

TITLE 326 AIR POLLUTION CONTROL DIVISION**[IC 13-14-9.5-1.1](#) NOTICE OF REVIEW OF NONEXPIRING RULES**

LSA Document #21-120

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of readoption; however, for the reader's information, a list of exempt rules is included in this notice.

[IC 13-14-9-4\(a\)\(5\)](#) THROUGH [IC 13-14-9-4\(a\)\(7\)](#) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the rule applies that is not imposed under federal law. The listed rules establish requirements to implement the Clean Air Act (CAA). The CAA authorizes comprehensive federal and state regulations to limit air pollution. The sections that do not expire are all part of or support federally approved programs. These rules are authorized under [IC 13-17-3-4](#) and [IC 13-17-3-11](#).

LIST OF RULES THAT DO NOT EXPIRE

The following is a list of rules in [326 IAC](#) that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

326 IAC 1-2-6.5	"Board" defined
326 IAC 2-2-1	Definitions
326 IAC 2-7-1	Definitions
326 IAC 5-1-8	Site-specific temporary alternative opacity limitations
326 IAC 6-7-1	Southern Indiana Gas and Electric Company (SIGECO)
326 IAC 6.5-2-1	General provisions
326 IAC 6.5-2-4	ESSROC Cement Corporation
326 IAC 6.5-2-8	Kimball Office-Borden
326 IAC 6.5-2-9	PQ Corporation
326 IAC 6.5-3-1	General provisions
326 IAC 6.5-3-2	Anchor Glass Container Corporation
326 IAC 6.5-3-3	Dearborn Ready Mix, LLC
326 IAC 6.5-3-4	Indiana Michigan Power, Tanners Creek Plant
326 IAC 6.5-3-5	Laughery Gravel
326 IAC 6.5-4-1	General provisions
326 IAC 6.5-4-3	Jasper Seating Co., Inc., Plant No. 3
326 IAC 6.5-4-5	Dubois County Farm Bureau Co-op
326 IAC 6.5-4-6	Indiana Desk Company
326 IAC 6.5-4-10	Indiana Dimension, Indiana Furniture Industries
326 IAC 6.5-4-15	Jasper Chair Company, Inc.
326 IAC 6.5-4-16	Jasper Desk Company, Incorporated
326 IAC 6.5-4-18	Jasper Municipal Electric Utility
326 IAC 6.5-4-19	JOFCO Inc. Plants 1 and 2

326 IAC 6.5-4-21	Jasper Seating
326 IAC 6.5-5-1	General provisions
326 IAC 6.5-5-10	Kokomo Grain Company
326 IAC 6.5-5-11	E & B Paving, Inc.
326 IAC 6.5-5-16	Martin Marietta Materials, Inc.
326 IAC 6.5-6-1	General provisions
326 IAC 6.5-6-5	Bunge North America (East), Inc.
326 IAC 6.5-6-18	Cargill, Inc.
326 IAC 6.5-6-22	Indiana Veneers Corporation
326 IAC 6.5-6-23	Citizens Thermal Energy C.C. Perry K
326 IAC 6.5-6-23.1	Indianapolis Power and Light Company (IPL) Harding Street Station
326 IAC 6.5-6-28	Quemetco Inc. (RSR Corporation)
326 IAC 6.5-6-34	St. Vincent's Hospital and Health Care Service
326 IAC 6.5-6-35	Belmont Waste Water Sludge Incinerator
326 IAC 6.5-7-1	General provisions
326 IAC 6.5-7-6	Bosch Braking Systems Corporation
326 IAC 6.5-7-10	RACO-Hubbell Electric Products
326 IAC 6.5-7-11	Reith Riley Construction Company, Inc.
326 IAC 6.5-7-13	Holy Cross Services Corporation (Saint Mary's Campus)
326 IAC 6.5-7-14	Accucast Technology, LLC
326 IAC 6.5-7-16	University of Notre Dame du Lac
326 IAC 6.5-7-18	Walsh & Kelly, Inc.
326 IAC 6.5-8-1	General provisions
326 IAC 6.5-8-11	Nunn Milling Company, Inc.
326 IAC 6.5-8-12	Land O' Lakes Purina Feed LLC
326 IAC 6.5-8-13	Southern Indiana Gas and Electric Company, Broadway Avenue Generating Station
326 IAC 6.5-8-14	Whirlpool Corporation Highway 41 North
326 IAC 6.5-9-1	General provisions
326 IAC 6.5-9-10	S&G Excavating, Inc.
326 IAC 6.5-9-11	Duke Energy Indiana, Inc.-Wabash River Generating Station
326 IAC 6.5-9-13	Sisters of Providence
326 IAC 6.5-9-15	Terre Haute Grain
326 IAC 6.5-9-17	Ulrich Chemical, Inc.
326 IAC 6.5-10-1	General provisions
326 IAC 6.5-10-2	Barrett Paving Materials, Inc.
326 IAC 6.5-10-3	Belden Wire and Cable Company
326 IAC 6.5-10-5	Milestone Contractors LP (Cambridge City)
326 IAC 6.5-10-9	Earlham College
326 IAC 6.5-10-11	Joseph H. Hill Co.
326 IAC 6.5-10-13	Land O' Lakes Purina Feed LLC
326 IAC 6.5-10-14	Milestone Contractors Richmond
326 IAC 6.5-10-15	Richmond Power & Light-Whitewater Valley Generating Station
326 IAC 6.5-10-16	Richmond State Hospital
326 IAC 6.8-2-1	General provisions and definitions
326 IAC 6.8-2-2	Lake County: PM ₁₀ and total suspended particulates (TSP) emissions
326 IAC 6.8-2-4	ASF-Keystone, Inc.-Hammond
326 IAC 6.8-2-6	BP Products North America, Inc.-Whiting Refinery
326 IAC 6.8-2-7	Bucko Construction Company, Inc.
326 IAC 6.8-2-8	Cargill, Inc.
326 IAC 6.8-2-9	W. R. Grace and Co.-Conn.
326 IAC 6.8-2-13	Hammond Group, Inc. (HGI) Halox Division, Lead Products Division, and Hammond Expander Division
326 IAC 6.8-2-14	Hammond Group, Inc.-Halstab Division
326 IAC 6.8-2-16	Resco Products, Inc.
326 IAC 6.8-2-17	Mittal Steel-Indiana Harbor East Inc.
326 IAC 6.8-2-19	Dover Chemical Corporation-Hammond

326 IAC 6.8-2-20	LaSalle Steel Company
326 IAC 6.8-2-21	Mittal Steel-Indiana Harbor West Inc.
326 IAC 6.8-2-22	Carmeuse Lime Inc.
326 IAC 6.8-2-24	Methodist Hospital Inc.
326 IAC 6.8-2-25	National Recovery Systems
326 IAC 6.8-2-26	NIPSCo-Dean H. Mitchell Station
326 IAC 6.8-2-27	Praxair Inc.
326 IAC 6.8-2-28	Premiere Candy Company
326 IAC 6.8-2-30	Rhodia, Inc.
326 IAC 6.8-2-31	Silgan Containers Manufacturing Corporation
326 IAC 6.8-2-32	Smith Ready Mix, Inc.
326 IAC 6.8-2-33	State Line Energy, LLC
326 IAC 6.8-2-35	Conopco, Inc. d/b/a Unilever HPC USA
326 IAC 6.8-2-36	Union Tank Car Company, Plant 1
326 IAC 6.8-2-37	United States Gypsum Company
326 IAC 6.8-2-38	U.S. Steel-Gary Works
326 IAC 6.8-4-1	Test methods
326 IAC 10-6-1	Southern Indiana Gas and Electric Company (SIGECO)
326 IAC 15-1-2	Source-specific provisions
326 IAC 15-1-3	Control of fugitive lead dust
326 IAC 15-1-4	Compliance
326 IAC 20-13.1-3	Emission limitations; lead standards for Exide Technologies, Incorporated
326 IAC 20-13.1-6	Total enclosure requirements
326 IAC 20-13.1-10	Other requirements
326 IAC 20-13.1-14	Record keeping and reporting requirements
326 IAC 26-2-2	Alcoa emission limitations and compliance methods

LIST OF EXEMPT RULES

There are no rules in [326 IAC](#) to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#) to list for 2021.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #21-120 2021 Title 326 Rule Review
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

- (2) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than April 30, 2021.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, kwalsh@idem.in.gov, (317) 232-8229 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief

[Notice of Public Hearing](#)

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