

**Bold** = new language

~~Strikeout~~ = existing language deleted in this rulemaking

## TITLE 326 AIR POLLUTION CONTROL DIVISION

### DRAFT RULE

LSA Document #20-10

### DIGEST

Amends 326 IAC 1-4-11 and 326 IAC 1-4-23 to correct effective dates for Clark and Floyd counties for the 2012 annual particulate matter with a diameter of 2.5 microns or less (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS), and 326 IAC 1-4-46 and 326 IAC 1-4-65 to reclassify Lake and Porter counties from "moderate" to "serious" nonattainment for the 2008 8-hour ozone NAAQS and to correct effective dates for the 2012 PM<sub>2.5</sub> NAAQS, and 326 IAC 1-4-85 to update the designation status for part of Vigo County from "nonattainment" to "attainment" for the 2010 primary 1-hour sulfur dioxide (SO<sub>2</sub>) NAAQS and amends the remainder of Vigo County to "unclassifiable or attainment effective April 9, 2018" for the 2010 SO<sub>2</sub> NAAQS. Effective 30 days after filing with the Publisher.

### HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule: January 29, 2020, Indiana Register (DIN: 20200129-IR-326200010FDA).

Notice of Public Hearing: January 29, 2020, Indiana Register (DIN: 20200129-IR-326200010PHA).

Change in Notice of Public Hearing: July 29, 2020, Indiana Register (DIN: 20200729-IR-326200010CHA).

Date of Public Hearing: September 9, 2020.

**326 IAC 1-4-11; 326 IAC 1-4-23; 326 IAC 1-4-46; 326 IAC 1-4-65; 326 IAC 1-4-85**

### DRAFT RULE

SECTION 1. 326 IAC 1-4-11 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 1-4-11 Clark County**

**Authority: IC 13-14-8; IC 13-17-3**

**Affected: IC 13-15; IC 13-17**

Sec. 11. The following attainment status designations are applicable to Clark County:

Pollutant	Designation
SO <sub>2</sub>	Better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	Marginal nonattainment effective August 3, 2018, for the 2015 8-hour ozone standard.

PM <sub>2.5</sub>	Unclassifiable <b>or attainment</b> effective <del>April 15, 2015</del> , <b>January 28, 2019</b> , for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

*(Air Pollution Control Division; 326 IAC 1-4-11; filed Dec 26, 2007, 1:43 p.m.: 20080123-IR-326070308FRA; filed Jan 30, 2013, 12:34 p.m.: 20130227-IR-326110774FRA; filed Oct 25, 2013, 2:41 p.m.: 20131120-IR-326130164FRA; filed Jul 16, 2018, 1:17 p.m.: 20180815-IR-326180001FRA; filed Oct 1, 2019, 9:40 a.m.: 20191030-IR-326190083FRA)*

SECTION 2. 326 IAC 1-4-23 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-4-23 Floyd County**

**Authority: IC 13-14-8; IC 13-17-3**

**Affected: IC 13-15; IC 13-17**

Sec. 23. The following attainment status designations are applicable to Floyd County:

Pollutant	Designation
SO <sub>2</sub>	Better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	Marginal nonattainment effective August 3, 2018, for the 2015 8-hour ozone standard.
PM <sub>2.5</sub>	Unclassifiable <b>or attainment</b> effective <del>April 15, 2015</del> , <b>January 28, 2019</b> , for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

*(Air Pollution Control Division; 326 IAC 1-4-23; filed Dec 26, 2007, 1:43 p.m.: 20080123-IR-326070308FRA; filed Jan 30, 2013, 12:34 p.m.: 20130227-IR-326110774FRA; filed Oct 25, 2013, 2:41 p.m.: 20131120-IR-326130164FRA; filed Jul 16, 2018, 1:17 p.m.: 20180815-IR-326180001FRA; filed Oct 1, 2019, 9:40 a.m.: 20191030-IR-326190083FRA)*

SECTION 3. 326 IAC 1-4-46 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-4-46 Lake County**

**Authority: IC 13-14-8; IC 13-17-3**

**Affected: IC 13-15**

Sec. 46. The following attainment status designations are applicable to Lake County:

Pollutant	Designation
SO <sub>2</sub>	Better than national standards.

CO	Attainment effective February 18, 2000, for the part of the city of East Chicago bounded by Columbus Drive on the north; the Indiana Harbor Canal on the west; 148 <sup>th</sup> Street, if extended, on the south; and Euclid Avenue on the east. Unclassifiable or attainment effective November 15, 1990, for the remainder of East Chicago and Lake County.
O <sub>3</sub>	<del>Moderate</del> <b>Serious</b> nonattainment effective <del>June 3, 2016</del> <b>September 23, 2019</b> , for the 2008 8-hour ozone standard.
O <sub>3</sub>	Marginal nonattainment effective August 3, 2018, for the 2015 8-hour ozone standard for Calumet Township, Hobart Township, North Township, Ross Township, and St. John Township. Unclassifiable or attainment effective August 3, 2018, for the 2015 8-hour ozone standard for the remainder of the county.
PM <sub>2.5</sub>	Unclassifiable <b>or attainment</b> effective <del>April 15, 2015</del> <b>January 28, 2019</b> , for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Attainment effective March 11, 2003, for the cities of East Chicago, Hammond, Whiting, and Gary. Unclassifiable effective November 15, 1990, for the remainder of Lake County.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

(Air Pollution Control Division; 326 IAC 1-4-46; filed Dec 26, 2007, 1:43 p.m.: 20080123-IR-326070308FRA; filed Oct 15, 2010, 1:51 p.m.: 20101110-IR-326100342FRA; filed Jun 7, 2012, 11:21 a.m.: 20120704-IR-326110742FRA; filed Jan 30, 2013, 12:34 p.m.: 20130227-IR-326110774FRA; filed Oct 25, 2013, 2:41 p.m.: 20131120-IR-326130164FRA; filed Jul 16, 2018, 1:17 p.m.: 20180815-IR-326180001FRA)

SECTION 4. 326 IAC 1-4-65 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-4-65 Porter County**

**Authority: IC 13-14-8; IC 13-17-3**

**Affected: IC 13-15**

Sec. 65. The following attainment status designations are applicable to Porter County:

Pollutant	Designation
SO <sub>2</sub>	Cannot be classified for the area bounded on the north by Lake Michigan; on the west by the Lake County and Porter County line; on the south by I-80 and I-90; and on the east by the LaPorte County and Porter County line. The remainder of Porter County is better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	<del>Moderate</del> <b>Serious</b> nonattainment effective <del>June 3, 2016</del> <b>September 23, 2019</b> , for the 2008 8-hour ozone standard.
O <sub>3</sub>	Unclassifiable or attainment effective August 3, 2018, for the 2015 8-hour ozone standard.
PM <sub>2.5</sub>	Unclassifiable <b>or attainment</b> effective <del>April 15, 2015</del> <b>January 28, 2019</b> , for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.

PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

(Air Pollution Control Division; 326 IAC 1-4-65; filed Dec 26, 2007, 1:43 p.m.: 20080123-IR-326070308FRA; filed Oct 15, 2010, 1:51 p.m.: 20101110-IR-326100342FRA; filed Jun 7, 2012, 11:21 a.m.: 20120704-IR-326110742FRA; filed Jan 30, 2013, 12:34 p.m.: 20130227-IR-326110774FRA; filed Oct 25, 2013, 2:41 p.m.: 20131120-IR-326130164FRA; filed Jul 16, 2018, 1:17 p.m.: 20180815-IR-326180001FRA)

SECTION 5. 326 IAC 1-4-85 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-4-85 Vigo County**

**Authority: IC 13-14-8; IC 13-17-3**

**Affected: IC 13-15; IC 13-17**

Sec. 85. The following attainment status designations are applicable to Vigo County:

Pollutant	Designation
SO <sub>2</sub>	<del>Nonattainment</del> <b>Attainment</b> effective <del>October 4, 2013,</del> <b>July 8, 2019</b> , for the 2010 SO <sub>2</sub> standard for Fayette and Harrison townships. <del>Better than national standards</del> <b>Unclassifiable or attainment effective April 9, 2018</b> , for the remainder of the county.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	Unclassifiable or attainment effective January 16, 2018, for the 2015 8-hour ozone standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective April 15, 2015, for the 2012 annual PM <sub>2.5</sub> standard.
PM <sub>2.5</sub>	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM <sub>2.5</sub> standard.
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO <sub>2</sub> standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

(Air Pollution Control Division; 326 IAC 1-4-85; filed Dec 26, 2007, 1:43 p.m.: 20080123-IR-326070308FRA; filed Jan 30, 2013, 12:34 p.m.: 20130227-IR-326110774FRA; filed Oct 25, 2013, 2:41 p.m.: 20131120-IR-326130164FRA; filed May 14, 2014, 10:59 a.m.: 20140611-IR-326130502FRA; filed Jul 16, 2018, 1:17 p.m.: 20180815-IR-326180001FRA)