October 2017

Summary of IDEM Rulemakings

Title 326 Air Pollution Control Division

Rulemaking Action: Asbestos Management Rule Revisions - LSA Document #09-363

Purpose: Continuation of First Notice of Comment Period
A First Notice of Comment Period was published on June 3, 2009 in the Indiana Register (DIN: 20090603-IR-326090363FNA) concerning amendments to 326 IAC 14-10 and 326 IAC 18 regarding asbestos management. Due to the length of time since the First Notice of Comment Period, the Indiana Department of Environmental Management (IDEM) is providing this Continuation of First Notice of Comment Period so interested stakeholders have an opportunity to provide additional comments on the subject matter and basic purpose of the rulemaking, including on issues that may have emerged since the original notice.

Background: In this rulemaking, IDEM is proposing amendments to clarify and update Indiana's existing asbestos management program rules and to ensure consistency in the program. Proposed amendments include:
- clarification to the application, notification, and licensing procedures for the asbestos program;
- changing references from "accreditation" to "license" and "notification" to "notice";
- correcting obsolete or incorrect references;
- revising and adding definitions;
- revising the requirements for obtaining a duplicate asbestos license in 326 IAC 18-1-10; and
- making other clarifications, corrections, and revisions identified during the course of this rulemaking.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

History: Notice of Comment Period: June 3, 2009 - July 6, 2009
Notice of Continuation of Comment Period: October 4, 2017 – November 3, 2017

Inquiries: All comments must be postmarked, faxed, or time stamped not later than November 3, 2017. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this rulemaking action can be obtained from and comments can be submitted to Christine Pedersen, Rules Development Branch, Office of Legal Counsel, (317) 233-5684, (800) 451-6027 (toll-free), or cpederse@idem.in.gov.

Next Step: Second Notice Comment Period
**Rulemaking Action:** Lawrenceburg Township, Dearborn County Redesignation to Attainment for the 2008 8-Hour Ozone Standard - [LSA Document #17-432](#)

**Purpose:**

**Proposed Rule / Notice of Public Hearing**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [326 IAC 1-4-16](#) to redesignate Lawrenceburg Township in Dearborn County to attainment for the 2008 8-hour National Ambient Air Quality Standards for ozone. IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Environmental Rules Board (board) for consideration of adoption of these rules.

**Background:**

On March 17, 2017, the United States Environmental Protection Agency (U.S. EPA) approved the Request for Redesignation Petition and Maintenance Plan for Ozone Attainment for the Indiana portion (Lawrenceburg Township, Dearborn County) of the Cincinnati-Hamilton, Ohio-Kentucky-Indiana 2008 8-hour ozone nonattainment area submitted by IDEM on February 23, 2016. U.S. EPA published the final rule to redesignate Lawrenceburg Township in Dearborn County to attainment for the 2008 8-hour ozone standard on April 7, 2017 (82 FR 16940). The federal rulemaking allows new major sources and major modifications at existing sources to be permitted under the Prevention of Significant Deterioration (PSD) rules in [326 IAC 2-2](#), rather than the more restrictive Emission Offset rules in [326 IAC 2-3](#). On April 12, 2017, the board approved an emergency rule that temporarily revised [326 IAC 1-4-16](#) to redesignate Lawrenceburg Township in Dearborn County to attainment for the 2008 8-hour ozone standard until the regular rulemaking is completed. This rulemaking will formally change the area designation to attainment so the emergency rule can be discontinued.

**History:**

Public Comment Period: October 4, 2017 – November 3, 2017

Inquiries:

All comments must be postmarked, faxed, or time stamped not later than November 3, 2017. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this rulemaking action can be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8922, (800) 451-6027 (in Indiana), or [kwalsh131@idem.in.gov](mailto:kwalsh131@idem.in.gov).

**Next Step:**

Public Hearing/Adoption

Proposed rule and public hearing tentatively scheduled for January 10, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

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**Rulemaking Action:** Emergency Rule - [LSA Document #17-477(E)](#)

**Purpose:**

**Effective Emergency Rule**

Temporarily amends [326 IAC 1-4-16](#) to add the federal redesignation for Lawrenceburg Township in Dearborn County to attainment of the 2008 8-hour ozone standard. Statutory authority: [IC 13-14-8-1](#). Effective October 16, 2017.
SECTION 1. (a) This SECTION supersedes 326 IAC 1-4-16.

(b) The following attainment status designations are applicable to Dearborn County:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SO₂</td>
<td>Cannot be classified.</td>
</tr>
<tr>
<td>CO</td>
<td>Unclassifiable or attainment effective November 15, 1990.</td>
</tr>
<tr>
<td>O₃</td>
<td>Attainment effective April 7, 2017, for the 2008 8-hour ozone standard for Lawrenceburg Township. Unclassifiable or attainment effective July 20, 2012, for the 2008 8-hour ozone standard for the remainder of the county.¹</td>
</tr>
<tr>
<td>PM₂₀,₅</td>
<td>Attainment effective December 23, 2011, for the annual PM₂₀,₅ standard for Lawrenceburg Township. Unclassifiable or attainment effective April 5, 2005, for the annual PM₂₀,₅ standard for the remainder of the county.</td>
</tr>
<tr>
<td>PM₁₀</td>
<td>Unclassifiable effective November 15, 1990.</td>
</tr>
<tr>
<td>NO₂</td>
<td>Cannot be classified or better than national standards.</td>
</tr>
<tr>
<td>Pb</td>
<td>Unclassifiable or attainment effective December 31, 2011.</td>
</tr>
</tbody>
</table>

¹Unclassifiable or attainment effective October 18, 2000, for the 1-hour ozone standard which was revoked effective June 15, 2005.

SECTION 2. A variance request from the requirements of this document shall be made in accordance with IC 13-14-8-8.

History: Effective October 16, 2017

Title 327 Water Pollution Control Division

Rulemaking Action: Drinking Water Clean Up Revisions - [LSA Document #17-442](#)

Purpose: **Proposed Rule / Notice of Public Hearing**
The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to several drinking water rules in response to the review and request for correction by the United States Environmental Protection Agency (U.S. EPA). IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Environmental Rules Board (board) for consideration of adoption of these rules. CITATIONS AFFECTED: 327 IAC 8-2.1-3; 327 IAC 8-2.4-1; 327 IAC 8-2.6-11; 327 IAC 8-2.6-15; 327 IAC 8-2.6-18. AUTHORITY: IC 13-14-8; IC 13-14-9-8.

Background: U.S. EPA review and approval of adopted rules and changes made to state drinking water standards rules is required in order for the state to maintain primacy to conduct the drinking water programs under the Safe Drinking Water Act (SDWA). The 2016 final adopted Revised Total Coliform Rule has been reviewed by U.S. EPA with the resultant request for revisions to 327 IAC 8-2.4-1(d)(3) and 327 IAC 8-2.1-3(h)(7)(C). Additionally, this rulemaking includes three revisions requested after U.S. EPA's review of the Stage 2 Disinfectants and Disinfection Byproducts Rule and Long Term 2 Enhanced Surface Water Treatment Rule. These three changes are located in 327 IAC 8-2.6-11(b)(2), 327 IAC 8-...
2.6-15(a), and 327 IAC 8-2.6-18(a). If the state rules are not as stringent as the federal rules, then U.S. EPA could deny approval to the state rules, which could affect funding that the state receives under the SDWA. By completing these revisions as requested by U.S. EPA, the state rules will be as stringent as the federal rules.

History: Public Comment Period
October 4, 2017 – November 3, 2017

Inquiries:
All comments must be postmarked, faxed, or time stamped not later than November 3, 2017. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635, (800) 451-6027 (toll-free), or mstevens@idem.in.gov.

Next Step: Public Hearing/Adoption
Proposed rule and public hearing tentatively scheduled for January 10, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

Rulemaking Action: Errata - LSA Document #17-437(AC)

Purpose: Agency Correction
Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in the Indiana Administrative Code:

(1) In 327 IAC 2-1-9(42)(B), delete "327 IAC 5-2-4(a)(4)" and insert "327 IAC 5-2-1.8".
(2) In 327 IAC 5-1.5-40(b), delete "327 IAC 5-2-4(a)(4)" and insert "327 IAC 5-2-1.8".
(3) In 327 IAC 5-2-1.8(6), delete "10(e)" and insert "10(a)(4)".
(4) In 327 IAC 5-2-2, delete "327 IAC 5-2-4" and insert "327 IAC 5-2-1.8" [section 1.8 of this rule].
(5) In 327 IAC 5-2-11(b), delete "10(7)(B)" and insert "10(a)(7)(B)".
(6) In 327 IAC 5-2-12.1(c)(1), delete "10(11)" and insert "10(a)(11)".
(7) In 327 IAC 5-2-12.1(c)(4)(A), delete "10(11)(B) and 10(11)(C)" and insert "10(a)(11)(B) and 10(a)(11)(C)".
(8) In 327 IAC 5-3-8(b)(5)(C), delete "327 IAC 5-2-10(6)" and insert "327 IAC 5-2-10(a)(5)".
(9) In 327 IAC 5-3-8(b)(5)(D), delete "327 IAC 5-2-10(11)" and insert "327 IAC 5-2-10(a)(11)".
(10) In 327 IAC 5-10-1, delete "327 IAC 5-2-10(e)" and insert "327 IAC 5-2-10(a)(4)".
(11) In 327 IAC 5-18-4(a)(2), delete "section 10 of this rule" and insert "327 IAC 5-2-1.5".
(12) In 327 IAC 8-10-7(b), delete "675 IAC 1.4" and insert "675 IAC 16".

History: Filed with the Publisher
September 22, 2017
Posted
October 4, 2017

Next Step: Effective
November 3, 2017
Title 329 Solid Waste Management Division

Rulemaking Action: Underground Storage Tanks - LSA Document #16-204

Purpose: Proposed Rule / Notice of Public Hearing


Background: The Indiana Department of Environment Management (IDEM) implements a United States Environmental Protection Agency (U.S. EPA) approved underground storage tank (UST) program. An UST is a tank or a combination of tanks used to contain an accumulation of regulated substances, the volume of which, including the volume of any underground pipes connected to the tank or combination of tanks, is at least 10% beneath the surface of the ground. The federal government regulates UST owners and operators through Subtitle I of the Solid Waste Disposal Act (SWDA), but allows for states to maintain their own programs. In order for an UST program to receive state program approval it must comply with 42 U.S.C. Subchapter 9 and corresponding federal regulations including 40 CFR 280, which set standards for UST ownership and operation, and 40 CFR 281, which regulates state program approval. Approval was granted to Indiana’s program on July 12, 2006.

Indiana UST rules are found at 329 IAC 9, and require UST owners and operators to install and maintain equipment to prevent corrosion, detect leaks, prevent overfill, prevent spills, and meet other performance and upgrade standards. Owners and operators must also maintain financial responsibility for corrective action and liability to third parties. Standards also address release detection, prevention, corrective action, and IDEM’s ability to prohibit delivery as authorized by IC 13-23.

U.S. EPA made changes to 40 CFR 280 and 40 CFR 281, publishing in the Federal Register on July 15, 2015 (80 FR 41565). U.S. EPA has provided many resources to aid states in
understanding the changes and how to continue state program approval. The following changes have been highlighted by U.S. EPA:

- Adding secondary containment requirements for new and replaced tanks and piping.
- Adding operator training requirements.
- Adding periodic operation and maintenance requirements for UST systems.
- Adding requirements to ensure UST system compatibility before storing certain biofuel blends.
- Removing past deferrals for emergency generator tanks, airport hydrant systems, and field-constructed tanks.
- Updating codes of practice.
- Making editorial and technical corrections.

IDEM proposes to amend 329 IAC 9 to be at least as stringent as 40 CFR 280 while ensuring compliance with applicable Indiana law and rules. This may include clarifications to the existing requirements of 329 IAC 9.

History:  
First Comment Period: May 18, 2016 – June 17, 2016  
Second Comment Period: July 12, 2017 – August 11, 2017  
Public Hearing/Preliminary Adoption: October 11, 2017

Inquiries: Additional information regarding this rulemaking action can be obtained from Lauren Aguilar, Rules Development Branch, Office of Legal Counsel, (317) 234-8559, (800) 451-6027 (in Indiana), or laguilar@idem.in.gov.

Next Step: Public Hearing/Final Adoption  
Proposed rule and public hearing tentatively scheduled for January 10, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

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Environmental Rules Board Meeting Summary – October 11, 2017

Title 326 Air Pollution Control Division

Rulemaking Action: Emergency Rule - LSA Document #17-477(E)

Purpose: 3rd Adoption  
Temporarily amends 326 IAC 1-4-16 to add the federal redesignation for Lawrenceburg Township in Dearborn County to attainment of the 2008 8-hour ozone standard. Statutory authority: IC 13-14-8-1. Effective October 16, 2017.

Rulemaking Action: Outdoor Hydronic Heaters Revisions - LSA Document #16-332

Purpose: Final Adoption  
Amends 326 IAC 4-3-1, 326 IAC 4-3-2, 326 IAC 4-3-3, 326 IAC 4-3-4, 326 IAC 4-3-5, and 326 IAC 4-3-6 concerning air emissions from outdoor hydronic heaters.
Background: IDEM has developed draft rule language for 326 IAC 4-3 concerning air emissions from outdoor hydronic heaters. On March 16, 2015, the United States Environmental Protection Agency published a New Source Performance Standard (NSPS) in the Federal Register to regulate outdoor hydronic heaters. Upon the effective date of the federal rule, all new outdoor hydronic heaters were required to meet the particulate matter emission limits set in the rule. The purpose of this rulemaking is to amend Indiana’s current outdoor hydronic heater rule at 326 IAC 4-3 to incorporate the requirements of the NSPS at 40 CFR 60, Subpart QQQQ, for outdoor hydronic heaters.

History:  
First Comment Period: August 17, 2016 – September 16, 2016  
Second Comment Period: March 15, 2017 – April 14, 2017  
First Public Hearing/Preliminary Adoption: July 12, 2017  
Second Public Hearing/Final Adoption: October 11, 2017

Inquiries: Additional information regarding this rulemaking action can be obtained from and comments submitted to Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, (800) 451-6027 (toll-free), or kwalsh@idem.in.gov.

Next Step: Effective (Anticipated February 2018)

Rulemaking Action: United States Steel-Gary Works Sulfur Dioxide Emission Limitations - LSA Document #17-282

Purpose: Adoption  
Amends 326 IAC 7-4.1-20 concerning the sulfur dioxide emission limitations applicable to the United States Steel-Gary Works (USS) facility.

Background: USS submitted a letter to IDEM on May 16, 2016, stating that, as of March 30, 2015, the USS coke plant, including the coal handling facilities, coke oven batteries, coke byproducts recovery plant, coke oven desulfurization facility, and the #2 coke plant boiler house, ceased operation. The requirements under 326 IAC 7-4.1-20 that relate to sulfur dioxide emission limitations based on combustion of coke oven gas are no longer appropriate or necessary since the permanent shutdown.

History:  
First Comment Period: June 28, 2017 - July 28, 2017  
Public Hearing/Adoption: October 11, 2017

Inquiries: Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635, (800) 451-6027 (toll-free), or mstevens@idem.in.gov.

Next Step: Effective (Anticipated February 2018)

Title 327 Water Pollution Control Division

Rulemaking Action: CFR Update and Administrative Corrections and Updates - LSA Document #17-278
Purpose: **Preliminary Adoption**

IDEM has developed draft rule language for 327 IAC 1-1-2, concerning updates to references to the Code of Federal Regulations (CFR) to bring it up to date with the July 1, 2016 edition. IDEM is also updating text related to information that has been incorporated by reference in several sections of Title 327, including a postponement of compliance dates issued by U.S. EPA on September 18, 2017, concerning the steam electric power generating point source category. Additionally, IDEM is making administrative changes to remove obsolete language, correct mistakes, and for consistency with rule writing format. Updating Indiana rules to the July 1, 2016 version of the CFR will provide the latest federal requirements to regulated entities, with the exception of those federal regulations most recently published in the Federal Register. This update provides consistency between Indiana rules and federal regulations.

Background: "References to the Code of Federal Regulations" at 327 IAC 1-1-2, indicates the yearly edition of the CFR that is applicable to federal regulations that have been incorporated by reference throughout 327 IAC, unless a previous edition is identified in a specific rule. Updating Indiana rules to the July 1, 2016, version of the CFR, will provide the latest federal requirements to regulated entities, with the exception of those federal regulations most recently published in the Federal Register (FR).

History: First Comment Period: June 28, 2017 – July 28, 2017
Preliminary Adoption/Public Hearing: October 11, 2017

Inquiries: Additional information regarding this rulemaking action can be obtained from and comments submitted to Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, (800) 451-6027 (toll-free), or kwalsh@idem.in.gov.

Next Step: **Public Hearing/Final Adoption - January 10, 2018**

Proposed rule and public hearing tentatively scheduled for January 10, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

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**Title 329 Solid Waste Management Division**

**Rulemaking Action:** Underground Storage Tanks [LSA Document #16-204](#)

**Purpose:** **Preliminary Adoption**

**Inquiries:** Additional information regarding this rulemaking action can be obtained from and comments submitted to Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, (800) 451-6027 (toll-free), or kwalsh@idem.in.gov.
Next Step: Public Hearing/Final Adoption - January 10, 2018
Proposed rule and public hearing tentatively scheduled for January 10, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

Nonrule Policy Documents

Revocation of Air Construction and/or Operating Permits Air-040-NPD [PDF]

Scope: This policy covers air permits issued by IDEM’s Office of Air Quality, Air Permits Branch in which the agency has reason to believe that a source no longer exists, is no longer operating, or has not constructed a source at a permitted location. The scope of implementation of the policy extends to the Air Permits Branch, Air Compliance and Enforcement Branch, the Air Operations Branch, and the Air Programs Branch.

Prepared by: Angela Taylor, Small Business Regulatory Coordinator