

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

Clark and Floyd Counties 2015 Ozone Nonattainment Designation Emergency Rule
LSA Document #19-XXX(E)

Overview

This emergency rule temporarily revises 326 IAC 1-4-11 and 326 IAC 1-4-23 to designate Clark County and Floyd County to nonattainment for the 2015 8-hour ozone standard. On June 4, 2018, the United States Environmental Protection Agency (U.S. EPA) published a final rule in the Federal Register (FR) to designate Clark County and Floyd County to nonattainment for the 2015 8-hour ozone standard (83 FR 25804). This emergency rule will allow affected sources in these counties to be permitted under the appropriate program while the formal rulemaking is completed. In addition to the nonattainment designations for Clark and Floyd counties, the formal rulemaking will include all other Indiana counties with the appropriate designations, none of which change how affected sources in these counties are permitted. Emergency rules were previously approved at the board meeting on August 8, 2018 and adopted again on November 14, 2018 and February 13, 2019. This emergency rule also removes obsolete footnotes concerning the 1-hour ozone standard that have been removed from the federal regulations.

Affected Persons

This rulemaking potentially affects owners and operators of sources permitted by the Office of Air Quality that have the potential to contribute to ozone in Clark County or Floyd County.

Reasons for the Rule

Designating Clark and Floyd counties to nonattainment for the 2015 8-hour ozone standard will allow IDEM to properly issue air permits for affected sources under the Emission Offset Rules in 326 IAC 2-3 rather than the Prevention of Significant Deterioration rules in 326 IAC 2-2.

Economic Impact of the Rule

The economic impact of this rule is low. This rulemaking does not establish any requirements to which the regulated sources are not already subject through federal requirements. There is no additional fiscal impact beyond that which currently exists in the federal requirements.

Scheduled Board Action and Hearings*

Board Action: May 8, 2019, Indiana Government Center 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana 46204.

*In accordance with IC 4-22-2-37.1, no public hearing is required prior to the adoption of an emergency rule. However, it is the practice of the Environmental Rules Board to allow someone to comment on a proposed emergency rule if the person submits an appearance card prior to the board adopting the emergency rule.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, (317) 232-3158, (800) 451-6027 (in Indiana), or khackney1@idem.in.gov.