

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

LSA Document #05-80(F)

### **DIGEST**

Amends 326 IAC 19-2-1 by incorporating by reference 69 FR 40072 for the purpose of updating the transportation conformity rules. Effective 30 days after filing with the Secretary of State.

### **HISTORY**

IC 13-14-9-8 Notice and Notice of First Hearing: May 1, 2005, Indiana Register (28 IR 2467).  
Date of First Hearing: June 1, 2005.  
Proposed Rule and Notice of Second Hearing: July 1, 2005, Indiana Register (28 IR 3007).  
Date of Second Hearing: August 3, 2005.  
Final Adopted: August 3, 2005.

### **326 IAC 19-2-1**

SECTION 1. 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”~~\*.

(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”~~\*, with the exception of Section 93.102(d)\*. **as amended by 69 FR 40072, July 1, 2004\*.**

\*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 also 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 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; filed May 21, 2002, 10:20 a.m.: 25 IR 3085; filed Oct 20, 2005, 1:30 p.m.: 29 IR 797*)

*LSA Document #05-80(F)*

*Proposed Rule Published: July 1, 2005; 28 IR 3007*

*Hearing Held: August 3, 2005*

*Approved by Attorney General: October 6, 2005*

*Approved by Governor: October 20, 2005*

*Filed with Secretary of State: October 20, 2005, 1:30 p.m.*

*IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: 69 FR 40072*