

Bold = new language

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

TITLE 326 AIR POLLUTION CONTROL DIVISION

DRAFT RULE

LSA Document #26-31

DIGEST

Adds a new rule at 326 IAC 1-4.1 and amends rules at 326 IAC 1-2, 326 IAC 1-3, 326 IAC 1-4.1, 326 IAC 2-1.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 4-1, 326 IAC 6-2, and 326 IAC 6-5, concerning the update of National Ambient Air Quality Standards (NAAQS) references in the permitting rules of the Indiana Administrative Code (IAC). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: February 18, 2026, Indiana Register (DIN: 20260218-IR-326260031FNA).

Notice of First Hearing: February 18, 2026, Indiana Register (DIN: 20260218-IR-326260031PHA).

Regulatory Analysis: February 18, 2026, Indiana Register (DIN: 20260218-IR-326260031RAA).

Date of First Hearing: May 7, 2026.

326 IAC 1

326 IAC 6-5-1

DRAFT RULE

SECTION 1. 326 IAC 1-2-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-2-5 "Attainment area" defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. "**Attainment area**" means a geographical area designated ~~by the board~~ **under 40 CFR 81.315*** as meeting the ambient air quality standards established for a specific pollutant in 326 IAC 1-3.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (Air Pollution Control Division; 326 IAC 1-2-5; filed Mar 10, 1988, 1:20 pm: 11 IR 2369; readopted filed Oct 18, 2024, 2:09 p.m.: 20241113-IR-326230809RFA)**

SECTION 2. 326 IAC 1-2-46 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-2-46 "Nonattainment area" defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 46. "Nonattainment area" means a geographical area designated by the board under 40 CFR 81.315* as not meeting the ambient air quality standards established for a specific pollutant in 326 IAC 1-3.

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(Air Pollution Control Division; 326 IAC 1-2-46; filed Mar 10, 1988, 1:20 pm: 11 IR 2373; readopted filed Oct 18, 2024, 2:09 p.m.: 20241113-IR-326230809RFA)

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

326 IAC 1-3-1 Purpose of rule; applicability

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

Affected: IC 13-17-3-14

Sec. 1. (a) The purpose of this rule (~~326 IAC 1-3~~) is to establish primary and secondary ambient air quality standards for the state of Indiana to the extent necessary to protect public health and welfare, and which are consistent with the intent and provisions of the Indiana law.

(b) ~~Further,~~ In accordance with provisions of the Clean Air Act and 40 CFR 50*, this is a rule promulgating both primary and secondary air quality standards that ~~are applicable~~ **apply** throughout the entire state.

(1) Primary ambient air quality standards define levels of air quality ~~which the board judges that~~ are necessary, with an adequate margin of safety to protect the public health.

(2) Secondary ambient air quality standards define levels of air quality ~~which the board judges that~~ are necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204.**

(Air Pollution Control Division; 326 IAC 1-3-1; filed Mar 10, 1988, 1:20 pm: 11 IR 2378; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; readopted filed Oct 18, 2024, 2:09 p.m.: 20241113-IR-326230809RFA)

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

326 IAC 1-3-4 Ambient air quality standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

~~Sec. 4. (a) All measurements of air quality that are expressed as mass per unit volume, other than for the particulate matter (PM_{2.5}) standards contained in subsection (b)(8) and lead (Pb) standards contained in subsection (b)(6), must be corrected to a reference temperature of twenty-five (25) degrees Celsius and a reference pressure of seven hundred sixty (760) millimeters of mercury (one thousand thirteen and two tenths (1,013.2) millibars), as micrograms per cubic meter (µg/m³). Measurements of PM_{2.5}, for purposes of comparison to the standards contained in subsection (b)(8), and Pb, for purposes of comparison to the standards contained in subsection (b)(6), must be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.~~

~~———— (b) Ambient air quality standards are as follows:~~

~~———— (1) Sulfur oxides as sulfur dioxide (SO₂) requirements are as follows:~~

~~(A) For the primary one (1) hour ambient air quality standard, the maximum permissible ambient air quality level is seventy-five (75) parts per billion (ppb). The one (1) hour standard is attained when the three (3) year average of the annual ninety-ninth percentile of the daily maximum one (1) hour average concentration is less than or equal to seventy-five (75) ppb, as determined in accordance with 40 CFR 50, Appendix T* and measured in the ambient air as SO₂ by a reference method based on 40 CFR 50, Appendix A-1* or 40 CFR 50, Appendix A-2*, or an equivalent method designated in accordance with 40 CFR-53*.~~

~~(B) For the secondary standard, the following value represents the maximum permissible ambient air quality level: one thousand three hundred (1,300) µg/m³ (five tenths (0.5) ppm) maximum three (3) hour concentration not to be exceeded more than once per year. The three (3) hour averages must be determined from successive nonoverlapping three (3) hour blocks starting at midnight each calendar day and must be rounded to one (1) decimal place (fractional parts equal to or greater than five hundredths (0.05) ppm must be rounded up). Sulfur oxides must be measured in the ambient air as SO₂ by the reference method described in 40 CFR 50, Appendix A-1* or 40 CFR 50, Appendix A-2*, or by an equivalent method designated in accordance with 40 CFR 53*. To demonstrate attainment, the second highest three (3) hour average must be based upon hourly data that are at least seventy-five percent (75%) complete in each calendar quarter. A three (3) hour block average is considered valid if:~~

~~(i) all three (3) hourly averages for the three (3) hour period are available;~~
~~or~~

~~(ii) only one (1) or two (2) hourly averages are available, but the three (3) hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of this clause.~~

~~In all cases, the three (3) hour block average must be computed as the sum of the hourly averages divided by three (3).~~

~~(C) SO₂ values may be converted to ppm using the conversion factor two thousand six hundred twenty (2,620) µg/m³ = one (1) ppm.~~

~~(2) Total suspended particulates (TSP) requirements are as follows:~~

~~(A) For primary standards, the following values represent the maximum permissible ambient air quality levels:~~

~~(i) Seventy five (75) µg/m³ annual geometric mean.~~

~~(ii) Two hundred sixty (260) µg/m³ maximum twenty four (24) hour average concentration not to be exceeded more than one (1) day per year.~~

~~(B) For secondary standards, the following value represents maximum permissible ambient air quality levels: one hundred fifty (150) µg/m³ maximum twenty four (24) hour average concentration not to be exceeded more than one (1) day per year.~~

~~(3) Carbon monoxide (CO) requirements are as follows:~~

~~(A) For primary and secondary standards, the following values represent the maximum permissible ambient air quality levels:~~

~~(i) Ten (10) milligrams per cubic meter (mg/m³) (ten thousand (10,000) µg/m³) (nine (9) ppm) maximum eight (8) hour average concentration not to be exceeded more than once per year.~~

~~(ii) Forty (40) mg/m³ (forty thousand (40,000) µg/m³) (thirty five (35) ppm) maximum one (1) hour average concentration not to be exceeded more than once per year.~~

~~(B) CO values may be converted to ppm using the conversion factor one thousand one hundred forty five (1,145) µg/m³ = one (1) ppm.~~

~~(4) Ozone (O₃) requirements are as follows:~~

~~(A) For the one (1) hour ozone standards, the level of the one (1) hour primary and secondary ambient air quality standards for ozone measured by a reference method based on 40 CFR 50, Appendix D* and designated in accordance with 40 CFR 53* is twelve hundredths (0.12) ppm (two hundred thirty five (235) µg/m³). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above twelve hundredths (0.12) ppm (two hundred thirty five (235) µg/m³) is equal to or less than one (1) as determined by 40 CFR 50, Appendix H*.~~

~~(B) For the eight (8) hour ozone standards, the:~~

~~(i) level of the eight (8) hour primary and secondary ambient air quality standards for ozone, measured by a reference method based on 40 CFR 50, Appendix D*, as amended by 80 FR 65453, and designated in accordance with 40 CFR 53*, as amended by 80 FR 65460, is seventy thousandths (0.070) ppm, daily maximum eight (8) hour average; and~~

~~(ii) eight (8) hour primary and secondary ozone ambient air quality standards are met at an ambient air quality monitoring site when the three (3) year average of the annual fourth highest daily maximum eight (8) hour average ozone concentration is less than or equal to seventy thousandths (0.070) ppm as determined in accordance with 40 CFR 50, Appendix U*, as added by 80 FR 65458.~~

~~(C) O₃ values may be converted to ppm using the conversion factor one thousand~~

nine hundred sixty-five (1,965) $\mu\text{g}/\text{m}^3 = 1.0$ ppm.

(5) Nitrogen dioxide (NO_2) requirements are as follows:

(A) For the primary one (1) hour ambient air quality standard, the maximum permissible ambient air quality level is one hundred (100) ppb, one (1) hour average concentration, measured in the ambient air as NO_2 . The one (1) hour standard is attained when the three (3) year average of the annual ninety-eighth percentile of the daily maximum one (1) hour average concentration is less than or equal to one hundred (100) ppb, as determined in accordance with 40 CFR 50, Appendix S*.

(B) For the annual primary standard, the following value represents the maximum permissible ambient air quality level: one hundred (100) $\mu\text{g}/\text{m}^3$ (fifty-three thousandths (0.053) ppm) annual average concentration in a calendar year. The annual primary standard is attained when the annual average concentration in a calendar year is less than or equal to fifty-three (53) ppb, as determined in accordance with 40 CFR 50, Appendix S* for the annual standard.

(C) For the annual secondary standard, the following value represents the maximum permissible ambient air quality level: one hundred (100) $\mu\text{g}/\text{m}^3$ (fifty-three thousandths (0.053) ppm) annual arithmetic mean concentration in a calendar year. The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to fifty-three thousandths (0.053) ppm, rounded to three (3) decimal places (fractional parts equal to or greater than five ten-thousandths (0.0005) ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least seventy-five percent (75%) complete or upon data derived from manual methods that are at least seventy-five percent (75%) complete for the scheduled sampling days in each calendar quarter.

(D) NO_2 values may be converted to ppm using the conversion factor one thousand eight hundred eighty (1,880) $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$.

(E) The levels of the standards must be measured by:

(i) a reference based on 40 CFR 50, Appendix F*¹; or

(ii) an equivalent method designated in accordance with 40 CFR 53*.

(6) Pb: For primary and secondary standards, the following value represents the maximum permissible ambient air quality level: fifteen-hundredths (0.15) $\mu\text{g}/\text{m}^3$, arithmetic mean concentration over a three (3) month period. The standards are attained when the maximum arithmetic three (3) month mean concentration for a three (3) year period is less than or equal to fifteenth-hundredths (0.15) $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR 50, Appendix R* and measured in the ambient air as Pb by either:

(A) a reference method based on 40 CFR 50, Appendix G*¹, and designated in accordance with 40 CFR 53*¹; or

(B) an equivalent method designated in accordance with 40 CFR 53*.

(7) PM_{10} : For primary and secondary standards, the maximum permissible ambient air quality level is one hundred fifty (150) $\mu\text{g}/\text{m}^3$ maximum twenty-four (24) hour average concentration. The standards are attained when the expected number of days per calendar year with a twenty-four (24) hour average concentration above one hundred fifty (150)

$\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR 50, Appendix K,* is equal to or less than one (1).

(8) ~~PM_{2.5} requirements are as follows:~~

~~(A) For the primary annual standard, the following value represents the maximum permissible ambient air quality level: twelve (12) micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) annual arithmetic mean concentration. The standard is attained when the annual arithmetic mean concentration is less than or equal to twelve (12) $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR 50, Appendix N*, and measured in the ambient air as PM_{2.5} by either:~~

~~(i) a reference method based on 40 CFR 50, Appendix L*, and designated in accordance with 40 CFR 53*;~~ or

~~(ii) an equivalent method designated in accordance with 40 CFR 53*.~~

~~(B) For the secondary annual standard, the following value represents the maximum permissible ambient air quality level: fifteen (15) micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) annual arithmetic mean concentration. The standard is attained when the annual arithmetic mean concentration is less than or equal to fifteen (15) $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR 50, Appendix N*, and measured in the ambient air as PM_{2.5} by either:~~

~~(i) a reference method based on 40 CFR 50, Appendix L*, and designated in accordance with 40 CFR 53*;~~ or

~~(ii) an equivalent method designated in accordance with 40 CFR 53*.~~

~~(C) For the primary and secondary 24-hour standard, the following value represents the maximum permissible ambient air quality level: thirty five (35) $\mu\text{g}/\text{m}^3$ twenty four (24) hour average concentration. The standards are attained when the ninety eighth percentile twenty four (24) hour concentration is less than or equal to thirty five (35) micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), as determined in accordance with 40 CFR 50, Appendix N*, and measured in the ambient air as PM_{2.5} by either:~~

~~(i) a reference method based on 40 CFR 50, Appendix L*, and designated in accordance of 40 CFR 53*;~~ or

~~(ii) an equivalent method designated in accordance with 40 CFR 53*.~~

The National Primary and Secondary Ambient Air Quality Standards are those found in 40 CFR 50*.

~~*These documents are~~ ***This document is** incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana IN 46204. (*Air Pollution Control Division; 326 IAC 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2224; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471; filed Mar 6, 2006, 3:00 p.m.: 29 IR 2179; filed Sep 24, 2010, 1:44 p.m.: 20101020-IR-326100127FRA; filed Feb 9, 2011, 10:29 a.m.: 20110309-IR-326100495FRA; filed Dec 19, 2012, 4:22 p.m.: 20130116-IR-326120510FRA; filed Jul 8, 2014, 2:28 p.m.: 20140806-IR-326130358FRA; filed Jul 12, 2017, 8:45 a.m.: 20170809-IR-326160529FRA; readopted filed Oct 18, 2024, 2:09 p.m.: 20241113-IR-326230809RFA*)

SECTION 5. 326 IAC 1-4.1 IS ADDED TO READ AS FOLLOWS:

Rule 4.1. Attainment Status Designations

326 IAC 1-4.1-1 Attainment status designations

Authority: IC 13-14-8; IC 13-14-9; IC 13-17-3-14

Affected: IC 13-14; IC 13-15; IC 13-17-3-14

Sec. 1. The attainment status for the National Ambient Air Quality Standards for all areas in the state are the designations made by U.S. EPA by its authority under 42 U.S.C. 7407(d). The designations for Indiana are found in 40 CFR 81.315*. Under IC 13-17-3-14, designations are effective and enforceable in Indiana on the effective date of the federal regulation.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (*Air Pollution Control Division; 326 IAC 1-4.1*)**

SECTION 6. 326 IAC 6-5-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-5-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-15; IC 13-17

Sec. 1. (a) ~~Any~~ A source of fugitive particulate matter emissions located in nonattainment areas for particulate matter as designated by the board under 40 CFR 81.315*, except for such a source located in Lake County, which has potential fugitive particulate matter emissions of at least twenty-five (25) tons per year, or more, including the following:

(1) Primary nonattainment areas, to include the portion of Marion County bounded on the west by Keystone Avenue, on the north and east by Southeastern Avenue, and on the east and south by Center Township.

(2) Secondary nonattainment areas as follows:

(A) The portion of Clark County included in Jeffersonville Township.

(B) The portion of Dubois County included in Bainbridge Township.

(C) The portions of Marion County included in Center and Wayne townships, the portion of Decatur Township located east and north of I-465, and the portion of Perry Township located north of I-465.

(D) The portion of St. Joseph County north of Kern Road and east of Pine Road.

(E) The portion of Vanderburgh County included in the city of Evansville and Pigeon Township.

(F) The portion of Vigo County located within a five-tenths (0.5) kilometer radius of UTM Coordinates four hundred sixty-four and five hundred nineteen-thousandths (464.519) east and four thousand three hundred sixty-nine and two hundred eight-thousandths (4,369.208) north, in Indiana State University parking lot number 23 in Terre Haute.

(b) ~~Any~~ A new source of fugitive particulate matter emissions located anywhere in the state requiring a permit, as set forth in 326 IAC 2, which has not received all the necessary preconstruction approvals before December 13, 1985. If ~~any~~ a control measure established by this rule is inconsistent with an applicable control measure contained in 326 IAC 12, the more stringent measure ~~shall apply.~~ **applies.**

(c) ~~Any~~ A source or facility of fugitive particulate matter emissions subject to the requirements of this rule ~~shall be~~ **is** subject to 326 IAC 6-4-6.

(d) The following emission factors and control efficiencies apply to sources subject to this rule:

(1) Emission factor equations listed in supplements 11.2.1, 11.2.3, and 11.2.6 of the May 1983 edition and no later amendments of "Compilation of Air Pollutant Factors" (AP-42)** shall be used to determine potential emissions for unpaved roads, aggregate handling and storage piles, and paved roads, respectively.

(2) Efficiencies of any existing control measures shall be obtained from the following:

(A) Supplement 11.2.1 of the May 1983 edition and no later amendments of "Compilation of Air Pollutant Factors" (AP-42)** for unpaved roads.

(B) The August 1983 edition of "Iron and Steel Plant Open Source Fugitive Emission Control Evaluation" (prepared by Midwest Research Institute)** for aggregate handling and storage piles.

(C) The April 26, 1984, edition of "Cost Estimates for Selected Fugitive Dust Controls Applied to Unpaved and Paved Roads in Iron and Steel Plants" for paved roads (prepared by Midwest Research Institute)**.

(3) Emission factors and efficiencies of existing controls, if any, for sources in the categories not covered in subdivisions (1) and (2) shall be obtained from "Reasonably Available Control Measures for Fugitive Dust Sources", as amended August 1983 and no later amendments, Ohio EPA***. Where a range of values is available for a source or process as referenced in subdivisions (1) and (2), the mid-value of the range ~~shall be~~ **is** used.

(4) A source may petition the commissioner to use emission factors and control efficiencies other than those referenced in subdivisions (1), (2), and (3) if adequate support documentation is submitted.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204.**

****These documents are incorporated by reference. Copies may be obtained from the U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois IL 60604 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana IN 46204.**

*****This document is incorporated by reference. Copies may be obtained from Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio OH 43216 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 20401 IN 46204.**

(Air Pollution Control Division; 326 IAC 6-5-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2501; filed

Apr 22, 1997, 2:00 p.m.: 20 IR 2367; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1599; readopted filed Oct 18, 2024, 2:09 p.m.: 20241113-IR-326230809RFA)