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## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-8 AND DRAFT RULE #01-215(APCB)**

#### **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING REFERENCES TO THE CODE OF FEDERAL REGULATIONS (CFR) AND DEVELOPMENT OF NEW RULES CONCERNING COMPILATION OF AIR POLLUTION EMISSION FACTORS AP-42 AND SUPPLEMENTS**

##### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 1-1-3, concerning references to the Code of Federal Regulations (CFR), to update any references to the CFR in Title 326 to mean the July 1, 2000, edition. IDEM has also developed draft rule language for amendments to Title 326 to change any incorporation by reference of the Federal Register (FR) to its CFR citation published in the July 1, 2000 edition of the CFR. The Indiana Department of Environmental Management (IDEM) has developed draft language for new rules 326 IAC 1-1-3.5 and 326 IAC 1-2-20.5, establishing references to and definition of the Compilation of Air Pollution Emission Factors AP-42 and Supplements. IDEM has scheduled a public hearing before the air pollution control board for consideration of preliminary adoption of these rules.

**CITATIONS AFFECTED:** 326 IAC 1-1-3; 326 IAC 1-1-3.5; 326 IAC 1-2-20.5; 326 IAC 1-2-48; 326 IAC 1-3-4; 326 IAC 1-4-1; 326 IAC 2-1.1-7; 326 IAC 2-4.1-1; 326 IAC 2-5.1-3; 326 IAC 2-6.1-3; 326 IAC 2-7-10.5; 326 IAC 2-7-19; 326 IAC 2-8-10; 326 IAC 2-8-11.1; 326 IAC 2-9-4; 326 IAC 8-8-2; 326 IAC 2-9-4; 326 IAC 8-8-2; 326 IAC 8-8-3; 326 IAC 8-8.1-2; 326 IAC 8-8.1-2; 326 IAC 8-8.1-3; 326 IAC 11-6-1; 326 IAC 11-6-2; 326 IAC 11-6-5; 326 IAC 11-6-6; 326 IAC 11-6-7; 326 IAC 11-6-8; 326 IAC 11-7-2; 326 IAC 11-7-4; 326 IAC 11-7-5; 326 IAC 11-7-6; 326 IAC 11-7-7; 326 IAC 11-7-8; 326 IAC 11-7-9; 326 IAC 12-1-2; 326 IAC 12-1-3; 326 IAC 13-1.1-17.1; 326 IAC 14-2-1; 326 IAC 17.1-1-2; 326 IAC 19-2-1; 326 IAC 19-3-2; 326 IAC 19-3-3; 326 IAC 19-3-5; 326 IAC 20-1-1; 326 IAC 20-1-3; 326 IAC 20-2-1; 326 IAC 20-3-1; 326 IAC 20-4-1; 326 IAC 20-5-1; 326 IAC 20-6-1; 326 IAC 20-7-1; 326 IAC 20-8-1; 326 IAC 20-9-1; 326 IAC 20-10-1; 326 IAC 20-11-1; 326 IAC 20-12-1; 326 IAC 20-13-1; 326 IAC 20-13-2; 326 IAC 20-13-4; 326 IAC 20-13-5; 326 IAC 20-13-6; 326 IAC 20-13-7; 326 IAC 20-13-8; 326 IAC 20-14-1; 326 IAC 20-15-1; 326 IAC 20-16-1; 326 IAC 20-17-1; 326 IAC 20-18-1; 326 IAC 20-19-1; 326 IAC 20-20-1; 326 IAC 20-21-1; 326 IAC 20-22-1; 326 IAC 20-23-1; 326 IAC 20-24-1; 326 IAC 20-26-1; 326 IAC 20-30-1; 326 IAC 20-31-1; 326 IAC 20-32-1; 326 IAC 20-33-1; 326 IAC 20-35-1; 326 IAC 20-36-1; 326 IAC 20-37-1; 326 IAC 20-38-1; 326 IAC 20-39-1; 326 IAC 20-40-1; 326 IAC 20-41-1; 326 IAC 20-42-1; 326 IAC 20-43-1; 326 IAC 20-44-1; 326 IAC 20-45-1; 326 IAC 20-46-1; 326 IAC 20-47-1; 326 IAC 21-1-1; 326 IAC 23-2-4; 326 IAC 23-2-7.

**AUTHORITY:** IC 13-14-8; IC 13-14-9; IC 13-14-18; IC 13-15; IC 13-17-3; IC 13-17-8; IC 13-19-3.

##### **STATUTORY REQUIREMENTS**

IC 13-14-9-8 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that there is no anticipated benefit from the first and second public comment periods, IDEM may forego these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption, and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

- (i) is or will be applicable to Indiana; and
  - (ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;
  - (B) a technical amendment with no substantive effect on an existing Indiana rule; or
  - (C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and
- (2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:
- (A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;
  - (B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and
  - (C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

## **BACKGROUND**

### **INCORPORATION OF CODE OF FEDERAL REGULATIONS (CFR)**

Many of Indiana's air quality standards, sampling procedures, monitoring requirements, and various compliance methodologies are based on federal requirements. During the development of rules under Title 326 of the Indiana Administrative Code (IAC), it is often more efficient to refer to or incorporate specific portions of the CFR rather than to reprint them in full. Incorporation by reference ensures that state rules will not be interpreted in such a way as to conflict with federal law and national policy and allows the state to use the resources of the federal system instead of expending its own rulemaking resources in what would otherwise be an unnecessary duplication of rulemaking effort. By annually updating the reference to the CFR, the IDEM is able to incorporate by reference the latest version of the parts of the CFR, already incorporated into the air rules, with the exception of those most recently published in the FR.

326 IAC 1-1-3, References to the Code of Federal Regulations, indicates the yearly edition of the CFR that is applicable to rules that have been incorporated by reference throughout Title 326, unless a different edition is specified in a given rule.

The 2000 edition of the CFR is a codification of the general and permanent rules published in the FR as of June 30, 2000. IDEM incorporates citations by reference from Titles 29 and 40.

Title 40 of the CFR entitled "Protection of Environment," includes all federal environmental regulations promulgated by the U.S. Environmental Protection Agency (U.S. EPA). It is referenced throughout Title 326 of the Indiana Administrative Code (IAC).

Title 29 of the CFR, entitled "Intergovernmental Review of Environmental Protection Agency Programs and Activities", contains federal rules for the asbestos and lead programs. Title 29 of the CFR is referenced in Article 14 (Emission Standards for Hazardous Air Pollutants), Article 18 (Asbestos Management), and Article 23 (Lead-Based Paint Program) of Title 326 of the IAC. Many of these regulations are either directly incorporated by reference into Title 326 of the IAC as state-enforceable rule provisions or they are incorporated into Title 326 of the IAC as federal authority for the implementation and enforcement of state rule provisions.

References to the FR appear throughout Title 326. If the state incorporates federal regulation before it is codified in the CFR, then the FR document is incorporated into state rules instead of the CFR. The current version of the CFR referenced in Indiana's air quality rules is dated July 1, 1998. Since that date, a number of new federal rules were promulgated that were incorporated and referenced in the state rules using their FR citation. This CFR update to the July 1, 2000 edition will ensure that the state rules reference the federal rules using their CFR citation.

Examples of rules and changes that occurred between July 1, 1998 and June 30, 2000 that will be updated with this rulemaking include:

- **Record Keeping and Reporting Burden Rule: 40 CFR 51, 40 CFR 61, and 40 CFR 63**

On February 12, 1999, United State Environmental Protection Agency (U.S. EPA) promulgated a direct final rule to reduce unnecessary reporting and recordkeeping burdens due to regulations implementing the Clean Air Act (CAA). Emission reporting was changed from quarterly to semi-annual reporting unless specifically stated otherwise. Continuous emission monitoring (CEM) reporting of sub-hourly data was reduced from 15-minute intervals to hourly intervals. Other changes include: allowing electronic data submission, the elimination of the notification of the anticipated date of initial start-up, and requiring only a 7-day prior notice for rescheduling a performance test. According to estimates by U.S. EPA, the revisions to existing standards would reduce recordkeeping and reporting burdens by approximately 1 million hours per year nationwide. This burden reduction is the equivalent of returning 25,000 workweeks back to the private sector to boost productivity and profits.

- **Technical Amendments and Corrections to Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills: 40 CFR 60**

On February 24, 1999, U.S. EPA promulgated technical amendments and corrections to a previous direct rule concerning municipal solid waste landfills. U.S. EPA amended the definition of modification so that it does not occur until the owner or operator commences construction on the horizontal or vertical expansion. For existing sources, U.S. EPA clarified that the initial design capacity report is due 90 days after the effective date of U.S. EPA's approval of a state plan. Typographical errors were also corrected.

**• Revision of Standards of Performance for Nitrogen Oxide Emissions From New Fossil-Fuel Fired Steam Generating Units: 40 CFR 60**

On September 16, 1998, U.S. EPA revised the existing standards for nitrogen oxide emissions by reducing the numerical emission limits for both utility and industrial steam generators. Best demonstrated technology now includes flue gas treatment technologies. The revision also changed the emission limit for new electric utility steam generating units to an output based format to promote energy efficiency and pollution prevention.

**• Revision of Acid Rain Program: Continuous Emission Monitoring: 40 CFR 72 and 40 CFR 75**

On May 26, 1999, U.S. EPA promulgated revisions to the acid rain program. Some of the revisions include revised definitions of gas-fired, oil-fired, and peaking unit to allow for changes in unit fuel usage and operation; new quality assurance control requirements for quantifying stack gas moisture content; a new flow-to-load QA test for accuracy test audit and bias test requirements; revised traceability protocol for calibration gases; and minor revisions to mass monitoring requirements. Many of the changes are minor technical revisions based on comments received from sources.

**• Correction to Requirements for Disclosure of Known Lead-Based Paint and/or Lead Based Paint Hazards in Housing: 40 CFR 745**

On July 22, 1999, U.S. EPA promulgated a correction to reflect the Office of Management and Budget (OMB) approval of the information collection requirements for an "effective date note". When the rule was originally promulgated, OMB had not yet approved the information collection requirements. Now that the information collection requirements have been approved by OMB, this correction updated the rule accordingly.

**• INCORPORATION OF COMPILATION OF AIR POLLUTION EMISSION FACTORS AP-42 INCLUDING SUPPLEMENTS AND DEFINITION OF COMPILATION OF AIR POLLUTION FACTORS (AP-42)**

Compilation of Air Pollution Emission Factors (AP-42) is a document issued by U.S. EPA that is currently referenced in Title 326. Examples of references to AP-42 include 326 IAC 2-6-4, 326 IAC 6-1-10.1, 326 IAC 6-1-11.1, and 326 IAC 8-9-3. This rulemaking formally incorporates by reference these current references. This rulemaking also updates AP-42 to the most recent version and will allow sources to use the most recent version of AP-42.

AP-42 is a fundamental tool for air quality management and is used for developing emission control strategies, determining applicability of permitting and control programs, ascertaining the effects of sources and appropriate mitigation strategies, and a number of related applications. The Fifth Edition of AP-42, Volume I, contains information on over 200 stationary source categories. This information includes brief descriptions of processes used, potential sources of air emissions from the processes and common methods used to control these air emissions. Methodologies for estimating the quantity of air pollutants emissions are presented in the emission factors.

An emission factor is a representative value that relates the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant. Such factors facilitate estimation of emissions from various sources of air pollution.

**FINDINGS**

The commissioner of IDEM has prepared findings regarding rulemaking on the incorporation by reference of the 2000 version of the Code of Federal Regulations (CFR) and addition of references to Compilation of Air Pollution Factors AP-42 (AP-42) and supplements as required by federal rule. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) This rule is an incorporation of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana in many cases is required by the CAA to adopt these requirements as state rules.
- (3) The public will benefit from the prompt adoption of this rule because it alleviates unnecessary duplication of rulemaking effort by the state by directly incorporating the Code of Federal Regulations (CFR).
- (4) I have determined that under the specific circumstances pertaining to this rule, there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.
- (5) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan  
Commissioner  
Indiana Department of Environmental Management

**ADDITIONAL INFORMATION**

Additional information regarding this action may be obtained from Gayla Killough, Rules Development Section, Office of Air Quality, (317) 234-1377 or (800) 451-6027, press 0, and ask for extension 4-1377 (in Indiana).

**DRAFT RULE**

SECTION 1. 326 IAC 1-1-3, AS AMENDED AT 24 IR 667, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-1-3 References to the Code of Federal Regulations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, ~~1998~~, 2000, edition\*.

**\*This body of documents is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. ~~20402~~ 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667*)

SECTION 2. 326 IAC 1-1-3.5 IS ADDED TO READ AS FOLLOWS:

**326 IAC 1-1-3.5 References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements**

**Authority:** IC 13-14-8; IC 13-7-3-4; IC 13-17-3-11

**Affected:** IC 13-15; 13-17

Sec. 3.5. Unless otherwise indicated, any reference to the Compilation of Air Pollution Emission Factors AP-42 means the January 1995, Fifth Edition, Volume I\*, including the following AP-42, Fifth Edition, Volume I supplements:

- (1) Supplement A, February 1996\*;
- (2) Supplement B, November 1996\*;
- (3) Supplement C, November 1997\*;
- (4) Supplement D, August 1998\*;
- (5) Supplement E, September 1999\*;
- (6) Supplement F, September 2000\*; and
- (7) Supplement G, December 2000\*.

**\*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 1-1-3.5*)

SECTION 3. 326 IAC 1-2-20.5 IS ADDED TO READ AS FOLLOWS:

**326 IAC 1-2-20.5 “Compilation of Air Pollution Emission Factors AP-42” definition**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 20.5. Unless otherwise provided, references to the Compilation of Air Pollution Emission Factors AP-42 (AP-42) means the version indicated in 326 IAC 1-1-3.5. (*Air Pollution Control Board; 326 IAC 1-2-20.5*)

SECTION 4. 326 IAC 1-2-48 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-2-48 “Nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” definition**

**Authority:** IC 13-14-8; IC 13-17-3-4

**Affected:** IC 13-12

Sec. 48. (a) “Nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” refers to the list of organic compounds that have been determined to have negligible photochemical reactivity and are thereby excluded from the

definition of volatile organic compounds (VOC) in 40 CFR 51.100(s)(1)\*. The air pollution control board incorporates by reference 40 CFR 51.100(s)(1)\*. 62 FR 44900\* (August 25, 1997), and 63 FR 17331\* (April 9, 1998).

(b) Compliance calculations for coatings expressed as pounds VOC/gallon coating (less water) should treat nonphotochemically reactive compounds or negligibly photochemically reactive compounds as water for purposes of calculating the less water portion of the coating composition.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 1-2-48; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2373; filed Sep 23, 1988, 11:59 a.m.: 12 IR 255; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2827; filed Sep 5, 1995, 12:00 p.m.: 19 IR 29; filed May 13, 1996, 5:00 p.m.: 19 IR 2855; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; filed Jun 9, 2000, 10:01 a.m.: 23 IR 2704)

SECTION 5. 326 IAC 1-3-4, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 1-3-4 Ambient air quality standards

**Authority:** IC 13-14-8; IC 13-17-3

**Affected:** IC 13-17-3-4

Sec. 4. The following ambient air quality standards, corrected to a reference temperature of 25° C. and to a reference pressure of 760 millimeters of mercury (1,013.2 millibars), as micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), shall apply:

(1) Sulfur Oxides as Sulfur Dioxide ( $\text{SO}_2$ ).

(A) Primary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i)  $80 \mu\text{g}/\text{m}^3$  (0.03 ppm) annual arithmetic mean.

(ii)  $365 \mu\text{g}/\text{m}^3$  (0.14 ppm) maximum 24-hour average concentration not to be exceeded more than one day per year.

(B) Secondary Standards: The following value shall represent the maximum permissible ambient air quality levels:

$1,300 \mu\text{g}/\text{m}^3$  (0.50 ppm) maximum 3-hour concentration not to be exceeded more than once per year.

(C) Sulfur dioxide values may be converted to ppm using the conversion factor  $2,620 \mu\text{g}/\text{m}^3 = 1.0 \text{ ppm}$ .

(2) Total Suspended Particulate (TSP).

(A) Primary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i)  $75 \mu\text{g}/\text{m}^3$  annual geometric mean.

(ii)  $260 \mu\text{g}/\text{m}^3$  maximum 24-hour average concentration not to be exceeded more than one day per year.

(B) Secondary Standards: The following value shall represent maximum permissible ambient air quality levels:

$150 \mu\text{g}/\text{m}^3$  maximum 24-hour average concentration not to be exceeded more than one day per year.

(3) Carbon Monoxide (CO).

(A) Primary and Secondary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i) 10 milligrams per cubic meter ( $10,000 \mu\text{g}/\text{m}^3$ ) (9 ppm) maximum 8-hour average concentration not to be exceeded more than once per year.

(ii) 40 milligrams per cubic meter ( $40,000 \mu\text{g}/\text{m}^3$ ) (35 ppm) maximum one-hour average concentration not to be exceeded more than once per year.

(B) Carbon monoxide values may be converted to ppm using the conversion factor  $1,145 \mu\text{g}/\text{m}^3 = 1.0 \text{ ppm}$ .

(4) Ozone ( $\text{O}_3$ ).

(A) Primary and Secondary Standards: The following values shall represent the maximum permissible ambient air quality level:

The expected number of days with maximum hourly ozone concentrations above  $235 \mu\text{g}/\text{m}^3$  (0.12 ppm) shall not exceed one (1) per calendar year.

(B) Ozone ( $\text{O}_3$ ) values may be converted to ppm using the conversion factor  $1,965 \mu\text{g}/\text{m}^3 = 1.0 \text{ ppm}$ .

(5) Nitrogen Dioxide ( $\text{NO}_2$ ).

(A) Primary and Secondary Standard: The following value shall represent the maximum permissible ambient air quality level:

$100 \mu\text{g}/\text{m}^3$  (0.05 ppm) annual arithmetic mean.

(B) Nitrogen dioxide values may be converted to ppm using the conversion factor  $1,880 \mu\text{g}/\text{m}^3 = 1.0 \text{ ppm}$ .

(6) Lead (Pb).

(A) Primary and Secondary Standard: The following value shall represent the maximum permissible ambient air quality level:

1.5 micrograms lead per cubic meter of air ( $\mu\text{g}$  of  $\text{Pb}/\text{m}^3$ ), averaged over a calendar quarter and measured as elemental lead.

(7) PM<sub>10</sub>.

(A) Primary and Secondary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i) 50 µg/m<sup>3</sup> annual arithmetic mean. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR Part 50, Appendix K\*, (~~per July 1, 1987, 52 FR 24663\*~~), is less than or equal to 50 µg/m<sup>3</sup>.

(ii) 150 µg/m<sup>3</sup> maximum 24-hour average concentration. The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup>, as determined in accordance with 40 CFR Part 50, Appendix K\* (~~per July 1, 1987, 52 FR 24663\*~~), is equal to or less than one.

**\*This document is incorporated by reference.** Copies of July 1, 1987 Federal Register Notice (52 FR 24663) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available from for review and copying at the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46225-46204. (*Air Pollution Control Board; 326 IAC 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 6. 326 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 1-4-1 Designations

**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 air pollution control board incorporates by reference 40 CFR 81.315\*, 59 FR 54391 (October 31, 1994)\*, 61 FR 58482 (November 15, 1996)\*, 62 FR 18521 (April 16, 1997)\*, and 62 FR 64725 (December 9, 1997)\* concerning attainment status designations.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and the Federal Register (FR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 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 46204-6015-46204. (*Air Pollution Control Board; 326 IAC 1-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341*)

SECTION 7. 326 IAC 2-1.1-7 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 2-1.1-7 Fees

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; 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 pursuant to 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, or lowest achievable emission rate (LAER) under 326 IAC 2-3-3 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.
- (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 63, Subpart L\* and 57 FR 57898\* (~~National Emission Standards for Coke Oven Batteries~~) and 57 FR 57898\* 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 of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. 46204. (*Air Pollution Control Board; 326 IAC 2-1.1-7; filed Nov 25, 1998, 12:13 p.m.: 22 IR 991*)

SECTION 8. 326 IAC 2-4.1-1 IS AMENDED TO READ AS FOLLOWS:

### **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, ~~61 FR 68384, December 27, 1996~~, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources\*:

(1) 63.41 Definitions.

(2) 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) 63.43(a) Applicability.
  - (B) 63.43(b) Requirements for constructed and reconstructed major sources.
  - (C) 63.43(d) Principles of MACT determinations.
  - (D) 63.43(e) Application requirements for a case-by-case MACT determination.
  - (E) 63.43(i) EPA notification.
  - (F) 63.43(j) Effective date.
  - (G) 63.43(k) Compliance date.
  - (H) 63.43(l) Compliance with MACT determinations.
  - (I) 63.43(m) Reporting to the Administrator.
- (4) 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 of the Code of Federal Regulations (CFR) and Federal Register (FR) ~~referenced in this section~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air **Management Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220~~: **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*)

SECTION 9. 326 IAC 2-5.1-3 IS AMENDED TO READ AS FOLLOWS:

### **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<sub>10</sub>).

(ii) Sulfur dioxide (SO<sub>2</sub>).

(iii) Nitrogen oxides (NO<sub>x</sub>).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H<sub>2</sub>S).

(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\*. ~~62 FR 48382 (September 15, 1997)\*.~~

(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 of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220: 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*)

SECTION 10. 326 IAC 2-6.1-3 IS AMENDED TO READ AS FOLLOWS:

### **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\*, 62 FR 48379 (September 15, 1997)\* 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 of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220: 46204. (*Air Pollution Control Board; 326 IAC 2-6.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015*)

SECTION 11. 326 IAC 2-6.1-6 IS AMENDED TO READ AS FOLLOWS:

### **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(d)(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 (~~61 FR 68384, December 27, 1996~~) 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<sub>10</sub>).
  - (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<sub>2</sub>).
    - (ii) Nitrogen oxides (NO<sub>x</sub>).
    - (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<sub>2</sub>S).
    - (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<sub>10</sub>).
  - (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 (~~61 FR 68384, December 27, 1996~~) 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<sub>10</sub>).

(ii) Sulfur dioxide (SO<sub>2</sub>).

(iii) Nitrogen oxides (NO<sub>x</sub>).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H<sub>2</sub>S).

(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)**

SECTION 12. 326 IAC 2-7-10.5, AS AMENDED AT 24 IR 672, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

### **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 construct new emission units, modify existing emission units, or 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. 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.

(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 involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1(13) that do not increase the potential to emit PM<sub>10</sub> greater than or equal to fifteen (15) tons per year or any other regulated pollutant greater than the thresholds under subdivision (4), but require a significant change in the method or methods to demonstrate or monitor compliance.

(4) 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<sub>10</sub>).

(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<sub>2</sub>).

(ii) Nitrogen oxides (NO<sub>x</sub>).

(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<sub>2</sub>S).

(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 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<sub>10</sub>).

(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 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 (61 FR 68384) December 27, 1996, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources\*. As part of the application required under subsection (b), 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.

(8) A modification of an existing source that has a potential to emit greater than the thresholds under subdivision (4) 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.
- (9) A modification that has a potential to emit greater than the thresholds under subdivision (4) 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.
- (10) For a source in Lake or Porter County with the potential to emit twenty-five (25) tons per year of either VOC or NO<sub>x</sub>, any modification that would result in an increase of either emissions as follows:
- (A) Greater than or equal to fifteen (15) pounds per day of VOCs.
  - (B) Greater than or equal to twenty-five (25) pounds per day of NO<sub>x</sub>.
- (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 11 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<sub>10</sub>).
    - (B) Sulfur dioxide (SO<sub>2</sub>).
    - (C) Nitrogen oxides (NO<sub>x</sub>).
    - (D) Volatile organic compounds (VOC).
    - (E) Hydrogen sulfide (H<sub>2</sub>S).
    - (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 2-1.1-1(13) that is exempt under 326 IAC 2-2-1(o)(2)(H). The requirement to process such modifications in accordance with subsection (g) does not apply to pollution

control projects that the department approved as an environmentally beneficial pollution control project through a permit issued prior to July 1, 2000.

(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 such 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.

(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).

(B) Within two hundred seventy (270) calendar days from receipt of an application for a modification under subsection (f)(1).

(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 the requirements of 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 such 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 such amendment is 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.

(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 modification application, draft modification approval, proposed modification approval, and 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)**

SECTION 13. 326 IAC 2-7-19 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 2-7-19 Fees**

**Authority: IC 13-14-8; IC 13-17-3-4; 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<sub>x</sub> 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\*. ~~57 FR 57898\*~~

(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 of the Code of Federal Regulations (CFR) and the Federal Register (FR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 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 46204-2220. 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*)

SECTION 14. 326 IAC 2-8-10 IS AMENDED TO READ AS FOLLOWS:

### **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(d)(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 (~~61 FR 68384, December 27, 1996~~) 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 of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~ **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220~~: **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*)

SECTION 15. 326 IAC 2-8-11.1 IS AMENDED TO READ AS FOLLOWS:

### **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 (e)(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<sub>10</sub>).
  - (B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of sulfur dioxide (SO<sub>2</sub>).
  - (C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of nitrogen oxides (NO<sub>x</sub>).

(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<sub>2</sub>S).
- (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<sub>10</sub>).

(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 (~~61 FR 68384, December 27, 1996~~) Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources\*. As part of the application required under subsection (b), 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<sub>10</sub>).

(ii) Sulfur dioxide (SO<sub>2</sub>).

(iii) Nitrogen oxides (NO<sub>x</sub>).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H<sub>2</sub>S).

(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)*

SECTION 16. 326 IAC 2-9-4 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-9-4 Woodworking operations**

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

**Affected: IC 13-15; IC 13-17**

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

(b) Unless the operations meet the conditions of subsection (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<sub>10</sub>) 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.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220~~: **46204**. (*Air Pollution Control Board; 326 IAC 2-9-4; filed May 7, 1997, 4:00 p.m.: 20 IR 2306; field Nov 25, 1998, 12:13 p.m.: 22 IR 1060; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108*)

SECTION 17. 326 IAC 8-8-2, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 8-8-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-14

**Affected:** IC 13-15; IC 13-17

Sec. 2. (a) For purposes of this rule, the definitions listed in 40 CFR 60, Subpart WWW\*, Sec. 60.751 Standards of Performance for Municipal Solid Waste Landfills, ~~61 FR 9905 (March 12, 1996)\*~~, and in this section shall apply.

(b) "Existing municipal solid waste (MSW) landfill" means an MSW landfill that has accepted waste since November 8, 1987, or that has capacity available for future use and for which construction commenced prior to May 30, 1991. It may be active, either currently accepting waste, or having additional capacity to accept waste, or may be closed, neither any longer accepting waste, nor having available capacity for future waste deposition.

(c) "New MSW landfill" means a landfill for which construction, modification, or reconstruction commences on or after the effective date of this rule.

\*Copies of the ~~Federal Register (FR)~~ **Code of Federal Regulations (CFR)** referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Department of Environmental Management, **Office of Air Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-8-2; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1050; filed Sep 8, 1997, 9:40 a.m.: 21 IR 31; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 18. 326 IAC 8-8-3, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 8-8-3 Requirements; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-14

**Affected:** IC 13-15; IC 13-17

Sec. 3. (a) The air pollution control board incorporates by reference the following provisions of 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills\*: ~~61 FR 9905 (March 12, 1996)\*~~:

- (1) **40 CFR 60.751** Definitions\*.
- (2) **40 CFR 60.752** Standards for air emissions from MSW landfills\*.
- (3) **40 CFR 60.753** Operational standards for collection and control systems\*.
- (4) **40 CFR 60.754** Test methods and procedures\*.
- (5) **40 CFR 60.755** Compliance provisions\*.
- (6) **40 CFR 60.756** Monitoring operations\*.
- (7) **40 CFR 60.757** Reporting requirements\*.
- (8) **40 CFR 60.758** Record keeping requirements\*.
- (9) **40 CFR 60.759** Specifications for active collection systems\*.

(b) An MSW landfill subject to the requirements of this rule may be subject to permit requirements under 326 IAC 2. An MSW landfill that makes modifications to comply with the requirements of this rule may be subject to permit requirements contained in 329 IAC 10.

\***These documents are incorporated by reference.** Copies of the ~~Federal Register (FR)~~ referenced in this rule may be obtained

from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **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, ~~Tenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-8-3; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1050; filed Sep 8, 1997, 9:40 a.m.: 21 IR 31; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 19. 326 IAC 8-8.1-2, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 8-8.1-2 Definitions**

**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 definitions listed in 40 CFR 60, Subpart WWW, Sec. 60.751 Standards of Performance for Municipal Solid Waste Landfills, ~~61 FR 9905 (March 12, 1996)\*~~ and this section shall apply throughout this rule.

(b) "Existing municipal solid waste (MSW) landfill" means an MSW landfill that has accepted waste since November 8, 1987, or that has capacity available for future use and for which construction commenced prior to May 30, 1991. It may be active, either currently accepting waste, or having additional capacity to accept waste, or may be closed, neither any longer accepting waste, nor having available capacity for future waste deposition.

**\*This document is incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **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, ~~Tenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-8.1-2; filed Sep 8, 1997, 9:40 a.m.: 21 IR 32; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 20. 326 IAC 8-8.1-3, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 8-8.1-3 Requirements; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17; IC 13-20-21

Sec. 3. (a) The air pollution control board incorporates by reference the following provisions of 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills\*: ~~61 FR 9905 (March 12, 1996)\*~~:

- (1) **40 CFR** 60.751 Definitions\*.
- (2) **40 CFR** 60.752 Standards for air emissions from MSW landfills\*.
- (3) **40 CFR** 60.753 Operational standards for collection and control systems\*.
- (4) **40 CFR** 60.754 Test methods and procedures\*.
- (5) **40 CFR** 60.755 Compliance provisions\*.
- (6) **40 CFR** 60.756 Monitoring of operations\*.
- (7) **40 CFR** 60.757 Reporting requirements\*.
- (8) **40 CFR** 60.758 Record keeping requirements\*.
- (9) **40 CFR** 60.759 Specifications for active collection systems\*.

(b) An MSW landfill subject to the requirements of this rule may be subject to permit requirements contained in 326 IAC 2. An MSW landfill that makes modifications to comply with the requirements of this rule may be subject to permit requirements contained in 329 IAC 10.

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **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, ~~Tenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-8.1-3; filed Sep 8, 1997, 9:40 a.m.: 21 IR 32; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 21. 326 IAC 11-6-1, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 11-6-1 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) Except as provided in subsections (b) and (c), this rule applies to each hospital/medical/infectious waste incinerator for which construction was commenced on or before June 20, 1996, hereafter referred to as “designated facility”.

(b) The following are exempt from this rule:

(1) Any combustor during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned, regardless of whether the waste meets the definition of hospital waste or medical/infectious waste, provided the owner or operator of the combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Maintains records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned.

(2) Any cofired combustor if the owner or operator of the cofired combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Provides the department and U.S. EPA with an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be combusted.

(C) Maintains records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the cofired combustor.

(3) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)\*.

(4) Any combustor that meets the applicability requirements under 40 CFR 60, Subpart Cb\*, Ea\*, or Eb\* (standards or guidelines for certain municipal waste combustors).

(5) Any pyrolysis unit.

(6) Cement kilns firing hospital waste or medical/infectious waste, or any combination of these wastes.

(c) Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission limits under this rule are not considered modifications and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to 40 CFR 60, Subpart Ec\*. ~~60 FR 48348 (September 15, 1997)\*~~.

(d) The provisions in 40 CFR Part 60.24(f)\* shall not apply to designated facilities.

**\*These documents are incorporated by reference.** Copies of the Solid Waste Disposal Act, Code of Federal Regulation (CFR), and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Management Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-1; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 22. 326 IAC 11-6-2, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 11-6-2 Definitions

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 2. Terms used in this rule have the meaning that is given in the definition sections of 40 CFR 60, Subpart Ce, Section 60.31e\* and Subpart Ec, Section 60.51c\*, ~~60 FR 48348 (September 15, 1997)\*~~, and, if not defined in Subparts Ce and Ec, have the meaning defined in the Clean Air Act and 40 CFR 60, Subparts A\* and B\*.

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) and Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Management Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-2; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 23. 326 IAC 11-6-4, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-6-4 Emission limits**

**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 designated facility shall not exceed the emission limits specified in 40 CFR 60, Subpart Ce, Section 60.33e(a)\* and Subpart Ec, Section 60.52c(b)\*. ~~60 FR 48348 (September 15, 1997)\*~~. In addition, the emission limit for cadmium for large sources is sixteen-hundredths (0.16) ~~milligrams~~ **milligram** per dry standard cubic meter (seven-hundredths (0.07) ~~grams~~ **grain** per one thousand (1,000) dry standard cubic feet) or sixty-five percent (65%) reduction.

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. ~~20402 and 20401~~ or are available for review and copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-4; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 24. 326 IAC 11-6-5, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-6-5 Operator training and qualification requirements**

**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) The owner or operator of a designated facility shall comply with the operator training requirements specified in 40 CFR 60, Subpart Ec, Section 60.53c\*. ~~60 FR 48348 (September 15, 1997)\*~~.

(b) Compliance with operator training and qualification requirements shall be achieved within one (1) year after the effective date of this rule.

**\*This document is incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for review and copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-5; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 25. 326 IAC 11-6-6, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-6-6 Waste management plans**

**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) The owner or operator of a designated facility shall prepare a waste management plan as specified in 40 CFR 60, Subpart Ec, Section 60.55c\*. ~~60 FR 48348 (September 15, 1997)\*~~.

(b) The waste management plan shall be submitted to the department by the date specified in 40 CFR 60, Subpart Ec, Section 60.58c(c)\*. ~~60 FR 48348 (September 15, 1997)\*~~.

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for review and copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-6; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 26. 326 IAC 11-6-7, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 11-6-7 Compliance, performance testing, and monitoring**

**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) Performance tests shall be conducted and compliance shall be determined in accordance with the test methods and procedures found in 40 CFR 60, Subpart Ec, Section 60.56c\*, excluding the fugitive emissions testing requirements under Section 60.56c(b)(12)\* and 60.56c(c)(3)\*. ~~60 FR 48348 (September 15, 1997)\*.~~

(b) The performance testing shall also meet the requirements of 326 IAC 3-6, source sampling procedures, including the submittal of a test protocol no later than thirty-five (35) days prior to the intended test date. The test methods in 40 CFR 60, Subpart Ec, Section 60.56c\*, shall not be modified unless approved by the EPA administrator.

(c) The owner or operator of a designated facility shall comply with the monitoring requirements specified in 40 CFR 60, Subpart Ec, Section 60.57c\*. ~~60 FR 48348 (September 15, 1997)\*.~~

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-7; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 27. 326 IAC 11-6-8, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 11-6-8 Reporting and record keeping requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 8. (a) The owner or operator of a designated facility shall comply with the reporting and record keeping requirements listed in 40 CFR 60, Subpart Ec, Section 60.58c(b)\* through 60.58c(f)\*, except for Section 60.58c(b)(2)(ii) (fugitive emissions)\* and 60.58c(b)(7) (siting)\*. ~~60 FR 48348 (September 15, 1997)\*.~~

(b) The owner or operator of a designated facility shall comply with information requests made by the department in order to develop the emissions inventory to be included in the state plan required by 40 CFR 60, Subpart B, Section 60.25(a)\*. The owner or operator shall submit the information to the department within sixty (60) days of receipt of request.

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) and Code of Federal Regulation (CFR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-8; filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 28. 326 IAC 11-7-2, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 11-7-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 2. Terms used in this rule have the meaning that is given in the definition section of 40 CFR 60, Subpart Cb, Section 60.31b\* as amended by ~~60 FR 45116~~ and ~~60 FR 45124 (August 25, 1997)\*.~~

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis,

Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-2; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1968; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 29. 326 IAC 11-7-4, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-7-4 Operating practices**

**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 owner or operator of a designated facility shall comply with the operating practices contained in 40 CFR 60, Subpart Eb, Section 60.53b(b) and 60.53b(c)\*. ~~as amended by 60 FR 45124 (August 25, 1997)\*.~~

~~\*These documents are incorporated by reference. Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 11-7-4; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1968; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)~~

SECTION 30. 326 IAC 11-7-5, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-7-5 Municipal waste combustor operator training and certification requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 5. The owner or operator of a designated facility shall comply with the municipal waste combustor operator training and certification requirements specified in 40 CFR 60, Subpart Eb, Section 60.54b\*. ~~as amended by 60 FR 45124 (August 25, 1997)\*.~~

~~\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 11-7-5; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1968; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)~~

SECTION 31. 326 IAC 11-7-6, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-7-6 Standards for municipal waste combustor fugitive ash emissions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 6. The owner or operator of a designated facility shall meet the fugitive ash emission standards specified in 40 CFR 60, Subpart Eb, Section 60.55b\*. ~~as amended by 60 FR 45124 (August 25, 1997)\*.~~

~~\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 11-7-6; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1969; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)~~

SECTION 32. 326 IAC 11-7-7, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-7-7 Compliance and performance testing**

**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) The owner or operator of a designated facility shall comply with the compliance and performance testing methods and procedures specified in 40 CFR 60, Subpart Eb, Section 60.58b\*, **as amended by 60 FR 45124 (August 25, 1997)\***, except as provided in subsections (b) through (c). All tests shall meet the requirements of 326 IAC 3-6.

(b) If all of the dioxin/furan compliance tests for all designated facilities over a two (2) year period indicate that the dioxin/furan emissions are less than or equal to fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen, the owner or operator of the plant may elect to conduct an annual dioxin/furan performance test for one (1) designated facility (unit) per year at the plant. At a minimum, a performance test for dioxin/furan emissions shall be conducted annually (no more than twelve (12) months following the previous performance test) for one (1) designated facility at the plant. Each year a different designated facility shall be tested. The designated facilities at the plant shall be tested in sequence, such as Unit 1 the first year, followed by Unit 2 the next year.

(c) If an annual performance test indicates an emission level for dioxin/furan greater than fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen, then performance tests shall be conducted annually on all designated facilities at the plant until all annual performance tests for all designated facilities at the plant over a two (2) year period indicate a dioxin and furan emission level less than or equal to fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen.

(d) The owner or operator of a designated facility who elects to follow the performance testing schedule specified in subsection (b) shall follow the procedures specified in 40 CFR 60, Subpart Eb, Section 60.59b(g)(4)\*, **as amended by 60 FR 45124 (August 25, 1997)\***, for reporting the election of this schedule to the department.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. 20402 and 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Management, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-7; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1969; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 33. 326 IAC 11-7-8, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-7-8 Reporting and record keeping requirements**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 8. The owner or operator of a designated facility shall comply with the reporting and record keeping provisions of 40 CFR 60, Subpart Eb, Section 60.59b\*, except for the siting requirements under Section 60.59b(a)\*, 60.59b(b)(5)\*, and 60.59b(d)(11)\*. **as amended by 60 FR 45116 and 60 FR 45124 (August 25, 1997)\***. All reporting and record keeping shall meet the requirements of 326 IAC 3 when applicable.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. 20402 and 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Management, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-8; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1969; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 34. 326 IAC 11-7-9, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-7-9 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. 9. (a) Designated facilities shall be in compliance with this rule, except section 5 of this rule, according to one (1) of the following compliance schedules:

- (1) Within one (1) year from the effective date of this rule, but not later than December 19, 2000.
- (2) By December 19, 2000, provided the following:
  - (A) Installation of air pollution control equipment is necessary to achieve compliance.
  - (B) The designated facility complies with the measurable and enforceable incremental steps of progress listed as follows:
    - (i) Submit a final control plan to the department no later than thirty (30) days after the effective date of this rule. This date does not affect the date that a final control plan is required to be submitted to the U.S. EPA.
    - (ii) Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications by May 18, 1999.
    - (iii) Initiate on-site construction or installation of emission control equipment or process change by November 16, 1999.
    - (iv) Complete on-site construction or installation of emission control equipment or process change by November 19, 2000.
  - (C) Designated facilities that are not in compliance within one (1) year from the effective date of this rule must submit performance test results for dioxin/furan emissions that have been conducted during or after 1990.
  - (D) The performance test shall be conducted according to the procedures in 40 CFR 60, Subpart Cb, Section 60.38b\*. ~~as amended by 60 FR 45116 (August 25, 1997)\*.~~

(b) All designated facilities shall be in compliance with the training and certification requirements of section 5 of this rule by September 1, 1999. The initial training requirements specified in 40 CFR 60, Subpart Eb, Section 60.54b(f)(1)\* ~~as amended by 60 FR 45124 (August 25, 1997)\*~~, shall be completed by whichever date comes later:

- (1) September 1, 1999; or
- (2) the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

(c) Designated facilities not in compliance by December 19, 2000, shall cease operation.

(d) Notwithstanding the requirements of this section, the designated facility shall comply with the compliance schedule in the federal plan until the state plan is approved by the U.S. EPA.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Management, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-9; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1970; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 35. 326 IAC 12-1-2 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 12-1-2 Definitions**

**Authority:** IC 13-1-1-4; IC 13-7-7

**Affected:** IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 2. (a) For the purposes of this article, the definitions, except for the substitutions listed in subsection (b), abbreviations and units listed in 40 CFR 60, Subpart A, Sections 60.2\* and 60.3\* ~~54 FR 34008; 54 FR 37534; 55 FR 5211; 55 FR 26912; 55 FR 26931; 55 FR 36932; 55 FR 37674; and 55 FR 40171~~, shall apply.

(b) For the purposes of this article, the following substitutions shall be made for terms used in the portions of 40 CFR 60\*, ~~54 FR 34008; 54 FR 37534; 55 FR 5211; 55 FR 26912; 55 FR 26931; 55 FR 36932; 55 FR 37674; and 55 FR 40171~~ adopted by reference:

- (1) "Administrator" means the commissioner of the department of environmental management.
- (2) "U.S. Environmental Protection Agency" or "U.S. EPA" shall mean the department of environmental management.

**\*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 12-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2554; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218*)

SECTION 36. 326 IAC 12-1-3 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 12-1-3 Availability of regulations**

**Authority:** IC 13-1-1-4; IC 13-7-7

**Affected:** IC 13-1-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7-2

Sec. 3. (a) The federal regulations ~~adopted~~ **incorporated** by reference appear in 40 CFR 60\*. ~~54 FR 34008; 54 FR 37534; 55 FR 5211; 55 FR 26912; 55 FR 26931; 55 FR 36932; 55 FR 37674; and 55 FR 40171.~~

(b) \*Copies of the Code of Federal Regulations (CFR) ~~and the Federal Register (FR)~~ referenced in this ~~article~~ **section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or ~~from~~ **are available for review and copying at** the Department of Environmental Management, Office of Air ~~Management~~, **Quality**, **105 South Meridian Street**, **Tenth Floor**, **100 North Senate Avenue**, Indianapolis, Indiana ~~46225~~. **46204**. (*Air Pollution Control Board; 326 IAC 12-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2554; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2219*)

SECTION 37. 326 IAC 13-1.1-17.1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 13-1.1-17.1 On-board diagnostic check**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 17.1. (a) A certified inspector shall check second generation on-board diagnostic (OBDII) systems to determine if the self-diagnostic system is functioning properly and within the parameters specified at 40 CFR 85.2207\*. Beginning January 1, 2001, failure of the OBDII test shall be a basis for failure of the I/M emission test. For vehicles that are 1996 model year or newer, reasons for failure of the OBDII test include any of the following conditions:

- (1) The vehicle's OBDII connector is missing, has been tampered with, or is otherwise inoperable.
- (2) The malfunction indicator light (MIL) does not illuminate upon vehicle startup.
- (3) The MIL is commanded to be illuminated and it is not illuminated based on visual inspection.
- (4) The MIL is commanded to be illuminated by any of the OBDII codes specified at 40 CFR 85.2207(c)\*.

(b) The test sequence for the inspection of OBDII systems shall consist of the steps described at 40 CFR 85.2222\*.

(c) Motorists whose vehicles fail the OBDII test described in subsection (b) shall be provided with the OBDII test result as specified at 40 CFR 85.2223\*, including the following information:

- (1) The various OBDII codes retrieved.
- (2) The status of the MIL illumination command.
- (3) The customer alert statement.

Any retrieved codes listed at 40 CFR 85.2223(b)\* shall be listed on the test report as specified in that paragraph.

(d) The air pollution control board incorporates by reference the following:

- (1) 40 CFR 51, Subpart S, "Requirements for Preparation, Adoption, and Submittal of Implementation Plans"\*. ~~as amended at 61 FR 40945 (August 6, 1996)\*.~~
- (2) 40 CFR 85, Subpart W, "Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines"\*. ~~as amended at 61 FR 40946 (August 6, 1996)\*.~~

\*Copies of the Code of Federal Regulations (CFR) ~~and Federal Register (FR)~~ referenced may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and 20401** or are available for **review and copying at** the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-17.1; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1471; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 38. 326 IAC 14-2-1, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-2-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-1-1-4; IC 13-7-7-1

**Affected: IC 13-1-1-1; IC 13-7-7-2**

Sec. 1. (a) The provisions of this rule shall apply to the following sources:

- (1) Asbestos mills.
- (2) Surfacing of roadways with asbestos-containing materials.
- (3) Manufacturing operations using commercial asbestos.
- (4) Spray-on application of materials containing asbestos.
- (5) Fabricating operations using commercial asbestos.
- (6) Insulating materials that contain commercial asbestos.
- (7) Waste disposal for asbestos mills.
- (8) Waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations.
- (9) Inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations.
- (10) Air cleaning.
- (11) Reporting.
- (12) Active waste disposal sites.
- (13) Operations that convert asbestos-containing waste material into nonasbestos (asbestos-free) material.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart M, Emission Standard for Asbestos\*. ~~as amended in 55 FR 48406, November 20, 1990, and 56 FR 1669, January 16, 1991\*).~~

\*Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 20401~~ or ~~from~~ **are available for review and copying** at the Department of Environmental Management, Office of Air Management, ~~Post Office Box 6015~~, **Quality, Indiana Government Center-North, Tenth Floor**, Indianapolis, Indiana ~~46206-6015~~, **46204**. (*Air Pollution Control Board; 326 IAC 14-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; filed Dec 5, 1990, 3:40 p.m.: 14 IR 607; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2011; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 39. 326 IAC 17.1-1-2, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 17.1-1-2 Applicability**

**Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3**

**Affected: IC 13-14-11**

Sec. 2. This article applies to the following:

- (1) Information received on or after the effective date of this ~~article~~ **rule** from a person requesting confidential treatment of that information. The information may be either:
  - (A) treated as a single unit of information even if the information is comprised of a collection of individual items of information;  
or
  - (B) separated into two (2) or more categories to afford different treatment to the information in each category because the claim covers only a portion of the information.
- (2) Employees of the department and contractors who:
  - (A) make the confidentiality determination;
  - (B) handle the confidential information; or
  - (C) maintain the file of confidential information.
- (3) Public records, except for the following:
  - (A) In the event of a conflict between this article and 40 CFR 2.301\* (Confidentiality of Business Information), both of which are applicable to the information or document, 40 CFR 2.301\* shall govern over this article.
  - (B) In the event that two (2) or more sections contained in 40 CFR 2.301\* apply to the information, the section that provides greater or wider access to the public of the information shall govern.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) ~~referenced~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or ~~are also~~ available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Management, **Quality, Indiana Government Center-North, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 17.1-1-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Jan 10, 2001, 3:20 p.m.:*

SECTION 40. 326 IAC 19-2-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 19-2-1 Applicability; incorporation by reference of federal standards**

**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) This rule, unless specifically exempted in the applicability section of 40 CFR 93, Subpart A\*, applies to transportation plans, programs, and projects in nonattainment or maintenance areas for transportation-related criteria pollutants that are developed, funded, or approved by the United States Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 United States Code (U.S.C.) or the Federal Transit Laws.

(b) This rule applies to regionally significant projects, regardless of funding source, located in nonattainment or maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

(c) The air pollution control board incorporates by reference the following:

(1) 40 CFR 51, Subpart T, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Laws"\* ~~as amended at 62 FR 43780 (August 15, 1997)~~;

(2) 40 CFR 93, Subpart A, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Laws"\* ~~as amended at 62 FR 43780 (August 15, 1997)~~; with the exception of Section 93.102(d)\*.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 19-2-1; filed Apr 28, 1997, 4:00 p.m.: 20 IR 2298; filed Oct 20, 1998, 4:45 p.m.: 22 IR 751*)

SECTION 41. 326 IAC 19-3-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 19-3-2 Definitions**

**Authority:** IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

**Affected:** IC 13-12-3-1

Sec. 2. The following definitions apply throughout this rule unless expressly stated:

(1) "Adjusted loaded vehicle weight" or "ALVW" means the numerical average of the vehicle curb weight and the GVWR.

(2) "Can be centrally fueled" means vehicles that are centrally fueled or capable of being centrally fueled.

(3) "Capable of being centrally fueled" means a fleet, or that part of a fleet, consisting of vehicles that could be refueled one hundred percent (100%) of the time at a location that is owned, operated, or controlled by the covered fleet operator or is under contract with the covered fleet operator. The fact that a portion of the vehicles is not capable of being centrally fueled does not exempt an entire fleet from the program. The fact that a vehicle is not centrally fueled does not mean that it could not be centrally fueled. Determination of whether a vehicle is capable of being centrally fueled shall be made in accordance with the guidance as amended at 58 FR 64679, December 9, 1993, and 59 FR 50042, September 30, 1994\*. **stated in 40 CFR 88\*.**

(4) "Centrally fueled" means a fleet, or that portion of a fleet, consisting of vehicles that are fueled one hundred percent (100%) of the time at a location that is owned, operated, or controlled by the covered fleet operator or is under contract with the covered fleet operator. Any vehicle that is, under normal operations, garaged at a personal residence at night but that is, in fact, centrally fueled one hundred percent (100%) of the time shall be considered to be centrally fueled for purposes of this rule. The fact that a portion of the vehicles in a fleet is not centrally fueled does not exempt an entire fleet from the program. The fact that a vehicle is not centrally fueled does not mean it could not be centrally fueled in accordance with the definition of capable of being centrally fueled.

(5) "Chicago severe nonattainment area" means the Chicago-Gary-Lake County Area, Severe-17 ozone nonattainment area as defined in 56 FR 56694, November 6, 1991\*. **40 CFR 81.315\*.**

- (6) "Clean alternative fuel" means:
- (A) any fuel, including:
    - (i) methanol;
    - (ii) ethanol; or
    - (iii) other alcohols;including any mixture thereof containing eighty-five percent (85%) or more by volume of such alcohol with gasoline or other fuels;
  - (B) reformulated gasoline;
  - (C) diesel;
  - (D) natural gas;
  - (E) liquified petroleum gas; and
  - (F) hydrogen or other power source, including electricity;
- used in a clean fuel vehicle that complies with the standards and requirements applicable to such vehicle under this rule when using such fuel or power source. In the case of any flexible fuel vehicle or dual fuel vehicle, that means only a fuel with respect to which such vehicle was certified as a clean fuel vehicle.
- (7) "Clean fuel vehicle" means a vehicle certified as an LEV, a ULEV, or a ZEV when it is operating on the clean fuel for which the vehicle was certified as a clean fuel vehicle, meeting the emission standards applicable to such a vehicle under 40 CFR 88, Subpart A, 88.104-94 and 88.105-94\*.
- (8) "Combination heavy-duty vehicle" means a motor vehicle with a GVWR greater than eight thousand five hundred (8,500) pounds that is comprised of a truck-tractor and one (1) or more pieces of trailered equipment.
- (9) "Control" means the following:
- (A) When used to join all entities under common management, means:
    - (i) a third person or firm has equity ownership of at least fifty-one percent (51%) in each of two (2) or more firms;
    - (ii) two (2) or more firms have common corporate officers, in whole or in substantial part, who are responsible for the day-to-day operation of the companies; or
    - (iii) one (1) firm leases, operates, supervises, or owns at least fifty-one percent (51%) of the equipment or facilities used by another person or firm, or has equity ownership of at least fifty-one percent (51%) of another firm.
  - (B) When used to refer to the management of vehicles, a person has the authority to decide who can operate a particular vehicle and the purposes for which the vehicle can be operated.
  - (C) When used to refer to the management of people, a person has the authority to direct the activities of another person or employee in a precise situation such as at the work place.
- (10) "Converted clean fuel vehicle" means a vehicle that has been adapted to operate on clean fuel using a conversion configuration that has been certified by U.S. EPA as meeting clean fuel emission standards and converted in accordance with the requirements for clean fuel conversions under 40 CFR 88 Subpart C, 88.306-94\*.
- (11) "Covered fleet" means ten (10) or more motor vehicles that are owned or operated by a single person. In determining the number of vehicles owned or operated by a single person for purposes of this subdivision, all motor vehicles owned or operated, leased, or otherwise controlled by such person, by any person who controls such person, or by any person under common control with such person shall be treated as owned by such person. The term shall not include any vehicle that is exempt from this rule in accordance with section 1(b) of this rule.
- (12) "Covered fleet operator" means a person who operates a fleet of at least ten (10) covered fleet vehicles that is operated in Lake or Porter County. This includes covered fleet vehicles garaged outside of Lake or Porter County.
- (13) "Covered fleet vehicle" means a motor vehicle that is:
- (A) in a vehicle class for which standards are applicable under this rule; and
  - (B) in a covered fleet that can be centrally fueled.
- (14) "Dealer demonstration vehicle" means any vehicle that is:
- (A) operated by a motor vehicle dealer solely for the purpose of promoting motor vehicle sales, either on the sales lot or through other marketing or sales promotions; or
  - (B) used for allowing potential purchasers to drive the vehicle for prepurchase or prelease evaluation.
- (15) "Department" means the Indiana department of environmental management.
- (16) "Dispenser" means a device through which a motor fuel is transferred from storage at a refueling source to a motor vehicle.
- (17) "Dual fuel vehicle" means a vehicle capable of operating on either of two (2) fuels. A dual fuel vehicle qualifies as a clean fuel vehicle when certified in accordance with 40 CFR 88, Subpart A, 88.104-94\*, as meeting the standards applicable to dual fuel vehicles on either fuel and is eligible to meet purchase requirements and earn credits when operating on the fuel on which it was certified as a dual fuel clean fuel vehicle while operating in Lake or Porter County.
- (18) "Emergency vehicle" means any vehicle that is legally authorized by a governmental authority to exceed the speed limit to

transport people or equipment to and from situations in which speed is required to save lives or property, for example, a rescue vehicle, a fire truck, or an ambulance.

(19) "Flexible fuel vehicle" means a vehicle capable of operating on either or any combination of two (2) fuels. A flexible fuel vehicle qualifies as a clean fuel vehicle when certified in accordance with 40 CFR 88, Subpart A, 88.104-94\*, as meeting the standards applicable to flexible fuel vehicles on either fuel and is eligible to meet purchase requirements and earn credits when operating on the fuel on which it was certified as a flexible fuel clean fuel vehicle while operating in Lake or Porter County.

(20) "Fuel provider" means either of the following:

(A) A person who supplies clean alternative fuel in Lake or Porter County.

(B) A person who refines, imports, distributes, sells, or trades gasoline to Indiana for use in motor vehicles in Lake or Porter County.

(21) "g/mi" means grams per mile.

(22) "Gasoline" means any fuel that is sold for use in motor vehicles or motor vehicle engines and is commonly or commercially known or sold as gasoline.

(23) "GVWR" means gross vehicle weight rating which is the total vehicle weight, including load, as designated by the vehicle manufacturer.

(24) "HDV" means a heavy-duty vehicle weighing more than eight thousand five hundred (8,500) pounds and less than twenty-six thousand (26,000) pounds GVWR.

(25) "ILEV" means an inherently low emissions vehicle that is a light-duty vehicle or light-duty truck conforming to the applicable ILEV standard as defined in 40 CFR 88, Subpart C, 88.311-93\*. No dual fuel vehicles may be considered ILEVs unless they are certified to the applicable standards on all fuel types for which they are designed to operate.

(26) "Law enforcement vehicle" means any vehicle that is primarily operated by:

(A) a civilian or military police officer or sheriff;

(B) personnel of the Federal Bureau of Investigation, the Drug Enforcement Administration, or other agencies of the federal government; or

(C) state highway patrols, municipal law enforcement, or other similar law enforcement agencies;

and which is used for the purpose of law enforcement activities, including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities. For federal law enforcement vehicles, the definition contained in ~~58 FR 64688, December 9, 1993\*~~, **40 CFR 88\*** applies.

(27) "LDT" means light-duty truck, a vehicle weighing less than eight thousand five hundred (8,500) pounds GVWR.

(28) "LDV" means light-duty vehicle, a vehicle weighing less than eight thousand five hundred (8,500) pounds GVWR.

(29) "LEV" means a low emission vehicle that meets the applicable LEV standards as defined in 40 CFR 88, Subpart A, 88.104-94\*.

(30) "Loaded vehicle weight" or "LVW" means the vehicle curb weight plus three hundred (300) pounds.

(31) "Location" means any building, structure, facility, or installation that:

(A) is owned or operated by a person or is under the control of a person; or

(B) is located on one (1) or more contiguous properties and contains or could contain a fueling pump or pumps for the use of the vehicles owned or controlled by that person.

(32) "Model year" or "MY", as it applies to the clean fuel vehicle fleet purchase requirements, means September 1 through August 31. For example, the 1998 model year begins September 1, 1997, and ends August 31, 1998.

(33) "Motor vehicle dealer" means any person who is engaged in the sale or distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

(34) "Motor vehicle manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles, or new nonroad engines, or importing such vehicles or engines for resale, or who acts for and is under control of any such person in connection with the distribution of new motor vehicles, new motor vehicle engines, new nonroad vehicles, or new nonroad engines, but does not include a motor vehicle dealer as defined in subdivision (33).

(35) "Motor vehicles held for lease or rental to the general public" means a vehicle that is owned or controlled primarily for the purpose of short term rental or extended term leasing (with or without maintenance), without a driver, under a contract.

(36) "NMOG" means nonmethane organic gases.

(37) "New covered fleet vehicle" means a vehicle that has NOT been previously controlled by the current purchaser, regardless of the model year, except any of the following:

(A) Vehicles that were manufactured before the 1999 model year for such vehicle's weight class.

(B) Vehicles transferred due to the purchase of a company not previously controlled by the purchaser or due to a consolidation of business operations.

(C) Vehicles transferred as part of an employee transfer.

(D) Vehicles transferred for seasonal requirements, that is, for less than one hundred twenty (120) days.

This definition of new covered fleet vehicle is distinct from the definition of new vehicle as it applies to manufacturer certification, including the certification of vehicles to clean fuel standards.

(38) "New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser.

(39) "Noncovered fleet" means a fleet that operates ten (10) or more motor vehicles in Lake or Porter County that are not centrally fueled or capable of central fueling or are exempt under section 1(b) of this rule.

(40) "Owned or operated, leased, or otherwise controlled by" means either of the following:

(A) Such person holds the beneficial title to such vehicle.

(B) Such person uses the vehicle for transportation purposes under a contract or similar arrangement, the term of the contract or similar arrangement is for a period of one hundred twenty (120) days or more, and such person has control over the vehicle as defined in subdivision ~~(8)~~: **(9)**.

(41) "Partially covered fleet" means a fleet in a covered area that contains both covered and noncovered fleet vehicles.

(42) "Person" means an individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

(43) "ULEV" means an ultra low emissions vehicle that meets the applicable ULEV standards as defined in 40 CFR 88, Subpart A, 88.104-94\*.

(44) "Under normal circumstances garaged at personal residence" means a vehicle that, when it is not in use, is normally parked at the personal residence of the individual who usually operates it, rather than at a central refueling, maintenance, or business location. Such a vehicle is not considered to be capable of being centrally fueled and is exempt from this rule unless it is, in fact, centrally fueled.

(45) "Vehicle curb weight" means the actual weight or the manufacturer's estimated weight.

(46) "Vehicle used for motor vehicle manufacturer product evaluations and tests" means a vehicle that is:

(A) owned and operated by a:

(i) motor vehicle manufacturer; or

(ii) motor vehicle component manufacturer; or

(B) owned or held by:

(i) a university research department;

(ii) an independent testing laboratory; or

(iii) other such evaluation facility;

solely for the purpose of evaluating the performance of such vehicle for engineering, research and development, or quality control reasons.

(47) "ZEV" means a zero (0) emissions vehicle that meets the applicable ZEV standards as defined in 40 CFR 88, Subpart A, 88.104-94\*.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) or Federal Register (FR) ~~referenced in this rule~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Management, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fifth Floor~~, Indianapolis, Indiana ~~46204-2220~~: **46204**. (*Air Pollution Control Board; 326 IAC 19-3-2; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1043; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2044; filed Jun 1, 1998, 3:36 p.m.: 21 IR 3771*)

SECTION 42. 326 IAC 19-3-3 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 19-3-3 General purchase requirements**

**Authority:** IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

**Affected:** IC 13-12-3-1

Sec. 3. (a) Beginning in model year 1999 and in each year thereafter, a percentage of new covered fleet vehicles purchased by each fleet owner or operator subject to this rule shall be clean fuel vehicles. The new vehicle purchase percentages for each vehicle type shall be:

Vehicle Type	MY 1999	MY 2000	MY 2001 and after
LDV	30%	50%	70%
LDT	30%	50%	70%
HDV	50%	50%	50%

(b) The requirements of subsection (a) may be met through the conversion of existing or new gasoline or diesel powered vehicles to clean fuel vehicles in accordance with the requirements for clean fuel vehicle conversions contained in 40 CFR 88, Subpart C, 88.306-94\*.

(c) Purchase requirements may be met by purchasing vehicles that meet or exceed the LEV standard or through the purchase of credits from another fleet in the Chicago severe nonattainment area so that the total equals the minimum requirement.

(d) The fleet owner or operator shall decide which vehicles and fuels to use to comply with the requirements of this rule.

(e) A fleet owner or operator who purchases vehicles certified as LEVs, ULEVs, and ZEVs beyond the percentage required in subsection (a) shall receive credits as described in section 4(e) of this rule.

(f) Vehicles purchased to satisfy the requirements of this section shall be operated on the clean alternative fuel on which they were certified to meet the clean fuel vehicle emissions standards when operating in Lake or Porter County.

**\*This document is incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana ~~46204-2220~~: **46204**. (*Air Pollution Control Board; 326 IAC 19-3-3; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1045; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2044; filed Jun 1, 1998, 3:36 p.m.: 21 IR 3774*)

SECTION 43. 326 IAC 19-3-5 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 19-3-5 Registration and record keeping requirements**

**Authority:** IC 13-14-8-7; IC 13-17-3-4; IC 13-17-3-14; IC 13-17-5-1

**Affected:** IC 13-12-3-1

Sec. 5. Registration and record keeping requirements are as follows:

(1) Fleet operators who control and operate ten (10) or more vehicles in Lake or Porter County shall register their fleet with the department by July 1, 1996, regardless of where the fleet is located.

(2) Covered fleet operators who desire to obtain early purchase credits before the 1999 purchase requirements shall register their fleet at least thirty (30) days before the purchase of clean fuel vehicles.

(3) The owner or operator of a fleet which meets the applicability requirements after the effective date of this rule, because of an increase in fleet size or because of newly obtained central fueling capability, shall register with the department within sixty (60) days after attaining covered fleet status.

(4) On or before November 1 of each year beginning in 1999, each covered fleet operator shall submit an annual report to the department. The report shall include the following:

(A) Name, address, and telephone number of fleet owner or operator.

(B) Signature of responsible official as defined in 326 IAC 2-7-1(34).

(C) The total number of vehicles in the fleet, including both covered and exempt vehicles.

(D) Identification of the covered vehicles to include flexible fuel and dual fuel vehicles shall provide the following information:

(i) Vehicle identification number.

(ii) Type.

(iii) Whether flexible fuel or dual fuel.

(iv) Yearly mileage per vehicle.

(v) Miles operated in covered area.

(vi) Yearly fuel usage and type per vehicle.

(E) Identification of covered dedicated vehicles shall provide the following information:

(i) Vehicle identification number.

(ii) Type.

(F) Identification of exempt vehicles by type of vehicle that is exempt with documentation of exempt status.

(G) The report shall include the total number of vehicles purchased with a description of the type of vehicle, model year, and the number of vehicles purchased or converted that are certified as clean fuel vehicles for the previous and current model years.

- (H) Clean fuel certification for all clean fuel vehicles purchased or converted as follows:
  - (i) The number of credits that have been accumulated.
  - (ii) The credit market activities from the previous year.
- (I) Number and type of vehicles that are garaged at a personal residence.
- (5) Determination of covered fleet status shall be submitted to the department by covered and noncovered fleets by November 1, 1999, and every odd-numbered year thereafter to determine if the fleet is covered. This report shall include the number of vehicles that are centrally fueled, or capable of being centrally fueled, and supporting documentation showing how the numbers were determined in accordance with ~~58 FR 64679; December 9, 1993; and 59 FR 50042; September 30, 1994\*~~. **40 CFR 88\***.
- (6) The following records shall be maintained for compliance audit purposes:
  - (A) Information required in the annual report.
  - (B) Routine maintenance records of all vehicles.
  - (C) Fuel economy information, and fuel usage for dual fuel or flexible fuel vehicles.
  - (D) Copies of converted vehicle certification for all converted clean fuel vehicles.
  - (E) Clean fuel vehicles shall at all times be accompanied by certification that they are clean fuel vehicles.
- (7) The department may request other information as necessary to determine compliance with this rule.

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management, Quality,~~ **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~; Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 19-3-5; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1048; filed Jun 1, 1998, 3:36 p.m.: 21 IR 3774*)

SECTION 44. 326 IAC 20-1-1 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 20-1-1 Incorporation of federal regulations**

**Authority:** IC 13-15-2-1; IC 13-17-3-4

**Affected:** IC 13-12-3-1

Sec. 1. The air pollution control board incorporates by reference 40 CFR 63, Subpart A\* ~~59 FR 12408\*~~, concerning general provisions for emission standards for hazardous air pollutants.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this article section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **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 20-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2282; errata filed May 25, 1994, 11:10 a.m.: 17 IR 2358; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 45. 326 IAC 20-1-3 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 20-1-3 Definitions**

**Authority:** IC 13-15-2-1; IC 13-17-3-4

**Affected:** IC 13-12-3-1

Sec. 3. (a) For the purposes of this article, the definitions listed in 40 CFR 63.2\* ~~59 FR 12408\*~~ shall apply with the exception of subsection (b).

- (b) The following definitions shall be substituted for the terms from 40 CFR 63.2\*:
  - (1) "Administrator" means the commissioner of the department of environmental management.
  - (2) "Permitting authority" means the commissioner of the department of environmental management.
  - (3) "U.S. Environmental Protection Agency" or "U.S. EPA" means the department of environmental management.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this article may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **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 20-1-3; filed Nov 1, 1995, 8:30 a.m.: 19 IR 340; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 46. 326 IAC 20-2-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-2-1 Applicability; incorporation by reference of federal standards**

**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) This rule applies to stationary sources that have more than a threshold quantity of a regulated substance in a process as determined under subsection (b).

(b) The air pollution control board incorporates by reference

(1) 40 CFR 68, Subparts A through H\*

(2) ~~40 CFR 68, 62 FR 45130 (August 25, 1997)\*;~~

(3) ~~40 CFR 68, 63 FR 640 (January 6, 1998)\*;~~

(4) ~~40 CFR 68, 64 FR 964 (January 6, 1999)\*;~~

(5) ~~40 CFR 68, 64 FR 28696 (May 26, 1999)\*; and~~

(6) ~~40 CFR 68, 65 FR 13243 (March 13, 2000);~~

that ~~establish~~ **establishes** a list of regulated substances and thresholds, and the requirements for owners or operators of stationary sources concerning the prevention of accidental releases, with the exception of Section 68.120 concerning administrator discretion to add or delete listed regulated substances.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) ~~referenced in this section~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Management, **Quality, Indiana Government Center-North, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-2-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 341; filed Nov 20, 2000, 3:25 p.m.: 24 IR 953*)

SECTION 47. 326 IAC 20-3-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-3-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-15-2-1; IC 13-17-3-4

**Affected:** IC 13-12-3-1

Sec. 1. (a) The provisions of this rule apply to existing and new byproduct coke oven batteries and to existing nonrecovery coke oven batteries used to manufacture coke, including those located at a coke plant, an integrated steel mill, or a foundry.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart L\*, ~~58 FR 57898\*~~, Emission Standards for Hazardous Air Pollutants for Coke Oven Batteries, with the exception of the following sections:

(1) **40 CFR 63.302(d)**, concerning alternative standards for byproduct coke oven batteries\*.

(2) **40 CFR 63.304(b)(6)**, concerning administrator approval of idle batteries\*.

(3) **40 CFR 63.305(b)**, **63.305(d)**, and **63.305(e)**, concerning alternative standards for coke oven doors\*.

(4) **40 CFR 63.307(d)**, concerning alternative standards for bypass/bleeder stacks\*.

(5) Section 2 of Method 303 in Appendix A of Subpart L, concerning observer certification\*.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) ~~referenced in this article~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20204~~ **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Management, **Quality, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-3-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 341*)

SECTION 48. 326 IAC 20-4-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-4-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-15-2-1; IC 13-17-3-4**

**Affected: IC 13-12-3-1**

Sec. 1. (a) The provisions of this rule apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals which are either major sources or are integral parts of facilities that are major sources as defined in 326 IAC 2-7-1(21)(A).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart Q\*, ~~59 FR 46339\*~~, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this article section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20204~~ **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-4-1; filed Sep 14, 1995, 9:00 a.m.: 19 IR 206*)

SECTION 49. 326 IAC 20-5-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-5-1 Applicability; incorporation by reference of federal standards**

**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) This rule applies to commercial sterilization and fumigation operations using ethylene oxide as provided in 40 CFR 63.360\*.

(b) As provided in 40 CFR 63.360\*, this rule does not apply to the following:

- (1) Beehive fumigators.
- (2) Research or laboratory facilities as defined in Section 112(c)(7) of the Clean Air Act Amendments of 1990.
- (3) Ethylene oxide sterilization operations, as defined in 40 CFR 63.361\*, at stationary sources, such as hospitals, doctors' offices, clinics, or other facilities whose primary purpose is to provide medical services to humans or animals.

(c) The air pollution control board incorporates by reference 40 CFR 63, Subpart O\*, Ethylene Oxide Emissions Standards for Sterilization Facilities. ~~59 FR 62589\* (December 6, 1994)~~ as amended at ~~61 FR 27785\* (June 3, 1996)~~.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, ~~Room 1001~~, **Tenth Floor**, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-5-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2759*)

SECTION 50. 326 IAC 20-6-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-6-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-15-2-1; IC 13-17-3-4**

**Affected: IC 13-12-3-1**

Sec. 1. (a) The provisions of this rule apply to each new and existing batch vapor, in-line vapor, and in-line cold and batch cold solvent cleaning machine that uses any solvent containing:

- (1) methylene chloride (CAS No. 75-09-2);
- (2) perchloroethylene (CAS No. 127-18-4);
- (3) trichloroethylene (CAS No. 79-01-6);
- (4) 1,1,1-trichloroethane (CAS No. 71-55-6);
- (5) carbon tetrachloride (CAS No. 56-23-5);
- (6) chloroform (CAS No. 67-66-3); or
- (7) any combination of these halogenated HAP solvents;

in a total concentration greater than five percent (5%) by weight as a cleaning or drying agent. The provisions of this rule do not apply to wipe cleaning activities, such as using a rag containing halogenated solvent or a spray cleaner containing halogenated solvent.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart T\*, ~~59 FR 61801\* (December 2, 1994); 59 FR 67750\* (December 30, 1994); and 60 FR 29484 (June 5, 1995)\*~~, National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning, with the exception of the following sections:

- (1) 63.463(d)(9)\*, Alternative maintenance practices; and
- (2) 63.469\*, Equivalent methods of control.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ ~~the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204; 20401~~ or are available for review and copying at the Indiana Department of Environmental Management, Office of Air ~~Management; Quality~~, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-6-1; filed Jan 25, 1996, 5:00 p.m.: 19 IR 1324; errata filed Feb 8, 1996, 5:30 p.m.: 19 IR 1373; errata filed Mar 11, 1996, 4:10 p.m.: 19 IR 1568; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 51. 326 IAC 20-7-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-7-1 Applicability; incorporation by reference of federal standards**

**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) This rule applies to the owner or operator of each dry cleaning facility, as defined in 40 CFR 63.321\*, that uses perchloroethylene (PCE) chemicals in the dry cleaning process.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart M\*, National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities. ~~as amended at 61 FR 27785\* (June 3, 1996).~~

(c) Major sources, as defined in ~~326 IAC 2-7-1(21);~~ **326 IAC 2-7-1(22)**, subject to the provisions of this rule are also subject to the requirements of 326 IAC 2-7.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ ~~and the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204; and 20401~~ or are available for review and copying at the Indiana Department of Environmental Management, Office of Air ~~Management; Quality~~, Indiana Government Center-North, ~~Room 1001;~~ **Tenth Floor**, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-7-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 342; filed May 12, 1997, 10:00 a.m.: 20 IR 2759*)

SECTION 52. 326 IAC 20-8-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-8-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-15-2-1; IC 13-17-3-4  
**Affected:** IC 13-12-3-1

Sec. 1. (a) The provisions of this rule apply to each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart N\*, ~~60 FR 4948\* (January 25, 1995); 60 FR 27598\* (May 24, 1995); 60 FR 33122\* (June 27, 1995); and 61 FR 27785\* (June 3, 1996);~~ National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Anodizing Tanks.

(c) Notwithstanding 326 IAC 2-7-2, nonmajor sources that have been exempted under ~~61 FR 27785\*~~ **40 CFR 63, Subpart N\***, are not required to obtain a Part 70 permit from the department.

(d) Notwithstanding 326 IAC 2-7-4(a), nonmajor sources that have been deferred under ~~61 FR 27785\*~~ **40 CFR 63, Subpart N\***, shall submit Part 70 permit applications to the department by December 9, 2000.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) ~~referred to in this section~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 20401~~ or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~ **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~P.O. Box 6015~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-8-1; filed December 1, 1995, 10:00 a.m.: 19 IR 659; filed Jul 23, 1998, 4:41 p.m.: 21 IR 4521; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 53. 326 IAC 20-9-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-9-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-15-2-1; IC 13-17-3-4

**Affected:** IC 13-12-3-1

Sec. 1. (a) This rule establishes emission limitations for operations involved in the manufacture of any flexible base substrate that is covered with a coating containing magnetic particles and that is used for any type of information storage such as audio and video recording.

(b) These provisions apply to each new and existing magnetic tape manufacturing operation located at a major source of hazardous air pollutant emissions. Research or laboratory facilities, as defined in ~~59 FR 64580\* (December 15, 1994)~~, **40 CFR 63.702\***, are exempt from these emission standards.

(c) Applicable operations include, but are not limited to, the following:

- (1) Solvent storage tanks.
- (2) Mix preparation equipment.
- (3) Coating operations.
- (4) Waste handling devices.
- (5) Particulate transfer operations.
- (6) Wash sinks for cleaning removable parts.
- (7) Cleaning involving the flushing of fixed lines.
- (8) Wastewater treatment systems.
- (9) Condenser vents associated with distillation and stripping columns in the solvent recovery area, but not including the vent on a condenser that is used as the add-on air pollution control device.

(d) The air pollution control board incorporates by reference 40 CFR 63, Subpart EE, National Emission Standards For Magnetic Tape Manufacturing Operations\*. ~~59 FR 64580\* (December 15, 1994)~~.

(e) Major sources, as defined in ~~326 IAC 2-7-1(21)~~, **326 IAC 2-7-1 (22)** subject to the provisions of this rule are also subject to the requirements of 326 IAC 2-7.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) ~~referred to in this section~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington D.C. ~~20402 the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204; 20401~~ or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~ **Quality**, **Tenth Floor**, 100 North Senate Avenue, ~~P.O. Box 6015~~, Indianapolis, Indiana ~~46206; 46204~~. (*Air Pollution Control Board; 326 IAC 20-9-1; filed Jan 9, 1996, 5:00 p.m.: 19 IR 1325; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 54. 326 IAC 20-10-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-10-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-15-2-1; IC 13-17-3-4

**Affected:** IC 13-12-3-1

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.420\*.

(b) The air pollution control board incorporates by reference

(+) 40 CFR 63, Subpart R\*, and

(2) 62 FR 9087 (February 28, 1997)\*;

National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-10-1; filed Oct 5, 1999, 3:46 p.m.: 23 IR 300*)

SECTION 55. 326 IAC 20-11-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-11-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to chemical manufacturing process units as that term is defined in 40 CFR 63.101\*, as provided in 40 CFR 63.100\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subparts F, G, and H, Sections 63.100 through 63.182\*, 61 FR 64572 (December 5, 1996), and 62 FR 2722 (January 17, 1997)\*, national emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-11-1; filed Oct 19, 1998, 10:17 a.m.: 22 IR 752; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 56. 326 IAC 20-12-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-12-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to emissions of certain hazardous air pollutants from certain specified processes as provided in 40 CFR 63.190\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subparts H and I, Sections 63.160 through 63.193\*, as amended by 62 FR 2722 (January 17, 1997)\*, national emission standards for organic hazardous air pollutants for certain processes subject to the negotiated regulation for equipment leaks.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-12-1; filed Oct 19, 1998, 10:17 a.m.: 22 IR 752; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 57. 326 IAC 20-13-1, AS ADDED AT 24 IR 958, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-13-1 Applicability; incorporation by reference of federal standards**

**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) This rule applies to the following affected sources, as defined in 40 CFR 63.542\*, at all secondary lead smelters:

- (1) Blast, reverberatory, rotary, and electric melting furnaces.
- (2) Refining kettles.
- (3) Agglomerating furnaces.
- (4) Dryers.
- (5) Process fugitive sources.
- (6) Fugitive dust sources.

(b) This rule does not apply to primary lead smelters, lead refiners, or lead remelters.

(c) The air pollution control board incorporates by reference 40 CFR 63, Subpart X\*, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting, ~~62 FR 32216\* (June 13, 1997)~~, with the exception of the following sections:

- (1) **40 CFR 63.543(a)\*** and **40 CFR 63.543(j)\*** concerning lead standards for process sources.
- (2) **40 CFR 63.544(c)\***, **40 CFR 63.544(d)\***, and **40 CFR 63.544(g)\*** concerning lead standards for process fugitive sources.
- (3) **40 CFR 63.545(e)\*** concerning lead standards for fugitive dust emissions.
- (4) **40 CFR 63.543(h)\*** and **40 CFR 63.543(i)\*** concerning compliance demonstrations for process sources.
- (5) **40 CFR 63.544(e)\*** and **40 CFR 63.544(f)\*** concerning compliance demonstrations for process fugitive sources.
- (6) **40 CFR 63.548(e)\*** concerning bag leak detection system requirements.

\*Copies of the Code of Federal Regulations (CFR) and Federal Registers (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-13-1; filed Dec 1, 2000, 2:22 p.m.: 24 IR 958*)

SECTION 58. 326 IAC 20-13-2, AS ADDED AT 24 IR 958, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-13-2 Emission limitations; lead standards for Quemetco, Incorporated**

**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) In addition to the requirements under section 1 of this rule, Quemetco, Inc., Indianapolis shall comply with the following emission limitations and operating provisions:

<u>Facility Description</u>	<u>Emission Limitation mg/dscm</u>
Stack 100	1.0
Stack 101	0.5
Stack 102	0.5
Stack 103	0.5
Stack 104	0.5
Stack 105	0.5
Stack 106	0.5
Stack 107	0.5
Stack 108	0.5
Stack 109	0.5
Stack 111	1.0

Process fugitive and fugitive dust emissions from stacks 101 through 109 shall be vented to the atmosphere through high efficiency particulate air (HEPA) filters as defined in 40 CFR 63.542\*.

(b) New or reconstructed affected sources, as defined in 40 CFR 63.542\*, not described in subsection (a), shall comply with the emission limitations under section 4 of this rule.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-13-2; filed Dec 1, 2000, 2:22 p.m.: 24 IR 958*)

SECTION 59. 326 IAC 20-13-4, AS ADDED AT 24 IR 959 SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-13-4 Emission limitations; other secondary lead smelters**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 4. In addition to the requirements under section 1 of this rule, the owner or operator of any secondary lead smelter not described under section 2 or 3 of this rule shall comply with the following emission limitations and operating provisions:

<u>Facility Description</u>	<u>Emission Limitation</u> <u>mg/dscm</u>
Process stacks	1.0
Process fugitive stacks	0.5
Stacks venting fugitive dust sources	0.5

Process fugitive emissions and stacks venting fugitive dust sources shall be vented to the atmosphere through high efficiency particulate air (HEPA) filters as defined in 40 CFR 63.542\*.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-13-4; filed Dec 1, 2000, 2:22 p.m.: 24 IR 959*)

SECTION 61. 326 IAC 20-13-5, AS ADDED AT 24 IR 959, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-13-5 Operational and work practice standards**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 5. The owner or operator of a secondary lead smelter must install and continuously operate a bag leak detection system for all baghouses controlling process and process fugitive sources. In accordance with 40 CFR 63.548(g)\* and 40 CFR 63.548(h)\*, baghouses equipped with HEPA filters or used exclusively for the control of fugitive dust emissions are exempt from this requirement. The owner or operator must maintain and operate each baghouse controlling process and process fugitive sources such that the following conditions are met:

- (1) The alarm on the system does not activate for more than five percent (5%) of the total operating time in a six (6) month reporting period.
- (2) Procedures to determine the cause of the alarm are initiated within one (1) hour of the alarm according to the standard operating procedures manual for corrective action required under 40 CFR 63.548\*.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-13-5; filed Dec 1, 2000, 2:22 p.m.: 24 IR 959*)

SECTION 61. 326 IAC 20-13-6, AS ADDED AT 24 IR 960, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-13-6 Compliance testing**

**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) Except as provided in subsection (b), the owner or operator of a secondary lead smelter shall conduct a compliance test for lead compounds from process stacks on an annual basis, no later than twelve (12) calendar months following the previous compliance test.

(b) If a compliance test demonstrates a source emitted lead compounds from process stacks less than or equal to fifty percent (50%) of the applicable limit under this rule during the compliance test, the owner or operator of a secondary lead smelter shall be allowed up to twenty-four (24) calendar months from the previous compliance test to conduct the next compliance test for lead compounds.

(c) The owner or operator of a secondary lead smelter shall conduct a compliance test for lead compounds from process fugitive stacks and fugitive dust stacks on the following schedule:

(1) Process fugitive stacks shall be tested on a biennial basis, no later than twenty-four (24) months following the previous compliance test.

(2) Fugitive dust stacks shall conduct an initial compliance test only and shall not be required to conduct testing on an annual or biennial basis.

Nothing in this subsection shall prohibit the department from requesting a compliance test in accordance with 326 IAC 2-1.1-11.

(d) The following shall apply to tests conducted to demonstrate compliance with the emission limitations under ~~sections~~ **section** 2, 3, or 4 of this rule:

(1) The owner or operator shall use the appropriate test methods under 40 CFR 63.547\*.

(2) Test notification and reporting shall comply with 326 IAC 3-6.

(e) Performance testing of process sources conducted prior to the effective date of this rule shall be subject to the testing schedule of 40 CFR 63.543(i)\*. Performance testing of sources conducted within twenty-four (24) months prior to the effective date of this rule that demonstrates compliance with the emission limitations in sections 2 through 4 of this rule shall be considered valid compliance tests for purposes of this rule.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-13-6; filed Dec 1, 2000, 2:22 p.m.: 24 IR 960*)

SECTION 62. 326 IAC 20-13-7, AS ADDED AT 24 IR 960, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 20-13-7 Compliance requirements**

**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) Owners and operators of secondary lead smelters shall maintain purchasing records and manufacturer's specifications of all high efficiency particulate air (HEPA) filters installed on process fugitive and fugitive dust stacks demonstrating the filters have been certified by the manufacturer to meet the definition of HEPA filters in 40 CFR 63.542\*. The records and manufacturer's specifications shall be maintained on site for three (3) years and shall be available for an additional two (2) years.

(b) The owner or operator of any secondary lead smelter shall comply with the following opacity limitations:

(1) Stacks exhausting process, process fugitive emissions, or fugitive dust emissions shall not exceed five percent (5%) opacity from particulate matter emissions for any one (1) six (6) minute averaging period as measured by 40 CFR 60, Appendix A, Reference Method 9\*.

(2) Exterior dust handling systems of dry collectors of lead emitting processes (augers, hoppers, transfer points) shall not discharge to the atmosphere visible emissions in excess of five percent (5%) of an observation period consisting of three (3) twenty (20) minute periods, as determined by 40 CFR 60, Appendix A, Reference Method 22\*. The provisions under this subdivision for dust handling systems shall not apply during maintenance and repair of the dust handling systems. During maintenance and repair of the dust handling system, the owner or operator shall take reasonable measures to prevent or minimize fugitive dust emissions.

(3) The opacity limitations in this subsection shall only apply to particulate matter emissions.

(c) In addition to the requirements of 40 CFR 63.8\*, 40 CFR 63.10\*, and 40 CFR 63.547(e)\*, an owner or operator of any secondary lead smelter using a total enclosure shall do the following:

(1) Submit a plan describing the installation and operation of a continuous monitoring system that meets the requirements of 40 CFR 63.547(e)(2)\*. The plan shall be postmarked or hand delivered to the department one hundred twenty (120) days prior to installation of the continuous monitoring system.

(2) Within one hundred eighty (180) days after written approval of the monitoring system plan by the department, install and operate a continuous monitoring system to measure and record pressure differential. The continuous monitoring system shall consist of the following:

(A) A differential pressure sensor capable of measuring pressure within a range of two-hundredths (0.02) to two-tenths (0.2) millimeter of mercury (one-hundredth (0.01) to one-tenth (0.1) inch water).

(B) A processor.

(C) An alarm.

(D) A continuous recording device.

Any changes to the location or operation of the system shall require prior written approval by the department.

(3) Initiate corrective actions within thirty (30) minutes of a monitoring system alarm.

(4) Request, if desired, to cease monitoring pressure differential under this subsection twelve (12) months from the commencement date of approved monitoring or the effective date of this rule, whichever is later.

(5) Notify the department of any physical changes including, but not limited to, ventilation capacity and building size. If the department determines the net ~~effect effect~~ of any such changes may potentially affect air pressure readings of the building, then the owner or operator shall resume monitoring for an additional twelve (12) months. Monitoring may be discontinued in accordance with the procedures under subdivision (4).

(6) Maintain the following on site for a period of three (3) years and have available for an additional two (2) years:

(A) Records of the pressure differential.

(B) Logs of monitoring system alarms, including date and time.

(C) Logs of corrective actions, including date and time.

(d) The owner or operator shall demonstrate compliance with the bag leak detection system requirements under section 5 of this rule, if applicable, by submitting reports showing that the alarm on the system does not activate for more than five percent (5%) of the total operating time in a six (6) month period or two hundred nineteen (219) hours, if operated for four thousand three hundred eighty (4,380) hours in the six (6) month period, whichever is less. The percentage of total operating time the alarm on the bag leak detection system activates shall be calculated as follows:

(1) Do not include alarms that occur due solely to a malfunction of the bag leak detection system in the calculation.

(2) Do not include alarms that occur during startup, shutdown, and malfunction in the calculation if:

(A) the condition is described in the startup, shutdown, and malfunction plan; and

(B) the owner or operator follows all the procedures in the plan defined for this condition.

(3) Count the actual time it takes the owner or operator to identify and correct the cause of the alarm, excluding any time that the process is shut down for repair.

(4) Calculate the percentage of time the alarm on the bag leak detection system activates as the ratio of the sum of alarm times to the total operating time multiplied by one hundred (100).

(e) The owner or operator of any secondary lead smelter shall install and maintain an ambient air quality monitoring network for lead as follows:

(1) Unless the owner or operator has received approval prior to the effective date of this rule to operate an ambient air quality monitoring network, the owner or operator shall submit a proposed ambient monitoring and quality assurance plan to the department within ninety (90) days after the effective date of this rule. The plan does not need to be submitted by the owner or operator if an authorized air pollution control agency operates the monitoring network. The owner or operator may submit a plan for an existing monitoring network that predates the effective date of this rule.

(2) An owner or operator that has not received approval prior to the effective date of this rule shall commence ambient monitoring within thirty (30) days after the department's approval of the proposed ambient monitoring and quality assurance plan. An owner or operator that has received approval prior to the effective date of this rule shall commence monitoring under this rule within thirty (30) days after such date.

(3) The ambient monitoring shall be:

(A) performed using U.S. EPA-approved methods, procedures, and quality assurance programs, and in accordance with the

- ambient monitoring and quality assurance plan as approved by the department; or
- (B) performed by an authorized air pollution control agency having jurisdiction to operate the network.
- (4) The owner or operator shall submit a quarterly report to the department within forty-five (45) days after the end of the quarter in which the data was collected. The report shall include the following:
- (A) Ambient air quality monitoring network data.
- (B) If a violation of the quarterly NAAQS for lead occurred, identification of the cause of the violation and corrective actions taken to address the violation.
- (5) After twenty-four (24) months from the commencement date of monitoring pursuant to the approved monitoring plan, an owner or operator may submit a request to discontinue ambient monitoring. The commissioner may deny the request if a determination is made that continued monitoring is in the interest of public health and the environment.
- (f) Ventilation air from the following shall be conveyed or ventilated to a control device:
- (1) All enclosure hoods and total enclosures.
- (2) All dryer emission vents.
- (3) Agglomerating furnace emission vents.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-13-7; filed Dec 1, 2000, 2:22 p.m.: 24 IR 960*)

SECTION 63. 326 IAC 20-13-8, AS ADDED AT 24 IR 962, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 20-13-8 Bag leak detection system requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 8. (a) The bag leak detection system required by 40 CFR 63.548(c)(9)\* and section 5 of this rule shall meet the following requirements:

- (1) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of ten (10) milligrams per actual cubic meter (forty-four ten thousandths (0.0044) grains per actual cubic foot) or less.
- (2) The bag leak detection system sensor must provide output of relative particulate matter loadings, and the owner or operator must continuously record the output from the bag leak detection system.
- (3) The bag leak detection system must be equipped with an alarm system that will alert appropriate plant personnel when an increase in relative particulate loadings is detected over a preset level. The alarm must be located where it can be heard by the appropriate plant personnel.
- (4) Each bag leak detection system that works based on the triboelectric effect must be installed, calibrated, operated, and maintained consistent with the U.S. Environmental Protection Agency guidance document "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997)\*. Other bag leak detection systems must be installed, calibrated, and maintained consistent with the manufacturer's written specifications and recommendations.
- (5) The initial adjustment of the system must, at a minimum, consist of establishing:
- (A) the baseline output by adjusting the sensitivity (range);
- (B) the averaging period of the device;
- (C) the alarm set points; and
- (D) the alarm delay time.
- (6) Following initial adjustment, the owner or operator must not adjust the:
- (A) sensitivity or range;
- (B) averaging period;
- (C) alarm set points; or
- (D) alarm delay time;

except as detailed in the maintenance plan required under 40 CFR 63.548(a)\*. In no event must the sensitivity be increased by more than one hundred percent (100%) or decreased more than fifty percent (50%) over a three hundred sixty-five (365) day period unless a responsible official certifies the baghouse has been inspected and found to be in good operating condition.

- (7) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.
- (8) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector must be installed downstream of the baghouse and upstream of any wet acid gas scrubber.

(b) In addition to the record keeping and reporting requirements under 40 CFR 63.550\*, the owner or operator shall comply with the following:

- (1) Submit a report within thirty (30) days after the end of each preceding six (6) month period ending June 30 and December 31 of each year that includes the following:
- (A) A description of the actions taken following each bag leak detection system alarm pursuant to 40 CFR 63.548(f)(1)\* and 40 CFR 63.548(f)(2)\*.
  - (B) Calculations of the percentage of time the alarm on the bag leak detection system was activated during the reporting period.
- (2) Records for bag leak detection systems shall be maintained on site for a period of three (3) years and be available for an additional two (2) years and shall include the following information:
- (A) Records of bag leak detection system output.
  - (B) Identification of the date and time of all bag leak detection system alarms.
  - (C) The time that procedures to determine the cause of the alarm were initiated.
  - (D) The cause of the alarm.
  - (E) An explanation of the actions taken.
  - (F) The date and time the alarm was corrected.
  - (G) Records of total operating time of an affected source during smelting operations for each six (6) month period.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and the U.S. Environmental Protection Agency guidance document "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-13-8; filed Dec 1, 2000, 2:22 p.m.: 24 IR 962*)

SECTION 64. 326 IAC 20-14-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-14-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-15; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-17**

Sec. 1. (a) The provisions of this rule apply to each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source as defined in Section 112 of the 1990 Clean Air Act Amendments.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart JJ\*, ~~60 FR 62930\* (December 7, 1995)~~, National Emission Standards for Wood Furniture Manufacturing Operations, with the exception of the following sections:

- (1) 63.804(f)(4)(iv)(D) and (E)\*, establishing alternative operating parameters for carbon adsorbers and control devices not listed in the rule.
- (2) 63.804(g)(4)(iii)(C)\*, establishing alternative monitoring parameters for carbon adsorbers.
- (3) 63.804(g)(4)(vi) and 63.804(g)(6)(vi)\*, establishing alternative monitoring parameters for control devices not listed in the rule.
- (4) 63.805(a)\*, establishing alternative methods for determining volatile hazardous air pollutant content of coatings.
- (5) 63.805(d)(2)(V)\*, establishing alternative methods for performance tests.
- (6) 63.805(e)(1)\*, establishing case by case approval for permanent total enclosures.

**\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. ~~20402~~ 20401 or are available for copying review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-14-1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2297*)

SECTION 65. 326 IAC 20-15-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-15-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-15; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-17

Sec. 1. (a) The provisions of this rule apply to each facility that is engaged, either in part or in whole, in the manufacture or rework of commercial, civil, or military aerospace vehicles or components and that is located at a plant site that is a major source as defined in Section 112 of the 1990 Clean Air Act Amendments.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart GG\*, ~~60 FR 45948\* (September 1, 1995)~~ and ~~61 FR 4902\* (February 9, 1996)~~; National Emission Standards for Aerospace Manufacturing and Rework Facilities.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-15-1-1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2298*)

SECTION 66. 326 IAC 20-16-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-16-1 Applicability; incorporation by reference of federal standards**

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

**Affected:** IC 13-17

Sec. 1. (a) This rule applies to all petroleum refining process units and to related emission points as defined in 40 CFR 63.641\* as provided in 40 CFR 63.640\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart CC\*, ~~60 FR 43244 (August 18, 1995)~~ and ~~61 FR 29876 (June 12, 1996)\*~~; National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** and the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204 and are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-16-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2760*)

SECTION 67. 326 IAC 20-17-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-17-1 Applicability; incorporation by reference of federal standards**

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

**Affected:** IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.560\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart Y\*, ~~60 FR 48388 (September 19, 1995)\*~~; National Emission Standards for Marine Tank Vessel Loading Operations.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and ~~the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-17-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2760*)

SECTION 68. 326 IAC 20-18-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-18-1 Applicability; incorporation by reference of federal standards**

**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) This rule applies to affected sources as defined in 40 CFR 63.820\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart KK\*, ~~61 FR 27132\* (May 30, 1996)~~, National Emission

Standards for the Printing and Publishing Industry, with the exception of the following Sections:

(1) 63.827(b)\*, approval of alternate test methods for organic hazardous air pollutant content determinations.

(2) 63.827(c)\*, approval of alternate test methods for volatile matter determination.

\*Copies of the Code of Federal Regulations (CFR) ~~and Federal Register (FR)~~ referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** and are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-18-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2761*)

SECTION 69. 326 IAC 20-19-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-19-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 1. (a) This rule applies to manufacturers of the following products, as provided in 40 CFR 63.480\* of Subpart U, that are major sources of hazardous air pollutants (HAPs) as defined in Section 112(a) of the Clean Air Act:

(1) Butyl rubber.

(2) Halobutyl rubber.

(3) Epichlorohydrin elastomers.

(4) Ethylene propylene rubber.

(5) Hypalon (TM).

(6) Neoprene.

(7) Nitrile butadiene rubber.

(8) Nitrile butadiene latex.

(9) Polysulfide rubber.

(10) Polybutadiene rubber/styrene butadiene rubber produced using a solution process.

(11) Styrene butadiene latex.

(12) Styrene butadiene rubber produced using an emulsion process.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart U\*, National Emission Standards for Hazardous Air Pollutant Emissions, Group I Polymers and Resins. ~~61 FR 46924, September 5, 1996\*~~.

\*Copies of the Code of Federal Regulations (CFR) ~~and Federal Register (FR)~~ ~~referred~~ **referenced** in this ~~article~~ **section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and the Indiana State Library**, ~~140 North Senate Avenue, Indianapolis, Indiana 46204~~ **and 20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, ~~IN~~ **Indiana** 46204. (*Air Pollution Control Board; 326 IAC 20-19-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2761*)

SECTION 70. 326 IAC 20-20-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-20-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 1. (a) This rule applies to manufacturers of the following products, as provided in 40 CFR 63.520\* of Subpart W, that are major sources of hazardous air pollutants (HAPs) as defined in Section 112(a) of the Clean Air Act:

- (1) Basic liquid epoxy resins.
- (2) Non-nylon polyamides (also known as wet strength resins).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart W\*, National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production. ~~60 FR 12676, March 8, 1995\*~~.

\*Copies of the Code of Federal Regulations (CFR) ~~and Federal Register (FR) referred~~ **referenced** in this ~~article~~ **section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204 and 20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air ~~Management, Quality, Tenth Floor~~, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-20-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2761*)

SECTION 71. 326 IAC 20-21-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-21-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 1. (a) This rule applies to manufacturers of the following products, as provided in 40 CFR 63.1310, ~~of~~ Subpart JJJ\*, that are major sources of hazardous air pollutants (HAPs) as defined in Section 112(a) of the Clean Air Act:

- (1) Acrylonitrile butadiene styrene resin (ABS) latex.
- (2) ABS using a batch emulsion process.
- (3) ABS using a batch suspension process.
- (4) ABS using a continuous emulsion process.
- (5) ABS using a continuous mass process.
- (6) Acrylonitrile styrene acrylate resin/alpha methyl styrene acrylonitrile resin (ASA/AMSAN).
- (7) Expandable polystyrene resin (EPS).
- (8) Methyl methacrylate acrylonitrile butadiene styrene resin (MABS).
- (9) Methyl methacrylate butadiene styrene resin (MBS).
- (10) Nitrile resin.
- (11) Poly(ethylene terephthalate) resin (PET) using a batch dimethyl terephthalate process.
- (12) PET using a batch terephthalic acid process.
- (13) PET using a continuous dimethyl terephthalate process.
- (14) PET using a continuous terephthalic acid process.
- (15) PET using a continuous terephthalic acid high viscosity multiple end finisher process.
- (16) Polystyrene resin using a batch process.
- (17) Polystyrene resin using a continuous process.
- (18) Styrene acrylonitrile resin (SAN) using a batch process.
- (19) SAN using a continuous process.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart JJJ\*, National Emission Standards for Hazardous Air Pollutant Emissions, Group IV Polymers and Resins. ~~61 FR 48229, September 12, 1996\*~~.

\*Copies of the Code of Federal Regulations (CFR) ~~and Federal Register (FR) referred~~ **referenced** in this ~~article~~ **section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204 and 20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air ~~Management, Quality, Tenth Floor~~, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-21-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2762*)

SECTION 72. 326 IAC 20-22-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-22-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-15-2; IC 13-17-3-4**

**Affected: IC 13-12-3-1**

Sec. 1. (a) This rule applies to each new and existing flexible polyurethane foam or rebond foam process as provided in 40 CFR 63.1290\*. ~~63 FR 53996 (October 7, 1998)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart III\*, ~~63 FR 53996\* (October 7, 1998)~~, Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

\*Copies of the Code of Federal Regulation (CFR) ~~and Federal Register (FR)~~ referenced in this ~~article~~ **section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20204~~ **20401** or **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management, Quality~~, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-22-1; filed May 26, 2000, 8:39 a.m.: 23 IR 2424*)

SECTION 73. 326 IAC 20-23-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-23-1 Applicability; incorporation by reference of federal standards**

**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) This rule applies to owners or operators of plant sites as provided in 40 CFR 63.680\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DD\*, ~~61 FR 34140\* (July 1, 1996) and 64 FR 38963 (July 20, 1999)\*~~, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

\*Copies of the Code of Federal Regulations (CFR) ~~and Federal Register (FR)~~ referenced in this ~~article~~ **section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management, Quality~~, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-23-1; filed Apr 23, 1998, 9:30 a.m.: 21 IR 3341*)

SECTION 74. 326 IAC 20-24-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-24-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 1. (a) Except as provided in subsection (b), this rule applies to the owner or operator of each new pitch storage tank and new or existing potline, paste production plant, or anode bake furnace associated with primary aluminum production that is located at a major source as defined in 40 CFR 63.2\*.

(b) An owner or operator of an affected facility (potroom group or anode bake furnace) under 40 CFR 60.190\* may elect to comply with either the requirements of 40 CFR 63.845 or 40 CFR 60, Subpart S\*.

(c) The air pollution control board incorporates by reference 40 CFR 63, Subpart LL\*, ~~(62 FR 52383)\* (October 7, 1997)~~; national emission standards for hazardous air pollutants for primary aluminum reduction plants.

\***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) ~~and Federal Register (FR)~~ referenced in this ~~article~~ may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 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 20-24-1; filed Oct 9, 1998, 3:54 p.m.: 22 IR 423*)

SECTION 75. 326 IAC 20-26-1, PROPOSED TO BE ADDED AT 24 IR 1052, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-26-1 Applicability; incorporation by reference of federal standards**

**Authority: IC 13-15-2-1; IC 13-17-3-4**

**Affected: IC 13-12-3-1**

Sec. 1. (a) This rule applies to affected sources as defined in 40 CFR 63.781\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart II\*, National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair Surface Coating Operations.

(c) Sources, as defined in 326 IAC 8-12-1, that are subject to this rule, may be subject to 326 IAC 8-12. Sources subject to this rule and 326 IAC 8-12-5 through 326 IAC 8-12-7 shall comply with the requirements of 40 CFR 63.784 through 40 CFR 63.788\* in lieu of 326 IAC 8-12-5 through 326 IAC 8-12-7.

\*Copies of 40 CFR 63, Subpart II, may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~. Copies of pertinent sections of the referenced materials **20401** or are available ~~from for review and copying~~ at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220~~. **46204**. (*Air Pollution Control Board; 326 IAC 20-26-1*)

SECTION 76. 326 IAC 20-30-1, PROPOSED TO BE ADDED AT 24 IR 449, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-30-1 Oil and natural gas production; applicability; incorporation by reference of federal standards**

**Authority: IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 1. (a) This rule applies to owners and operators of emission points that are located at oil and natural gas production facilities as provided in 40 CFR 63.760\*. ~~64 FR 32628 (June 17, 1999)\*~~.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart HH\*, ~~64 FR 32628 (June 17, 1999)\*~~, national emission standards for hazardous air pollutants from oil and natural gas production facilities.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced **in this section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-30-1*)

SECTION 77. 326 IAC 20-31-1, PROPOSED TO BE ADDED AT 24 IR 449, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-31-1 Natural gas transmission and storage; applicability; incorporation by reference of federal standards**

**Authority: IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 1. (a) This rule applies to owners and operators of natural gas transmission and storage facilities as provided in 40 CFR 63.1270\*. ~~64 FR 32648 (June 17, 1999)\*~~.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart HHH\*, ~~64 FR 32648 (June 17, 1999)\*~~, national emission standards for hazardous air pollutants from natural gas transmission and storage facilities.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced **in this section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-31-1*)

SECTION 78. 326 IAC 20-32-1, PROPOSED TO BE ADDED AT 24 IR 449, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-32-1 Publicly owned treatment works; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of publicly owned treatment works as provided in 40 CFR 63.1580\*. ~~64 FR 57572 (October 26, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart VVV\*, ~~64 FR 57572 (October 26, 1999)~~, national emission standards for hazardous air pollutants: publicly owned treatment works.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-32-1*)

SECTION 79. 326 IAC 20-33-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-33-1 Pulp and paper production, noncombustion; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of processes that produce pulp, paper, or paperboard, as provided in 40 CFR 63.440\*, ~~63 FR 18503 (April 15, 1998)\*~~, and that use any of the following processes and materials:

- (1) Kraft, soda, sulfite, or semichemical pulping processes.
- (2) Mechanical pulping processes.
- (3) Any process using secondary or nonwood fibers.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart S\*, ~~63 FR 18503 (April 15, 1998)\*~~, national emission standards for hazardous air pollutants from the pulp and paper industry.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **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, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-33-1*)

SECTION 80. 326 IAC 20-34-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-34-1 Phosphoric acid manufacturing and phosphate fertilizers production; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of each:

- (1) phosphoric acid manufacturing plant as provided in 40 CFR 63.600\*; ~~64 FR 31357 (June 10, 1999)\*~~; and
- (2) phosphate fertilizers production plant as provided in 40 CFR 63.620\*. ~~64 FR 31357 (June 10, 1999)\*~~.

(b) The air pollution control board incorporates by reference the following:

- (1) 40 CFR 63, Subpart AA\*, ~~64 FR 31376 (June 10, 1999)\*~~, national emission standards for hazardous air pollutants from phosphoric acid manufacturing plants.
- (2) 40 CFR 63, Subpart BB\*, ~~64 FR 31382 (June 10, 1999)\*~~, national emission standards for hazardous air pollutants from

phosphate fertilizers production plants.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-34-1*)

SECTION 81. 326 IAC 20-35-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-35-1 Tanks—level 1; applicability; incorporation by reference of federal standards**

**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) This rule applies to the control of air emissions from tanks for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart OO for such air emission control as provided in 40 CFR 63.900\*. ~~61 FR 34184 (July 1, 1996); and 64 FR 38985 (July 20, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart OO\*, ~~61 FR 34184 (July 1, 1996); and 64 FR 38985 (July 20, 1999)\*.~~, national emission standards for tanks—level 1.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-35-1*)

SECTION 82. 326 IAC 20-36-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-36-1 Containers; applicability; incorporation by reference of federal standards**

**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) This rule applies to the control of air emissions from containers for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart PP for such air emission control as provided in 40 CFR 63.920\*. ~~61 FR 34186 (July 1, 1996); and 64 FR 38987 (July 20, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart PP\*, ~~61 FR 34186 (July 1, 1996); and 64 FR 38987 (July 20, 1999)\*.~~, national emission standards for containers.

\*Copies of the Code of Federal Regulations and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-36-1*)

SECTION 83. 326 IAC 20-37-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-37-1 Surface impoundments; applicability; incorporation by reference of federal standards**

**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) This rule applies to the control of air emissions from surface impoundments for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart QQ for such air emission control as provided in 40 CFR 63.940\*. ~~61 FR 34190 (July 1, 1996); and 64 FR 38988 (July 20, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart QQ\*, ~~61 FR 34190 (July 1, 1996); and 64 FR 38988 (July 20, 1999)\*~~, national emission standards for surface impoundments.

\*Copies of the Code of Federal Regulations (CFR) and ~~the Federal Register (FR)~~ referenced in this **rule section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and 20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management; Quality~~, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-37-1*)

SECTION 84. 326 IAC 20-38-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-38-1 Individual drain systems; applicability; incorporation by reference of federal standards**

**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) This rule applies to the control of air emissions from individual drain systems for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart RR for such air emission control as provided in 40 CFR 63.960\*. ~~61 FR 34193 (July 1, 1996); and 64 FR 38989 (July 20, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart RR\*, ~~61 FR 34193 (July 1, 1996); 64 FR 38989 (July 20, 1999);~~ national emission standards for individual drain systems.

\*Copies of the Code of Federal Regulations ~~and Federal Register (FR)~~ referenced in this **rule section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and 20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management; Quality~~, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-38-1*)

SECTION 85. 326 IAC 20-39-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-39-1 Closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule include requirements for closed vent systems, control devices, and routing of air emissions to a fuel gas system or process. These provisions apply when another subpart references the use of Subpart SS for such air emission control as provided in 40 CFR 63.980\*. ~~64 FR 34866 (June 29, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart SS\*, ~~64 FR 34866 (June 29, 1999)\*~~, national emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process.

\*Copies of the Code of Federal Regulations (CFR) referenced in this **rule section** may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and 20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management; Quality~~, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-39-1*)

SECTION 86. 326 IAC 20-40-1, PROPOSED TO BE ADDED TO READ AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-40-1 Equipment leaks—control level 1; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from equipment leaks for which another subpart references the use of Subpart TT for such air emission control as provided in 40 CFR 63.1000\*. ~~64 FR 34886 (June 29, 1999)\*~~.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart TT\*, ~~64 FR 34886 (June 29, 1999)\*~~; national emission standards for equipment leaks—control level 1.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-40-1*)

SECTION 87. 326 IAC 20-41-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-41-1 Equipment leaks—control level 2 standards; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) The provisions of this rule apply to the control of air emissions from equipment leaks for which another subpart references the use of Subpart UU for such air emission control as provided in 40 CFR 63.1019\*. ~~64 FR 34899 (June 29, 1999)\*~~.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart UU\*, ~~64 FR 34899 (June 29, 1999)\*~~; national emission standards for equipment leaks—control level 2 standards.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-41-1*)

SECTION 88. 326 IAC 20-42-1, PROPOSED TO BE ADDED TO 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-42-1 Oil-water separators and organic-water separators; applicability; incorporation by reference of federal standards**

**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) This rule applies to the control of air emissions from oil-water separators and organic-water separators for which another subpart of 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* references the use of Subpart VV for such air emission control as provided in 40 CFR 63.1040\*. ~~61 FR 34195 (July 1, 1996) and 64 FR 38991 (July 20, 1999)\*~~.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart VV\*, ~~61 FR 34195 (July 1, 1996); and 64 FR 38991 (July 20, 1999)\*~~; national emission standards for oil-water separators and organic-water separators.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-42-1*)

SECTION 89. 326 IAC 20-43-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-43-1 Storage vessels (tanks)—control level 2; applicability; incorporation by reference of federal standards**

**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 provisions of this rule apply to the control of air emissions from storage vessels for which another subpart references the use of Subpart WW for such air emission control as provided in 40 CFR 63.1060\*. ~~64 FR 34918 (June 29, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart WW\*, ~~64 FR 34918 (June 29, 1999)\*.~~ national emission standards for storage vessels (tanks)—control level 2.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-43-1*)

SECTION 90. 326 IAC 20-44-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-44-1 Generic maximum achievable control technology standards; applicability; incorporation by reference of federal standards**

**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) This rule applies to source categories and affected sources specified in 40 CFR 63.1100\*. ~~64 FR 34921 (June 29, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart YY\*, ~~64 FR 34921 (June 29, 1999)\*.~~ national emission standards for hazardous air pollutants for source categories; generic maximum achievable control technology standards.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-44-1*)

SECTION 91. 326 IAC 20-45-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-45-1 Pesticide active ingredient production; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to affected sources as provided in 40 CFR 63.1360\*. ~~64 FR 33549 (June 23, 1999)\*.~~

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MMM\*, ~~64 FR 33549 (June 23, 1999)\*.~~ national emission standards for hazardous air pollutants for pesticide active ingredient production.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326*

IAC 20-45-1)

SECTION 92. 326 IAC 20-46-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-46-1 Mineral wool production; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to mineral wool production facilities as provided in 40 CFR 63.1177\*. ~~64 FR 29503 (June 1, 1999)\*~~.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DDD\*, ~~64 FR 29503 (June 1, 1999)\*~~, national emission standards for hazardous air pollutants from mineral wool production.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-46-1*)

SECTION 93. 326 IAC 20-47-1, PROPOSED TO BE ADDED AT 24 IR 1057, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-47-1 Wool fiberglass manufacturing; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the owner or operator of each wool fiberglass manufacturing facility as provided in 40 CFR 63.1380\*. ~~64 FR 31695 (June 14, 1999)\*~~.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart NNN\*, ~~64 FR 31695 (June 14, 1999)\*~~, national emission standards for hazardous air pollutants for wool fiberglass manufacturing.

\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule section may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ and **20401** or are available for review and copying at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Tenth Floor~~, Indianapolis, Indiana **46204**. (*Air Pollution Control Board; 326 IAC 20-47-1*)

SECTION 94. 326 IAC 21-1-1, AS AMENDED AT 24 IR 2429, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 21-1-1 Incorporation of federal regulations**

**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 air pollution control board incorporates by reference the provisions of:

- (1) 40 CFR 72 through 40 CFR 78\*;
- (2) 61 FR 59142;
- (3) 61 FR 67111;
- (4) 61 FR 68821;
- (5) 62 FR 3463;
- (6) 62 FR 55460 (October 24, 1997);
- (7) 63 FR 18837 (April 16, 1998);
- (8) 63 FR 57498 through 63 FR 57514 (October 27, 1998);
- (9) 63 FR 68400 (December 11, 1998); and

(10) 64 FR 28564 through 64 FR 28672 (May 26, 1999)\*; for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act and to incorporate monitoring, record keeping, and reporting requirements for nitrogen oxide emissions to demonstrate compliance with nitrogen oxides emission reduction requirements.

(b) The following definitions apply throughout this section:

(1) "Administrator" means the administrator of the U.S. EPA.

(2) "Permitting authority" means the commissioner of the department of environmental management.

(c) If the provisions or requirements established in subsection (a) conflict with or are not included in the provisions of 326 IAC 2-7 and 326 IAC 2-8, the provisions and requirements of:

(1) 40 CFR 72 through 40 CFR 78;

(2) 61 FR 59142;

(3) 61 FR 67111;

(4) 61 FR 68821;

(5) 62 FR 3463;

(6) 62 FR 55460 (October 24, 1997);

(7) 63 FR 18837 (April 16, 1998);

(8) 63 FR 57498 through 63 FR 57514 (October 27, 1998);

(9) 63 FR 68400 (December 11, 1998); and

(10) 64 FR 28564 through 64 FR 28672 (May 26, 1999)\*; apply and take precedence.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and the Federal Register (FR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 20401 and are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 21-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2283; filed Dec 1, 1997, 4:30 p.m.: 21 IR 1285; filed Mar 23, 2001, 3:06 p.m.: 24 IR 2429*)

SECTION 95. 326 IAC 23-2-4, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 23-2-4 License; application**

**Authority: IC 13-17-14-5**

**Affected: IC 13-17-14**

Sec. 4. (a) Any person applying for an initial lead-based paint license from the department as a lead-based paint inspector, a risk assessor, a project designer, a supervisor, a worker, or a contractor shall do the following:

(1) Submit a completed application on forms provided by the department.

(2) Submit a copy of all required documents, as provided in section 3(d) of this rule, that the person meets the experience, education, and training requirements in section 3 of this rule, including that the applicant successfully completed the approved initial and any requisite refresher training courses.

(3) Receive passing scores on all written examinations for the courses.

(4) Pay the license application fee specified in section 8 of this rule.

(5) For persons applying for inspector, risk assessor, or supervisor licenses, provide proof of passing the third-party examination.

(b) Any person applying for an initial license from the department to conduct lead-based paint activities as a contractor shall do the following:

(1) Submit a completed application on forms provided by the department, which shall include a signed statement that the person has read and understands this rule and 40 CFR 745 "Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule"\*. (~~61 FR 45777, August 29, 1996~~)\*.

(2) Submit a copy of all required documents, as provided in section 3(d) of this rule, indicating that the applicant or the applicant's designated representative meets the experience, education, and training requirements in section 3 of this rule, including having successfully completed the approved initial and any requisite refresher training courses for lead-based paint project supervisor and received passing scores on all written examinations for such courses, including third-party examinations.

(3) Submit a complete list of contracts for the prior twelve (12) months for lead-based paint projects, including names, addresses, and telephone numbers of persons for whom projects were performed.

(4) Submit an up-to-date copy of the contractor's written standard operating procedures that include current compliance procedures.

(5) Submit a description of any lead-based paint projects that the contractor conducted that were prematurely terminated or not completed, including the circumstances surrounding the termination or failure to complete.

(6) Submit a list of any contractual penalties that the contractor has paid for noncompliance with contract specifications.

(7) Submit copies of any and all:

(A) warning letters;

(B) notices and orders of the commissioner;

(C) agreed orders;

(D) citations;

(E) notices of violation; or

(F) findings of violation;

levied against the contractor by any federal, state, or local government agency for violations of regulations or other laws pertaining to lead-based paint activities, including names and locations of the projects, the dates, and a description of how the allegations were resolved.

(8) Submit a description detailing all legal proceedings, lawsuits, warning letters to supervisors from the department, or claims that have been filed or levied against the contractor or any of the contractor's past or present employees, while employed by the contractor, for lead-based paint related activities.

(9) Submit documentation of the contractor's financial responsibility with a current certificate of insurance with at least five hundred thousand dollars (\$500,000) of liability insurance. The company offering the insurance coverage must be recognized or licensed by the Indiana department of insurance.

(10) Pay the license application fee specified in section 8 of this rule.

(c) If the department determines the information on the application to be incomplete, the department shall request in writing that the applicant submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable.

(d) In addition to the requirements of subsections (a) through (b), the department may require an applicant or a designated representative of a contractor, in the case of subsection (b), to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking a license. The commissioner shall deny the application if the applicant does not receive a passing score of seventy percent (70%). If the department denies the application, the certificate of training is invalid and the applicant must retake and pass the initial training course for the discipline for which the applicant is seeking a license, and any subsequent third-party examination.

(e) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the lead-based paint license prior to issuance of the license by the department.

(f) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue a lead-based paint program license to any person who fulfills the requirements established by this rule. The department may deny an application for a lead-based paint program license based on any of the applicable criteria listed in section 6 of this rule or for failure to comply with any other provision of this rule.

(g) Individuals who have received lead-based paint activities training between October 1, 1990, and March 1, 1999, shall be eligible for licensing under the following alternative procedures:

(1) Applicants for license as an inspector, risk assessor, or supervisor shall:

(A) demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity;

(B) demonstrate that the applicant meets or exceeds the education and experience requirements in section 3 of this rule;

(C) successfully complete an Indiana-approved refresher training course for the appropriate discipline;

(D) pass a third-party examination administered by the department or its designated representative for the appropriate discipline;

(E) submit a completed application on forms provided by the department; and

(F) pay the license application fee specified in section 8 of this rule.

(2) Applicants for licensure as an abatement worker or project designer shall:

- (A) demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity;
  - (B) demonstrate that the applicant meets the education and experience requirements in section 3 of this rule;
  - (C) successfully complete an Indiana-approved refresher training course for the appropriate discipline;
  - (D) submit a completed application on forms provided by the department; and
  - (E) pay the license application fee specified in section 8 of this rule.
- (3) This subsection remains in effect for twelve (12) months from the date that this rule becomes effective. After that date, all applicants under this rule must comply with all other provisions of this rule.

(h) Applications must be completed in writing and submitted for processing. The department shall not process applications on a walk-in basis or process applications over the telephone. If the license is approved, the license will be sent to the applicant via the U.S. Postal Service to the address listed on the application.

**\*These documents are incorporated by reference.** Copies of the Federal Register (FR) and the Code of Federal Regulations (CFR) are available ~~may be obtained~~ from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402. ~~Copies of pertinent sections 20401 or~~ are available for review and copying ~~from at the~~ Indiana Department of Environmental Management, Office of Air ~~Management, Quality, Tenth Floor,~~ 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-2-4; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1442; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 96. 326 IAC 23-2-7, AS READOPTED AT 24 IR 1477, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 23-2-7 Lead-based paint license revocation; denial**

**Authority: IC 13-17-14-5**

**Affected: IC 4-21.5; IC 13-17-14**

Sec. 7. (a) The department may, under IC 4-21.5, deny an application for a license, reprimand a license, or suspend or revoke a license for any of the following reasons:

- (1) Violating any requirement of the following:
  - (A) This title.
  - (B) 40 CFR 745 (Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities\*. (~~FR 45777; August 29, 1996~~)\*.
  - (C) IC 13-17-14.
- (2) Falsifying information on an application for a lead-based paint license, including but not limited to, approval records, instructor qualifications, or other approval information.
- (3) Violating or failing to meet any requirement specified in this article.
- (4) Conducting a lead-based paint project, or related activity, in a manner that is hazardous to the public health.
- (5) Performing work requiring a lead paint license at a job site without being in physical possession of initial and current certificates of training or license.
- (6) Permitting the duplication or use of one's own lead-based paint license by another person.
- (7) Performing work for which a lead-based paint license has not been received.
- (8) Obtaining training from a training course provider who does not have the approval to offer training for the particular discipline for which the license was received.
- (9) Obtaining training documentation through fraudulent means.
- (10) Gaining admission to and completing an approved training curriculum through misrepresentation of admission requirements.
- (11) Fraudulently or deceptively obtaining a license or attempts to obtain a license through misrepresentation of certificate of training requirements, third-party examination, or related documents dealing with education, training, professional registration, or experience.
- (12) Misrepresenting the extent of a training courses's approval.
- (13) Failing to submit required information or notifications in a timely manner.

(b) In addition to the causes in subsection (a), the department may, under IC 4-21.5, reprimand a lead-based paint contractor or suspend or revoke a lead-based paint license if the contractor:

- (1) performs work requiring licensure at a jobsite with individuals who are not licensed;
- (2) fails to comply with the work practice standards established in 326 IAC 23-4;

- (3) misrepresents facts in the contractor's letter of application for a license;
- (4) fails to maintain required records; or
- (5) fails to comply with federal, state, or local lead-based paint rules, regulations, or statutes.

(c) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

(d) If the department finds that a lead-based paint activities project is not being performed in accordance with air pollution control laws or rules adopted by the board, the department may enjoin further work on the lead-based paint project without prior notice or hearing by completing the following procedures:

- (1) A notice shall be delivered to:
  - (A) the lead-based paint activities contractor engaged in the lead-based paint activities project; or
  - (B) an agent or representative of the lead-based paint activities contractor.
- (2) A notice issued under this section must:
  - (A) specify the violations of law that are occurring on the lead-based paint activities project; and
  - (B) prohibit further work on the lead-based paint activities project until the specified violations cease and the notice is rescinded by the commissioner.
- (3) The contractor shall have fourteen (14) days in which to provide written notification to the department that violations have been corrected.
- (4) Not later than ten (10) days after receiving written notification from a contractor that violations specified in a notice issued under this section have been corrected, the commissioner shall issue a determination regarding rescission of the notice.

**\*These documents are incorporated by reference. Copies of the Federal Register (FR) and the Code of Federal Regulations (CFR) are available may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402. Copies of pertinent sections 20401 or are available for review and copying from at the Indiana Department of Environmental Management, Office of Air Management Quality, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-2-7; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1445; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

### ***Notice of First Meeting/Hearing***

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on August 1, 2001 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana, the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 1-1-3, concerning references to the Code of Federal Regulations.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

*Additional information regarding this action may be obtained from Gayla Killough, Rules Development Section, Office of Air Quality, (317) 234-1377 or (800) 451-6027, press 0, and ask for extension 4-1377 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification. Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.*