) Johnson County.
(O) Madison County.
(P) Marion County.
(Q) Montgomery County.
(R) Morgan County.
(S) Parke County.
(T) Putnam County.
(U) Randolph County.
(V) Rush County.
(W) Shelby County.
(X) Tippecanoe County.
(Y) Tipton County.
(Z) Union County.
(AA) Warren County.
(BB) Wayne County.

(3) Starting in 2006, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

(A) Bartholomew County.
(B) Brown County.
(C) Clark County.
(D) Clay County.
(E) Crawford County.
(F) Daviess County.
(G) Dearborn County.
(H) Decatur County.
(I) Dubois County.
(J) Floyd County.
(K) Franklin County.
(L) Gibson County.
(M) Greene County.
(N) Harrison County.
(O) Jackson County.
(P) Jefferson County.
(Q) Jennings County.
(R) Knox County.
(S) Lawrence County.
(T) Martin County.
(U) Monroe County.
(V) Ohio County.
(W) Orange County.
(X) Owen County.
(Y) Perry County.
(Z) Pike County.
(AA) Posey County.
(BB) Ripley County.
(CC) Scott County.
(DD) Spencer County.
(EE) Sullivan County.

(FF) Switzerland County.
(GG) Vanderburgh County.
(HH) Vermillion County.
(II) Vigo County.
(JJ) Warrick County.
(KK) Washington County.

(c) The department will make available emission statement reporting forms to sources subject to this rule.

(d) Sources subject to this rule may submit their emission statement as follows:

(1) Electronically. Sources that submit their emission statement electronically must submit to the department a certification that complies with section 4(c)(1) of this rule by the submission deadline.

(2) By mail. The United States Postal Service postmark is the submittal date.

(3) By private carrier. Records of dates of receipt and delivery by the service must be maintained.

(4) By hand delivery to the office of air quality, Indianapolis, Indiana.

(Air Pollution Control Board; 326 IAC 2-6-3; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2212; filed Jul 14, 2006, 1:25 p.m.: 20060809-IR-326050078FRA)

326 IAC 2-6-4 Requirements

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 4. (a) A source subject to section 1(a) of this rule shall report estimated actual emissions in the emission statement of the following pollutants:

(1) Carbon monoxide (CO).

(2) Volatile organic compounds (VOC).

(3) Oxides of nitrogen (NO_x).

(4) Particulate matter less than or equal to ten (10) micrometers (PM_{10}).

(5) Sulfur dioxide (SO_2).

(6) Lead and lead compounds, including any unique chemical substance that contains lead.

(7) Particulate matter less than or equal to two and five-tenths (2.5) micrometers ($PM_{2.5}$).

(8) Ammonia (NH_3).

(b) Emissions from processes that are insignificant or trivial activities as defined in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40) are not required to be reported in an emission statement.

(c) The emission statement submitted by the source must contain, at a minimum, the following information:

(1) Certification by a responsible official that the information in the emission statement is accurate based on reasonable estimates using data available to the preparers and on a reasonable inquiry into records and persons responsible for the operation of the source, and is true, accurate, and complete. The certification shall include the:

(A) full name;
(B) title;
(C) signature;
(D) date of signature; and
(E) telephone number;

of the person signing the certification.

(2) Source identification information, to include the following:

(A) Full name, physical location, and mailing address of the source.
(B) Source universal transverse mercator (UTM) or latitude and longitude.
(C) North American Industry Classification System (NAICS) code.

(3) Operating data, for each emission unit or emissions group, to include the following:

(A) Percent annual throughput by quarter as defined in section 2 of this rule.
(B) Days per week in operation.
(C) Design capacity.
(D) Hours per day in operation.

(E) Hours per year in operation.
(F) Maximum nameplate capacity.

(4) For reporting purposes, multiple stacks that vent to the atmosphere may be grouped together to reflect any grouping of process units. Stack parameters include the following:
(A) Stack identification.
(B) Stack height and diameter (in feet).
(C) Universal transverse mercator (UTM) or latitude and longitude coordinates.
(D) Exit gas temperature (degrees Fahrenheit).
(E) Exit gas flow rates in cubic feet per minute.

(5) Emissions information for each process, to include the following:
(A) The estimated actual emissions of all pollutants listed in subsection (a) at the process level in tons per year. Actual emission estimates must:
(i) include upsets, downtime, and fugitive emissions; and
(ii) follow an emission estimation method.
Fugitive emissions may be reported as plantwide or grouped together in a logical manner. If control efficiencies are adjusted because of upsets, downtime, and malfunctions, information must be provided about how the control efficiencies are calculated.
(B) Emissions of VOC, PM_{10}, and $PM_{2.5}$ shall be reported as total VOC, PM_{10}, and $PM_{2.5}$ emissions, respectively.
(C) Calendar year for the emissions.
(D) Estimated emissions method code provided by the department.
(E) Emission factor, if part of emissions calculation. Acceptable sources of an emission factor include the following:
(i) AP-42, "Compilation of Air Pollutant Emission Factors AP-42" as defined at 326 IAC 1-2-20.5.
(ii) Site-specific values accepted by the department and the U.S. EPA.
(iii) Other documentable methodology accepted by the department and the U.S. EPA.
(F) Source classification code (SCC).
(G) Annual process rate (annual throughput) to the extent it is part of emissions calculation.
(H) If part of emissions calculation, the following:
(i) Ash content.
(ii) Sulfur content.
(iii) Heat content.

(6) Control equipment information, to include the following:
(A) Capture efficiency.
(B) Current control equipment efficiency percentage unless a controlled emission factor is applied. The actual efficiency should reflect the total control efficiency from all control equipment for each process pollutant. If the actual control efficiency is unavailable, the:
(i) efficiency designed by the manufacturer may be used; or
(ii) control efficiency limit imposed by a permit should be used.
(C) Control equipment identification code.

(d) Nothing in this rule requires stack testing. *(Air Pollution Control Board; 326 IAC 2-6-4; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; errata, 17 IR 1009; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2213; filed Jul 14, 2006, 1:25 p.m.: 20060809-IR-326050078FRA)*

326 IAC 2-6-5 Additional information requests

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17

Sec. 5. The department may request emissions and emissions-related information about any regulated air pollutant as defined at 326 IAC 2-7-1(31) from any source permitted by the department when needed for air quality planning, air quality modeling, or state implementation plan development. A source that receives an information request pursuant to this section shall provide the information, based on reasonable estimates and using data available to the preparers, in writing to the department within sixty (60) days of receipt of the department's request. A source may request additional time to submit the information. Types of circumstances

when the department may request information include the following:

(1) To identify sources or processes that emit a monitored pollutant.

(2) To address public complaints.

(3) To develop and quality assure emissions inventories, as necessary, for permit modeling, state implementation plan development, rulemaking, or perform air risk analysis.

(4) To survey industry wide sources or geographic specific areas to address potential health risks.

(5) To assess pollutants for a single industry source.

(6) To comply with an information request from a local, state, or federal agency.

(7) To verify or supplement Emergency Planning and Community Right-to-Know Act Section 313 toxic release inventory information.

(Air Pollution Control Board; 326 IAC 2-6-5; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2215)

Rule 6.1. Minor Source Operating Permit Program

326 IAC 2-6.1-1 Exemptions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. The following shall be exempt from the requirements of this rule:

(1) Existing sources or modifications to existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or are not specifically required to obtain a permit under this rule shall be exempt from the requirements of this rule.

(2) Existing sources operating pursuant to one (1) of the following:

(A) A Part 70 permit under 326 IAC 2-7.

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

(C) A source specific operating agreement under 326 IAC 2-9.

(D) A permit by rule under 326 IAC 2-10.

(E) A permit by rule under 326 IAC 2-11.

(Air Pollution Control Board; 326 IAC 2-6.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795)

326 IAC 2-6.1-2 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. Except for sources required to have a Part 70 permit as described in 326 IAC 2-7-2, sources in existence prior to December 25, 1998, and meeting any of the applicability criteria under 326 IAC 2-5.1-3(a) shall apply for an air operating permit as described in this rule. *(Air Pollution Control Board; 326 IAC 2-6.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795)*

326 IAC 2-6.1-3 Compliance schedule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. (a) Any chrome electroplating source that meets the applicability criteria under 326 IAC 2-5.1-3 or medical waste incinerator subject to 40 CFR 60, Subpart Ce*, shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air operating permit must apply for approval under this rule no later than ninety (90) days prior to the expiration date of that permit, except for the following:

(1) A source subject to the Part 70 Operating Permit Program under 326 IAC 2-7.

(2) A source subject to the FESOP program under 326 IAC 2-8.

(3) A source subject to source specific operating agreement requirements under 326 IAC 2-9.

(4) A source subject to the requirements under 326 IAC 2-10 or 326 IAC 2-11.

(c) Any existing source not described by subsection (a) that does not have a valid air operating permit shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(d) Submittal of a complete Part 70 operating permit application under 326 IAC 2-7-3 and 326 IAC 2-7-4, whether before or after the effective date of this rule, shall satisfy the requirements of this rule.

*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 2-6.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed May 21, 2002, 10:20 a.m.: 25 IR 3062; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795)*

326 IAC 2-6.1-4 Application requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-4-9; IC 13-17

Sec. 4. (a) At a minimum, an application for a permit or permit revision shall include the following information:

(1) The company name and address.

(2) The following descriptive information:

(A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source or emissions unit.

(4) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA, the ambient air quality standards set forth in 326 IAC 1-3, or the prevention of significant deterioration maximum allowable increase under 326 IAC 2-2:

(A) Information on the nature and amount of the pollutant to be emitted, including an estimate of the potential to emit any regulated air pollutant.

(B) Estimates of offset credits as required under 326 IAC 2-3, for sources to be constructed in nonattainment areas.

(C) Monitoring, testing, reporting, and record keeping requirements.

(D) Any other information (including, but not limited to, the air quality impact) determined by the commissioner to be necessary to demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(b) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application; or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) calendar days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) calendar days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. *(Air Pollution Control Board; 326 IAC 2-6.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 796)*

326 IAC 2-6.1-5 Operating permit content

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 5. (a) Permits or permit revisions issued under this rule shall contain the following:

(1) Emission limitations for any source or emissions unit that assure:

(A) the ambient air quality standards set forth in 326 IAC 1-3 will be attained or maintained, or both;

(B) the applicable prevention of significant deterioration maximum allowable increases set forth in 326 IAC 2-2 will be maintained;

(C) the public health will be protected; and

(D) compliance with the requirements of this title and the requirements of the CAA will be maintained.

(2) Monitoring, testing, reporting, and record keeping requirements that assure reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA. Such requirements shall be in accordance with 326 IAC 3 and other applicable regulations.

(3) A requirement that any revision of an emission limitation, monitoring, testing, reporting, and record keeping requirements shall be made consistent with the permit revision requirements under section 6 of this rule and the procedures under this rule.

(4) A requirement that upon presentation of credentials and other documents as may be required by law, the owner or operator shall allow the commissioner, an authorized representative of the commissioner, or the U.S. EPA to perform the following at a reasonable time of day and in accordance with safety requirements:

(A) Enter upon the premises where a permitted source is located or emissions-related activity is conducted or where records required by a permit term or condition are kept.

(B) Have access to and copy any records that must be kept under this title or the conditions of a permit or operating permit revision.

(C) Inspect any operations, processes, emissions units (including monitoring and air pollution control equipment), or practices regulated or required under a permit or operating permit revision.

(D) Sample or monitor substances or parameters for the purpose of assuring compliance with a permit, permit revision, or applicable requirement as authorized by the CAA and this title.

(E) Document alleged violations using cameras or video equipment. Such documentation may be subject to a claim of confidentiality under 326 IAC 17.1.

(5) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the permit or registration. The commissioner may request that the source provide an identification of all emission units that have been installed that are described under 326 IAC 2-1.1-3(e)(1) through 326 IAC 2-1.1-3(e)(31) with the annual notification.

(b) An operating permit issued under this rule may include terms and conditions that, notwithstanding the permit modification or revision requirements under section 6 of this rule, allow the source to make modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:

(1) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.

(2) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

(c) The commissioner shall not issue a minor source operating permit that includes terms and conditions that limit the potential to emit of the source to below emission thresholds for a Part 70 permit. *(Air Pollution Control Board; 326 IAC 2-6.1-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1016; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 796; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-6.1-6 Permit revisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-5; IC 13-17

Sec. 6. (a) Any person proposing to construct new emission units, modify existing emission units, or otherwise modify the source as described in this section shall submit an application or notification for a permit revision in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof if the repair or replacement:

(1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;

(2) is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1; and

(3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following information:

(1) The company name and address.

(2) A description of the change and the emissions resulting from the change.

(3) An identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements.

(4) A schedule of compliance, if applicable.

(5) Each application or notification shall be signed by an authorized individual whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be modified and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall also constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes and shall not require public notice or prior approval by the commissioner:

(1) Changes correcting typographical errors.

(2) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.

(3) Changes in ownership or operational control of a source.

(4) Modifications that would require more frequent monitoring or reporting.

(5) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in 326 IAC 2-1.1-3(e)(1) or a significant change in the method or methods to demonstrate or monitor compliance.

(6) Incorporation of newly applicable requirements as a result of a change in applicability.

(7) Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60*, 40 CFR 61*, or 40 CFR 63*.

(8) Incorporation of newly-applicable monitoring or testing requirements specified in 40 CFR 60*, 40 CFR 61*, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.

(9) Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.

(10) Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs.

(11) A modification that meets the applicability criteria and can meet and will comply with the operational limitations for a source specific operating agreement under 326 IAC 2-9 or a general permit under 326 IAC 2-12.

(12) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:

(A) results in the replacement or repair of an entire process;
(B) qualifies as a reconstruction of an entire process; or
(C) may result in an increase of actual emissions.

(13) A modification that adds an emissions unit or units of the same type that are already permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in 326 IAC 2-2 or 326 IAC 2-3.

(14) A modification that is subject to the following reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*:

(A) 40 CFR 60.40c*, except for modifications to a source located in Lake County.
(B) 40 CFR 60.110b*.
(C) 40 CFR 60.250*, except for modifications that include thermal dryers.
(D) 40 CFR 60.330* for modifications that only include emergency generators.
(E) 40 CFR 60.670*.
(F) 40 CFR 61.110*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP. For modifications under clauses (A) through (D), the source must use the monitoring specified in the relevant RACT, NSPS, or NESHAP.

(15) A modification that is subject to the following new source performance standards (NSPSs), except for modifications that would be subject to 326 IAC 8-1-6:

(A) 40 CFR 60.310*.
(B) 40 CFR 60.390*.
(C) 40 CFR 60.430*.
(D) 40 CFR 60.440*.
(E) 40 CFR 60.450*.
(F) 40 CFR 60.460*.
(G) 40 CFR 60.490*.
(H) 40 CFR 60.540*.
(I) 40 CFR 60.560*.
(J) 40 CFR 60.580*.
(K) 40 CFR 60.600*.
(L) 40 CFR 60.660*.
(M) 40 CFR 60.720*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the NSPS. For modifications under clauses (A) through (H), the source must use the monitoring specified in the NSPS.

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) calendar days of making the change or modification and shall include the information required under subsection (c). The notification shall be sent by one (1) of the following means:

(1) Certified mail.
(2) Delivery by hand or express service.
(3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall revise the permit within thirty (30) days of receipt of the notification. The commissioner shall provide the permittee with a copy of the revised permit. Notwithstanding IC 13-15-5, the permit revision shall be effective immediately.

(g) The following modifications shall require minor permit revisions and shall require approval prior to construction and operation:

(1) Modifications that would reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.
(2) The addition of a portable source or relocation of a portable source to an existing source, if the addition or relocation would require a change to any permit terms or conditions.

(3) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not increase the potential to emit any regulated pollutant greater than the thresholds under subdivision (4), but requires a significant change in the method or methods to demonstrate or monitor compliance.

(4) Modifications that would have a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO_2).

(ii) Nitrogen oxides (NO_x).

(iii) Volatile organic compounds (VOC) for modifications that are not described in clause (C).

(C) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for modifications that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(D) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(E) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(F) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H_2S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(5) Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated pollutant other than hazardous air pollutants, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:

(A) Limiting total annual solvent usage or maximum volatile organic compound content, or both.

(B) Limiting annual hours of operation of the process or business.

(C) Using a particulate air pollution control device as follows:

(i) Achieving and maintaining ninety-nine percent (99%) efficiency.

(ii) Complying with a no visible emission standard.

(iii) The potential to emit before air pollution controls does not exceed major source thresholds for federal permitting programs.

(iv) Certifying to the commissioner that the air pollution control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}).

(D) Limiting individual fuel usage and fuel type for a combustion source.

(E) Limiting raw material throughput or sulfur content of raw materials, or both.

(6) A modification that is not described under subsection (d)(14) or (d)(15) and is subject to a RACT, a NSPS, or a NESHAP, and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.

(7) A change for which a source requests an emission limit to avoid 326 IAC 8-1-6.

(h) Minor permit revision procedures are as follows:

(1) Any person proposing to make a modification described in subsection (g) shall submit an application concerning the modification and shall include the information under subsection (c).

(2) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.

(3) Within forty-five (45) calendar days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:

(A) Approve the minor permit revision request.

(B) Deny the minor permit revision request.

(C) Determine that the minor permit revision request would cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards, would allow for an increase in emissions greater than the thresholds in subsection (i), or would not provide for compliance monitoring consistent with this rule and should be processed as a significant permit revision.

(4) The permit shall be revised by incorporating the minor permit revision into the permit. The commissioner shall make all changes necessary to assure compliance with this title and the CAA prior to attaching the amendment to the permit. The commissioner shall notify the source upon attachment of the minor permit revision to the permit. Notwithstanding IC 13-15-5, the permit revision shall be effective immediately.

(i) Significant permit revision procedures are as follows:

(1) Significant permit revisions are those changes that are not subject to subsection (d) or (g) and include the following:

(A) Any modification that would be subject to 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1.

(B) Any modification that results in the source needing to obtain a FESOP under 326 IAC 2-8 or a Part 70 permit under 326 IAC 2-7.

(C) A modification that is subject to 326 IAC 8-1-6.

(D) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.

(E) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of the following pollutants:

(i) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}).

(ii) Sulfur dioxide (SO_2).

(iii) Nitrogen oxides (NO_x).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H_2S).

(vi) Total reduced sulfur (TRS).

(vii) Reduced sulfur compounds.

(viii) Fluorides.

(F) For a source of lead with a potential to emit greater than or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(G) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single hazardous air pollutant as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(H) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

(I) Modifications involving a pollution control project as defined in 326 IAC 2-1.1-1 that result in an increase in the potential to emit any regulated pollutant greater than the thresholds under this section and require a significant change in the method or methods to demonstrate or monitor compliance.

(J) Modifications involving a pollution prevention project as defined in 326 IAC 2-1.1-1 that increase the potential to emit any regulated pollutant greater than the thresholds under this section.

(2) The following shall apply to significant permit revisions:

(A) Any person proposing to make a modification described in subdivision (1) shall submit an application concerning the modification and shall include the information under subsection (c).

(B) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.

(C) The commissioner shall provide for public notice and comment in accordance with 326 IAC 2-1.1-6.

(D) The commissioner shall approve or deny the significant permit revision as follows:

(i) Within one hundred twenty (120) calendar days from receipt of an application for a significant permit revision, except for a significant permit revision under subdivision (1)(A).

(ii) Within two hundred seventy (270) calendar days from receipt of an application for a significant permit revision under subdivision (1)(A).

(E) The permit shall be revised by incorporating the significant permit revision into the permit. The commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the significant permit revision to the permit.

*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 2-6.1-6; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1017; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed May 21, 2002, 10:20 a.m.: 25 IR 3062; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 797; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-6.1-7 Operating permit renewal

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 7. (a) An operating permit shall be valid for a period of time not to exceed five (5) years. However, permits may be valid for any lesser period if determined necessary for administrative reasons by the commissioner.

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

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

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

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

(Air Pollution Control Board; 326 IAC 2-6.1-7; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1020; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 801)

Rule 7. Part 70 Permit Program

326 IAC 2-7-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11-2

Sec. 1. For purposes of this rule, the definition given for a term in this rule shall control in any conflict between 326 IAC 1-2 and this rule. In addition to the definitions provided in IC 13-11-2 and 326 IAC 1-2, the following definitions apply throughout this rule unless expressly stated otherwise or unless the context clearly implies otherwise:

(1) "Acid rain program" means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with Title IV of the CAA, 40 CFR 72*, and 40 CFR 75* through 40 CFR 78*, 58 FR 3590*, and regulations implementing Sections 407 and 410 of the CAA.

(2) "Actual emissions" means the actual rate of emissions in tons per year of any regulated pollutant emitted from a Part 70 source over the preceding calendar year or any other period determined by the commissioner to be representative of normal source operation.

(3) "Affected source" shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.

(4) "Affected states" means all states:

(A) whose air quality may be affected and are contiguous to the state of Indiana; or

(B) that are within fifty (50) miles of the permitted source.

(5) "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.

(6) "Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source (including

requirements that have been promulgated or approved by the U.S. EPA through rulemaking at the time of permit issuance but have future effective compliance dates):

(A) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the U.S. EPA through rulemaking under Title I of the CAA that implements the relevant requirements of the CAA, including any revisions to that plan promulgated in 40 CFR 52*.

(B) Any term or condition of any preconstruction permits issued under regulations approved or promulgated through rulemaking under Title I, including Part C or D of the CAA.

(C) Any standard or other requirement under Section 111 of the CAA, including Section 111(d) of the CAA.

(D) Any standard or other requirement under Section 112 of the CAA, including any requirement concerning accident prevention under Section 112(r)(7) of the CAA.

(E) Any standard or other requirement of the acid rain program under Title IV of the CAA or the regulations promulgated thereunder.

(F) Any requirements established under Section 504(b) or 114(a)(3) of the CAA.

(G) Any standard or other requirement governing solid waste incineration under Section 129 of the CAA.

(H) Any standard or other requirement for consumer and commercial products under Section 183(e) of the CAA.

(I) Any standard or other requirement for tank vessels under Section 183(f) of the CAA.

(J) Any standard or other requirement of the Code of Federal Regulations promulgated to protect stratospheric ozone under Title VI of the CAA, unless the U.S. EPA has determined that such requirements need not be contained in a Part 70 permit.

(K) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the CAA, but only as it would apply to temporary sources permitted under Section 504(e) of the CAA.

(7) "Area source" means any stationary source of hazardous air pollutants that is not a major source. This term does not include motor vehicles or nonroad vehicles subject to regulation under Title II of the CAA.

(8) "Clean Air Act" or "CAA" means the Clean Air Act, as amended (including the Clean Air Act Amendments of 1990 (P.L.101-549)), 42 U.S.C. 7401, et seq.

(9) "Code of Federal Regulations" or "CFR", unless otherwise provided, means:

(A) with respect to 40 CFR **, generally, the July 1, 1998, edition of the Code of Federal Regulations; and

(B) with respect to 40 CFR 70 **, the codified regulation published in the Federal Register, Volume 57, Number 140, Tuesday, July 21, 1992.

(10) "Designated representative" shall have the meaning given to it in Section 402(26) of the CAA and the regulations promulgated thereunder.

(11) "Draft Part 70 permit" means the version of a Part 70 permit for which the commissioner offers public participation and notice to affected states under section 17 of this rule.

(12) "Emergency" means any situation, including acts of God, arising from sudden and reasonably unforeseeable events beyond the reasonable control of the source, which:

(A) requires immediate corrective action to restore normal operation; and

(B) causes the source to exceed an emission limit under a Part 70 permit due to unavoidable increases in emissions attributable to the emergency.

An emergency shall not include noncompliance to the extent caused by improperly designed equipment, failure to implement an adequate preventive maintenance plan, careless or improper operation, or operator error.

(13) "Emission limitation or standard" means any of the following as defined under the CAA:

(A) A federally enforceable emission limitation or standard.

(B) A standard of performance.

(C) A means of emission limitation.

An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate, or concentration of emissions (for example, pounds of sulfur dioxide (SO_2) per hour, pounds of sulfur dioxide (SO_2) per mmBtu, or kilograms of volatile organic compounds (VOC) per liter of applied coating solids) or as the relationship of uncontrolled to controlled emissions (for example, percent capture and destruction efficiency of VOC or percent reduction of SO_2). An emission limitation or standard may also be expressed either as a work practice process or other form of design, equipment operation, or operation and maintenance requirement.

(14) "Emissions allowable under the Part 70 permit" means a federally enforceable Part 70 permit term or condition determined

at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(15) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the CAA. This term is not meant to alter or affect the definition of unit for purposes of Title IV of the CAA.

(16) "Federally enforceable state operating permit" or "FESOP" means a permit issued under 326 IAC 2-8.

(17) "Final Part 70 permit" means the version of a Part 70 permit issued by the commissioner that has completed all review procedures required by sections 17 and 18 of this rule.

(18) "Fugitive emissions" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(19) "General Part 70 permit" means a Part 70 permit that is applicable to a class or category of sources or modifications thereto, whether or not under common ownership or control, that are subject to similar applicable requirements.

(20) "Health-based emission limit" means any enforceable condition the sole purpose of which is to protect public health or welfare without regard to technical achievability, including, but not limited to, any requirement in a permit based on:

(A) an emission standard for hazardous air pollutants promulgated under 40 CFR 61*, including 326 IAC 14;

(B) conditions to prevent significant deterioration of air quality established under 40 CFR 52.21*, including 326 IAC 2-2-5 and 326 IAC 2-2-6 but excluding conditions based on best available control technology (BACT);

(C) limits relied upon in a formal attainment demonstration supporting a state implementation plan approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA, with the exception of limits based on reasonably available control technology (RACT) for sources of volatile organic compounds (VOCs) in areas designated attainment for ozone in accordance with the CAA; or

(D) conditions established as residual risk standards under 42 U.S.C. 7412(f).

(21) "Insignificant activity" has any of the meanings specified in clauses (A) through (G) as follows:

(A) An emission unit or activity whose potential uncontrolled emissions meet the exemption levels specified in 326 IAC 2-1.1-3(e)(1) or the exemption levels specified in the following, whichever is lower:

(i) For lead or lead compounds measured as elemental lead, the exemption level is six-tenths (0.6) ton per year or three and twenty-nine hundredths (3.29) pounds per day.

(ii) For carbon monoxide (CO), the exemption limit is twenty-five (25) pounds per day.

(iii) For sulfur dioxide, the exemption level is five (5) pounds per hour or twenty-five (25) pounds per day.

(iv) For volatile organic compounds (VOC), the exemption limit is three (3) pounds per hour or fifteen (15) pounds per day.

(v) For nitrogen oxides (NO_x), the exemption limit is five (5) pounds per hour or twenty-five (25) pounds per day.

(B) For an emission unit or activity with potential uncontrolled emissions of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}), the exemption level is either five (5) pounds per hour or twenty-five (25) pounds per day.

(C) For units with potential uncontrolled emissions of HAPs, that are not listed as insignificant in clauses (D) through (G) or defined as trivial in subdivision (40), an insignificant activity is any of the following:

(i) Any unit, not regulated by a NESHAP, emitting greater than one (1) pound per day but less than five (5) pounds per day or one (1) ton per year of a single HAP.

(ii) Any unit, not regulated by a NESHAP, emitting greater than one (1) pound per day but less than twelve and five-tenths (12.5) pounds per day or two and five-tenths (2.5) tons per year of any combination of HAPs.

The source shall provide a description of the insignificant activity, including identification of the HAPs emitted and any applicable requirements. A source may rely on MSDS sheets, product labels, other manufacturer's information, or other technical and scientific judgement for identification of HAPs. Insignificant activities that are part of a multistep process line shall be reported as such on the operating permit application, and the source shall include a description of the function and components of the process line on the operating permit application. Insignificant activities that perform equivalent functions shall be grouped, and the function and number of those units shall be included on the operating permit application.

(D) Emissions from a laboratory as defined in this clause. As used in this clause, "laboratory" means a place or activity devoted to experimental study or teaching, or to the testing and analysis of drugs, chemicals, chemical compounds or

other substances, or similar activities, provided that the activities described in this clause are conducted on a laboratory scale. 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. If a facility manufactures or produces products for profit in any quantity, it shall not be considered to be a laboratory under this clause. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support activities do not include the provision of power to the laboratory from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to an entire facility.

(E) Emissions from research and development activities as defined in this clause. As used in this clause, "research and development activities" means activities conducted under close supervision of technically trained personnel that are not engaged in the manufacture of products for sale, exchange for commercial profit, or distribution, except in a de minimis manner and the primary purpose of which is to:

(i) test more efficient production processes;

(ii) test methods for preventing or reducing adverse environmental impacts; or

(iii) conduct research and development into new processes and products.

Support activities necessary to the research and development activities are considered to be part of the research and development activities. Support activities do not include the provision of power to the research and development activities from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(F) Emissions from educational and teaching activities as defined in this clause. As used in this clause, "educational and teaching activities" means activities conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes provided the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution. Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities. Support activities do not include the provision of power to the educational and teaching activities from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(G) Any of the following listed activities:

(i) Combustion related activities, including the following:

(AA) Space heaters, process heaters, heat treat furnaces, or boilers using the following fuels:

(aa) Natural gas-fired combustion sources with heat input equal to or less than ten million (10,000,000) British thermal units per hour.

(bb) Propane or liquified petroleum gas or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) British thermal units per hour.

(cc) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) British thermal units per hour and firing fuel containing equal to or less than five-tenths percent (0.5%) sulfur by weight.

(dd) Wood-fired combustion sources with heat input equal to or less than one million (1,000,000) British thermal units per hour and not burning treated wood or chemically contaminated wood.

(BB) Equipment powered by diesel fuel fired or natural gas fired internal combustion engines of capacity equal to or less than five hundred thousand (500,000) British thermal units per hour except where total capacity of equipment operated by one (1) stationary source as defined by subdivision (38) exceeds two million (2,000,000) British thermal units per hour.

(CC) Combustion source flame safety purging on startup.

(ii) Fuel dispensing activities, including the following:

(AA) A gasoline fuel transfer dispensing operation handling less than or equal to one thousand three hundred (1,300) gallons per day and filling storage tanks having a capacity equal to or less than ten thousand five hundred (10,500) gallons. Such storage tanks may be in a fixed location or on mobile equipment.

(BB) A petroleum fuel other than gasoline dispensing facility, having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons, and dispensing three thousand five hundred (3,500) gallons per day or less.

(iii) The following VOC and HAP storage containers:
(AA) Storage tanks with capacity less than or equal to one thousand (1,000) gallons and annual throughputs equal to or less than twelve thousand (12,000) gallons.
(BB) Vessels storing the following:
(aa) Lubricating oils.
(bb) Hydraulic oils.
(cc) Machining oils.
(dd) Machining fluids.
(iv) Refractory storage not requiring air pollution control equipment.
(v) Equipment used exclusively for the following:
(AA) Packaging the following:
(aa) Lubricants.
(bb) Greases.
(BB) Filling drums, pails, or other packaging containers with the following:
(aa) Lubricating oils.
(bb) Waxes.
(cc) Greases.
(vi) Production related activities, including the following:
(AA) Application of:
(aa) oils;
(bb) greases;
(cc) lubricants; and
(dd) nonvolatile material;
as temporary protective coatings.
(BB) Machining where an aqueous cutting coolant continuously floods the machining interface.
(CC) Degreasing operations that do not exceed one hundred forty-five (145) gallons per twelve (12) months, except if subject to 326 IAC 20-6.
(DD) Cleaners and solvents characterized as:
(aa) having a vapor pressure equal to or less than two (2.0) 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
(bb) having a vapor pressure equal to or less than 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.
(EE) The following equipment related to manufacturing activities not resulting in the emission of HAPs:
(aa) Brazing.
(bb) Cutting torches.
(cc) Soldering.
(dd) Welding.
(FF) Closed loop heating and cooling systems.
(GG) Infrared cure equipment.
(HH) Exposure chambers (towers or columns), for curing of ultraviolet inks and ultraviolet coatings where heat is the intended discharge.
(II) Any of the following structural steel and bridge fabrication activities:
(aa) Cutting two hundred thousand (200,000) linear feet or less of one (1) inch plate or equivalent.
(bb) Using eighty (80) tons or less of welding consumables.
(vii) Activities associated with the following recovery systems:
(AA) Rolling oil recovery systems.
(BB) Ground water oil recovery wells.

(viii) Solvent recycling systems with batch capacity less than or equal to one hundred (100) gallons.
(ix) Water based activities, including the following:
(AA) Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume.
(BB) Water run-off ponds for petroleum coke-cutting and coke storage piles.
(CC) 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 on-site sewage treatment facility.
(DD) Any operation using aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs.
(EE) Water based adhesives that are less than or equal to five percent (5%) by volume of VOCs excluding HAPs.
(FF) Noncontact cooling tower systems with either of the following:
(aa) Natural draft cooling towers not regulated under a NESHAP.
(bb) Forced and induced draft cooling tower systems not regulated under a NESHAP.
(GG) Quenching operations used with heat treating processes.
Oil, grease, or VOC content shall be determined by a test method acceptable to the department and the U.S. EPA.
(x) Repair activities, including the following:
(AA) Replacement or repair of electrostatic precipitators, bags in baghouses, and filters in other air filtration equipment.
(BB) Heat exchanger cleaning and repair.
(CC) Process vessel degassing and cleaning to prepare for internal repairs.
(xi) Trimmers that do not produce fugitive emissions and that are equipped with a dust collection or trim material recovery device, such as a bag filter or cyclone.
(xii) Stockpiled soils from soil remediation activities that are covered and waiting transport for disposal.
(xiii) Paved and unpaved roads and parking lots with public access.
(xiv) Conveyors as follows:
(AA) Covered conveyors for solid raw material, including the following:
(aa) Coal or coke conveying of less than or equal to three hundred sixty (360) tons per day.
(bb) Limestone conveying of 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.
(BB) Uncovered coal or coke conveying of less than or equal to one hundred twenty (120) tons per day.
(CC) Underground conveyors.
(DD) Enclosed systems for conveying plastic raw material and plastic finished goods.
(xv) Coal bunker and coal scale exhausts and associated dust collector vents.
(xvi) Asbestos abatement projects regulated by 326 IAC 14-10.
(xvii) 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, including the following:
(AA) Purging of gas lines.
(BB) Purging of vessels.
(xviii) Flue gas conditioning systems and associated chemicals, such as the following:
(AA) Sodium sulfate.
(BB) Ammonia.
(CC) Sulfur trioxide.
(xix) Equipment used to collect any material that might be released during a malfunction, process upset, or spill cleanup, including the following:
(AA) Catch tanks.
(BB) Temporary liquid separators.
(CC) Tanks.
(DD) Fluid handling equipment.
(xx) Blowdown for the following:

(AA) Sight glass.
(BB) Boiler.
(CC) Cooling tower.
(DD) Compressors.
(EE) Pumps.

(xxi) Furnaces used for melting metals other than beryllium with a brim full capacity equal to or less than four hundred fifty (450) cubic inches by volume.

(xxii) Activities associated with emergencies, including the following:

(AA) On-site fire training approved by the department.

(BB) Emergency generators as follows:

(aa) Gasoline generators not exceeding one hundred ten (110) horsepower.

(bb) Diesel generators not exceeding one thousand six hundred (1,600) horsepower.

(cc) Natural gas turbines or reciprocating engines not exceeding sixteen thousand (16,000) horsepower.

(CC) Stationary fire pump engines.

(xxiii) Grinding and machining operations controlled with fabric filters, scrubbers, mist collectors, wet collectors, and electrostatic precipitators with a design grain loading of less than or equal to three one-hundredths (0.03) grains per actual cubic foot and a gas flow rate less than or equal to four thousand (4,000) actual cubic feet per minute, including the following:

(AA) Deburring.
(BB) Buffing.
(CC) Polishing.
(DD) Abrasive blasting.
(EE) Pneumatic conveying.
(FF) Woodworking operations.

(xxiv) Purge double block and bleed valves.

(xxv) Filter or coalescer media changeout.

(xxvi) Vents from ash transport systems not operated at positive pressure.

(xxvii) Mold release agents using low volatile products (vapor pressure less than or equal to two (2) kilo Pascals measured at thirty-eight (38) degrees Centigrade).

(xxviii) Farm operations.

(xxix) Woodworking equipment controlled by a baghouse provided that the following criteria are met:

(AA) The baghouse does not exhaust to the atmosphere greater than one hundred twenty-five thousand (125,000) cubic feet per minute.

(BB) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of three-thousandths (0.003) grain per dry standard cubic feet of outlet air.

(CC) Opacity from the baghouse does not exceed ten percent (10%).

(DD) The baghouse is in operation at all times that the woodworking equipment is in use.

(EE) 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:

(aa) The baghouse shall be inspected.

(bb) Corrective actions, such as replacing or reseating bags, are initiated, when necessary.

(FF) The baghouse is inspected quarterly when vented to the atmosphere.

(GG) The owner or operator keeps the following records:

(aa) Records documenting the date when the baghouse redirected indoors or to the atmosphere.

(bb) Quarterly inspection reports, when vented to the atmosphere.

(cc) Visible observation reports.

(dd) Records of corrective actions.

(xxx) Woodworking equipment controlled by a baghouse provided that the following criteria are met:

(AA) The baghouse does not exhaust to the atmosphere greater than forty thousand (40,000) cubic feet per

minute.
(BB) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
(CC) Opacity from the baghouse does not exceed ten percent (10%).
(DD) The baghouse is in operation at all times that the woodworking equipment is in use.
(EE) 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:
(aa) The baghouse shall be inspected.
(bb) Corrective actions, such as replacing or reseating bags, are initiated, when necessary.
(FF) The baghouse is inspected quarterly when vented to the atmosphere.
(GG) The owner or operator keeps the following records:
(aa) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
(bb) Quarterly inspection reports, when vented to the atmosphere.
(cc) Visible observation reports.
(dd) Records of corrective actions.

(H) Detailed information concerning emissions from activities or equipment listed in clauses (A) through (G) is not required in a permit application submitted under this rule or 326 IAC 2-8; however, additional emissions information must be provided upon request by the department.
(I) Notwithstanding any other requirements in this rule, the applicant shall include all emissions sources and quantify emissions if needed to determine major source status, to determine compliance with any applicable requirement or to determine the applicability of any applicable requirement. Identification of an activity or equipment as insignificant under this section does not preclude the inclusion of the activity or equipment in a compliance plan or protocol as appropriate.
(J) Notwithstanding any other provision of this rule or 326 IAC 2-6, emissions from activities defined as insignificant in this subdivision or trivial in subdivision (40) need not be included in a source's annual emission statement required by 326 IAC 2-6.
(K) A change in a source's insignificant or trivial activities or the addition of an insignificant activity or trivial activity shall not constitute a modification for purposes of section 12 of this rule, if the new activity or modified activity:
(i) meets the definition of "insignificant activity" of this subdivision or "trivial activity" of subdivision (40);
(ii) has all applicable requirements and associated monitoring in the current permit; and
(iii) is not a modification under any provision of Title I of the CAA.

The department may request that the source update its list of insignificant activities as part of its annual compliance certification.

(22) "Major source" means any stationary source or any group of stationary sources as described in this subdivision. For purposes of clauses (B) and (C), the term shall include any group of stationary sources that are located on one (1) or more contiguous or adjacent properties and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping. In addition, for the purposes of defining major source in clause (B) or (C), a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of stationary sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two (2) digit code) as described in the Standard Industrial Classification Manual, 1987*. For purposes of clauses (B) and (C), any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and are located on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the two (2) digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source. This term includes the following:

(A) A major source under Section 112 of the CAA, which is defined as follows:
(i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate:
(AA) ten (10) tons per year (tpy) or more of any hazardous air pollutant that has been listed in Section 112(b) of the CAA;

(BB) twenty-five (25) tpy or more of any combination of such hazardous air pollutants; or
(CC) such lesser quantity as the U.S. EPA may establish by rule.

(ii) Notwithstanding item (i):

(AA) emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; and

(BB) research and development activities may be considered separately for purposes of determining whether a major source is present, and need not be aggregated with collocated stationary sources unless the research and development activities contribute to the product produced or service rendered by the collocated sources in a more than de minimis manner.

(iii) For radionuclides, major source shall have the meaning specified by the U.S. EPA by rule.

(B) A major stationary source of air pollutants, as defined in Section 302 of the CAA, that directly emits or has the potential to emit, one hundred (100) tpy or more of any regulated air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by the U.S. EPA by rule). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the CAA unless the source belongs to one (1) of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers).
(ii) Kraft pulp mills.
(iii) Portland cement plants.
(iv) Primary zinc smelters.
(v) Iron and steel mills.
(vi) Primary aluminum ore reduction plants.
(vii) Primary copper smelters.
(viii) Municipal incinerators, or combinations of municipal incinerators, capable of charging more than fifty (50) tons of refuse per day.
(ix) Hydrofluoric, sulfuric, or nitric acid plants.
(x) Petroleum refineries.
(xi) Lime plants.
(xii) Phosphate rock processing plants.
(xiii) Coke oven batteries.
(xiv) Sulfur recovery plants.
(xv) Carbon black plants (furnace process).
(xvi) Primary lead smelters.
(xvii) Fuel conversion plants.
(xviii) Sintering plants.
(xix) Secondary metal production plants.
(xx) Chemical process plants.
(xxi) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.
(xxiii) Taconite ore processing plants.
(xxiv) Glass fiber processing plants.
(xxv) Charcoal production plants.
(xxvi) Fossil fuel fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
(xxvii) Any other stationary source category regulated under Section 111 or 112 of the CAA and for which the U.S. EPA has made an affirmative determination under Section 302(j) of the CAA.

(C) A major stationary source as defined in Part D of Title I of the CAA, including the following:

(i) For ozone nonattainment areas, sources with the potential to emit:

(AA) one hundred (100) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate;
(BB) fifty (50) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as serious;
(CC) twenty-five (25) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as severe; or
(DD) ten (10) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as extreme;

except that the references in this item to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the U.S. EPA has made a finding, under Section 182(f)(1) or 182(f)(2) of the CAA, that requirements under Section 182(f) of the CAA do not apply.

(ii) For ozone transport regions established under Section 184 of the CAA, sources with the potential to emit fifty (50) or more tpy of volatile organic compounds.

(iii) For carbon monoxide nonattainment areas:
(AA) that are classified as serious; and
(BB) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the U.S. EPA;

sources with the potential to emit fifty (50) tpy or more of carbon monoxide.

(iv) For particulate matter PM_{10} nonattainment areas classified as serious, sources with the potential to emit seventy (70) tpy or more of PM_{10}.

(23) "Part 70 permit" or "permit", unless the context suggests otherwise, means any Part 70 permit or group of Part 70 permits authorizing the operation of a Part 70 source that is issued, renewed, amended, or revised under this rule.

(24) "Part 70 permit modification" means a revision to a Part 70 permit that meets the requirements of section 12 of this rule.

(25) "Part 70 permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a Part 70 permit program, as set forth in section 19 of this rule (whether such costs are incurred by the commissioner or other state or local agencies that do not issue Part 70 permits directly, but that support Part 70 permit issuance or administration).

(26) "Part 70 permit revision" means any Part 70 permit modification or administrative Part 70 permit amendment.

(27) "Part 70 program" means the operating permit program established by this rule and approved by the U.S. EPA under 40 CFR 70*.

(28) "Part 70 source" means any source subject to the permitting requirements as provided in section 2 of this rule.

(29) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation is enforceable by the U.S. EPA. This term does not alter or affect the use of this term for any other purpose under the CAA, (or the term "capacity factor" as used in Title IV of the CAA) (or the regulations promulgated thereunder).

(30) "Proposed Part 70 permit" means the version of a Part 70 permit that the commissioner proposes to issue and forwards to the U.S. EPA for review in compliance with section 18 of this rule.

(31) "Regulated air pollutant" means any of the following:
(A) Nitrogen oxides or any volatile organic compounds.
(B) Any pollutant for which a national ambient air quality standard has been promulgated.
(C) Any pollutant that is subject to any standard promulgated under Section 111 of the CAA.
(D) Any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the CAA.
(E) Any pollutant subject to a standard promulgated under Section 112 of the CAA or other requirements established under Section 112 of the CAA, including Section 112(g), 112(j), and 112(r) of the CAA, including the following:
(i) Any pollutant subject to requirements under Section 112(j) of the CAA. If the U.S. EPA fails to promulgate a standard by the date established under Section 112(e) of the CAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established under Section 112(e) of the CAA.
(ii) Any pollutant for which the requirements of Section 112(g)(2) of the CAA have been met, but only with respect to the individual source subject to Section 112(g)(2) of the CAA.

(32) "Regulated pollutant which is used only for purposes of section 19 of this rule" means any regulated air pollutant, except the following:

(A) Carbon monoxide.

(B) Any pollutant that is a regulated air pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the CAA.

(C) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the CAA.

(D) Any pollutant emitted by an insignificant or trivial activity as defined in this rule.

(33) "Renewal" means the process by which a Part 70 permit is reissued at the end of its term.

(34) "Responsible official" means the following:

(A) For a corporation:

(i) a president;

(ii) a secretary;

(iii) a treasurer;

(iv) a vice president of the corporation in charge of a principal business function;

(v) any other person who performs similar policy or decision making functions for the corporation; or

(vi) a duly authorized representative of any person listed in this clause if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a Part 70 permit and either:

(AA) the facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) (in second quarter 1980 dollars); or

(BB) the delegation of authority to such representative is approved in advance by the commissioner.

(B) For a partnership or sole proprietorship, a general partner or the proprietor, respectively.

(C) For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official. As used in this clause, "principal executive officer of a federal agency" includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency, for example, a regional administrator of the U.S. EPA.

(D) For affected sources:

(i) the designated representative for actions, standards, requirements, or prohibitions under Title IV of the CAA or the regulations promulgated thereunder; and

(ii) the designated representative for any other purposes under a Part 70 permit.

(35) "Risk management plan" means a plan specified by Section 112(r) of the CAA.

(36) "Section 502(b)(10) changes" means changes that contravene an express Part 70 permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable Part 70 permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

(37) "State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program. The term shall have its conventional meaning where such meaning is clear from the context. For purposes of the acid rain program, the term shall be limited to authorities within the forty-eight (48) contiguous states and the District of Columbia as provided in Section 402(14) of the CAA.

(38) "Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the CAA.

(39) "Technology-based emission limit" means any enforceable condition that is derived solely or in part from the capabilities of manmade equipment or processes, including, but not limited to, any requirement in a permit based on reasonably available control technology (RACT), best available control technology (BACT), maximum achievable control technology (MACT), lowest achievable emissions reduction (LAER), generally available control technology (GACT), best available retrofit technology (BART), any manufacturers' specifications, or the sources' physical potential to emit unless the applicable requirement was relied upon in a formal attainment demonstration supporting a state implementation plan approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA.

(40) "Trivial activity" has any of the following meanings:

(A) Any activity or emission unit:

(i) not regulated by a NESHAP, with potential uncontrolled emissions that are equal to or less than one (1) pound

per day on an emission unit basis for any single HAP or combination of HAPs; and

(ii) for which the potential uncontrolled emissions meet the exemption levels specified in the following:

(AA) For lead or lead compounds measured as elemental lead, potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(BB) For carbon monoxide (CO), potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(CC) For sulfur dioxide, potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(DD) For volatile organic compounds (VOC), potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(EE) For nitrogen oxides (NO_x), potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(FF) For particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}), potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(B) Water related activities, including the following:

(i) Production of hot water for on-site personal use not related to any industrial or production process.

(ii) Water treatment activities used to provide potable and process water for the plant, excluding any activities associated with wastewater treatment.

(iii) Steam traps, vents, leaks, and safety relief valves.

(iv) Cooling ponds.

(v) Laundry operations using only water solutions of bleach or detergents.

(vi) Demineralized water tanks and demineralizer vents.

(vii) Boiler water treatment operations, not including cooling towers.

(viii) Oxygen scavenging (deaeration) of water.

(ix) Steam cleaning operations and steam sterilizers.

(x) Pressure washing of equipment.

(xi) Water jet cutting operations.

(C) Combustion activities, including the following:

(i) Portable electrical generators that can be moved by hand from one (1) location to another. As used in this item, "moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance, or device.

(ii) Combustion emissions from propulsion of mobile sources.

(iii) Fuel use related to food preparation for on-site consumption.

(iv) Tobacco smoking rooms and areas.

(v) Blacksmith forges.

(vi) Indoor and outdoor kerosene heaters.

(D) Activities related to ventilation, venting equipment, and refrigeration, including the following:

(i) 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.

(ii) 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.

(iii) Vents from continuous emissions monitors and other analyzers.

(iv) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

(v) Air vents from air compressors.

(vi) Vents for air cooling of electric motors provided the air does not commingle with regulated air pollutants.

(vii) Vents from equipment used to air blow water from cooled plastics strands or sheets.

(E) 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, including the following:

(i) Activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing,

or both, of parking lots and roadways.
(ii) Painting, including interior and exterior painting of buildings, and solvent use excluding degreasing operations utilizing halogenated organic solvents.
(iii) Brazing, soldering, or welding operations and associated equipment.
(iv) Portable blast-cleaning equipment with enclosures.
(v) Blast-cleaning equipment using water as the suspension agent and associated equipment.
(vi) Batteries and battery charging stations except at battery manufacturing plants.
(vii) Lubrication, including the following:
(AA) Hand-held spray can lubrication.
(BB) Dipping metal parts into lubricating oil.
(CC) Manual or automated addition of cutting oil in machining operations.
(viii) Nonasbestos insulation installation or removal.
(ix) Tarring, retarring, and repair of building roofs.
(x) Bead blasting of heater tubes.
(xi) Instrument air dryer and filter maintenance.
(xii) Manual tank gauging.
(xiii) Open tumblers associated with deburring operations in maintenance shops.
(F) Activities performed using hand-held equipment, including the following:
(i) Application of hot melt adhesives with no VOC in the adhesive formulation.
(ii) Buffing.
(iii) Carving.
(iv) Cutting, excluding cutting torches.
(v) Drilling.
(vi) Grinding.
(vii) Machining wood, metal, or plastic.
(viii) Polishing.
(ix) Routing.
(x) Sanding.
(xi) Sawing.
(xii) Surface grinding.
(xiii) Turning wood, metal, or plastic.
(G) Housekeeping and janitorial activities and supplies, including the following:
(i) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
(ii) Steam cleaning activities.
(iii) Rest rooms and associated cleanup operations and supplies.
(iv) Alkaline or phosphate cleaners and associated equipment.
(v) Mobile floor sweepers and floor scrubbers.
(vi) Pest control fumigation.
(H) Office related activities, including the following:
(i) Office supplies and equipment.
(ii) Photocopying equipment and associated supplies.
(iii) Paper shredding.
(iv) Blueprint machines, photographic equipment, and associated supplies.
(I) Lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
(J) Storage equipment and activities, including the following:
(i) Pressurized storage tanks and associated piping for the following:
(AA) Acetylene.
(BB) Anhydrous ammonia.
(CC) Carbon monoxide.
(DD) Chlorine.

(EE) Inorganic compounds.
(FF) Liquid petroleum gas (LPG).
(GG) Liquid natural gas (LNG) (propane).
(HH) Natural gas.
(II) Nitrogen dioxide.
(JJ) Sulfur dioxide.

(ii) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOC or HAP.

(iii) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soap, vegetable oil, grease, wax, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(iv) Storage of drums containing maintenance raw materials.

(v) Storage of the following:

(AA) Castings.
(BB) Lance rods.
(CC) Any non-HAP containing material in solid form stored in a sealed or covered container.

(vi) Portable containers used for the collection, storage, or disposal of materials provided the container capacity is equal to or less than forty-six hundredths (0.46) cubic meters and the container is closed, except when the material is added or removed.

(K) Emergency and standby equipment, including the following:

(i) Emergency (backup) electrical generators at residential locations, such as dormitories, prisons, and hospitals.

(ii) Safety and emergency equipment except engine driven fire pumps, including fire suppression systems and emergency road flares.

(iii) 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, including the following:

(AA) Explosion relief vents, diaphragms, or panels.
(BB) Rupture discs.
(CC) Safety relief valves.

(iv) Activities and equipment associated with on-site medical care not otherwise specifically regulated.

(v) Vacuum-producing devices for the purpose of removing potential accidental releases.

(L) Sampling and testing equipment and activities, including the following:

(i) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

(ii) Hydraulic and hydrostatic testing equipment.

(iii) Ground water monitoring wells and associated sample collection equipment.

(iv) Environmental chambers not using HAP gases.

(v) Shock chambers.

(vi) Humidity chambers.

(vii) Solar simulators.

(viii) Sampling activities, including the following:

(AA) Sampling of waste.
(BB) Glove box sampling, charging, and packaging.

(ix) Instrument air dryers and distribution.

(M) Use of consumer products and equipment where the product or equipment is used at a source in the same manner as normal consumer use and is not associated with any production process.

(N) Equipment and activities related to the handling, treating, and processing of animals, including the following:

(i) Equipment used exclusively to slaughter animals, but not including the following:

(AA) Rendering cookers.
(BB) Boilers.
(CC) Heating plants.
(DD) Incinerators.
(EE) Electrical power generating equipment.

(ii) Veterinary operating rooms.

(O) Activities generating limited amounts of fugitive dust, including the following:

(i) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes under subdivision (22)(B), and any required fugitive dust control plan or its equivalent is submitted.

(ii) Soil boring.

(iii) Road salting and sanding.

(P) Activities associated with production, including the following:

(i) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.

(ii) Electrical resistance welding.

(iii) CO_2 lasers, used only on metals and other materials that do not emit HAPs in the process.

(iv) Laser trimmers that do not produce fugitive emissions and are equipped with a dust collection device such as a bag filter, cyclone, or equivalent device.

(v) Application equipment for hot melt adhesives with no VOC in the adhesive formulation.

(vi) Drop hammers or hydraulic presses for forging or metalworking.

(vii) Air compressors and pneumatically operated equipment, including hand tools.

(viii) Compressor or pump lubrication and seal oil systems.

(ix) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(x) Equipment for washing or drying fabricated glass or metal products, if no VOCs or HAPs are used in the process, and no gas, oil, or solid fuel is burned.

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

(Q) Miscellaneous equipment, but not emissions associated with the process for which the equipment is used, and activities, including the following:

(i) Equipment used for surface coating, painting, dipping, or spraying operation, except those that will emit VOCs or HAPs.

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

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

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

(v) Ozone generators.

(vi) Portable dust collectors.

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

(viii) Soil borrow pits.

(ix) Manual loading and unloading operations.

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

(xi) Construction and demolition operations.

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

(xiii) Nonvolatile mold release waxes and agents.

(R) A change in a source's trivial activities or the addition of a trivial activity shall not constitute a modification for purposes of section 12 of this rule, if the new activity or modified activity:

(i) meets the definition of trivial activity of this subdivision;

(ii) has all applicable requirements and associated monitoring in the current permit; and

(iii) is not a modification under any provision of Title I of the CAA.

Trivial activities do not need to be included in a permit application required under this rule or 326 IAC 2-8, provided that the applicant documents applicable requirements and compliance status as required by 326 IAC 2-7-4 *[section 4 of this rule]*. Upon request, the applicant shall submit any information necessary to fulfill the requirements of this rule or 326 IAC 2-8.

(41) "U.S. EPA" means the administrator of the United States Environmental Protection Agency or the administrator's

designee.

*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.

**Copies of these documents 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 2-7-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2249; filed Dec 19, 1995, 3:05 p.m.: 19 IR 1051; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045; filed May 31, 1996, 4:00 p.m.: 19 IR 2856; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2326; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1020; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1573)*

326 IAC 2-7-2 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. (a) The following sources are required to have a Part 70 permit:

(1) Any major source as defined in section 1(22) of this rule.

(2) Any source, including an area source, subject to a standard, a limitation, or other requirement under Section 111 of the CAA.

(3) Any source, including an area source, subject to a standard or other requirement under Section 112 of the CAA, or required to have a Part 70 permit under 326 IAC 20, except that a source is not required to obtain a Part 70 permit solely because it is subject to regulations or requirements under Section 112(r) of the CAA.

(4) Any affected source as defined in section 1(3) of this rule.

(5) Any source in a source category designated by the U.S. EPA under 40 CFR 70.3*.

(b) The following source categories are exempt from the requirement to have a Part 70 permit:

(1) All sources listed in subsection (a) that are not major sources unless such sources are affected sources or solid waste incineration units required to obtain a Part 70 permit under Section 129(e) of the CAA and except as provided in 326 IAC 20.

(2) Nonmajor sources subject to a standard or other requirement under either Section 111 or 112 of the CAA that are determined by the U.S. EPA to be exempt at the time a new standard is promulgated.

(3) All sources and source categories that would be required to obtain a Part 70 permit solely because they are subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters*.

(4) All sources and source categories that would be required to obtain a Part 70 permit solely because they are subject to 40 CFR 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation*.

(5) A major source that has become nonmajor through the issuance of a federally enforceable state operating permit under 326 IAC 2-8.

(6) A source for which the commissioner has issued an operating agreement under 326 IAC 2-9.

(7) A source that is not subject to this rule because it meets the requirements of 326 IAC 2-10 or 326 IAC 2-11.

(c) Any source listed in subsection (b) as exempt from the requirement to obtain a Part 70 permit may opt to apply for a Part 70 permit under this rule.

(d) Emissions units and Part 70 sources are subject to the following requirements:

(1) For major sources, the commissioner shall include in a Part 70 permit all applicable requirements for all relevant emissions units in the major source.

(2) For any nonmajor source subject to the Part 70 program under this section, the commissioner shall include in a Part 70 permit all applicable requirements applicable to emissions units that cause the source to be subject to the Part 70 program.

(e) Fugitive emissions from a Part 70 source shall be included in a Part 70 permit application and a Part 70 permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(f) A Part 70 source shall be exempt from the requirement to have an operating permit under 326 IAC 2-6.1 upon the date that

an original Part 70 permit issued to the source under this rule becomes effective.

(g) A Part 70 source that has received a permit under 326 IAC 2-5.1 and receives approval to operate under 326 IAC 2-5.1-4(a)(3) by the date a Part 70 permit application would be required for the source is exempt from the requirement to obtain a Part 70 permit under this rule.

*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 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 2-7-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2253; filed Sep 5, 1996, 11:00 a.m.: 20 IR 9; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2337; errata filed May 9, 1997, 11:30 a.m.: 20 IR 2414; filed May 7, 1997, 4:00 p.m.: 20 IR 2302; errata filed May 9, 1997, 11:30 a.m.: 20 IR 2413; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1031; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1584)*

326 IAC 2-7-3 Requirement for a permit

Authority: IC 13-15; IC 13-17
Affected: IC 13-11

Sec. 3. Except as provided in this section, 40 CFR 70.4(b)(12)(i)*, and section 12(b) and 12(c) of this rule, no Part 70 source may operate after the time that it is required to submit a timely and complete application except in compliance with a Part 70 permit issued under this rule. If a Part 70 source submits a timely and complete application for Part 70 permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation of this rule until the commissioner takes final action on a Part 70 permit application except as noted in this subsection. This protection shall cease to apply if, subsequent to the completeness determination made under section 8(c) of this rule, and as required by section 4(a)(2) of this rule, the applicant fails to submit by the deadline specified in writing by the commissioner any additional information identified as being needed to process the application.

*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 2-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2254; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 20)*

326 IAC 2-7-4 Permit application

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) The owner or operator of each Part 70 source has a duty to submit a timely and complete permit application as follows:

(1) An application is timely if the following conditions are met:

(A) For a first time applicant, a timely application is an application that is submitted within twelve (12) months after the source becomes subject to the Part 70 permit program unless the commissioner establishes otherwise in accordance with clause (C). A source becomes subject to the Part 70 permit program:

(i) on December 14, 1995, if the source is in existence and meets an applicability criterion of section 2 of this rule on that date; or

(ii) for other sources, on the date on which a source first meets an applicability criterion of section 2 of this rule.

(B) Part 70 sources subject to Section 112(g) of the CAA or required to have a Part 70 permit under the preconstruction review program approved into the applicable implementation plan under Part C or Part D of Title I of the CAA, shall file a complete application to obtain a Part 70 permit or Part 70 permit revision within twelve (12) months after commencing operation or on or before such earlier date as the commissioner may establish. Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a Part 70 permit revision before commencing operation.

(C) The commissioner may establish a schedule for submission of applications by source category or other means in order to fulfill the purposes of the CAA with regard to timely issuance of permits. Such schedule shall provide that an

application shall be due no more than twelve (12) months after U.S. EPA approval of the Part 70 program. The department shall provide at least twelve (12) months' notice to any source for which an application is due prior to the date established in clause (A).

(D) For purposes of a Part 70 permit renewal, a timely application is one that is submitted at least nine (9) months prior to the date of expiration of the source's existing permit. If the commissioner fails to issue or deny the permit renewal prior to the expiration date of the source's existing permit, the existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided under section 15 of this rule, until the renewal permit has been issued or denied.

(2) In order for an application to be deemed complete, it must contain the following information:

(A) Substantive information required by each subdivision under subsection (c). Applications for a Part 70 permit revision must supply substantive information required by each subdivision under subsection (c) only as it relates to the proposed change.

(B) Certification by a responsible official that the submitted information is consistent with subsection (f).

(C) Unless, within sixty (60) days of receipt of an application, the commissioner determines, in accordance with section 8(c) of this rule, that an application is not complete, such application shall be deemed to be complete.

(D) If, while processing an application that has been determined or deemed to be complete, the commissioner determines that additional information is necessary to evaluate or take final action on that application, the commissioner may request such information in writing and set a reasonable deadline for a response.

(E) The source's ability to operate without a permit, as set forth in section 3 of this rule, shall be in effect from the date the application is determined or deemed to be complete until a final Part 70 permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the commissioner.

(3) In the case where a source has submitted confidential information to the commissioner under a claim of confidentiality under 326 IAC 17, the commissioner may also require the source to submit a copy of such information directly to the U.S. EPA.

(b) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a Part 70 permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant filed a complete application but prior to release of a draft Part 70 permit.

(c) An application for a Part 70 permit shall be submitted on the application form or forms prescribed by the commissioner, or in other application formats authorized by the commissioner, and shall include the information specified in this subsection. Such information shall be included in the application for all emissions units at a Part 70 source. The forms and attachments shall include the following information to the extent necessary to determine applicable requirements, including the requirement to pay fees, compliance with applicable requirements and this rule, and compliance during the term of the permit:

(1) Identifying information, including the following:

(A) Company name and address (or plant name and address if different from the company name).

(B) Owner's name and agent.

(C) Telephone numbers and names of plant site manager or site contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code), including any associated with each alternate scenario identified by the source.

(3) The following emissions related information:

(A) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A Part 70 permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this subsection. The applicant shall provide such additional information related to the emissions of air pollutants as is sufficient to verify which requirements are applicable to the source and other information necessary to collect any Part 70 permit fees owed under the fee schedule approved under section 19 of this rule.

(B) Identification and description of all points of emissions described in clause (A) in sufficient detail to establish the basis for fees and applicability of requirements of the CAA.

(C) Emissions rates of all pollutants described in clause (A) in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(D) The following information to the extent it is needed to determine or regulate emissions:

(i) Fuels, including types and characteristics.
(ii) Fuel use, including types and quantities combusted.
(iii) Raw materials.
(iv) Production and process rates.
(v) Operating schedules.

(E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(F) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at a Part 70 source.

(G) Other information required by any applicable requirement, including information related to stack height limitations developed under Section 123 of the CAA.

(H) Calculations, examples of calculations, or descriptions of calculation methods or basis on which the information in this subsection is based.

(4) The following air pollution control requirements:

(A) Citation and description of all applicable requirements.

(B) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(C) Where an applicant is proposing alternative or streamlined limitations or requirements, or both, the applicant shall provide the required documentation in accordance with 326 IAC 8-1-5 or 326 IAC 10-1-3(3)(A).

(5) Other specific information that may be necessary to implement and enforce other applicable requirements of the CAA or of this rule or to determine the applicability of such requirements.

(6) At the option of the applicant, a request that alternative operating scenarios be provided for in its Part 70 permit. Such a request shall include a description of the alternate operating scenarios that are proposed and any additional information determined to be necessary by the commissioner to define appropriate permit terms and conditions for such alternative scenarios under sections 5(9) and 20(d) of this rule.

(7) At the option of the applicant, a request that the permit provide terms and conditions allowing for the trading of emissions increases and decreases in the applicant's facility under sections 5(10) and 20(c) of this rule. In addition to such other information as may be requested by the commissioner as necessary to define such permit terms and conditions, the applicant shall include proposed replicable procedures and permit terms that ensure that emission trades conducted under such provisions are quantifiable and enforceable.

(8) At the option of the applicant, a request that the permit provide terms and conditions allowing for the establishment of an emission cap program or programs. The request for an emission cap program or programs shall include the information under 326 IAC 2-1.1-12(d).

(9) Confirmation of the following:

(A) That the source maintains on-site a preventive maintenance plan as described in 326 IAC 1-6-3.

(B) That, upon request, the preventive maintenance plan will be forwarded to the department.

(10) A compliance plan for all Part 70 sources that contains all of the following information:

(A) A description of the compliance status of the source with respect to all applicable requirements that addresses the following:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the Part 70 permit term, a statement that the source will meet such requirements on a timely basis.

(iii) For requirements for which the source is not in compliance at the time of a Part 70 permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(B) A compliance schedule as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the Part 70 permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet, in a timely manner, applicable requirements that become effective during the Part 70 permit term shall satisfy this requirement unless a more detailed schedule is expressly required by the applicable requirement.

(iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of a Part 70 permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of Part 70 permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(C) A schedule for submission of certified progress reports no less frequently than every six (6) months for sources required to have a schedule of compliance to remedy a violation.

(D) The compliance plan content requirements specified in this section shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the CAA with regard to the schedule and methods the source will use to achieve compliance with the acid rain emissions limitations.

(11) Requirements for compliance certification, including the following:

(A) A certification of compliance with all applicable requirements by a responsible official consistent with subsection (f) and Section 114(a)(3) of the CAA.

(B) A statement of methods used for determining compliance, including a description of monitoring, record keeping, reporting requirements, and test methods.

(C) A schedule for submission of compliance certifications during the Part 70 permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the commissioner.

(D) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the CAA.

(12) The use of nationally standardized forms for acid rain portions of Part 70 permit applications and compliance plans as required by the acid rain program.

(13) Identification of terms, conditions, or requirements under this title that are state enforceable and not enforceable by U.S. EPA.

(d) An applicant may include in a permit application a description of the types of emergency situations that may arise at the source and the response actions the source proposes to take in such emergency situations.

(e) The following information need not be included in a permit application submitted under this rule:

(1) Information concerning insignificant activities as defined in section 1(21) of this rule. However, an applicant shall include a list of all insignificant activities in the application.

(2) Trivial activities as defined in section 1(40) of this rule.

(f) Any application form, report, or compliance certification submitted under this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(g) An applicant wishing to obtain a compliance extension for requirements under Section 112(d) of the CAA shall follow the procedures under 40 CFR 63.70* that address application requirements. The commissioner shall forward any application information provided under 40 CFR 63.70* to the U.S. EPA for approval upon receipt of such information.

*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 2-7-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2254; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2358; filed May 31, 1996, 4:00 p.m.: 19 IR 2866; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2338; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1032; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1585)*

326 IAC 2-7-5 Permit content

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-16-2-1; IC 13-17

Sec. 5. The following shall be included in each Part 70 permit issued under this rule:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements and any additional requirement that is enforceable by the state at the time of a Part 70 permit issuance. The Part 70 permit shall include the following:

(A) The Part 70 permit shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(B) Copies of relevant portions of the Part 70 permit application may be incorporated as attachments or exhibits only when referenced by specific permit conditions.

(C) Where an applicable requirement of the CAA is more stringent than an applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the Part 70 permit and shall be described in the permit as enforceable by the commissioner and the U.S. EPA.

(D) If an applicable implementation plan allows a determination of an alternative emission limit for a Part 70 source, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, and the commissioner elects to use such process, any Part 70 permit containing an alternative emission limit based on such an equivalency determination shall contain provisions to ensure that the emission limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(E) The Part 70 permit shall specify for each term or condition, including terms and conditions set forth in this title, contained therein whether the term or condition is federally enforceable or state enforceable.

(F) The Part 70 permit shall specify the permit conditions for which the emergency provision of section 16 of this rule is available. The permit may specify emergency situations identified by the source in its application and response actions that, if taken by the source during the emergency, shall constitute reasonable steps to minimize emissions and correct the emergency.

(2) A fixed permit term of five (5) years in the case of affected sources, and a term not to exceed five (5) years in the case of all other sources.

(3) Monitoring and related record keeping and reporting requirements, which assure that all reasonable information is provided to evaluate continuous compliance with the applicable requirements. At a minimum, the following shall be contained in each Part 70 permit:

(A) With respect to monitoring, each Part 70 permit shall contain the following:

(i) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 504(b) or 114(a)(3) of the CAA.

(ii) Where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), such periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the Part 70 permit as reported under clause (C). Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this item.

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(B) With respect to record keeping, the Part 70 permit shall incorporate all applicable record keeping requirements, including, where applicable, the following:

(i) Records of required monitoring information that include the following:

(AA) The date, place, as defined in a Part 70 permit, and time of sampling or measurements.

(BB) The dates analyses were performed.

(CC) The company or entity that performed the analyses.

(DD) The analytical techniques or methods used.

(EE) The results of such analyses.

(FF) The operating conditions as existing at the time of sampling or measurement.

(ii) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes the following:

(AA) All calibration and maintenance records.

(BB) All original strip chart recordings for continuous monitoring instrumentation.
(CC) Copies of all reports required by the Part 70 permit.
(DD) For the purposes of complying with this subdivision, the permittee shall retain the records on-site for three (3) years and shall make them available upon request for the two (2) years following.

(C) With respect to reporting, a Part 70 permit shall incorporate all applicable reporting requirements and require the following:

(i) Submittal of reports of any required monitoring at least every six (6) months. All instances of deviations from Part 70 permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with section 4(f) of this rule.

(ii) The reporting of deviations from Part 70 permit requirements, including those attributable to upset conditions as defined in a Part 70 permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Proper notice submittal under section 16 of this rule satisfies the reporting requirements of this item. Notwithstanding requirements in this section, the reporting of deviations required by an applicable requirement shall follow the schedule stated in the applicable requirement.

(iii) Submittal of an annual emission statement that meets the requirements of 326 IAC 2-6, or other equivalent information.

(4) A Part 70 permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the CAA subject to the following limitations:

(A) No Part 70 permit revision shall be required for increases in emissions that are authorized by allowances acquired under the Title IV acid rain program, provided that such increases do not require a Part 70 permit revision under any other applicable requirement.

(B) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(C) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the CAA.

(5) A severability clause to ensure the continued validity of the various Part 70 permit requirements in the event that a portion of the Part 70 permit is determined to be invalid.

(6) Provisions stating the following:

(A) The permittee must comply with all conditions of the Part 70 permit. Any Part 70 permit noncompliance constitutes a violation of the CAA and is grounds for:

(i) enforcement action;
(ii) Part 70 permit termination, revocation and reissuance, or modification; or
(iii) denial of a Part 70 permit renewal application.

(B) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of a Part 70 permit.

(C) The Part 70 permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a Part 70 permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any Part 70 permit condition.

(D) The Part 70 permit does not convey any property rights of any sort or any exclusive privilege.

(E) The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 permit or to determine compliance with the Part 70 permit. Upon request, the permittee shall also furnish to the commissioner copies of records required to be kept by a Part 70 permit or, for information claimed to be confidential, the permittee may furnish such records directly to the U.S. EPA along with a claim of confidentiality.

(7) A provision to ensure that a Part 70 source pays fees to the commissioner consistent with the fee schedule approved under section 19 of this rule, or in accordance with a fee schedule established under IC 13-16-2-1. A fee schedule established under IC 13-16-2-1 shall include the determination that a single payment of the entire fee is an undue hardship on the person and that the department is not required to assess installments separately.

(8) A provision stating that no Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.

(9) Terms and conditions which allow for changes by the permitted source among reasonably anticipated operating scenarios that are identified by the source in its application as approved by the commissioner. Such terms and conditions shall:

(A) require the source, contemporaneously with making a change from one (1) operating scenario to another, to make a record in a log at the permitted facility of the scenario under which it is operating;

(B) require the source to comply with all applicable requirements and the requirements of this rule for each such alternative operating scenario; and

(C) include a summary of the records required under clause (A) to be included in the annual compliance certification submitted under section 6(5) of this rule.

(10) Terms and conditions, if a Part 70 permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions shall:

(A) include all terms required under subdivision (3) and section 6 of this rule to determine compliance; and

(B) require the permittee to meet all applicable requirements and requirements of this rule.

(11) Terms and conditions, if requested by the permit applicant, which allow for changes at the permitted source that comply with a federally enforceable emissions cap established in accordance with 326 IAC 2-1.1-12 and section 20(e) of this rule. Such terms and conditions shall:

(A) include all terms required under subdivision (3) and section 6 of this rule to determine compliance with the emission cap limit, all associated applicable requirements, and all terms required under section 20(a) and 20(e) of this rule;

(B) include a federally enforceable emissions cap, which may be independent of otherwise applicable requirements, with which the source must comply;

(C) be consistent with any specific emissions limits or restrictions otherwise required in the permit by any applicable requirements and require the permittee to meet all applicable requirements and all requirements of this rule;

(D) allow construction of new emission units or reconstruction or modification to existing emission units or processes that would otherwise require an operating permit revision or an approval under section 10.5 of this rule, provided the actual emissions from the emission units or processes specified under an emissions cap or to be included under the emissions cap do not exceed the emissions limitation for the cap;

(E) allow for emissions trading solely for the purposes of complying with the emissions cap, provided the emissions cap request contains adequate terms and conditions, including all terms required under subdivision (3) and section 6 of this rule to determine compliance with the cap and with any emissions trading provisions;

(F) contain replicable procedures and permit terms that ensure the emissions cap is enforceable and trades pursuant to the cap are quantifiable and enforceable;

(G) be established in accordance with the procedures pursuant to sections 8, 17, and 18 of this rule; and

(H) require the owner or operator to provide notice for those changes that would have otherwise required a minor or significant operating permit revision or an approval under section 10.5 of this rule in accordance with section 20(e) of this rule.

(12) Each Part 70 permit for a source at which a regulated substance is present in more than a threshold quantity and that is subject to 40 CFR 68* shall:

(A) identify 40 CFR 68* as an applicable requirement;

(B) include conditions that require the source owner or operator to submit:

(i) a compliance schedule for meeting the requirements of 40 CFR 68* by the date provided in 40 CFR 68.10(a)*; or

(ii) as a part of the compliance certification submitted under section 6(5) of this rule, a certification statement that the source is in compliance with all requirements of 40 CFR 68*, including the registration and submission of a risk management plan (RMP); and

(C) require the source to verify to the commissioner that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68*.

(13) A provision that requires the source to do all of the following:

(A) Maintain on-site the preventive maintenance plan required under section 4(c)(9) of this rule.

(B) Implement the preventive maintenance plan.

(C) Forward to the department upon request the preventive maintenance plan.

(14) Except as otherwise provided in section 15 or 20 of this rule, a provision providing the Part 70 permit shield described

in section 15 of this rule.

(15) Descriptive information.

(16) Terms and conditions, if requested by the permit applicant, that, notwithstanding the modification approval requirements under section 10.5 of this rule or the permit modification or revision requirements under section 12 of this rule, allow the source to make specifically identified modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:

(A) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.

(B) Monitoring, testing, reporting, and record keeping requirements that are necessary to assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

*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 2-7-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2257; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2341; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1035; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1588)*

326 IAC 2-7-6 Compliance requirements

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-7

Sec. 6. Each Part 70 permit issued under this rule shall contain the following requirements with respect to compliance:

(1) Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of a Part 70 permit consistent with section 5(3) of this rule. Any document (including reports) required by a Part 70 permit shall contain a certification by a responsible official that meets the requirements of section 4(f) of this rule.

(2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the commissioner, an authorized representative of the commissioner, or the U.S. EPA to perform the following:

(A) Enter upon the permittee's premises where a Part 70 source is located or emissions related activity is conducted, or where records must be kept under the conditions of a Part 70 permit.

(B) Have access to and copy any records that must be kept under the conditions of a Part 70 permit.

(C) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under a Part 70 permit.

(D) As authorized by the CAA, sample or monitor substances or parameters for the purpose of assuring compliance with a Part 70 permit or applicable requirements.

(3) A compliance schedule consistent with section 4(c)(10) of this rule.

(4) Progress reports consistent with an applicable schedule of compliance and section 4(c)(10) of this rule shall be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the commissioner. Such progress reports shall contain the following:

(A) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance and dates when such activities, milestones, or compliance were achieved.

(B) An explanation of why any dates in the schedule of compliance were not or will not be met and any preventive or corrective measures adopted.

(5) Requirements for compliance certification with terms and conditions contained in a Part 70 permit, including emission limitations, standards, or work practices. Part 70 permits shall include each of the following:

(A) The frequency (not less than annually or such more frequent periods as specified in the applicable requirements or by the commissioner) of submissions of compliance certifications.

(B) In accordance with section 5(3) of this rule, a means for monitoring the compliance of the source with its emissions

limitations, standards, and work practices.

(C) A requirement that the compliance certification include the following:

(i) The identification of each term or condition of a Part 70 permit that is the basis of the certification.

(ii) The compliance status.

(iii) Whether compliance was continuous or intermittent.

(iv) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with section 5(3) of this rule.

(v) Such other facts as the commissioner may require to determine the compliance status of the source.

(D) A requirement that all compliance certifications be submitted to the U.S. EPA as well as to the commissioner.

(E) Such additional requirements as may be specified under Sections 114(a)(3) and 504(b) of the CAA.

(6) Such other provisions as the commissioner may require.

(Air Pollution Control Board; 326 IAC 2-7-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2259)

326 IAC 2-7-7 Federally enforceable requirements

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 4-22-9-5; IC 13-7

Sec. 7. (a) All terms and conditions in a Part 70 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA and citizens under the CAA.

(b) Notwithstanding subsection (a), the commissioner shall specifically designate as not being federally enforceable under the CAA, any terms and conditions included in a Part 70 permit that are not required under the CAA or under any of its applicable requirements. Permit terms and conditions so designated are not subject to the requirements of this section, and are not subject to the U.S EPA and affected state review provisions in sections 8, 9, 11, 12, 17, and 18 of this rule. *(Air Pollution Control Board; 326 IAC 2-7-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2260)*

326 IAC 2-7-8 Permit issuance, renewal, and revisions

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) A Part 70 permit, Part 70 permit modification, or renewal may be issued only if all of the following conditions have been met:

(1) The commissioner has received a complete application for a Part 70 permit, permit modification, or Part 70 permit renewal, except that a complete application need not be received before issuance of a general Part 70 permit under section 13 of this rule.

(2) Except for administrative amendments under section 11 of this rule, the commissioner has complied with the requirements for public notice under section 17 of this rule.

(3) The commissioner has complied with the requirements of section 17 of this rule for notifying and responding to affected states.

(4) The conditions of a Part 70 permit provide for compliance with all applicable requirements and the requirements of this rule.

(5) The U.S. EPA has received a copy of the proposed Part 70 permit and any notices required and has not objected to issuance of the Part 70 permit within the time period specified in section 18(b), 18(c), or 18(d) of this rule.

(b) Except as provided under the initial transition plan provided for under 40 CFR 70.4(b)(11)* or under regulations promulgated under Title IV or Title V of the CAA for the permitting of affected sources under the acid rain program, the commissioner shall take final action on each Part 70 permit application (including a request for Part 70 permit modification or renewal) within eighteen (18) months or such lesser time approved by the U.S. EPA, after receiving a complete application.

(c) The commissioner shall promptly provide notice to the applicant of whether the application is complete. Unless the commissioner requests additional substantive information or otherwise notifies the applicant of incompleteness within sixty (60) days of receipt of an application, the application shall be deemed complete. For modifications processed through minor Part 70 permit modification procedures, such as those in section 12(b) and 12(c) of this rule, the commissioner is not required to make a completeness determination.

(d) The commissioner shall provide a technical support document that sets forth the legal and factual basis for a draft Part 70 permit conditions (including references to the applicable statutory or regulatory provisions). The commissioner shall send this technical support document to the U.S. EPA, to the applicant, and to any other person who requests it.

(e) If the commissioner fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the CAA to terminate or revoke and reissue a Part 70 permit.

(f) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under 326 IAC 2-2 through 326 IAC 2-3 or a preconstruction approval under 326 IAC 2-5.1, 326 IAC 2-6.1, or section 10.5 of this rule.

*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 2-7-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2260; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2344; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1037; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 20)*

326 IAC 2-7-9 Permit reopening

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 9. (a) A permit shall be reopened and revised under any of the following circumstances:

(1) Additional applicable requirements under the CAA become applicable to a major Part 70 source with a remaining Part 70 permit term of three (3) or more years. Such a permit reopening and revision shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening and revision is required if the effective date of the new applicable requirement is later than the date on which a Part 70 permit is due to expire, unless the existing Part 70 permit or any of its terms or conditions has been extended under section 4(a)(2)(E) of this rule.

(2) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the U.S. EPA, excess emissions offset plans shall be deemed to be incorporated into a Part 70 permit.

(3) The commissioner or the U.S. EPA determines any of the following:

(A) That a Part 70 permit contains a material mistake.

(B) That inaccurate statements were made in establishing the emissions standards or other terms or conditions of a Part 70 permit.

(C) That a Part 70 permit must be revised or revoked to assure compliance with an applicable requirement.

(4) If the U.S. EPA fails to promulgate a standard for a pollutant listed under Section 112(b) of the CAA according to the schedule required in Section 112(e) of the CAA, the commissioner shall make the emission limitations determination for each affected category or subcategory of a major source on a case-by-case basis. Emission limitations established on a case-by-case basis shall be no less stringent than the standards established in 326 IAC 2-4.1.

(b) Proceedings by the commissioner to reopen and revise a Part 70 permit shall follow the same procedures as apply to initial Part 70 permit issuance and shall affect only those parts of the Part 70 permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable.

(c) The reopening and revision of a permit under subsection (a) shall not be initiated before a notice of such intent is provided to a Part 70 source by the commissioner at least thirty (30) days in advance of the date that the permit is to be reopened, except that the commissioner may provide a shorter time period in the case of an emergency.

(d) If the U.S. EPA finds cause exists to terminate, modify, or revoke and reissue a Part 70 permit, the U.S. EPA will provide written notification to the commissioner and the permittee. Such notification shall initiate the following actions:

(1) The commissioner shall, within ninety (90) days after receipt of such notification, forward to the U.S. EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The U.S. EPA may extend this ninety (90) day period for an additional ninety (90) days if it is found that a new or revised Part 70 permit application is necessary or that the commissioner must require the permittee to submit additional information.

(2) The U.S. EPA will review the proposed determination from the commissioner within ninety (90) days of receipt.

(3) The commissioner shall have ninety (90) days from receipt of the U.S. EPA objection to resolve any objection that the U.S. EPA makes and to terminate, modify, or revoke and reissue a Part 70 permit in accordance with the U.S. EPA's objection.

(4) If the commissioner fails to submit a proposed determination under subdivision (1) or fails to resolve any objection under subdivision (3), the U.S. EPA will terminate, modify, or revoke and reissue the Part 70 permit after taking the following actions:

(A) Providing at least a thirty (30) day notice to the permittee in writing of the reasons for any such action. This notice may be given during the procedures in this subsection.

(B) Providing the permittee an opportunity for comment on the U.S. EPA's proposed action and an opportunity for a hearing.

(Air Pollution Control Board; 326 IAC 2-7-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2261; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1038)

326 IAC 2-7-10 Permit expiration

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-7

Sec. 10. A Part 70 permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with sections 3 and 4(a) of this rule. *(Air Pollution Control Board; 326 IAC 2-7-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2261)*

326 IAC 2-7-10.5 Part 70 permits; source modifications

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. 10.5. (a) An owner or operator of a Part 70 source proposing to:

(1) construct new emission units;

(2) modify existing emission units; or

(3) otherwise modify the source as described in this section;

shall submit a request for a modification approval in accordance with this section.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof without prior approval if the repair or replacement:

(1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;

(2) is not a major modification under 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1; and

(3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a modification approval or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) Any person proposing to make a modification described in subsection (d) or (f) shall submit an application to the commissioner concerning the modification as follows:

(1) If only preconstruction approval is requested, the application shall contain the following information:

(A) The company name and address.

(B) The following descriptive information:

(i) A description of the nature and location of the proposed construction or modification.

(ii) The design capacity and typical operating schedule of the proposed construction or modification.

(iii) A description of the source and the emissions unit or units comprising the source.

(iv) A description of any proposed emission control equipment, including design specifications.

(C) A schedule for proposed construction or modification of the source.

(D) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the Clean Air Act (CAA), the ambient air quality standards set forth in 326 IAC 1-3, or the prevention of significant deterioration maximum

allowable increase under 326 IAC 2-2:

(i) Information on the nature and amount of the pollutant to be emitted, including an estimate of the potential to emit any regulated air pollutants.

(ii) Estimates of offset credits, as required under 326 IAC 2-3, for sources to be constructed in nonattainment areas.

(iii) Any other information, including, but not limited to, the air quality impact, determined by the commissioner to be necessary to reasonably demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.

(E) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. The signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(2) If the source requests that the preconstruction approval and operating permit revision be combined, the application shall contain the information in subdivision (1) and the following information consistent with section 4(c) of this rule:

(A) An identification of the applicable requirements to which the source will be subject as a result of the modification, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements.

(B) A description of the Part 70 permit terms and conditions that will apply to the modification and that are consistent with sections 5 and 6 of this rule.

(C) A schedule of compliance, if applicable.

(D) A statement describing what the compliance status of the modification will be after construction has been completed consistent with section 4(c)(10) of this rule.

(E) A certification consistent with section 4(f) of this rule.

(d) The following modifications shall be processed in accordance with subsection (e):

(1) Modifications that would reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.

(2) The addition of a portable source or relocation of a portable source to an existing source if the addition or relocation would require a change to any permit terms or conditions.

(3) Modifications that would have a potential to emit within any of the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO_2).

(ii) Nitrogen oxides (NO_x).

(iii) Volatile organic compounds (VOC) for modifications that are not described in clause (C).

(C) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for modifications that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(D) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(E) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(F) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H_2S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(4) Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated

pollutant other than hazardous air pollutants, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:

(A) Limiting total annual solvent usage or maximum volatile organic compound content, or both.

(B) Limiting annual hours of operation of the process or business.

(C) Using a particulate air pollution control device as follows:

(i) Achieving and maintaining ninety-nine percent (99%) efficiency.

(ii) Complying with a no visible emission standard.

(iii) The potential to emit before controls does not exceed major source thresholds for federal permitting programs.

(iv) Certifying to the commissioner that the control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}).

(D) Limiting individual fuel usage and fuel type for a combustion source.

(E) Limiting raw material throughput or sulfur content of raw materials, or both.

(5) A modification that is subject to a reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR Part 63, Subpart B, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.

(6) A change for which a source requests an emission limit to avoid 326 IAC 8-1-6.

(7) A modification of an existing source that has a potential to emit greater than the thresholds under subdivision (3) if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:

(A) results in the replacement or repair of an entire process;

(B) qualifies as a reconstruction of an entire process;

(C) may result in an increase of actual emissions; or

(D) would result in a net emissions increase greater than the significant levels in 326 IAC 2-2 or 326 IAC 2-3.

(8) A modification that has a potential to emit greater than the thresholds under subdivision (3) that adds an emissions unit or units of the same type that are already permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in 326 IAC 2-2 or 326 IAC 2-3.

(9) For a source in Lake or Porter County with the potential to emit twenty-five (25) tons per year of either VOC or NO_x, any modification that would result in an increase of either emissions greater than or equal to the following:

(A) Fifteen (15) pounds per day of VOCs.

(B) Twenty-five (25) pounds per day of NO_x.

(e) Modification approval procedures for modifications described under subsection (d) are as follows:

(1) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has approved the modification request.

(2) Within forty-five (45) calendar days from receipt of an application for a modification described under subsection (d), the commissioner shall do one (1) of the following:

(A) Approve the modification request.

(B) Deny the modification request.

(C) Determine that the minor permit revision request would cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards would allow for an increase in emissions greater than the thresholds in subsection (f) or would not provide for compliance monitoring consistent with this rule and should be processed under subsection (g).

(3) The source may begin construction as follows:

(A) If the source has a final Part 70 permit and only requests preconstruction approval or if the source does not have a final Part 70 permit, the source may begin construction upon approval by the commissioner. Notwithstanding IC 13-

15-5, the commissioner's approval shall become effective immediately. Operation of the modification shall be as follows:

(i) For a source that has a final Part 70 permit, operation of the modification may commence in accordance with section 12 of this rule.

(ii) For a source without a final Part 70 permit, operation may begin after construction is completed.

(B) If the source requests that the preconstruction approval and operating permit revision be combined, the source may begin construction upon approval and operation may begin in accordance with section 12 of this rule.

(f) The following modifications shall be processed in accordance with subsection (g):

(1) Any modification that would be subject to 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1.

(2) A modification that is subject to 326 IAC 8-1-6.

(3) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.

(4) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of any of the following pollutants:

(A) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}).

(B) Sulfur dioxide (SO_2).

(C) Nitrogen oxides (NO_x).

(D) Volatile organic compounds (VOC).

(E) Hydrogen sulfide (H_2S).

(F) Total reduced sulfur (TRS).

(G) Reduced sulfur compounds.

(H) Fluorides.

(5) For a source of lead with a potential to emit greater than or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(6) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single hazardous air pollutant as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(7) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

(8) The addition, replacement, or use of a pollution control project, as defined in 326 IAC 2-2-1(ll) or 326 IAC 2-3-1(gg), that must obtain an exclusion under 326 IAC 2-2.3 or 326 IAC 2-3.3 and is not included in the presumptive list in 326 IAC 2-2-1(ll) or 326 IAC 2-3-1(gg).

(9) Modifications involving a pollution prevention project, as defined in 326 IAC 2-1.1-1(13), that increase the potential to emit any regulated pollutant greater than the applicable thresholds under subdivisions (3) through (7). The requirement to process the modifications in accordance with subsection (g) does not apply to pollution prevention projects that the department approved as an environmentally beneficial pollution prevention project through a permit issued prior to July 1, 2000.

(10) The designation of a clean unit that is using control technology comparable to BACT or LAER as defined in 326 IAC 2-2.2-2 or 326 IAC 2-3.2-2.

(g) The following shall apply to the modifications described in subsection (f):

(1) Any person proposing to make a modification described in subsection (f) shall submit an application concerning the modification and shall include the information under subsection (c).

(2) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has issued a modification approval.

(3) The commissioner shall approve or deny the modification as follows:

(A) Within one hundred twenty (120) calendar days from receipt of an application for a modification in subsection (f) except subsection (f)(1) and (f)(10).

(B) Within two hundred seventy (270) calendar days from receipt of an application for a modification under subsection (f)(1) or (f)(10).

(4) A modification approval under this subsection may be issued only if all of the following conditions have been met:

(A) The commissioner has received a complete application for a modification.

(B) The commissioner has complied with the requirements for public notice as follows:

(i) For modifications for which a source is only requesting preconstruction approval, the commissioner has

complied with the requirements under 326 IAC 2-1.1-6.

(ii) For modifications for which a source is requesting a combined preconstruction approval and operating permit revision, the commissioner has complied with the requirements under section 17 of this rule.

(C) The conditions of the modification approval provide for compliance with all applicable requirements and this rule.

(D) For modifications for which a source is requesting a combined preconstruction approval and operating permit revision, the U.S. EPA has received a copy of the proposed modification approval and any notices required and has not objected to the issuance of the modification approval within the time period specified in section 18 of this rule.

(5) The commissioner shall provide a technical support document that sets forth the legal and factual basis for draft modification approval conditions, including references to the applicable statutory and regulatory provisions. The commissioner shall send this technical support document to the U.S. EPA, the applicant, and any other person who requests it.

(h) The following shall apply to a modification approval described in subsection (f) for a source that has not received a final Part 70 permit:

(1) After receiving an approval to construct and prior to receiving approval to operate, a source shall prepare an affidavit of construction as follows:

(A) The affidavit shall include the following:

(i) Name and title of the authorized individual.

(ii) Company name.

(iii) Subject to item (iv), an affirmation that the emissions units described in the modification approval were constructed in conformance with the request for modification approval and that the emissions units will comply with the modification approval.

(iv) Identification of any changes to emissions units not included in the request for modification approval, but which should have been included under subsection (a).

(v) Signature of the authorized individual.

(B) The affidavit shall be notarized.

(C) A source shall submit the affidavit to the commissioner either after construction of all the emission units described in the modification approval or after each phase of construction of the emission units described in the modification approval, as applicable, has been completed.

(2) A source may not operate any emissions units described in the modification approval prior to receiving a validation letter issued by the commissioner, except as provided in the following:

(A) A source may operate the emissions units covered by the affirmation in the affidavit of construction upon submission of the affidavit of construction.

(B) The commissioner shall issue a validation letter within five (5) working days of receipt of the affidavit of construction.

(C) The validation letter shall authorize the operation of all or part of each emissions unit covered by the affirmation in the affidavit of construction.

(D) Subject to clause (E), the validation letter shall include any amendments to the modification approval if the amendment is requested by the source and if the amendment does not constitute a modification and require public notice and comment under 326 IAC 2-1.1-6.

(E) A validation letter shall not approve the operation of any emissions unit if an amendment to the modification approval requested by the source would constitute a modification and require public notice and comment under 326 IAC 2-1.1-6.

(i) Each modification approval issued under this rule shall provide that construction must commence within eighteen (18) months of the issuance of the modification approval.

(j) All modification approval proceedings under this section shall provide adequate procedures for public notice, including offering an opportunity for public comment and a hearing on the draft modification approval as established in 326 IAC 2-1.1-6 or section 17 of this rule.

(k) The commissioner shall provide for review by the U.S. EPA and affected states of each:

(1) modification application;

(2) draft modification approval;

(3) proposed modification approval; and

(4) final modification approval;

in accordance with the procedures established in section 18 of this rule for modifications that a source is requesting a combined preconstruction approval and operating permit revision.

(l) A modification approval issued in accordance with this section shall be incorporated into the source's Part 70 permit or permit application as follows:

(1) For a source that has a final Part 70 permit and requested that the preconstruction approval and permit revision be combined, the modification approval shall be incorporated into the Part 70 permit as an administrative amendment in accordance with section 11 of this rule.

(2) For a source that has a final Part 70 permit and requested only a preconstruction approval, the source may begin operation in accordance with section 12 of this rule.

(3) For a source that has a complete Part 70 permit application on file, but does not have a final Part 70 permit and requested only preconstruction approval, the modification approval shall be deemed incorporated in the Part 70 permit application and will be included in the Part 70 permit when issued.

*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 2-7-10.5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1039; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed Oct 23, 2000, 9:47 a.m.: 24 IR 672; filed May 21, 2002, 10:20 a.m.: 25 IR 3065; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3947; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-7-11 Administrative permit amendments

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) An administrative permit amendment is a Part 70 permit revision that does any of the following:

(1) Corrects typographical errors.

(2) Identifies a change in the name, address, or telephone number of any person identified in the Part 70 permit or provides a similar minor administrative change at the source.

(3) Requires more frequent monitoring or reporting by the permittee.

(4) Allows for a change in ownership or operational control of a source where the commissioner determines that no other change in a Part 70 permit is necessary, provided that a written agreement containing a specific date for transfer of a Part 70 permit responsibility, coverage, and liability between the current and new permittee has been submitted to the commissioner.

(5) Incorporates into a Part 70 permit the requirements from preconstruction permits issued under section 10.5 of this rule that have satisfied the requirements of sections 17 and 18 of this rule as appropriate.

(6) Incorporates into a Part 70 permit a general permit issued under section 13 of this rule.

(7) Revises descriptive information where the revision will not trigger a new applicable requirement or violate a permit term.

(8) Incorporates:

(A) an exempt unit as described in 326 IAC 2-1.1-3;

(B) an insignificant activity as defined in 326 IAC 2-7-1(21); or

(C) a PAL small emissions unit as defined in 326 IAC 2-2.4-2(l) or 326 IAC 2-3.4-2(l);

that does not otherwise constitute a modification for purposes of section 10.5 or 12 of this rule.

(b) Administrative Part 70 permit amendments, for purposes of the acid rain portion of a Part 70 permit, shall be governed by regulations promulgated under Title IV of the CAA.

(c) An administrative Part 70 permit amendment may be made by the commissioner consistent with the following:

(1) The commissioner shall take no more than sixty (60) days from receipt of a request for an administrative Part 70 permit amendment to take final action on the request and may incorporate the changes without providing prior notice to the public or affected states provided that it designates these Part 70 permit revisions as having been made under this subsection.

(2) The commissioner shall submit a copy of a revised Part 70 permit to the U.S. EPA.

(3) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(Air Pollution Control Board; 326 IAC 2-7-11; filed May 25, 1994, 11:00 a.m.: 17 IR 2262; filed Apr 22, 1997, 2:00 p.m.: 20 IR

2345; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1043; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1591; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3951; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)

326 IAC 2-7-12 Permit modification

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) A Part 70 permit modification is any revision to a Part 70 permit that cannot be accomplished under the program's provisions for administrative permit amendments under section 11 of this rule. A permit modification, for purposes of the acid rain portion of the permit, shall be governed by regulations promulgated under Title IV of the CAA.

(b) Minor permit modification procedures shall be as follows:

(1) Minor permit modification procedures may be used only for those permit modifications that meet the following requirements:

(A) Do not violate any applicable requirement.

(B) Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the Part 70 permit.

(C) Do not require or change a:

(i) case-by-case determination of an emission limitation or other standard;

(ii) source specific determination for temporary sources of ambient impacts; or

(iii) visibility or increment analysis.

(D) Do not seek to establish or change a Part 70 permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. The terms and conditions include the following:

(i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the CAA.

(ii) An alternative emissions limit approved under regulations promulgated under Section 112(i)(5) of the CAA.

(E) Are not modifications under any provision of Title I of the CAA.

(F) The addition of a clean unit that was automatically designated as described in 326 IAC 2-2.2-1 or 326 IAC 2-3.2-1.

(G) The addition of a listed PCP as defined in 326 IAC 2-2-1(ll) or 326 IAC 2-3-1(gg).

(H) Are not required by the Part 70 program to be processed as a significant modification.

(2) Notwithstanding subdivision (1) and subsection (c)(1), minor Part 70 permit modification procedures may be used for Part 70 permit modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that the minor Part 70 permit modification procedures are explicitly provided for in the applicable implementation plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

(3) An application requesting the use of minor Part 70 permit modification procedures shall meet the requirements of section 4(c) of this rule and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(B) The source's suggested draft Part 70 permit reflecting the requested change.

(C) Certification by a responsible official, consistent with section 4(f) of this rule, that the proposed modification meets the criteria for use of minor Part 70 permit modification procedures and a request that the procedures be used.

(D) Completed forms for the commissioner to use to notify the U.S. EPA and affected states.

(E) A copy of any previous approval issued by the commissioner under this article.

(4) The public notice provisions of section 17 of this rule shall apply to minor modifications.

(5) Within five (5) working days of receipt of a complete Part 70 permit modification application, the commissioner shall notify the U.S. EPA and affected states of the requested Part 70 permit modification. The commissioner promptly shall send any notice required to the U.S. EPA.

(6) The commissioner may not issue a final Part 70 permit modification until after the U.S. EPA's forty-five (45) day review period or until U.S. EPA has notified the commissioner that U.S. EPA will not object to issuance of the Part 70 permit modification, whichever is first, although the commissioner may approve the Part 70 permit modification prior to that time. Within ninety (90) days of the commissioner's receipt of an application under the minor Part 70 permit modification

procedures or fifteen (15) days after the end of the U.S. EPA's forty-five (45) day review period, whichever is later, the commissioner shall do any of the following:

(A) Issue the Part 70 permit modification as proposed.

(B) Deny the Part 70 permit modification application.

(C) Determine that the requested modification does not meet the minor Part 70 permit modification criteria and should be reviewed under the significant modification procedures.

(D) Revise the draft Part 70 permit modification and transmit to the U.S. EPA the new proposed Part 70 permit modification as required by section 18(b) of this rule.

(7) The source may make the change proposed in its minor Part 70 permit modification application immediately after it files the application. After the source makes the change allowed by this subdivision, and until the commissioner takes any of the actions specified in subdivision (6)(A) through (6)(C), the source must comply with both the applicable requirements governing the change and the proposed Part 70 permit terms and conditions. During this time period, the source need not comply with the existing Part 70 permit terms and conditions it seeks to modify. If the source fails to comply with its proposed Part 70 permit terms and conditions during this time period, the existing Part 70 permit terms and conditions it seeks to modify may be enforced against it.

(8) The Part 70 permit shield under section 15 of this rule is not applicable to minor Part 70 permit modifications until after the commissioner has issued the modification.

(c) Consistent with the following, the commissioner may modify the procedure outlined in subsection (b) to process groups of a source's applications for modifications eligible for minor Part 70 permit modification processing:

(1) Group processing of modifications may be used only for those Part 70 permit modifications that meet the following requirements:

(A) The modifications meet the criteria for minor Part 70 permit modification procedures under subsection (b).

(B) The modifications are exempt from preconstruction or permit revision approval under 326 IAC 2-1.1-3.

(2) An application requesting the use of group processing procedures shall meet the requirements of section 4(c) of this rule and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(B) The source's suggested draft Part 70 permit that reflects the requested change.

(C) Certification by a responsible official, consistent with section 4(f) of this rule, that the proposed modification meets the criteria for use of group processing procedures and a request that the procedures be used.

(D) A list of the source's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subdivision (1)(B).

(E) Certification, consistent with section 4(f) of this rule, that the source has notified the U.S. EPA of the proposed modification. The notification need only contain a brief description of the requested modification.

(F) Completed forms for the commissioner to use to notify the U.S. EPA and affected states as required under section 18 of this rule.

(3) The notice provisions of section 17 of this rule shall apply to modifications eligible for group processing.

(4) On a quarterly basis or within five (5) business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under subdivision (1)(B), whichever is earlier, the commissioner promptly shall notify the U.S. EPA, under section 18(a) of this rule, and affected states, under section 17(c)(3) of this rule, of the requested Part 70 permit modifications. The commissioner shall send any notice required under section 18(b) of this rule to the U.S. EPA.

(5) The provisions of subsection (b)(6) shall apply to modifications eligible for group processing, except that the commissioner shall take one (1) of the actions specified in subsection (b)(6) within one hundred eighty (180) days of receipt of the application or fifteen (15) days after the end of the U.S. EPA's forty-five (45) day review period, whichever is later.

(6) The provisions of subsection (b)(7) shall apply to modifications eligible for group processing.

(7) The Part 70 permit shield under section 15 of this rule is not applicable to modifications eligible for group processing until after the commissioner has issued the modifications.

(d) Significant modification procedures shall be as follows:

(1) Significant modification procedures shall be used for applications requesting Part 70 permit modifications that do not

qualify as minor permit modifications or as administrative amendments. Every significant change in existing monitoring Part 70 permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall be considered significant. The:

(A) addition;
(B) renewal;
(C) termination;
(D) revocation; and
(E) revision;

of PAL provisions in accordance with 326 IAC 2-2.4 or 326 IAC 2-3.4 shall be considered significant. Nothing in this subdivision shall be construed to preclude the permittee from making changes consistent with this rule that would render existing Part 70 permit compliance terms and conditions irrelevant.

(2) Significant Part 70 permit modifications shall meet all requirements of this rule, including those for application, public participation, review by affected states, and review by the U.S. EPA, and availability of the permit shield as they apply to Part 70 permit issuance and Part 70 permit renewal. The commissioner shall complete review of the majority of significant Part 70 permit modifications within nine (9) months after receipt of a complete application.

(Air Pollution Control Board; 326 IAC 2-7-12; filed May 25, 1994, 11:00 a.m.: 17 IR 2262; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2358; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2345; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1044; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1591; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3952; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)

326 IAC 2-7-13 General permits

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-7

Sec. 13. (a) A general permit may be issued subject to the following conditions:

(1) A Part 70 general permit shall comply with all requirements applicable to other Part 70 permits and shall identify criteria by which sources may qualify for the general permit.

(2) The commissioner may, after complying with notice and opportunity for public participation provided under section 17 of this rule, issue a general permit covering numerous similar sources. In providing an opportunity for public comment, the commissioner shall make a reasonable attempt to publish notice in newspapers in general circulation in those areas of the state in which sources that would qualify for coverage under the permit are believed to be located.

(3) General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the CAA.

(b) For individual sources and source modifications to obtain general permit coverage, an applicant must do the following:

(1) Apply to the commissioner for coverage by the general permit under the terms of the general permit or apply for a Part 70 permit consistent with section 4 of this rule. The commissioner may provide, in the general permit, for applications which deviate from the requirements of section 4 of this rule, provided that such applications meet the requirements of Title V of the CAA, and 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 shall grant authorization to operate subject to the terms and conditions of the general permit. The notice provisions of section 17 of this rule are not applicable to a grant by the commissioner of a source's request for authorization to operate under a general permit and such a grant shall not be a final action for purposes of judicial review.

(3) Notwithstanding the shield provisions of section 15 of this rule, a source which requests and is granted authority to operate under a 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 general permit.

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

(Air Pollution Control Board; 326 IAC 2-7-13; filed May 25, 1994, 11:00 a.m.: 17 IR 2264)

326 IAC 2-7-14 Temporary source permits

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-7

Sec. 14. The commissioner may issue a single Part 70 permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one (1) change of location during the term of a Part 70 permit. No affected source shall be permitted as a temporary source. Part 70 permits for temporary sources shall include the following:

(1) Conditions that will assure compliance with all applicable requirements at all authorized locations.

(2) Requirements that the owner or operator notify the commissioner at least ten (10) days in advance of each change in location.

(3) Conditions that assure compliance with all other provisions of sections 5 through 7, 13, 15, and 16 of this rule.

(Air Pollution Control Board; 326 IAC 2-7-14; filed May 25, 1994, 11:00 a.m.: 17 IR 2264)

326 IAC 2-7-15 Permit shield

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-7

Sec. 15. (a) Except as provided in this rule, the commissioner shall expressly include in a Part 70 permit a provision stating that compliance with the conditions of a Part 70 permit shall be deemed compliance with any applicable requirements as of the date of a Part 70 permit issuance, provided either of the following:

(1) The applicable requirements are included and are specifically identified in a Part 70 permit.

(2) The commissioner, in acting on the Part 70 permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 permit includes the determination or a concise summary thereof.

(b) A Part 70 permit that does not expressly state that a Part 70 permit shield exists shall be presumed not to provide such a shield.

(c) No permit shield shall apply to any permit term or condition that is determined after issuance of the permit to have been based on erroneous information supplied in the permit application.

(d) If, after issuance of a permit, it is determined that the permit is in nonconformance with an applicable requirement, the commissioner shall immediately take steps to reopen and revise the permit and issue a compliance order to the source to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the source is in compliance with the compliance order.

(e) Nothing in this subsection or in any Part 70 permit shall alter or affect the following:

(1) The provisions of Section 303 of the CAA (emergency orders), including the authority of the U.S. EPA under Section 303 of the CAA.

(2) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of a Part 70 permit issuance.

(3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the CAA.

(4) The ability of U.S. EPA to obtain information from a source under Section 114 of the CAA.

(Air Pollution Control Board; 326 IAC 2-7-15; filed May 25, 1994, 11:00 a.m.: 17 IR 2265)

326 IAC 2-7-16 Emergency provision

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 16. (a) An emergency as defined in section 1(12) of this rule is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as otherwise provided in this section.

(b) An emergency as defined in section 1(12) of this rule constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

(1) An emergency occurred and the permittee can, to the extent possible, identify the causes of the emergency.

(2) The permitted facility was at the time being properly operated.

(3) During the period of an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in a Part 70 permit.

(4) For an emergency lasting one (1) hour or more, the permittee notified the commissioner within four (4) daytime business hours after:

(A) the beginning of the emergency; or

(B) the emergency is discovered or reasonably should have been discovered.

(5) The permittee submitted notice either in writing or by facsimile of the emergency under subdivision (4) to the commissioner within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirements of section 5(3)(C)(ii) of this rule and must contain the following:

(A) A description of the emergency.

(B) Any steps taken to mitigate emissions.

(C) Corrective actions taken.

(6) The permittee immediately took all reasonable steps to correct the emergency.

(c) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(d) This emergency provision supersedes 326 IAC 1-6 for sources subject to this rule after the effective date of this rule. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

(e) Failure to notify the commissioner by telephone or facsimile of an emergency lasting more than one (1) hour in compliance with subsection (b)(4) and (b)(5) shall constitute a violation of this rule and any other applicable rules.

(f) The commissioner may require that the preventive maintenance plan required under section 4(c)(9) of this rule be revised in response to an emergency.

(g) Operations may continue during an emergency only if the emergency situation causes a deviation from a technology-based limit. The source may continue to operate the affected emitting facilities during the emergency provided the source immediately takes all reasonable steps to correct the emergency and minimize emissions. *(Air Pollution Control Board; 326 IAC 2-7-16; filed May 25, 1994, 11:00 a.m.: 17 IR 2265; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2347; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1593)*

326 IAC 2-7-17 Public participation and notice to affected states

Authority: IC 13-14-8; IC 13-15; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15-5-3

Sec. 17. (a) Any person applying for a Part 70 permit upon land which is either undeveloped or for which a valid existing permit has not been issued shall, not more than ten (10) working days after submitting the Part 70 permit application, make a reasonable effort to provide notice to all owners or occupants of land adjoining the land which is the subject of the application. Each applicant shall pay the cost of compliance with this requirement. The notice shall be in writing and include the date on which the application was submitted and a brief description of the subject of the application.

(b) Each applicant for a Part 70 permit shall do the following:

(1) Place a copy of the permit application, permit modification application, and any additional information submitted to the department for public review at a library in the county where the source is located or will be located not later than ten (10) days after submitting the permit application, permit modification application, or additional information to the department.

(2) Provide the commissioner with the location of the library where the copy may be found.

(3) Comply with the requirements of subdivisions (1) and (2) when providing any additional material regarding the application to the department.

(4) The applicant may remove the Part 70 permit application and related information previously placed at the public library anytime not earlier than sixty (60) days after the final Part 70 permit has become effective.

(c) All Part 70 permit proceedings, including initial Part 70 permit issuance, significant modifications, minor modifications, and renewals, shall provide adequate procedures for public notice, including offering an opportunity for public comment and a hearing on the draft Part 70 permit as follows:

(1) Prior to issuing a Part 70 permit, the draft permit shall be available for review in the following manner:

(A) The commissioner shall notify the public of the draft Part 70 permit as follows:

(i) By publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice.

(ii) To persons on a mailing list developed by the commissioner, including those who request in writing to be on the list.

(iii) By other means if necessary to assure adequate notice to the affected public.

(B) The notice shall identify the following:

(i) The affected facility.

(ii) The name and address of the permittee.

(iii) The name and address of the commissioner processing a Part 70 permit.

(iv) The activity or activities involved in a Part 70 permit action and information sufficient to notify the public as to the emissions implications of those activities.

(v) The emissions change involved in any Part 70 permit modification.

(vi) The name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of a Part 70 permit draft, the application, all relevant supporting materials, and all other materials available to the commissioner that are relevant to a Part 70 permit decision.

(C) The notice shall include the following:

(i) Notification of receipt of the permit application.

(ii) The commissioner's draft approval of the permit application.

(iii) Notification to the public of at least a thirty (30) day period for submitting written comments to the commissioner and a brief description of the comment procedures required by this section.

(iv) Notification to the public of the opportunity for a public hearing including a statement of procedures to request a hearing (unless a hearing has already been scheduled) for consideration of the permit application. Notification including the time and place of any hearing that may be held shall be given at least thirty (30) days in advance of the hearing if such a hearing has been scheduled.

(v) Notification to the public that a copy of the application and commissioner's analysis thereof are available for inspection at the library designated in subsection (b).

(2) A copy of the notice provided under subdivision (1) shall also be provided to the appropriate federal, state, or local agency.

(3) The commissioner shall provide notice and opportunity for participation by affected states. Except as otherwise waived by the U.S. EPA, the commissioner shall give notice of each draft permit to any affected state on or before the time that the commissioner provides notice to the public under this section, except to the extent that section 12(b) and 12(c) of this rule requires timing of the notice to be different.

(4) The commissioner shall keep a record of the commenters and also of the issues raised during the public participation process so that the U.S. EPA may fulfill its obligation under Section 505(b)(2) of the CAA to determine whether a citizen petition may be granted. Such records shall be available to the public.

(5) The commissioner shall prepare a written response to comments which shall be available to the public at the time a proposed permit is submitted to the U.S. EPA.

(6) Notification, in writing, of the final determination shall be given according to IC 13-15-5-3; such notification shall be made available for public inspection at the public library identified in subsection (b)(2).

(7) A permit may be denied by the commissioner on the basis of adverse comment if the comment demonstrates the following:

(A) The ambient air quality standards under 326 IAC 1-3 cannot be attained or maintained if a permit is issued.

(B) The prevention of significant deterioration requirements under 326 IAC 2-2 will not be met.

(C) The offset requirements under 326 IAC 2-3 will not be satisfied.

(D) For any other reason such as, but not limited to, interference with attainment and maintenance of the standards under 326 IAC 12.

(Air Pollution Control Board; 326 IAC 2-7-17; filed May 25, 1994, 11:00 a.m.: 17 IR 2266; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2348)

326 IAC 2-7-18 Permit review by the U.S. EPA

Authority: IC 13-14-8; IC 13-15; IC 13-17

Affected: IC 13-11

Sec. 18. (a) Except as otherwise waived by the U.S. EPA, the commissioner shall provide to the U.S. EPA a copy of each Part 70 permit application (including any application for permit modification), each draft and proposed permit, and each final permit in accordance with this section.

(b) The commissioner shall submit the draft permit to the U.S. EPA no later than the beginning of the thirty (30) day public review period. The thirty (30) day public review period and the forty-five (45) day U.S. EPA review period may run concurrently

in the following manner:

(1) If the commissioner receives no comments from the public or any affected state, or receives comments that are not based on applicable requirements or the requirements of this rule, the commissioner will so notify the U.S. EPA and transmit a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. The U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit.

(2) If the commissioner receives comment from the public or an affected state that is based on an applicable requirement or a requirement of this rule, but determines not to revise the permit, the commissioner shall notify the U.S. EPA and any affected state making such comment in writing of the determination not to revise the permit and the reasons therefore at or after the close of the thirty (30) day public comment period. The commissioner shall include a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit unless the U.S. EPA notifies the commissioner within fifteen (15) days of its receipt of the proposed permit that the full forty-five (45) day review period is required.

(3) If the commissioner makes revisions to the draft permit in response to comments from the public or an affected state, the commissioner shall submit a signed copy of the revised permit, which shall be the proposed permit, to the U.S. EPA. The U.S. EPA shall complete its review within forty-five (45) days of receipt of the revised proposed permit and all necessary supporting documentation.

(c) No permit for which an application must be transmitted to the U.S. EPA under subsection (a) shall be issued by the commissioner if the U.S. EPA, in accordance with 40 CFR 70.8(c)(2)*, objects in writing to its issuance within forty-five (45) days after receipt of the draft or proposed permit and all necessary supporting information as described in subsection (b).

(d) If the U.S. EPA does not object to the issuance of a Part 70 permit under subsection (c), any person may petition the U.S. EPA, within sixty (60) days after the expiration of the U.S. EPA's forty-five (45) day review period, to make such objection. Any such petition shall be based only on objections to a Part 70 permit that were raised with reasonable specificity during the public comment period provided under section 17 of this rule, unless the petitioner demonstrates that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period. Such a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the U.S. EPA's forty-five (45) review period and prior to a U.S. EPA objection. If the U.S. EPA objects to a Part 70 permit prior to issuance as a result of a petition filed under this subsection, the commissioner shall not issue the permit until the U.S. EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the forty-five (45) day review period and prior to the U.S. EPA's objection. If the commissioner has issued a permit prior to receipt of a U.S. EPA objection under this subsection, the U.S. EPA will modify, terminate, or revoke the permit, consistent with the procedures in section 9(d) of this rule, except in unusual circumstances, and the commissioner may thereafter issue only a revised permit that satisfies the U.S. EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

*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 2-7-18; filed May 25, 1994, 11:00 a.m.: 17 IR 2267; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 21)*

326 IAC 2-7-19 Fees

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-8
Affected: IC 4-21.5; IC 13-15; IC 13-16-2-1; IC 13-17

Sec. 19. (a) Owners or operators of Part 70 sources are required to pay annual fees as established by 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. A source which 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 April 1 of any subsequent 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 a single payment of the entire fee is an undue hardship on the person and that 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 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. 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. If an annual emission report is not required or if 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) 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) 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, 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 prepare a report demonstrating the revenue shortfall, the need for additional resources to effectively implement the Part 70 permit program, and any proposed adjustment to the fee schedule, and shall 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, 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) 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. The description shall document that such 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) 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 specify the amount being assessed under this section and shall 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)*

326 IAC 2-7-20 Operational flexibility

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. 20. (a) An owner or operator of a Part 70 source may make any change or changes at the source that are described in subsection (b), (c), or (e), without a prior permit revision, if each of the following conditions is met:

(1) The changes are not modifications under any provisions of Title I of the CAA.
(2) The changes do not result in emissions which exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).
(3) The owner or operator of the Part 70 source notifies the commissioner and U.S. EPA in advance of the change by written notification given at least ten (10) days in advance of the proposed change. The commissioner and the owner or operator of a Part 70 source each shall attach every such notice to their copy of the relevant permit.
(4) The owner or operator of the source maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to subsection (b), (c), or (e), and makes such records available, upon reasonable request, to public review. Such records shall consist of all information required to be submitted to the commission in the notices specified in subsections (b)(1), (c)(1), and (e)(2).

(b) An owner or operator of a Part 70 source may make Section 502(b)(10) of the CAA changes without a permit revision, subject to the constraints of subsection (a) and the following additional conditions:

(1) For each such change, the required written notification shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or conditions that are no longer applicable as a result of the change.

(2) The permit shield described in section 15 of this rule shall not apply to any change made under this subsection.

(c) An owner or operator of a Part 70 source may trade increases and decreases in emissions in the Part 70 source, where the applicable state implementation plan (SIP) provides for such emission trades without requiring a permit revision, subject to the constraints of subsection (a) and the further conditions of this subsection. Such changes may be made without a permit revision regardless of whether the permit fails to provide expressly for such emissions trading provided the following:

(1) For each such change, the required written notification shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including, at a minimum, the following:

(A) When the proposed change will occur.

(B) A description of each such change.

(C) Any change in emissions.

(D) The permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan.

(E) The pollutants emitted subject to the emissions trade.

The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and that provide for the emissions trade.

(2) The permit shield described in section 15 of this rule shall not apply to any change made under this subsection. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

(d) An owner or operator of a Part 70 source may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of the Part 70 permit for the source in accordance with section 5(9) of this rule, without a prior permit revision, subject to compliance with such permit terms and conditions. To procure alternative operating scenarios for its Part 70 permit, the owner or operator of a Part 70 source must request such alternative scenarios in its application for the permit in accordance with section 4(c)(6) of this rule. The provisions of subsection (a) notwithstanding, no advanced notice to the department is required prior to making such a change.

(e) An owner or operator of a Part 70 source may make changes otherwise requiring a minor or significant permit revision under an emissions cap included in a Part 70 permit without a permit revision, subject to the conditions of subsection (a) and the following additional conditions:

(1) The emissions cap has been established in accordance with the emission cap provisions of 326 IAC 2-1.1-12 and this rule.

(2) The notification to the commissioner under subsection (a) shall include the information required under 326 IAC 2-1.1-12(f).

(3) The permit shield in section 15 of this rule shall extend to terms and conditions that allow such increases and decreases in emissions.

(Air Pollution Control Board; 326 IAC 2-7-20; filed May 25, 1994, 11:00 a.m.: 17 IR 2269; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1047; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1594)

326 IAC 2-7-21 Local agencies

Authority: IC 13-1-1-4; IC 13-7-7-1
Affected: IC 13-7

Sec. 21. Pursuant to the CAA and if specified in a written agreement with the commissioner, a local air pollution control agency may perform some or all of the functions of the Part 70 permit program. The commissioner and such a local air agency shall enter into an enforceable written agreement documenting the local air agency's and the department's relative Part 70 permit program roles and responsibilities. *(Air Pollution Control Board; 326 IAC 2-7-21; filed May 25, 1994, 11:00 a.m.: 17 IR 2270)*

326 IAC 2-7-22 Transition from a Part 70 permit to a federally enforceable state operating permit (FESOP)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-8
Affected: IC 13-15; IC 13-17

Sec. 22. (a) A Part 70 permittee may accept federally enforceable limits, limitations, or conditions to meet the requirements

for issuance of a FESOP. A source that meets the conditions of a FESOP may apply for a FESOP and revocation of its Part 70 permit under this section. A source shall operate under the terms of its Part 70 permit until the final FESOP is issued by the department.

(b) An application for a FESOP under this section shall include the following:

(1) Identification of the following:

(A) Units, processes, or operations that will accept limits, limitations, or conditions to reduce potential to emit.

(B) Limits, limitations, or conditions that will be established, including any supporting information or calculations to document that emissions will be below Part 70 applicability.

(C) New or modified compliance monitoring requirements for the limits, limitations, or conditions.

(2) A statement verifying that the information in the existing Part 70 permit application is valid.

(3) A one thousand dollar ($1,000) application fee.

(4) A certification by a responsible official consistent with section 4(f) of this rule for all the submitted information.

(c) Upon receipt of an application for a FESOP under this section, the department shall take the following actions:

(1) Not later than five (5) days after receipt of the application, send notice of the application to the U.S. EPA and any affected state.

(2) Not later than one hundred twenty (120) days after receipt of the application, do either of the following:

(A) Determine that additional information is needed and request such information.

(B) Provide an opportunity for comment for proposal to issue or deny the FESOP in accordance with 326 IAC 2-8-13(c) and do either of the following:

(i) Issue a FESOP incorporating the changes and new limits, limitations, or conditions and revoke the existing Part 70 permit upon issuing the FESOP.

(ii) Deny the application.

(3) Submit a copy of a draft and final FESOP issued under this section to the U.S. EPA.

(d) The applicant shall comply with the notice requirements under 326 IAC 2-8-13(a) and 326 IAC 2-8-13(b).

(e) Payment of an annual operating fee due under 326 IAC 2-8-16 or refund of an annual operating fee paid under section 19 of this rule shall be prorated. *(Air Pollution Control Board; 326 IAC 2-7-22; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2351)*

326 IAC 2-7-23 Transition from a Part 70 permit to a source specific operating agreement (SSOA)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-8
Affected: IC 13-15; IC 13-17

Sec. 23. (a) A source operating under a Part 70 permit may accept limits, limitations, or conditions to meet the requirements for issuance of an existing source specific operating agreement (SSOA), as defined in 326 IAC 2-9. A source that meets the conditions of an existing SSOA may request coverage under a specific provision of 326 IAC 2-9 and revocation of its Part 70 permit. A source shall operate under the terms of it *[sic., its]* Part 70 permit until the final SSOA is issued by the department.

(b) A request for a SSOA shall include the following:

(1) A completed application form or forms as provided by the commissioner.

(2) The appropriate application fee under 326 IAC 2-9.

(c) Upon receipt of a request, the department shall take the following actions:

(1) Not later than five (5) days after receipt of the request, send a notice of the request to the U.S. EPA and any affected state.

(2) Not later than ninety (90) days after the receipt of the request, do any of the following:

(A) Determine that additional information is needed and request such information.

(B) Issue a SSOA and revoke the existing Part 70 permit upon issuing the SSOA.

(C) Deny the request.

(d) Refund of the annual operating fee paid under section 19 of this rule shall be prorated. *(Air Pollution Control Board; 326 IAC 2-7-23; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2352)*

326 IAC 2-7-24 Establishment of streamlined requirements for units subject to multiple requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 24. (a) A source owner subject to this rule may request to comply with streamlined requirements for any unit subject to

multiple requirements for a specific pollutant, provided the streamlined requirements are established under the Part 70 permit issuance, renewal, or significant permit modification process under this rule.

(b) A source proposing the streamlining of multiple requirements shall use the following procedures:

(1) The applicant shall submit a proposal for the streamlining of multiple requirements with the permit application required under section 4 of this rule or any amendment thereof. The proposal for streamlining of multiple requirements may be submitted up to thirty (30) days after issuance of the draft permit.

(2) The applicant shall provide a side-by-side comparison of all requirements included in a streamlining proposal that are currently applicable and effective for each specific regulated air pollutant and emissions unit for which streamlining is being proposed. The applicant shall distinguish between requirements that are emissions standards or work practice standards, or both, and monitoring and compliance demonstration provisions in the streamlining proposal. The applicant shall provide any information the department determines is needed to evaluate the proposal.

(3) The applicant shall develop and provide a compliance schedule with the streamlining proposal to implement any new monitoring requirements or compliance requirements, or both, relevant to the streamlined limit, if the source is unable to comply with the streamlined limit upon permit issuance. The record keeping, monitoring, and reporting requirements of the applicable requirements being subsumed shall remain in effect, as well as any emission limits associated with those requirements, until the new monitoring requirements or compliance requirements, or both, become effective.

(c) In the event the department determines the proposal to be inadequate, the applicant shall be notified and given a reasonable deadline to respond.

(d) The commissioner shall include citations to all subsumed requirements in the Part 70 permit's specification of the origin and authority of permit conditions and shall specify all subsumed requirements under the permit shield. In addition, the Part 70 permit shall include any additional terms and conditions necessary to assure compliance with the streamlined requirement and all subsumed requirements. In all instances, the proposed permit terms and conditions shall be enforceable as a practical matter.

(e) The commissioner may deny a request for streamlining of multiple requirements for any of the following reasons:

(1) The streamlined requirements are not as stringent as the requirements to be subsumed.

(2) The streamlined requirements will not adequately assure compliance with all applicable requirements.

(3) U.S. EPA objects to the use of the streamlined requirements.

(4) Any other reason related to the stringency of the streamlined requirements or compliance with the CAA.

(f) In carrying out the public participation and notice to affected states requirements under section 17 of this rule, the commissioner shall do the following:

(1) Note the use of streamlined requirements or limits, or both, in any required transmittal of a Part 70 application, Part 70 modification application, application summary, or revised application to U.S. EPA and an affected state.

(2) Include the demonstration used to establish streamlined requirements and supporting documentation in the public record.

(3) Reissue a draft permit in any case where a request for streamlining of multiple requirements is submitted to the department after issuance of the draft permit.

(g) A streamlined requirement is approved for the source by the U.S. EPA if it is incorporated in an issued Part 70 permit to which the U.S. EPA has not objected. Public comments concerning a Part 70 permit that includes a streamlined requirement shall be transmitted to the U.S. EPA no later than five (5) working days after the end of the public comment period. The commissioner's determination of approval is not binding on the U.S. EPA.

(h) If the commissioner or the U.S. EPA determines that the Part 70 permit does not assure compliance with applicable requirements, the commissioner shall reopen and revise the permit.

(i) The source shall comply with all applicable requirements to be subsumed by the proposed streamlined requirement until the Part 70 permit has been issued with the streamlined requirements.

(j) A source violating a streamlined limitation or requirement in a Part 70 permit may be subject to an enforcement action for violation of one (1) or more of the subsumed requirements.

(k) Noncompliance with any provision in a permit established pursuant to this section constitutes a violation of this rule. *(Air Pollution Control Board; 326 IAC 2-7-24; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2352; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1048; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1595)*

326 IAC 2-7-25 Establishment of alternative state-only requirements (Repealed)

Sec. 25. *(Repealed by Air Pollution Control Board; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1604)*

Rule 8. Federally Enforceable State Operating Permit Program

326 IAC 2-8-1 Definitions

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 1. In addition to the definitions provided in IC 13-7-1, IC 13-1-1-2, 326 IAC 1-2, and 326 IAC 2-7, the following definitions apply throughout this rule:

(1) "FESOP" means a federally enforceable state operating permit issued in accordance with this section.

(2) "FESOP source" means a source that has been issued a permit by the commissioner under this rule.

(Air Pollution Control Board; 326 IAC 2-8-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2271; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)

326 IAC 2-8-2 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. (a) A source required to have a Part 70 permit as described in 326 IAC 2-7-2(a) may apply to the commissioner for a FESOP. Until the commissioner has issued a FESOP for the source, the source is subject to all applicable requirements of 326 IAC 2-7. If the commissioner has not issued a source that exists on December 14, 1995, a final FESOP by December 14, 1996, the source must comply with all provisions of 326 IAC 2-7.

(b) Any source required to obtain a permit under 326 IAC 2-6.1 may apply to the commissioner for a FESOP. *(Air Pollution Control Board; 326 IAC 2-8-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2271; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2354; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1049)*

326 IAC 2-8-3 Permit application

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. (a) The owner or operator of a source seeking a FESOP shall submit a complete application on such form or forms as the commissioner may establish, or in other application formats authorized by the commissioner. An application for a FESOP may be submitted at any time. Unless, within ninety (90) days of receipt of an application, the commissioner determines that an application is not complete, such application shall be deemed to be complete.

(b) In order for an application to be deemed complete, it must contain the following:

(1) Substantive information required under subsection (c). Applications for a FESOP revision must supply substantive information required under subsection (c) only as it relates to the proposed change.

(2) Certification by an authorized individual that the submitted information is consistent with subsection (d).

(c) An application for a FESOP shall include the information specified in this subsection to the extent necessary to determine applicable requirements, compliance with applicable requirements and this rule, and compliance with the terms and conditions of a FESOP. The following information shall be included in the application for all emissions units at a FESOP source:

(1) Identifying information, including the following:

(A) Company name and address (or plant name and address if different from the company name).

(B) Owner's name and agent.

(C) Telephone numbers and names of plant site manager, authorized individual, or site contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code), including any associated with each alternate scenario identified by the source.

(3) The following emissions related information:

(A) All emissions of regulated air pollutants. A FESOP application shall describe all emissions of regulated air pollutants emitted from any emissions unit. The applicant shall provide such additional information related to the emissions of air pollutants as is sufficient to verify which requirements are applicable to the source.

(B) Identification and description of all points of emissions described in clause (A) in sufficient detail to establish the

applicability of requirements of this title.

(C) Emissions rates of all pollutants described in clause (A) in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(D) The following information to the extent it is needed to determine or regulate emissions:

(i) Fuels, including types and characteristics.

(ii) Fuel use, including types and quantities combusted.

(iii) Raw materials.

(iv) Production and process rates.

(v) Operating schedules.

(E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(F) Limitations on source operation affecting emissions or any work practice standards, as requested by the applicant, for all regulated pollutants at a FESOP source.

(G) Other information required by any applicable requirement, including information related to stack height limitations developed under Section 123 of the CAA*.

(H) Calculations, examples of calculations, or descriptions of calculation methods or basis on which the information in this subsection is based.

(I) Insignificant activities shall be listed, but the emissions related information described in this subdivision need not be provided unless the commissioner determines that such information is necessary to determine the applicability of 40 CFR 70*. Information concerning trivial activities as defined in 326 IAC 2-7-1(40) need not be included in permit applications submitted under this rule.

(4) Other specific information that may be necessary to implement and enforce other applicable requirements of the CAA or of this rule or to determine the applicability of such requirements.

(5) An explanation of any proposed exemptions from otherwise applicable requirements.

(6) Confirmation of the following:

(A) That the source maintains on-site a preventive maintenance plan as described in 326 IAC 1-6-3.

(B) That upon request the source will forward to department the preventive maintenance plan.

(7) At the option of the applicant, a request that the permit provide terms and conditions allowing for the establishment of an emissions cap program or programs. The request for an emissions cap program or programs shall include the information under 326 IAC 2-1.1-12(d).

(d) Any application form or compliance certification submitted under this rule shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification and any other certification required under this section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) In the case where a source has submitted information to the commissioner under a claim of confidentiality under 326 IAC 17, the commissioner may also require the source to submit a copy of such information directly to the U.S. EPA.

(f) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a FESOP application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. An applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant filed a complete application but prior to release of a draft FESOP. In addition, the applicant shall provide additional information as requested by the commissioner to determine the compliance status of the source in accordance with section 5(a) of this rule.

(g) If, while processing an application, the commissioner determines that additional information is necessary to evaluate or take final action on that application, the commissioner may request such information in writing and set a reasonable deadline for a response.

(h) For purposes of a FESOP renewal, a timely application is one that is submitted at least nine (9) months prior to the date of expiration of the source's existing permit.

*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 2-8-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2271; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2355; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1050; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; errata filed Dec*

12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 22)

326 IAC 2-8-4 Permit content

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. The following shall be included in each FESOP issued under this rule:

(1) Emission limitations and standards, including those operational requirements and limitations that limit the source's capacity to emit any air pollutants such that it does not fall within any of the categories listed in 326 IAC 2-7-2(a) and that assure compliance with all applicable requirements at the time of FESOP issuance. The FESOP shall include the following:

(A) The FESOP shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(B) Where an applicable requirement of the CAA is more stringent than an applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the FESOP and shall be described in the permit as enforceable by the commissioner and the U.S. EPA.

(C) If an applicable implementation plan allows a determination of an alternative emission limit for a FESOP source, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, and the commissioner elects to use such process, any FESOP containing an alternative emission limit based on such an equivalency determination shall contain provisions to ensure that such emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(D) Emission limitations applicable to startup, shutdown, and emergency bypasses shall be addressed on a case-by-case basis in the permit. Such limitations shall be designed so as to minimize the frequency of such events and to minimize the excess emissions caused by these events, to the extent feasible, taking into consideration available technologies, safety, cost, and other relevant factors.

(2) A permit term not to exceed five (5) years from the date of issuance.

(3) Monitoring and related record keeping and reporting requirements which assure that all reasonable information is provided to evaluate continuous compliance with the applicable requirements. At a minimum, the following shall be contained in each FESOP:

(A) Each FESOP shall contain the following requirements with respect to monitoring:

(i) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 504(b) or 114(a)(3) of the CAA.

(ii) Where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the FESOP, as reported under clause (C). Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this clause.

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(B) With respect to record keeping, the FESOP shall incorporate all applicable record keeping requirements, including, where applicable, the following:

(i) Records of required monitoring information that include the following:

(AA) The date, place, as defined in the FESOP, and time of sampling or measurements.

(BB) The dates analyses were performed.

(CC) The company or entity that performed the analyses.

(DD) The analytical techniques or methods used.

(EE) The results of such analyses.

(FF) The operating conditions as existing at the time of sampling or measurement.

(ii) Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes the following:

(AA) All calibration and maintenance records.
(BB) All original strip chart recordings for continuous monitoring instrumentation.
(CC) Copies of all reports required by a FESOP.
(DD) For the purposes of complying with this subdivision, the permittee shall retain the records on-site for three (3) years and shall make them available upon request for the two (2) years following.

(C) With respect to reporting, a FESOP shall incorporate all applicable reporting requirements and requirements for the following:

(i) Submittal of reports of any required monitoring at least every six (6) months. All instances of deviations from FESOP requirements must be clearly identified in such reports. All required reports must be certified by an authorized individual consistent with section 3(d) of this rule.

(ii) The reporting of deviations from FESOP requirements, including those attributable to upset conditions as defined in a FESOP permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Proper notice submittal under section 12 of this rule satisfies the reporting requirements of this item. Notwithstanding requirements in this section, the reporting of deviations required by an applicable requirement shall follow the schedule stated in the applicable requirement.

(4) A severability clause to ensure the continued validity of the various FESOP requirements in the event that a portion of the FESOP is determined to be invalid.

(5) Provisions stating the following:

(A) The permittee must comply with all conditions of the FESOP. Noncompliance with any provision of a FESOP is grounds for:

(i) enforcement action;
(ii) FESOP termination, revocation and reissuance, or modification; and
(iii) denial of a FESOP renewal application.

(B) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of a FESOP.

(C) The FESOP may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any FESOP condition.

(D) The FESOP does not convey any property rights of any sort or any exclusive privilege.

(E) The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating a FESOP or to determine compliance with a FESOP. Upon request, the permittee shall also furnish to the commissioner copies of records required to be kept by a FESOP or, for information claimed to be confidential, the permittee may furnish such records directly to the U.S. EPA along with a claim of confidentiality.

(6) A provision to ensure that a FESOP source pays fees to the commissioner consistent with the fee schedule approved under section 16 of this rule.

(7) Terms and conditions which allow for changes by the FESOP source among reasonably anticipated operating scenarios that are identified by the source in its application as approved by the commissioner. Such terms and conditions shall:

(A) require the source, contemporaneously with making a change from one (1) operating scenario to another, to make a record in a log at the permitted facility of the scenario under which it is operating; and

(B) for each such alternative operating scenario, require compliance with all applicable requirements and the requirements of this rule.

(8) Terms and conditions, if a FESOP applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

(A) shall include all terms required under section 5 of this rule to determine compliance; and

(B) shall require compliance with all applicable requirements and requirements of this rule.

(9) A provision that requires the source to do all of the following:

(A) Maintain on-site the preventive maintenance plan required under section 3(c)(6) of this rule.

(B) Implement the preventive maintenance plan.

(C) Forward to the department upon request the preventive maintenance plan.

(10) Descriptive information.
(11) Terms and conditions, if requested by the permit applicant, that allow for changes at the permitted source, that comply with a federally enforceable emissions cap established in accordance with 326 IAC 2-1.1-12 and section 15(b) of this rule. Such terms and conditions shall:
(A) include all terms required under subdivision (3) and section 5 of this rule to determine compliance with the emission cap limit, all associated applicable requirements, and all terms required under section 15(a) and 15(b) of this rule;
(B) include a federally enforceable emissions cap, which may be independent of otherwise applicable requirements, with which the source must comply;
(C) require the permittee to meet all applicable requirements and all requirements of this rule;
(D) allow construction of new emission units or reconstruction or modification to existing emission units or processes that would otherwise require an operating permit revision, provided the actual emissions from the emission units or processes specified under an emissions cap or to be included under the emissions cap do not exceed the emissions limitation for the cap;
(E) allow for emissions trading solely for the purposes of complying with the emissions cap, provided the emissions cap request contains adequate terms and conditions, including all terms required under subdivision (3) and section 5 of this rule to determine compliance with the cap and with any emissions trading provisions;
(F) contain replicable procedures and permit terms that ensure the emissions cap is enforceable and trades pursuant to the cap are quantifiable and enforceable;
(G) be established in accordance with the procedures pursuant to sections 13 and 14 of this rule; and
(H) require the owner or operator to provide notice for those changes that would have otherwise required a minor or significant operating permit revision in accordance with section 15(b) of this rule.
(12) Terms and conditions, if requested by the permit applicant, that, notwithstanding the permit revision requirements under section 11.1 of this rule, allow the source to make specifically identified modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall include the following:
(A) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.
(B) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

(Air Pollution Control Board; 326 IAC 2-8-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2272; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2356; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1051; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107)

326 IAC 2-8-5 Compliance requirements for FESOPs

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 5. (a) Each FESOP shall contain the following requirements:
(1) Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the FESOP. Any document (including reports) required by a FESOP shall contain a certification by an authorized individual that meets the requirements of section 3(d) of this rule. Compliance certification requirements shall include the following:
(A) The frequency of submissions of compliance certifications.
(B) In accordance with section 4(3) of this rule, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices.
(C) A requirement that the compliance certification include the following:
(i) The identification of each term or condition of the FESOP that is the basis of the certification.
(ii) The compliance status.
(iii) Whether compliance was continuous or intermittent.
(iv) The methods used for determining the compliance status of the source, currently and over the reporting

period.

(v) Such other facts as the commissioner may require to determine the compliance status of the source.

(D) Such additional requirements as may be specified under Sections 114(a)(3) and 504(b) of the CAA.

(2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the commissioner, an authorized representative, or the U.S. EPA to perform the following:

(A) Enter upon the permittee's premises where a FESOP source is located or emissions related activity is conducted, or where records must be kept under the conditions of a FESOP.

(B) Have access to and copy, at reasonable times, any records that must be kept under the conditions of a FESOP.

(C) Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under a FESOP.

(D) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with a FESOP or applicable requirements.

(3) A schedule for compliance with any requirement with which the source is not in compliance at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones leading to compliance with any requirements for which the source will be in noncompliance at the time of FESOP issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(4) Such other provisions as the commissioner may require.

(b) The commissioner may issue a compliance order to any source upon discovery that an issued permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement. *(Air Pollution Control Board; 326 IAC 2-8-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2274; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1053)*

326 IAC 2-8-6 Federally enforceable requirements

Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 4-22-9-5; IC 13-7

Sec. 6. (a) The commissioner may not issue a FESOP that waives, or makes less stringent, any limitation or requirement contained in or issued under the state implementation plan (SIP) or requirements that are otherwise federally enforceable under the CAA. Permits that do not conform to the requirements of this rule and the requirements of U.S. EPA's underlying regulations may be deemed by the U.S. EPA not federally enforceable.

(b) All terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA and citizens under the CAA. *(Air Pollution Control Board; 326 IAC 2-8-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2274)*

326 IAC 2-8-7 Permit issuance, renewal, and revisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 7. (a) A FESOP, FESOP modification, or renewal may be issued only if all of the following conditions have been met:

(1) The commissioner has received a complete application for a FESOP, FESOP modification, or FESOP renewal.

(2) The commissioner has complied with the requirements for public notice under section 13 of this rule.

(3) The conditions of the FESOP provide for compliance with all applicable requirements and the requirements of this rule.

(4) The U.S. EPA has received a copy of the draft FESOP and any notices required and has either:

(A) not objected to the issuance of the FESOP not later than thirty (30) days after receipt of the draft FESOP; or

(B) confirmed that the commissioner has adequately addressed an objection.

(b) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under 326 IAC 2-2 through 326 IAC 2-5.1. *(Air Pollution Control Board; 326 IAC 2-8-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2274; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2358; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1054)*

326 IAC 2-8-8 Permit reopening
Authority: IC 13-14-8; IC 13-15; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-7; IC 13-17

Sec. 8. (a) A permit may be reopened and revised under any of the circumstances listed in IC 13-15-7 or if the commissioner determines any of the following:
(1) That a FESOP contains a material mistake.
(2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions of a FESOP.
(3) That a FESOP must be revised or revoked to assure compliance with an applicable requirement.
(b) Proceedings by the commissioner to reopen and revise a FESOP shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable.
(c) The reopening and revision of a FESOP under subsection (a) shall not be initiated before a notice of such intent is provided to a FESOP source by the commissioner at least thirty (30) days in advance of the date the permit is to be reopened, except that the commissioner may provide a shorter time period in the case of an emergency. *(Air Pollution Control Board; 326 IAC 2-8-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2275; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2358; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-8-9 Permit expiration
Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-7

Sec. 9. FESOP expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with sections 3(h) and 7 of this rule. *(Air Pollution Control Board; 326 IAC 2-8-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2275)*

326 IAC 2-8-10 Administrative permit amendments
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 10. (a) An administrative permit amendment is a FESOP revision that does any of the following:
(1) Corrects typographical errors.
(2) Identifies a change in the name, address, or telephone number of any person identified in the FESOP, or provides a similar minor administrative change at the source.
(3) Requires more frequent monitoring or reporting by the permittee.
(4) Allows for a change in ownership or operational control of a source where the commissioner determines that no other change in a FESOP is necessary, provided that a written agreement containing a specific date for transfer of a FESOP responsibility, coverage, and liability between the current and new permittee has been submitted to the commissioner.
(5) Makes a change to a monitoring, maintenance, or record keeping requirement that is not environmentally significant. Such change shall not be an administrative amendment if the monitoring, maintenance, or record keeping is required by an applicable requirement.
(6) Revises descriptive information where the revision will not trigger a new applicable requirement or violate a permit term.
(7) Incorporates alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60*, 40 CFR 61*, or 40 CFR 63*.
(8) Incorporates newly-applicable monitoring or testing requirements specified in 40 CFR 60*, 40 CFR 61*, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.
(9) Incorporates test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.
(10) Allows for the construction and operation of a modification that has received advance approval under this rule.
(11) Allows for changes or modifications involving a pollution control project or pollution prevention project as defined in

326 IAC 2-1.1-1 that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in 326 IAC 2-1.1-3(e)(1) or a significant change in the method or methods to demonstrate or monitor compliance.
(12) Allows for a change or modification that meets the applicability criteria and can meet and will comply with the operational limitations for a source specific operating agreement under 326 IAC 2-9 or a general permit under 326 IAC 2-12 or section 18 of this rule and does not require an adjustment to the potential to emit of the source.
(13) Incorporates a modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:
(A) results in the replacement or repair of an entire process;
(B) qualifies as a reconstruction of an entire process; or
(C) may result in an increase of actual emissions.
(14) Incorporates a modification that adds an emissions unit or units of the same type that are already permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in 326 IAC 2-2 or 326 IAC 2-3.
(15) Incorporates a modification that is subject to the following reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*:
(A) 40 CFR 60.40c*, except for modifications to a source located in Lake County.
(B) 40 CFR 60.110b*.
(C) 40 CFR 60.250*, except for modifications that include thermal dryers.
(D) 40 CFR 60.330* for modifications that only include emergency generators.
(E) 40 CFR 60.670*.
(F) 40 CFR 61.110*.
As part of the request under subsection (b)(1), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP. For modifications under clauses (A) through (D), the source must use the monitoring specified in the relevant RACT, NSPS, or NESHAP.
(16) Incorporates a modification that is subject to one (1) of the following NSPSs, except for modifications that would be subject to 326 IAC 8-1-6:
(A) 40 CFR 60.310*.
(B) 40 CFR 60.390*.
(C) 40 CFR 60.430*.
(D) 40 CFR 60.440*.
(E) 40 CFR 60.450*.
(F) 40 CFR 60.460*.
(G) 40 CFR 60.490*.
(H) 40 CFR 60.540*.
(I) 40 CFR 60.560*.
(J) 40 CFR 60.580*.
(K) 40 CFR 60.600*.
(L) 40 CFR 60.660*.
(M) 40 CFR 60.720*.
As part of the request under subsection (b)(1), the applicant shall acknowledge the requirement to comply with the NSPS. For modifications under clauses (A) through (H), the source must use the monitoring specified in the NSPS.
(b) An administrative permit amendment may be made by the commissioner consistent with the following:
(1) The commissioner shall take no more than sixty (60) days from receipt of a request for an administrative permit amendment to take final action on such request and may incorporate such changes without providing prior notice to the public or affected states provided that it designates any such permit revisions as having been made under this subsection.
(2) The commissioner shall submit a copy of a revised FESOP to the U.S. EPA.
(3) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.
*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 2-8-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2275; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2358; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1054; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed May 21, 2002, 10:20 a.m.: 25 IR 3071; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-8-11 Permit modification (Repealed)

Sec. 11. *(Repealed by Air Pollution Control Board; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1072)*

326 IAC 2-8-11.1 Permit revisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15-5; IC 13-17

Sec. 11.1. (a) Any person proposing to add additional emission units, modify existing emission units, or otherwise modify a FESOP source as described in this section shall submit a permit revision request in accordance with this section.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment, or components thereof, if the repair or replacement:

(1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit for the equipment or the affected emissions unit that was repaired or replaced;

(2) is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1; and

(3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application required under this section shall meet the requirements of section 3(c) of this rule and include the following information:

(1) Company name and address.

(2) A description of the change and the emissions resulting from the change.

(3) An identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements.

(4) Proposed permit terms and conditions required to implement the change, including limitations and methods to be used to comply with such limitations for modifications described in subsection (d)(5).

(5) A schedule of compliance, if applicable.

(6) A certification consistent with section 3(d) of this rule.

(d) The following modifications shall require minor permit revisions and shall require approval prior to construction and operation:

(1) Modifications that reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.

(2) The addition of a portable source or relocation of a portable source to an existing source, if the addition or relocation would require a change to any permit terms or conditions.

(3) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not increase the potential to emit any regulated pollutant greater than the thresholds under subsection (f)(1), but requires a significant change in the method or methods to demonstrate or monitor compliance.

(4) Modifications that would have a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of sulfur dioxide (SO_2).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of nitrogen oxides (NO_x).
(D) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for modifications that are not described in clause (E).
(E) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for modifications that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.
(F) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).
(G) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).
(H) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:
(i) Hydrogen sulfide (H_2S).
(ii) Total reduced sulfur (TRS).
(iii) Reduced sulfur compounds.
(iv) Fluorides.

(5) Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated pollutant other than hazardous air pollutants, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:
(A) Limiting total annual solvent usage or maximum volatile organic compound content, or both.
(B) Limiting annual hours of operation of the process or business.
(C) Using a particulate air pollution control device as follows:
(i) Achieving and maintaining ninety-nine percent (99%) efficiency.
(ii) Complying with a no visible emission standard.
(iii) The potential to emit before air pollution controls does not exceed major source thresholds for federal permitting programs.
(iv) Certifying to the commissioner that the air pollution control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}).
(D) Limiting individual fuel usage and fuel type for a combustion source.
(E) Limiting raw material throughput or sulfur content of raw materials, or both.

(6) A change that is not described under section 10(a)(15) or 10(a)(16) of this rule and is subject to a reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.
(7) A modification for which a source requests an emission limit to avoid 326 IAC 8-1-6.

(e) Minor permit revision procedures shall be as follows:
(1) Any person proposing to make a change described in subsection (d) shall submit an application concerning the change and shall include the information under subsection (c).
(2) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the change until the commissioner has revised the permit.
(3) Within forty-five (45) calendar days from receipt of an application for a minor permit revision, the commissioner shall either:
(A) approve the minor permit revision request;
(B) deny the minor permit revision; or
(C) determine that the minor permit revision request would cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards, would allow for an increase in emissions greater than the thresholds in subsection (f), or would not provide for compliance monitoring consistent

with this rule and should be processed as a significant permit revision.

(4) If approved, the permit shall be revised by incorporating the minor permit revision into the permit. The commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the minor permit revision to the permit. The commissioner shall notify the permittee upon incorporation of the minor permit revision to the permit and provide a copy of the minor permit revision to the permittee. Notwithstanding IC 13-15-5, the commissioner's decision shall become effective immediately.

(f) Significant permit revision procedures are as follows:

(1) A significant permit revision is a modification that is not an administrative amendment under section 10 of this rule or subject to subsection (d) and includes the following:

(A) Any modification that would be subject to 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1.

(B) Any modification that results in the source needing to obtain a Part 70 permit under 326 IAC 2-7.

(C) A modification that is subject to 326 IAC 8-1-6.

(D) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.

(E) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of the following pollutants:

(i) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}).

(ii) Sulfur dioxide (SO_2).

(iii) Nitrogen oxides (NO_x).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H_2S).

(vi) Total reduced sulfur (TRS).

(vii) Reduced sulfur compounds.

(viii) Fluorides.

(F) For a source of lead with a potential to emit greater than or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(G) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single hazardous air pollutant as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(H) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

(I) Any modification involving a pollution control project as defined in 326 IAC 2-1.1-1 that results in an increase in the potential to emit any regulated pollutant greater than the thresholds under this section and requires a change in the method or methods to demonstrate or monitor compliance.

(J) Any modification involving a pollution prevention project as defined in 326 IAC 2-1.1-1 that increases the potential to emit any regulated pollutant greater than the thresholds under this section or that results in emissions of any regulated pollutant not previously emitted.

(2) The following conditions shall apply to significant permit revisions:

(A) Any person proposing to make a modification described in this subsection shall submit an application concerning the modification and shall include the information under subsection (c).

(B) The commissioner shall provide a copy of the significant permit revision application and draft and final operating permit revision to the U.S. EPA.

(C) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the change until the commissioner has revised the permit.

(D) The commissioner shall provide for public notice and comment in accordance with section 13 of this rule.

(E) The commissioner shall approve or deny the significant permit revision as follows:

(i) Within one hundred twenty (120) calendar days from receipt of an application for a significant permit revision, except for a significant permit revision under subdivision (1)(A).

(ii) Within two hundred seventy (270) calendar days from receipt of an application for a significant permit revision under subdivision (1)(A).

(F) If approved, the permit shall be revised by incorporating the significant permit revision into the permit. The

commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the significant permit revision to the permit.

(g) Notwithstanding the existence of an emissions cap, the following changes shall be required to be reviewed in accordance with the procedures in subsection (f):

(1) Any modifications that trigger any new applicable requirements for the units or processes under the cap.

(2) Any modifications that require an adjustment to the emissions cap limitations.

(3) Any modifications that change any existing requirements for the units or processes under the cap.

*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 2-8-11.1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1055; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed May 21, 2002, 10:20 a.m.: 25 IR 3072; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-8-12 Emergency provision

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 12. (a) An emergency as defined in 326 IAC 2-7-1(12) is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as otherwise provided in this section.

(b) An emergency as defined in 326 IAC 2-7-1(12) constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

(1) An emergency occurred and the permittee can, to the extent possible, identify the causes of the emergency.

(2) The permitted facility was at the time being properly operated.

(3) During the period of an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in a FESOP.

(4) For an emergency lasting one (1) hour or more, the permittee notified the commissioner within four (4) daytime business hours after:

(A) the beginning of the emergency; or

(B) the emergency is discovered or reasonably should have been discovered.

(5) The permittee submitted notice either in writing or by facsimile of the emergency under subdivision (4) to the commissioner within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of section 4(3)(C)(ii) of this rule and must contain the following:

(A) A description of the emergency.

(B) Any steps taken to mitigate emissions.

(C) Corrective actions taken.

(6) The permittee immediately took all reasonable steps to correct the emergency.

(c) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(d) This emergency provision supersedes 326 IAC 1-6 for sources subject to this rule after the effective date of this rule. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

(e) The commissioner may require that the preventive maintenance plan required under section 3(c)(6) of this rule be revised in response to an emergency.

(f) Failure to notify the commissioner by telephone or facsimile of an emergency lasting more than one (1) hour in compliance with subsection (b)(4) and (b)(5) shall constitute a violation of this rule and any other applicable rules.

(g) Operations may continue during an emergency if the following conditions are met:

(1) If the emergency situation causes a deviation from a technology-based limit, the source may continue to operate the affected emitting facilities during the emergency provided the source immediately takes all reasonable steps to correct the emergency and minimize emissions.

(2) If an emergency situation causes a deviation from a health-based limit, the source may not continue to operate the affected emissions facilities unless:

(A) the source immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
(B) continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in clause (B).

(Air Pollution Control Board; 326 IAC 2-8-12; filed May 25, 1994, 11:00 a.m.: 17 IR 2277; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2360; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)

326 IAC 2-8-13 Public notice

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-4
Affected: IC 13-15-5-3; IC 13-17

Sec. 13. (a) Any person applying for a FESOP upon land which is either undeveloped or for which a valid existing permit has not been issued shall, not more than ten (10) working days after submitting the FESOP application, make a reasonable effort to provide notice to all owners or occupants of land adjoining the land which is the subject of the application. Each applicant shall pay the cost of compliance with this requirement. The notice shall be in writing and include the date on which the application was submitted and a brief description of the subject of the application.

(b) Each applicant for a FESOP shall do the following:

(1) Place a copy of the permit application or permit modification application, and any information submitted to the department for public review at a library in the county where the source is or will be located not later than ten (10) days after submitting the permit application, permit modification application, or additional information to the department.

(2) Provide the commissioner with the location of the library where the copy may be found.

(3) Comply with the requirements of subdivisions (1) and (2) when providing any additional material regarding the application to the department.

(4) The applicant may remove the FESOP application and related information previously placed at the public library anytime not earlier than sixty (60) days after the final FESOP has become effective.

(c) Prior to issuing a FESOP, the draft permit shall be available for review in the following manner:

(1) The commissioner shall notify the public of the draft FESOP by publishing, in a minimum of one (1) newspaper of general circulation in the county where the source is located, a notice which includes the following:

(A) Notification of receipt of the permit application.
(B) The commissioner's draft approval of the permit application.
(C) Notification to the public of at least a thirty (30) day period for submitting written comments to the commissioner.
(D) Notification to the public of the opportunity for a public hearing for consideration of the permit application or notice of such a hearing if one has been scheduled.
(E) Notification to the public that a copy of the application and commissioner's analysis thereof are available for inspection in a convenient public office building in the area where the source is located.

(2) A copy of the notice provided under subdivision (1) shall also be provided to the appropriate federal, state, or local agency.

(3) All comments received during the public comment period shall be considered by the commissioner before the commissioner finally approves or disapproves the permit.

(4) There shall be an opportunity for a public hearing if deemed necessary by the commissioner.

(5) Notification in writing of the final determination shall be given according to IC 13-15-5-3, and such notification shall be made available for public inspection in the same public office buildings to be notified under subdivision (1)(E).

(6) A permit may be denied by the commissioner on the basis of adverse comment if the comment demonstrates the following:

(A) The ambient air quality standards under 326 IAC 1-3 cannot be attained or maintained if a permit is issued.
(B) The prevention of significant deterioration requirements under 326 IAC 2-2 will not be met.
(C) The offset requirements under 326 IAC 2-3 will not be satisfied.
(D) For any other reason such as, but not limited to, interference with attainment and maintenance of the standards under 326 IAC 12.

(7) The commissioner may impose such conditions on the permit as necessary to ensure that the source or facility will comply with all applicable rules; and that the ambient air quality standards established under 326 IAC 1-3, the prevention of significant deterioration standards established under 326 IAC 2-2, and the offset requirements established under 326 IAC 2-3, will be attained and maintained and that the public health will be protected.

(Air Pollution Control Board; 326 IAC 2-8-13; filed May 25, 1994, 11:00 a.m.: 17 IR 2278; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2361)

326 IAC 2-8-14 Review by U.S. EPA
Authority: IC 13-1-1-4; IC 13-7-10
Affected: IC 13-7

Sec. 14. The commissioner shall provide to the U.S. EPA a copy of each draft and final FESOP. *(Air Pollution Control Board; 326 IAC 2-8-14; filed May 25, 1994, 11:00 a.m.: 17 IR 2278)*

326 IAC 2-8-15 Operational flexibility
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 15. (a) An owner or operator of a FESOP source may make any change or changes at the source that are described in subsection (b), (c), or (d), without a prior permit revision, if each of the following conditions is met:

(1) The changes are not modifications under any provisions of Title I of the CAA.

(2) The changes do not result in emissions which exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

(3) The owner or operator of the FESOP source notifies the commissioner and U.S. EPA in advance of the change, with the information described in subsections (b) through (d), by written notification given at least ten (10) days in advance of the proposed change.

(4) The commissioner and the owner or operator of a FESOP source each shall attach every such notice to their copy of the relevant permit.

(5) The owner or operator of the source maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to subsections (b) through (d) and makes such records available, upon reasonable request, for public review. Such records shall consist of all information required to be submitted to the commissioner in the notices specified in subsections (b)(2), (c)(1), and (d).

(b) An owner or operator of a FESOP source may make changes under an emissions cap included in a FESOP permit without a permit revision, subject to the constraints in subsection (a) and the following conditions:

(1) The emissions cap has been established in accordance with this rule and 326 IAC 2-1.1-12.

(2) The notification to the commissioner under subsection (a) shall include the information under 326 IAC 2-1.1-12(f).

(c) An owner or operator of a FESOP source may trade increases and decreases in emissions in the FESOP source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of subsection (a) and the further conditions of this subsection. Such changes may be made without a permit revision regardless of whether the permit fails to provide expressly for such emissions trading under the following conditions:

(1) For each such change, the required written notification shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including, at a minimum, the following:

(A) When the proposed change will occur.

(B) A description of each such change.

(C) Any change in emissions.

(D) The permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan.

(E) The pollutants emitted subject to the emissions trade.

The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and that provide for the emissions trade.

(2) Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

(d) An owner or operator of a FESOP source may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of the FESOP for the source in accordance with section 4(7) of this rule, without a prior permit revision, subject to compliance with such permit terms and conditions. To procure alternative operating

scenarios for its FESOP, the owner or operator of a FESOP source must request such alternative scenarios in its application for the permit. The owner or operator of a FESOP source may request that a valid FESOP permit be revised to include an alternative operating scenario in accordance with the significant permit revision requirements under section 11.1(f) of this rule. Notwithstanding the provisions of subsection (a), no advanced notice to the department is required prior to making such a change. *(Air Pollution Control Board; 326 IAC 2-8-15; filed May 25, 1994, 11:00 a.m.: 17 IR 2278; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1058)*

326 IAC 2-8-16 Fees

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-8
Affected: IC 13-15; IC 13-17; IC 13-16-2-1

Sec. 16. (a) An application for an initial FESOP must be accompanied by a fee of three thousand dollars ($3,000) 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 2-1.1-7 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) 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 a single payment of the entire fee is an undue hardship on the person and that 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 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.

(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 specify the amount being assessed under this section and shall 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 p.m.: 20 IR 2362; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1059; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-8-17 Local agencies

Authority: IC 13-1-1-4; IC 13-7-7-1
Affected: IC 13-7

Sec. 17. Pursuant to the CAA, and if specified in a written agreement with the commissioner, a local air pollution control agency may perform some or all of the functions of the FESOP program. The commissioner and such a local air agency shall enter into an enforceable written agreement documenting the local air agency's and the department's relative FESOP program roles and responsibilities. *(Air Pollution Control Board; 326 IAC 2-8-17; filed May 25, 1994, 11:00 a.m.: 17 IR 2280)*

326 IAC 2-8-18 FESOP general permits

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-8
Affected: IC 13-15; IC 13-17

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

(1) A FESOP general permit shall comply with all requirements applicable to FESOPs under this rule and shall 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 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) Submit a five hundred dollar ($500) application fee. A source operating under a FESOP general permit issued under this section shall pay an annual operating fee of one thousand dollars ($1,000). 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 single payment of the entire fee is an undue hardship on the person and that 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)*

326 IAC 2-8-19 Transition from a federally enforceable state operating permit (FESOP) to a Part 70 permit

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 19. (a) A source operating under a FESOP that wishes to operate under a Part 70 permit may apply for a Part 70 permit and revocation of its FESOP under this section. A source shall operate under the terms of its FESOP until the final Part 70 permit is issued by the department.

(b) The application for a Part 70 permit under this section shall include the following:

(1) A statement verifying that the information in the existing FESOP application is valid.

(2) A description of the changes made or proposed to be made to the source that will require the issuance of a Part 70 permit.

(3) Identification of applicable requirements, including any additional applicable requirements resulting from the change requiring the revocation of the FESOP and issuance of a Part 70 permit.

(4) A description of the compliance status of the source, including a compliance schedule for an identified noncompliance.

(5) A compliance plan describing how the source will continue compliance with applicable requirements and will comply with any new applicable requirements.

(6) A compliance certification.

(7) Certification by a responsible official consistent with 326 IAC 2-7-4(f) for all the submitted information.

(c) Upon receipt of an application for a Part 70 permit under this section, the department shall take the following actions:

(1) Not later than five (5) days after the receipt of the application, send a notice of the application to the U.S. EPA and any affected state.

(2) Provide for public comment in accordance with 326 IAC 2-7-17.

(d) The department may not issue the Part 70 permit until after the U.S. EPA's forty-five (45) day review period or until U.S. EPA has notified the department that U.S. EPA will not object to issuance of the Part 70 permit, whichever is first. Not later than one hundred twenty (120) days after the department's receipt of an application for revocation of a FESOP and issuance of a Part 70 permit or fifteen (15) days after the end of the U.S. EPA forty-five (45) day review period, whichever is later, the department shall do any of the following:

(1) Issue the Part 70 permit as proposed.

(2) Deny the request.

(3) Determine that more information is necessary and request such information.

(e) Payment of an annual operating fee under 326 IAC 2-7-19 or refund of the annual operating fee paid under section 16 of this rule shall be prorated. *(Air Pollution Control Board; 326 IAC 2-8-19; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2363)*

326 IAC 2-8-20 Transition from a federally enforceable state operating permit (FESOP) to a source specific operating agreement (SSOA)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 20. (a) A source operating under a FESOP may accept limits, limitations, or conditions to meet the requirements for issuance of SSOA, as defined in 326 IAC 2-9.

(b) A source that meets the conditions of an SSOA may request coverage under a specific provision of 326 IAC 2-9 and revocation of its existing FESOP.

(c) The request for a SSOA shall include the following:

(1) All forms necessary for a complete SSOA application.

(2) The appropriate application fee under 326 IAC 2-9.

(d) Upon receipt of the request for a SSOA, the department shall take the following actions:

(1) Within five (5) days of receipt of the request, send a notice of the request to the U.S. EPA and any affected state.

(2) Within sixty (60) days of receiving an application, do any of the following:

(A) Determine that additional information is needed and request such information.

(B) Issue a SSOA and revoke the existing FESOP upon issuing the SSOA.

(C) Deny the request.

(e) Refund of the annual operating fee paid under section 16 of this rule shall be prorated. *(Air Pollution Control Board; 326*

IAC 2-8-20; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2364)

Rule 9. Source Specific Operating Agreement Program

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 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) Description of the nature, location, design capacity, and typical operating schedule of the source.

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

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

(5) 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 specify the source specific restrictions and conditions applicable to the source and shall also 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 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, and 326 IAC 2-8.

(f) Any records required to be kept by a source in accordance with any section of this rule shall be maintained at the site for at least five (5) years and shall be 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. The one-time application fee for a combined application submittal shall be five hundred dollars ($500).

(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) Noncompliance with any applicable provision of this rule or any 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)

326 IAC 2-9-2 Source specific restrictions and conditions (Repealed)

Sec. 2. *(Repealed by Air Pollution Control Board; filed May 7, 1997, 4:00 p.m.: 20 IR 2317)*

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 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) 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) 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)

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) 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) 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)

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 (c), (d), (e), or (f), woodworking operations 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 (PM_{10}) 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 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 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), (c), (e), or (f), woodworking operations 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 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 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 (PM_{10}) greater than 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 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 (PM_{10}) greater than 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)*

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)

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 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) Type and amount of grain received and shipped.

(ii) 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)

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 rivers, estuaries, lakes, or 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 (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 (¼) 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 (¼) 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)*

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 rivers, estuaries, lakes, or 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).

(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 (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 (¼) 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 (¼) 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)*

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 process equipment onto the ground;

(B) from the ground into hauling equipment;

(C) from hauling equipment onto a storage pile;

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

(E) 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 (¼) 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 (¼) 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 more than one-fourth (¼) 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)*

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 as anthracite, bituminous, subbituminous, or 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 process equipment onto the ground;

(B) from the ground into hauling equipment;

(C) from hauling equipment onto a storage pile;

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

(E) into an initial hopper for further processing.

(7) "Refuse" means the portion of mined coal which 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 (¼) 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 (¼) 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 (¼) 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) Each coal preparation plant, coal mine, or collocated source shall pay a one-time application fee of five hundred dollars ($500) and an annual fee of six hundred dollars ($600).

*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)*

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 at 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) Number of gallons of each solvent containing material used.

(C) VOC content (pounds/gallon) of each solvent containing material used.

(D) Amount of waste VOC manifested off-site.

(E) 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)

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) Amount of waste degreasing solvent manifested off-site.
(4) 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)

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 comply with the requirements of section 1 of this rule and 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

([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

(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

*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 2-9-13; 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)*

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

Rule 10. Permit by Rule

326 IAC 2-10-1 Limiting potential to emit
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. 1. (a) A source that would otherwise be required to have a permit under 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or an operating agreement as described in 326 IAC 2-9 may limit its potential to emit by complying with the conditions of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9 unless otherwise required by federal law.

(b) A source complying with this rule may at any time apply for a state operating permit under 326 IAC 2-6.1, Part 70 permit under 326 IAC 2-7, a FESOP under 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable. *(Air Pollution Control Board; 326 IAC 2-10-1; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063; readopted filed Aug 2, 2004, 3:10 p.m.: 27 IR 3954)*

326 IAC 2-10-2 Definitions (Expired)

Sec. 2. *(Expired under IC 13-14-9.5, effective January 1, 2005.)*

326 IAC 2-10-2.1 Definitions
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. 2.1. The definitions in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 apply throughout this rule. *(Air Pollution Control Board; 326 IAC 2-10-2.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3954)*

326 IAC 2-10-3 Conditions (Expired)

Sec. 3. *(Expired under IC 13-14-9.5, effective January 1, 2005.)*

326 IAC 2-10-3.1 Conditions
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. 3.1. The conditions of this rule that limit potential to emit are as follows:

(1) The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for a major source of the following:
  (A) Regulated air pollutants.
  (B) Hazardous air pollutants, as defined in Section 112 of the Clean Air Act.

(2) The source does not rely on air pollution control equipment to comply with subdivision (1).

(Air Pollution Control Board; 326 IAC 2-10-3.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3954)

326 IAC 2-10-4 Demonstration of compliance (Expired)

Sec. 4. *(Expired under IC 13-14-9.5, effective January 1, 2005.)*

326 IAC 2-10-4.1 Demonstration of compliance
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. 4.1. Not later than thirty (30) days after receipt of a written request by the department or U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions provided in section 3.1 of this rule. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, fuel or

material usage or production records. No other demonstration of compliance shall be required. *(Air Pollution Control Board; 326 IAC 2-10-4.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3955)*

326 IAC 2-10-5 Compliance with other provisions (Expired)

Sec. 5. *(Expired under IC 13-14-9.5, effective January 1, 2005.)*

326 IAC 2-10-5.1 Compliance with other provisions
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. 5.1. (a) 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 in section 1 of this rule.

(b) A source subject to this rule shall be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

(1) at any time the source is not in compliance with the conditions provided in section 3.1 of this rule; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in section 3.1 of this rule as required under section 4.1 of this rule.

(Air Pollution Control Board; 326 IAC 2-10-5.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3955)

326 IAC 2-10-6 Enforcement (Expired)

Sec. 6. *(Expired under IC 13-14-9.5, effective January 1, 2005.)*

326 IAC 2-10-6.1 Enforcement
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; IC 13-30

Sec. 6.1. Any violation of this rule may result in administrative or judicial enforcement proceedings under IC 13-30-3 and penalties under IC 13-30-4, IC 13-30-5, or IC 13-30-6 *[IC 13-30-6 was repealed by P.L.137-2007, SECTION 37, effective July 1, 2007.]*. *(Air Pollution Control Board; 326 IAC 2-10-6.1; filed Aug 2, 2004, 3:10 p.m.: 27 IR 3955)*

Rule 11. Permit by Rule for Specific Source Categories

326 IAC 2-11-1 General provisions
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11-2; IC 13-15; IC 13-17; IC 13-30-3

Sec. 1. (a) This section contains general provisions applicable to all other sections in this rule.

(b) Definitions provided in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 shall apply to this rule.

(c) A source may limit its allowable emissions or potential to emit by complying with the conditions of the applicable section of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1 unless otherwise required by law. A source complying with this rule is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the rule limits the source's allowable emissions or potential to emit below the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7.

(d) 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, 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable.

(e) Before a source subject to this rule modifies its facility or operations in such a way that it will no longer comply with this rule, it shall obtain the appropriate approval from the commissioner under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, or 326 IAC 2-8.

(f) Not later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, the owner or operator of a source subject to this rule shall demonstrate that the source is in compliance with limits in the applicable section of this rule by providing throughput records for the previous twelve (12) months.

(g) A source electing to comply with this rule shall comply with the following:

(1) The source shall operate and properly maintain air pollution control devices at the source.

(2) The source shall follow generally accepted industry work practices to minimize emissions of regulated air pollutants.

(3) The source shall not discharge air pollutants so as to create a public nuisance.

(h) This section does not affect a requirement to comply with the provisions of any other applicable federal, state, or local requirement, except as specifically provided in this title.

(i) A source subject to this rule may be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

(1) at any time the source is not in compliance with the conditions provided in an applicable section of this rule; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in an applicable section of this rule.

(j) Any violation of this rule may result in administrative or judicial enforcement proceedings and penalties under IC 13-30-3.

(Air Pollution Control Board; 326 IAC 2-11-1; filed May 7, 1997, 4:00 p.m.: 20 IR 2316; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; readopted filed Aug 2, 2004, 3:25 p.m.: 27 IR 3955)

326 IAC 2-11-2 Gasoline dispensing operations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 2. (a) This section applies to retail or commercial gasoline dispensing operations that:

(1) meet the conditions specified in subsection (b); and

(2) demonstrate compliance as specified in subsection (c).

(b) To limit potential to emit as provided in section 1(c) of this rule, the following conditions are applicable to sources depending on their location:

(1) For sources located in Clark or Floyd County, the source:

(A) fills its storage tanks by vapor-balanced fill;

(B) has a Stage II vapor recovery system; and

(C) dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline during an average month based on the last twelve (12) months.

(2) For sources located in Lake or Porter County, the source:

(A) fills its storage tanks by vapor-balanced fill;

(B) has a Stage II vapor recovery system; and

(C) dispenses less than one million three hundred forty-four thousand (1,344,000) gallons of gasoline during an average month based on the last twelve (12) months.

(3) For all other sources, the source uses:

(A) the splash method for filling storage tanks and dispenses less than six hundred eighty-eight thousand (688,000) gallons of gasoline;

(B) the submerged fill method for filling storage tanks and dispenses less than eight hundred thirty-three thousand (833,000) gallons of gasoline;

(C) the vapor-balanced fill method for filling storage tanks and dispenses less than one million two hundred eighty-two thousand (1,282,000) gallons of gasoline; or

(D) the fill vapor-balanced fill method for filling storage tanks, has a Stage II vapor recovery system, and dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline;

during an average month based on the last twelve (12) months.

(c) Sources electing to comply with this rule must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, as follows:

(1) The owner or operator of a gasoline dispensing source shall demonstrate compliance with subsection (b)(3)(A), (b)(3)(B), or (b)(3)(C), as applicable.

(2) The owner or operator of a gasoline dispensing source subject to subsection (b)(3)(D) shall demonstrate compliance with subsection (b)(3)(D) and 326 IAC 8-4-6(a) through 326 IAC 8-4-6(d), 326 IAC 8-4-6(f), and 326 IAC 8-4-6(j) through 326 IAC 8-4-6(m).

(3) The owner or operator of a gasoline dispensing source subject to subsection (b)(1) or (b)(2) shall demonstrate compliance with subsection (b)(1) or (b)(2), as applicable, and 326 IAC 8-4-6.

(Air Pollution Control Board; 326 IAC 2-11-2; filed May 7, 1997, 4:00 p.m.: 20 IR 2316; filed Aug 2, 2004, 3:25 p.m.: 27 IR 3956)

326 IAC 2-11-3 Grain elevators

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. (a) This section applies to a grain elevator that receives and ships grain as follows:
(1) Grain receiving by truck or rail and grain shipping by truck or rail.
(2) Grain receiving by truck or rail and grain shipping by barge.
(3) Grain receiving by truck or rail and grain shipping by ship.
(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, annual total throughput limits shall be equal to or less than the following:
(1) For truck or rail grain receiving and truck or rail grain shipping, eleven million two hundred thousand (11,200,000) bushels.
(2) For truck or rail grain receiving and barge grain shipping, eight million (8,000,000) bushels.
(3) For truck or rail grain receiving and ship grain shipping, five million six hundred eighty thousand (5,680,000) bushels.
(Air Pollution Control Board; 326 IAC 2-11-3; filed Apr 2, 1997, 5:05 p.m.: 20 IR 2107; readopted filed Aug 2, 2004, 3:25 p.m.: 27 IR 3957)

326 IAC 2-11-4 Grain processing or milling

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. (a) This section applies to sources that process or mill grain, including the following:
(1) Flour mills.
(2) Dry corn mills.
(3) Animal feed mills.
(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, the annual total throughput limits shall be equal to or less than the following:
(1) For flour mills, one hundred fifty-four thousand five hundred twenty-six (154,526) bushels.
(2) For dry corn mills, one million sixty-three thousand two hundred fifty (1,063,250) bushels.
(3) For animal feed mills, eleven million two hundred thousand (11,200,000) bushels.
(Air Pollution Control Board; 326 IAC 2-11-4; filed Apr 2, 1997, 5:05 p.m.: 20 IR 2108; readopted filed Aug 2, 2004, 3:25 p.m.: 27 IR 3957)

Rule 12. General Permits

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 comply with all requirements applicable to operating permits under this article and shall 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) 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) Submit an application fee of five hundred dollars ($500) with the application.

(5) Pay an annual operating fee in accordance with 326 IAC 2-1.1-7. Fees shall be paid by mail or in person and shall be paid 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)

Rule 13. Interim Approvals

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 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 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 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 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)

Rule 14. Portable Sources

326 IAC 2-14-1 Exemptions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. A portable source meeting the criteria for an exemption under 326 IAC 2-1.1-3 shall not be subject to the requirements of this rule. *(Air Pollution Control Board; 326 IAC 2-14-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066)*

326 IAC 2-14-2 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. (a) This rule applies to any person who proposes any of the following:

(1) Construction of a new stationary source consisting of a portable source, operation, process, or emissions unit.

(2) Modification to an existing source and such modification consists of a portable source, operation, process, or emissions unit, except for a relocation at an existing source that meets the criteria of 326 IAC 2-1.1-3(h)(2).

(3) Relocation of a portable source, operation, process, or emissions unit.

(4) Modification of a portable source, operation, process, or emissions unit at a source operating under a valid operating permit.

(b) For the purposes of this rule, a source may divide the operation into like units, processes, or operations for the purposes of relocation or anticipated relocation. This division must be done as part of the initial application review process. *(Air Pollution Control Board; 326 IAC 2-14-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066; errata filed Jul 23, 2007, 4:19 p.m.: 20070815-IR-326070466ACA)*

326 IAC 2-14-3 Approvals

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. (a) A new portable source shall be registered or permitted in accordance with the provisions of 326 IAC 2-5.1 and 326 IAC 2-6.1.

(b) A portable source that will be part of an existing source shall be approved through the permit revision procedures 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, as appropriate. The requirement to obtain an operating permit revision approval shall not apply to sources making changes under approved alternative operating scenarios that are incorporated into the source's operating permit. *(Air Pollution Control Board; 326 IAC 2-14-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066)*

326 IAC 2-14-4 Relocations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. (a) A portable source, operation, process, or emissions unit that has been issued a valid operating permit under this article may be issued a site approval letter for a new site that authorizes operation of the source, operation, process, or emissions unit as follows:

(1) The source submits a notification at least thirty (30) days prior to relocation.

(2) The commissioner shall approve or deny the relocation within thirty (30) days of receipt of the notification of the proposed relocation.

(3) The application submitted for a permit revision in accordance with 326 IAC 2-6.1-6, 326 IAC 2-7-12, or 326 IAC 2-8-11.1 shall satisfy the notification requirements of this section.

(b) The commissioner shall not approve a relocation of a portable source, operation, process, or emissions unit, if the following applies:

(1) The relocation would allow a violation of the national ambient air quality standards (NAAQS).

(2) The relocation would allow a violation of a prevention of significant deterioration (PSD) maximum allowable increase.

(3) The source is not in compliance with all applicable air pollution control rules.

(4) The relocation would adversely affect the public health.

(Air Pollution Control Board; 326 IAC 2-14-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1066)

*