

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

NAAQS Attainment Status References Update LSA Document #26-31

Overview

The U.S. Environmental Protection Agency (U.S. EPA) sets the NAAQS for six common and widespread criteria air pollutants. When U.S. EPA issues a new or revised standard, it issues air quality designations determining which areas of the country are, or are not, meeting the NAAQS based on air quality data and any state recommendations. U.S. EPA maintains lists of these designations at 40 CFR 81. Indiana's designations, broken down by county and smaller subdivisions where necessary, are listed at 40 CFR 81.315.

On July 1, 2023, Public Law 25-2023 was codified at IC 13-17-3-14. It provides that any federal regulation adopting or amending a NAAQS designation for any area in Indiana is effective and enforceable upon the effective date of the federal regulation. Previously, Indiana's rules maintained NAAQS designation tables at 326 IAC 1-4, and IDEM individually updated each county for each criteria pollutant as their statuses changed or the federal regulations were updated. Indiana's codification of these tables was more informative than substantive: as noted above, U.S. EPA sets the NAAQS and related designations, and Indiana's rules merely reiterated the information in the federal designation tables.

On October 9, 2024, a final rule was adopted that repealed 326 IAC 1-4 and removed the NAAQS attainment status tables from state rules (LSA #23-809), which had become unnecessary due to IC 13-17-3-14. To avoid any potential confusion about where to find current NAAQS designations, this rulemaking proposes to add a new rule at 326 IAC 1-4.1 that incorporates by reference 40 CFR 81.315.

Additionally, this rulemaking corrects references to repealed rules and language indicating that the board designates NAAQS attainment areas. At 326 IAC 1-2, language indicating that the board makes NAAQS designations is being corrected to point to the federal NAAQS designations. At 326 IAC 6-5-1, IDEM now proposes to remove the reference to “the board”. IDEM proposes this change in response to discovering a mistake in its original proposed rule, which referenced the NAAQS found at 40 CFR 81.315. Instead of referencing federal law, this introductory rule language needs to reference old air quality designations, found in subdivisions (a)(1) and (2), that no longer exist in federal law. IDEM maintains these designations for purposes of state law and to clarify applicability of state fugitive dust rules at 326 IAC 6-4. This change does not affect the proposed rule’s regulatory analysis whatsoever because the designations listed in 326 IAC 6-5-1 apply regardless of whether the leading language references federal code. Removing the federal code reference from the draft rule simply fixes an oversight and maintains the rule’s status quo.

Updates to these citations in Title 326 will ensure that the federal attainment designation statuses of all Indiana counties are clearly referenced in state rules and will maintain consistency between state and federal regulations. IDEM program staff continues to maintain a separate compilation of the attainment status designations for all counties in Indiana, including federal amendments to those designations, and it is posted for public review on the Office of Air Quality Air Programs web page at <https://www.in.gov/idem/sips/nonattainment-status-of-counties/>.

Finally, this rulemaking proposes to incorporate by reference the NAAQS rather than repeat them in 326 IAC 1-3-4.

Affected Persons

This proposed rule has no substantive impact on any parties. The NAAQS, set by U.S. EPA, apply to Indiana regardless of whether this rule is promulgated. In general, because NAAQS affects the entire state, the parties impacted by this rulemaking are any sources of regulated air emissions in the state. There are over 2,000 permitted sources in Indiana.

Reasons for the Rule

This rule is necessary to update Title 326 to remove the outdated references to the repealed rule at 326 IAC 1-4, and instead directly reference the federal designations at 40 CFR 81.315 that are being incorporated by reference in the new rule at 326 IAC 1-4.1. These and other conforming changes are needed to resolve any conflicts created by the repeal of 326 IAC 1-4.

Economic Impact of the Rule

There are no costs or cost savings for regulated entities, either direct or indirect, as a result of this rulemaking. This rule ensures that regulated entities are following the federal regulations for NAAQS at 40 CFR 81.315 by updating references in Title 326 to the new rule at 326 IAC 1-4.1. These federal regulations apply throughout the state regardless of whether IDEM undertakes this rulemaking; therefore, this rulemaking action does not create any compliance costs for any regulated entities.

Scheduled Board Action and Hearings

First Public Hearing: May 7, 2026, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, IN 46204.

Second Public Hearing: August 13, 2026, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room C, Indianapolis, IN 46204.

Board Action: August 13, 2026, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room C, Indianapolis, IN 46204.

IDEM Contact

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