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TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #04-154(E)

DIGEST

Temporarily adds provisions to clarify which provisions apply to persons subject to the permit by rule program established under 326 IAC 2-10. Authority: IC 4-22-2-37.1(a)(14). *NOTE: The original emergency document, LSA Document #04-9(E), printed at 27 IR 1608, effective January 8, 2004, expired April 7, 2004. A second emergency document, LSA Document #04-81(E), printed at 27 IR 2516, effective April 8, 2004, expires July 7, 2004. Effective July 7, 2004. Expires October 5, 2004.*

SECTION 1. The definitions provided in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 shall apply to this document.

SECTION 2. The conditions of this document that limit potential to emit are as follows:

(1) The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for a major source of the following:

(A) Regulated air pollutants.

(B) Hazardous air pollutants, as defined in Section 112 of the Clean Air Act.

(2) The source does not rely on air pollution control equipment to comply with subdivision (1).

SECTION 3. Not later than thirty (30) days after receipt of a written request by the department or U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions provided in SECTION 2 of this document. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, the following:

(1) fuel or material usage; or

(2) production records.

No other demonstration of compliance shall be required.

SECTION 4. (a) This document does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided in 326 IAC 2-10-1.

(b) A source subject to this document shall be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

(1) at any time the source is not in compliance with the conditions provided in SECTION 2 of this document; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in SECTION 2 of this document as required under SECTION 3 of this document.

SECTION 5. Any violation of this document may result in administrative or judicial enforcement proceedings under IC 13-30-3 and penalties under IC 13-30-4, IC 13-30-5, and IC 13-30-6.

SECTION 6. SECTIONS 1 through 5 of this document expire on October 5, 2004, or upon the effective date of 326 IAC 2-10, whichever occurs earlier.

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