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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#02-335(APCB)

DEVELOPMENT OF NEW RULES AND AMENDMENTS CONCERNING PARTICULATE MATTER EMISSION LIMITATIONS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new article 326 IAC 6.5 and repeal of 326 IAC 6-1 concerning particulate matter emission limitations. Additional rule amendments may be made to update rule sections to reflect current permit limitations and conditions. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 6-1-1; 326 C 6-1-1.5; 326 IAC 6-1-2; 326 IAC 6-1-3; 326 IAC 6-1-4; 326 IAC 6-1-5; 326 IAC 6-1-6; 326 IAC 6-1-7; 326 IAC 6-1-8.1; 326 IAC 6-1-9; 326 IAC 6-1-10.1; 326 IAC 6-1-10.2; 326 IAC 6-1-11.1; 326 IAC 6-1-11.2; 326 IAC 6-1-12; 326 IAC 6-1-13; 326 IAC 6-1-14; 326 IAC 6-1-15; 326 IAC 6-1-16; 326 IAC 6-1-17; 326 IAC 6-1-18; 326 IAC 6.5.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

326 IAC 6-1 has been the subject of many rule amendments, most of which are initiated after the department changes the permit limits of sources regulated by the rule. Often, the department has multiple rule amendments in the same rule section occurring simultaneously, which makes coordination difficult.

IDEM is proposing to repeal 326 IAC 6-1 and replace it with a new article, 326 IAC 6.5, in order to streamline future rule amendment processes. In 326 IAC 6.5, emission limits for each county will be listed as a separate rule and each source located in a separate section of that rule. This change will eliminate the confusion of multiple rule amendments within the same rule at the same time. This rule action also will eliminate the need to print hundreds of pages for each step in the rule process at a substantial cost savings to IDEM.

In addition, source names and emission units will be updated to conform to current permit information.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#02-335(APCB) Article 6.5

Suzanne Whitmer

c/o Rules Section Administrative Assistant

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by February 3, 2003.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Janet G. McCabe
Assistant Commissioner
Office of Air Quality