

**Bold** = new language

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

## **TITLE 326 AIR POLLUTION CONTROL DIVISION**

### **DRAFT RULE**

LSA Document #22-109

### **DIGEST**

Repeals 326 IAC 8-8 and 326 IAC 8-8.1, adds a new rule at 326 IAC 8-8.2 to incorporate 40 CFR 62, Subpart OOO for municipal solid waste landfills (MSWLFs) into state rules, and includes federal amendments to 40 CFR 62, Subpart OOO published in the Federal Register on February 14, 2022. Effective 30 days after filing with the Publisher.

### **HISTORY**

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period: April 6, 2022, Indiana Register (DIN: 20220406-IR-326220109FDA).

Notice of First Hearing: April 6, 2022, Indiana Register (DIN: 20220406-IR-326220109PHA).

Date of First Hearing: June 8, 2022.

**326 IAC 8-8; 326 IAC 8-8.1; 326 IAC 8-8.2.**

### **DRAFT RULE**

SECTION 1. 326 IAC 8-8.2 IS ADDED TO READ AS FOLLOWS:

#### **Rule 8.2. Federal Standards Applicable to Certain MSWLFs**

##### **326 IAC 8-8.2-1 Adoption of federal standards applicable to certain MSWLFs**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-14**

**Affected: IC 13-12**

**Sec. 1. (a) Except as provided in subsection (b), the owner or operator of an existing municipal solid waste landfill (MSWLF) that commenced construction on or before July 17, 2014, and has not been modified or reconstructed since July 17, 2014, must comply with this rule and the July 1, 2021, edition of 40 CFR 62, Subpart OOO\*, as amended by 87 FR 8203\*.**

**(b) The following authorities are not delegated to the state:**

**(1) Approval of alternative methods to determine the nonmethane organic compounds concentration or a site-specific nonmethane generation rate constant k as provided in 40 CFR 62.16718(a)(5).**

**(2) Alternative emission standards.**

**(3) Major alternatives to test methods or monitoring that make modifications to a federally enforceable test method or to a federal monitoring requirement. These changes may involve the use of unproven technology or modified procedures or an entirely new method.**

**(4) Waiver of record keeping.**

**\*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204. (Air Pollution Control Division; 326 IAC 8-8.2-1)**

SECTION 2. THE FOLLOWING ARE REPEALED: 326 IAC 8-8; 326 IAC 8-8.1.