
TITLE 326 AIR POLLUTION CONTROL BOARD**SECOND NOTICE OF COMMENT PERIOD**

LSA Document #09-493

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING THE AIR PERMIT REVIEW RULES:
NEAR-TERM****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [326 IAC 2](#) concerning the air permit review rules. This rulemaking is part of the Article 2 Initiative that proposes to amend [326 IAC 2](#) and any related rules in Title 326 to improve the efficiency of issuing permits. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: July 22, 2009, Indiana Register (DIN: [20090722-IR-326090493FNA](#)).

CITATIONS AFFECTED: [326 IAC 2](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

A key function of IDEM's Office of Air Quality is to manage Indiana's air permitting program. A priority of the department is to improve the process of reviewing air permit applications and issuing air permits. This rulemaking is part of a proposed initiative consisting of several rulemakings affecting [326 IAC 2](#) and other rules in Title 326 that relate to issuing air permits. The goal of the Article 2 Initiative is to achieve an efficient permitting process that continues to protect the environment, is less burdensome for the regulated community, and benefits the citizens of Indiana while ensuring that IDEM's Office of Air Quality permitting resources are being used effectively.

IDEM is currently working on several other rulemakings in Article 2, LSA Document #07-372 (Development of Amendments to Rules Concerning Corrections and Clarifications to Permit Rules), LSA Document #09-492 (Development of Amendments to Rules Concerning the Air Permit Review Rules: Long-Term), and LSA Document #07-286 (Development of Amendments to Rules Concerning Permit Fees). LSA Document #07-372 was adopted by the Indiana Air Pollution Control Board on April 13, 2010, and will go into effect on October 31, 2010. IDEM is finalizing the Second Notice of Comment Period for LSA Document #07-286 (Permit Fee rulemaking) and is continuing work on LSA Document #09-492 (Article 2 Long-Term rulemaking).

During the process of drafting this Second Notice of Comment Period, IDEM held several workgroup meetings with the Article 2 Initiative workgroup. These meetings were open to all interested parties. The workgroup meetings provided interested parties and IDEM the opportunity to discuss proposals and options for draft rule language. Information and documents prepared for the workgroup meetings can be found on IDEM's workgroup website at:

<http://www.in.gov/idem/6436.htm>

This rulemaking primarily clarifies the Article 2 rules and updates and streamlines the Article 2 rules based on the issues raised during the Article 2 Initiative workgroup meetings and the First Notice of Comment Period. The amendments proposed in the Near-Term rulemaking were selected because they do not require extensive collaboration with U.S. EPA and are noncontroversial changes that can be finalized quickly to improve the Article 2 permitting rules for both the regulated community and the department.

Description of Rule Changes

The following is a list of the rule changes and affected rule citations for this rulemaking:

- Removed references to "pollution control project" and "pollution prevention project" at [326 IAC 2-1.1-1](#), [326 IAC 2-5.5-6\(d\)](#), [326 IAC 2-6.1-6\(d\)](#), [326 IAC 2-6.1-6\(g\)](#), [326 IAC 2-6.1-6\(i\)](#), [326 IAC 2-7-10.5\(f\)](#), [326 IAC 2-8-10\(a\)](#), and [326 IAC 2-8-11.1\(d\)](#).
- Amended the definition of "potential to emit" at [326 IAC 2-1.1-1](#).
- Added the definition of "opacity" to the general provisions at [326 IAC 2-1.1-1\(7\)](#).
- Amended exemptions at [326 IAC 2-1.1-3\(d\)](#) pertaining to enforceable operating agreements under [326 IAC 2-9](#).
- Clarified [326 IAC 2-1.1-3\(e\)\(1\)](#) that the potential to emit threshold is less than ten tons per year of VOC for new sources or modifications to existing sources.
- Amended [326 IAC 2-1.1-3\(e\)\(26\)](#) to clarify that the subdivision refers to "outlet".
- Changed the term "notice only" to "administrative amendment" at [326 IAC 2-1.1-6\(b\)\(2\)](#), [326 IAC 2-5.5-6\(d\)](#),

and [326 IAC 2-6.1-6\(d\)](#).

- Added source modification and Title V amendments to list of items in time periods at [326 IAC 2-1.1-8\(a\)\(1\)](#) through [326 IAC 2-1.1-8\(a\)\(3\)](#).
- Amended [326 IAC 2-1.1-8\(a\)](#) the time period for minor permit revision from 45 to 60 days.
- Amended [326 IAC 2-1.1-8\(j\)](#) and [326 IAC 2-5.1-3\(d\)](#) to move the time period for an applicant to submit information upon receipt of the notice of deficiency from 60 to 30 calendar days.
- Added permit and source modifications to [326 IAC 2-1.1-9](#) since all can be revoked.
- Changed the section title from "Source modification" to "Registration revisions" at [326 IAC 2-5.5-6](#).
- Clarified that "repair and replace" is allowed without prior approval at [326 IAC 2-5.5-6\(b\)](#), [326 IAC 2-6.1-6\(b\)](#), and [326 IAC 2-8-11.1\(b\)](#).
- Amended language to allow the removal of permit requirements that are no longer applicable through an administrative amendment at [326 IAC 2-5.5-6\(d\)\(5\)](#), [326 IAC 2-6.1-6\(d\)\(5\)](#), and added language at [326 IAC 2-8-10\(a\)\(17\)](#).
- Added language at [326 IAC 2-5.5-6\(d\)](#) and amended language at [326 IAC 2-6.1-6\(d\)](#) to allow the addition of a unit of the same type that will comply with all applicable requirements.
- Clarified minor source operating permit program exemptions at [326 IAC 2-6.1-1](#) and applicability at [326 IAC 2-6.1-2](#).
- Clarified language so that it would only apply when there is no change to operations or processes and when there is no new equipment being added at [326 IAC 2-6.1-6\(d\)\(6\)](#) through [326 IAC 2-6.1-6\(d\)\(8\)](#) and [326 IAC 2-8-10\(a\)\(7\)](#) through [326 IAC 2-8-10\(a\)\(9\)](#).
- Added language so that exempt units may be added through an administrative amendment at [326 IAC 2-6.1-6\(d\)\(14\)](#) and [326 IAC 2-8-10\(a\)\(16\)](#).
- Clarified what is a significant permit revision at [326 IAC 2-6.1-6\(i\)\(1\)\(I\)](#), and [326 IAC 2-8-11.1\(f\)\(1\)\(I\)](#).
- Combined clauses (E) and (F) at [326 IAC 2-7-1\(21\)](#).
- Added a definition for "Part 70 source modification" at [326 IAC 2-7-1\(29\)](#).
- Amended definition of "Regulated air pollutant" at [326 IAC 2-7-1\(32\)](#) to clarify that PM greater than 10 micrometers (µm) is not included in this term.
- Clarified what administratively complete means at [326 IAC 2-7-8\(c\)](#).
- Clarified what are "minor" modifications and "significant" modifications at [326 IAC 2-7-10.5\(d\)](#), [326 IAC 2-7-10.5\(e\)](#), [326 IAC 2-7-10.5\(f\)](#), and [326 IAC 2-7-10.5\(g\)](#).
- Deleted requirement to submit previous approval at [326 IAC 2-7-12\(b\)\(3\)](#).
- Clarified that minor approvals are effective upon issuance at [326 IAC 2-7-12\(b\)\(8\)](#) and [326 IAC 2-7-12\(b\)\(c\)\(7\)](#).
- Clarified that public notice requirements are for minor permit modifications and not minor source modifications at [326 IAC 2-7-17\(c\)](#).
- Added the word "testing" to clarify and expand on what can be an administrative amendment at [326 IAC 2-8-10\(a\)\(5\)](#).
- Clarified definition of "solvent containing material" at [326 IAC 2-9-2.5\(a\)](#) and [326 IAC 2-9-11\(a\)](#).
- Clarified that Manufacturer Data Sheets will take precedence over the Material Safety Data Sheets if both are available at [326 IAC 2-9-2.5\(b\)\(4\)](#) and [326 IAC 2-9-3\(3\)](#).
- Amended [326 IAC 2-9-2.5\(b\)\(5\)](#) and [326 IAC 2-9-3\(4\)](#) to clarify that PM emissions from spray application shall be controlled by a dry particulate filter or an equivalent control device.
- Added a new language to clarify that daily summation of VOC and HAP usage is required at [326 IAC 2-9-3\(3\)\(E\)](#) and [326 IAC 2-9-3\(5\)](#).
- Added compliance monitoring provisions at [326 IAC 2-9-4\(b\)](#).
- Clarified that visible emission readings only apply when venting to the outdoors at [326 IAC 2-9-4\(c\)\(6\)](#), [326 IAC 2-9-4\(d\)\(6\)](#), [326 IAC 2-9-4\(e\)\(7\)](#), and [326 IAC 2-9-4\(f\)\(7\)](#).
- "Hours operated for each combustion unit" is typically logged by an hour meter on each combustion unit and recorded as total hours operated. To correlate fuel usage, added the term "monthly" at [326 IAC 2-9-13\(e\)\(1\)](#) and [326 IAC 2-9-14\(d\)\(1\)](#).
- Clarified that sources subject to a major National Emission Standard for Hazardous Air Pollutant cannot have a permit by rule at [326 IAC 2-10-1\(a\)](#) and [326 IAC 2-11-1\(c\)](#).
- Amended the term "source" to "stationary or portable source" at [326 IAC 2-10-1\(a\)](#) and [326 IAC 2-10-1\(b\)](#).
- Clarified the transition from New Source Review to Permit by Rule at [326 IAC 2-10-1\(a\)](#).

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

Potential Fiscal Impact

IDEM expects an insignificant fiscal impact for this rulemaking. This rulemaking primarily clarifies Article 2 rule language.

Public Participation and Workgroup Information

An external workgroup has been established to discuss issues involved in this rulemaking. The workgroup is made up of IDEM staff and a cross-section of stakeholders. IDEM maintains a website for the Article 2 Initiative workgroup. The website lists workgroup meeting dates and documents or additional information prepared by IDEM relating to this rulemaking. Workgroup information can be found on the Article 2 Initiative Rulemaking website at:

<http://www.in.gov/idem/6436.htm>

If you wish to provide comments to the workgroup on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact Amy Smith, Rule and State Implementation Plan Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted. The public is also encouraged to submit comments and questions to members of the workgroup who represent their particular interests in the rulemaking.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 22, 2009, through August 21, 2009, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

- American Electric Power (AEP)
- CASE Coalition, submitted by Bingham McHale (CASE)
- Citizens Energy Group (CEG)
- City of Indianapolis, Office of Sustainability (CIN)
- CountryMark Cooperative, submitted by Barnes and Thornburg (CMC)
- Eli Lilly and Company (ELC)
- Improving Kids' Environment (IKE)
- Indianapolis Power and Light (IPL)
- Indiana Utility Group, submitted by Barnes and Thornburg (IUG)
- NiSource (NS)
- Trinity Consultants (TC)

Following is a summary of the comments received and IDEM's responses thereto:

General Comments Regarding the Article 2 Initiative

Comment: Improving Kids' Environment (IKE) agrees that it is good policy periodically to review permitting rules and supports IDEM's decision to establish a workgroup. Whether and how sources of air emissions must obtain approval is a fundamental element of the state's air pollution prevention program and review of the current rules warrants thorough discussion. While the types of issues listed in the Notice seem reasonable for consideration in a "near term" rulemaking, seemingly small changes in permitting rules can make a significant difference in what the rule means. IKE agrees that both the near term and the long term changes should be discussed with the workgroup. (IKE)

The First Notice is not clear on whether there will be a process for appointing the workgroup members or what that process might be. IKE encourages the agency to be inclusive of a wide variety of interested parties.

Comment: The CASE Coalition supports IDEM's efforts to streamline Indiana's air permitting rules to improve the efficiency of issuing permits and appreciates the opportunity to participate in the Article 2 Initiative Workgroup which will be formed to assist IDEM in determining which issues should be addressed in the Near Term and Long Term rulemakings. (CASE)

Response: The Article 2 Initiative Workgroup is open to any group or individual that would like to participate. The workgroup process will be used to discuss both "near-term" and "long-term" amendments to the Article 2 rules. IDEM maintains a website for the workgroup at:

<http://www.in.gov/idem/6436.htm>

All documents presented to workgroup participants as well as information about upcoming meetings can be found on the website. If you wish to provide comments to the workgroup on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact Amy Smith, Rule and SIP Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6027 (in Indiana).

Comment: IUG has done its best to identify issues with [326 IAC 2](#) and associated rules relating to permitting that could be classified as "near-term" actions or "long-term" actions. However, given only 21 days, it has been difficult to summarize IUG's many collective years of experience with numerous rules and revisions contained in [326 IAC 2](#), identify specific rules that should be changed, and determine the types of changes that might be feasible. As IUG continues to reflect on its experiences, additional issues may come to light, and IUG anticipates raising additional comments in the future. For examples, several comments below address IUG's concerns with rules at [326 IAC 2-7](#), but similar issues likely exist in other permitting rules, such as [326 IAC 2-8](#). IUG anticipates raising these comments as we become aware of the issues. IUG appreciates IDEM's willingness to maintain an on-going dialogue with respect to these rule changes. It is not clear to IUG which issues and potential rule changes should be considered "Near-Term" or "Long-Term". As a result, IUG is submitting the same comments for both near-term and long-term consideration. (IUG)

Comment: Due to the complexity and quantity of the rules in [326 IAC 2](#), and the relatively short initial comment period, we are unable to clearly identify which areas would clearly fall into either the "near-term" or the "long-term" category. Therefore, we are providing one set of comments to address both the above captioned proposed rulemakings. We are continuing the process of examining the permitting rule language and working to identify past permitting difficulties resulting from the structure and content of the current permitting rules. We appreciate IDEM's establishment of a workgroup to facilitate the exchange of information between IDEM and interested parties, and look forward to providing more detailed comments and recommendations at the workgroup meetings and throughout the rulemaking process. (NS)

Comment: CountryMark generally supports efforts to streamline the air permitting process in Indiana. At this time CountryMark is submitting one letter with respect to both LSA #09-492 and #09-493, as it is not immediately clear whether proposed changes could proceed under a "near-term" or "long-term" rulemaking. (CMC)

Response: IDEM has used the Article 2 Workgroup meetings to sort comments received during the First Notice of Comment Period into the Near-Term and Long-Term rulemakings. Generally, the Near-Term rulemaking (LSA #09-493) addresses those issues that can be resolved in a timely manner and do not require extensive consultation with U.S. EPA. Issues and comments that will be addressed in the Long-Term rulemaking are more controversial, result in greater substantive changes to the Article 2 rules, and will require consultation with U.S. EPA regarding amendments to Article 2 rule language. The first comment period for this rulemaking was the standard length for all First Notice of Comment Period notices, 30 days.

Comment: NiSource encourages IDEM to provide a list of changes it proposes to make that are based on EPA recommendations from the earlier SIP approval process so meaningful review and comment on these changes can be provided. Similarly, we recommend IDEM share the results of the IDEM internal survey and provide a listing of potential rule revisions being considered as a result of that survey, for discussion during the workgroup process. (NS)

Response: The rule amendments contained in the draft rule language were presented at the Article 2 Initiative Workgroup meetings. Rule amendments that are based on EPA recommendations from earlier SIP approval processes are included and may be commented on during this Second Notice of Comment Period. IDEM has presented to the workgroup any changes that it has proposed as a result of the department's internal survey. This information is also available on the Article 2 Initiative Workgroup website at:

<http://www.in.gov/idem/6436.htm>

Comment: NiSource recommends the structure of the rules be examined and restructured if possible to assist in providing clarification for permitting thresholds for proposed projects (regardless of whether it is a new source or a modification), the permit type that must be obtained, the public participation requirements, the timeline for being able to receive a permit and begin construction, and when the changes/process will be able to begin operation. (NS)

Comment: Eli Lilly and Company operates seven facilities in Indiana subject to various levels of air permitting requirements. Because our research and manufacturing facilities must continually change to make different products and to continually improve existing operations, we consider the implications of these rules nearly every day. Consequently, flexibility and simplicity of the air permitting rules are crucial to our future viability. Air permitting rules must be simple and predictable so that people can understand what kind of permit or permit revision they will need and how long it will take to obtain the permit. We recognize that numerous federal permitting rules such as title V and major NSR must overlay IDEM's permitting system, and that a significant degree of simplification may not be easy to achieve. Simplification can be achieved through several tactics such as better organization of the rules, reducing/optimizing the number of different types of permits that are needed, and clearly defined applicability criteria. (ELC)

Response: IDEM agrees, and believes that an important goal of the Article 2 Initiative rulemaking process is to clarify Indiana's permitting rules. When providing suggestions or recommendations for rule amendments, interested parties and the department should take into consideration the need for clear and concise rules.

Comment: NiSource recommends the language of [326 IAC 2-3-3\(b\)](#) be examined regarding the dependence on an approved attainment demonstration in order for emission reductions from shutdowns to be creditable. The requirement/restriction on the ability to receive offset credit from emission reductions achieved from shutdown of an existing source or permanent curtailment of production or operating hours below baseline levels should not be contingent upon an EPA approved attainment demonstration. Further, the provisions for reductions to be creditable in the absence of an approved attainment demonstration are overly restrictive. As currently worded, they restrict the ability for a company to use reductions from process that are shutdown or curtailed prior to the application being filed. This limits a company's flexibility and ability to modernize by effectively limiting use of offset credits to only direct replacements for curtailed and shutdown sources. (NS)

Response: At this time, IDEM will not be making amendments to Indiana's major NSR permitting rules as part of the Article 2 Initiative. Therefore, IDEM will not be considering amendments to either [326 IAC 2-2](#) or [326 IAC 2-3](#).

Permitting Process

Comment: With the advent of new technologies and the reduction in the reading of newspapers, Indiana

should evaluate whether publication in a local newspaper is the most effective and efficient form of providing public notice regarding a permit action. (ELC)

Response: IDEM recognizes that new technologies have made it much easier and more cost-effective to disseminate information to the public. This comment will be discussed as part of the long-term rulemaking and will require collaboration with U.S. EPA.

Comment: IUG and CountryMark support efforts to explore whether essential information can be submitted electronically. Electronic submissions with electronic signatures can be easy to transmit, and can be easy to store for future reference. Also, IUG and CountryMark believe that developing and implementing an electronic record submission process will greatly reduce the amount of paper used to prepare multiple copies of voluminous reports. (IUG) (CMC) (CEG) (AEP) (IPL) (NS)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG supports reducing or eliminating the burden on sources to ensure that a copy of the permit application has been given to the public library and remains available for public inspection at that location. IUG is concerned that local libraries typically do not know how to handle air permit applications, and it is not clear how useful notices given to the public library truly are. IUG is also concerned that a permit applicant may be responsible, and subject to delays in receiving a permit, for a library's failure to adequately maintain public copies. If library notice requirements are retained, IUG believes that the burden on the permit applicant should be reduced, and input from libraries should be solicited regarding libraries' role in the public process. Additionally, IUG supports examining whether electronic notice to public libraries may be appropriate given that most (if not all) libraries have internet access. Additionally, it has been our collective experience that IDEM information on local libraries is not up to date, thus imposing a greater burden on the source to find actual library contact information. (IUG) (CEG) (AEP) (IPL) (NS)

Comment: CountryMark supports reducing or eliminating the burden on sources to ensure that notice has been given to public libraries. Additionally, we support examining whether electronic notice to public libraries may be appropriate given that most (if not all) libraries have internet access. (CMC)

Response: These comments require a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. These comments will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG supports revisions to record keeping rules at [326 IAC 2-7-3\(3\)](#) and [326 IAC 2-8-4\(3\)](#) to allow the flexibility to maintain centralized record keeping for all record keeping requirements. On-site record keeping can be inefficient, costly, and arguably harmful for the environment due to multiple paper copies in various locations. As the industry continues to increasingly rely on electronic records, IUG believes it may be more efficient, more cost-effective, and more environmentally sound to maintain all records in one place, to be made available to the agency upon request. IUG and its members would like the flexibility to manage their records in centralized locations if they choose to do so. (IUG) (AEP) (IPL) (NS)

Comment: Many of Citizens Energy Group facilities operate under Title V or FESOP permits and are required to keep records at each location, including the unmanned locations. We support IUG's comment on revision to record keeping rules to allow more flexibility in the inefficient and costly record keeping requirement. Citizens would benefit from the ability to maintain records at centralized locations. (CEG)

Response: These comments require a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. These comments will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IDEM's rules should provide for opportunities to eliminate permit reviews where there is no value added by the review. For example, if the permitting exercise would do nothing more than add an emission unit to a list of emission units where the requirements are already spelled out in detail and the permit review would not add or modify requirements, then the source should be able to add the emission unit through a simple notification process. (ELC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

General Provisions, Definitions and Exemptions

Comment: Under the general provisions section of Article 2, add a table listing emissions based permitting thresholds for all permit levels. This could potentially be accomplished either in the definitions or applicability section of [326 IAC 2-1.1](#). (TC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: In [326 IAC 2-1.1-3](#) add language to further clarify the difference between an "operation" exemption and a "construction or modification" exemption. (TC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Organize the permit time periods by permit type (MSOP, Title V, etc) in [326 IAC 2-1.1-8](#). (TC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Clarify the distinction between exempt and insignificant activities for Title V sources. Currently, the emission based thresholds in [326 IAC 2-1.1-3](#) for exempt activities are higher than the levels listed in [326 IAC 2-7-1](#) for insignificant activities. This frequently results in confusion regarding the permitting level required for an exempt activity—both for sources and for IDEM. (TC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: The exemptions in [326 IAC 2-1.1-3](#) should be reorganized to make the items easier to find. Having a list of the items that are exempt is extremely helpful, but the items in the list could be organized more by the type of operation or some other means of enabling someone to find out whether an item is on the list. As it now exists, it is extremely difficult to try to find an item on the list unless you know that it is already on the list or you use a word search tool to find items and you happened to use the right choice of search terms. (ELC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG supports modifications to the current permitting exemptions rule at [326 IAC 2-1.1-3](#). The current permitting exemptions rule, while helpful, does not allow for real-time decision making in extreme circumstances. IUG members have an obligation to provide service as regulated public utilities including during extreme and severe conditions. Additionally, during times when other utility units are not functioning for maintenance or pollution control upgrades, those units that stay in operation must continue operations to satisfy public demands.

During extreme conditions or when other units are in scheduled downtime, sources must sometimes make temporary changes, commence emergency reconstructions, or make other changes necessary to maintain short-term operations of a unit to fulfill its regulatory-imposed obligations to serve the citizens of Indiana. Under existing rules, these necessary actions are arguably subject to pre-construction permitting or permitting applicability determinations, subjecting IUG members to potential enforcement for failure to complete such pre-construction administrative hurdle. Temporary changes, emergency reconstructions, or modifications necessary to maintain operations during extreme conditions or during other times when production must continue should be exempt from permitting and should have fewer pre-construction administrative burdens. (IUG) (CEG) (AEP) (IPL) (NS)

Comment: CountryMark supports modifications to the current permitting exemptions rule at [326 IAC 2-1.1-3](#). Temporary changes, emergency reconstructions, or modifications necessary to maintain operations during extreme conditions should be exempt from permitting and should have fewer pre-construction administrative burdens. (CMC)

Response: These comments require a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. These comments will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: If there are new candidates for the exemption list in [326 IAC 2-1.1-3](#), they should be added to the list. (ELC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG supports other modifications to the current permitting exemptions rule to clarify that units and activities specifically enumerated at [326 IAC 2-1.1-3](#) are fully exempt from permitting. This rule currently exempts certain units and activities, but also exempts any activity with very low potential emissions. IDEM currently interprets the rule to mean that enumerated activities and units are not excluded from permitting if they exceed the very low potential to emit thresholds. IUG believes this interpretation undermines the potential utility of this rule and unnecessarily increases the permitting burdens for otherwise exempt activities. (IUG) (CEG) (AEP) (IPL) (NS)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: The definitions of facility, source, and emission unit, used continuously throughout Article 2, often create confusion to applicants and permit writers. These definitions should be revisited, and, possibly revised,

especially to eliminate the redundancy of "facility" which could be applied to both "emission unit" and "source". (IPL)

Comment: Lilly believes IDEM permitting rules could be improved by being more consistent within themselves and with federal permitting rules. Definitions of terms are a particular area where this rulemaking process should focus on opportunities for improvement. For example, usage of terms such as "facility", "source", "process", "emission unit" and other terms that define a project or object that may require a permit review must be re-evaluated to make sure they are properly used and consistently used according to their intended meanings. Over time, terms have lost the discipline necessary to eliminate confusion. (ELC)

Comment: IUG supports examining the following definitions to study whether revisions could streamline permitting processes by providing clarity to existing rules and promoting consistent application: "facility" ([326 IAC 1-2-27](#)); "source" ([326 IAC 1-2-73](#)); "emission unit" ([326 IAC 1-2-23.5](#)); "potential to emit" ([326 IAC 2-1.1-1\(16\)](#), [326 IAC 1-2-55](#) "potential emissions", [326 IAC 2-2-1\(n\)](#), [326 IAC 2-3-1\(ii\)](#), [326 IAC 2-7-1\(29\)](#), [326 IAC 2-6-2\(19\)](#)); "modification" (with respect to both source modifications and permit modifications); and "construction" ([326 IAC 1-2-21](#)). (IUG) (CMC) (CEG) (AEP) (IPL) (NS)

Comment: A clear definition of "construction" needs to be established. Applicants are often unclear when construction begins, whether it is the moment that ground is broke, parts of an emission unit are brought onsite, or when the assembly of those parts begins. For a pre-assembled emission unit, it is unclear whether construction/installation begins when the unit is positioned and connected to power or when the unit crosses the property line at the source. (IPL)

Comment: A definition of "modification" should be clarified. For purposes of determining a level of permitting, the PTE of the modification should be only the increase in PTE of the emission unit which will experience an increase in capacity. This often creates confusion when permit writers attempt to apply the entire PTE of the existing emission unit or process. (IPL)

Response: These comments require a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. These comments will be addressed as part of the long-term rulemaking (LSA #09-492).

Title V

Comment: Lilly recommends that IDEM review the U.S. EPA Title V Task Force report to the Clean Air Act Advisory Committee for potential improvements that could be made to the IDEM program. Although the Task Force focused primarily on Title V issues, it did look at both pre-construction permitting and Title V and how they relate to one another. In addition, the Task Force made a number of recommendations about improving the Title V permit modification requirements. (ELC)

Comment: The CASE Coalition agrees that IDEM can further streamline the permitting process by removing redundant and non-value added administrative requirements that are not required by federal rule or state statute. The U.S. EPA's Title V Task Force recommendations for improving the Title V program presented to the Clean Air Act Advisory Committee in April 2006 provide many good suggestions for not only improving Title V permitting, but all types of air permitting programs. This report can be downloaded from U.S. EPA's internet site at:
http://www.epa.gov/ai/caaac/tvtaskforce/title5_taskforce_finalreport20060405.pdf

(CASE)

Response: IDEM agrees that the U.S. EPA Title V Task Force report to the Clean Air Act Advisory Committee is a useful resource for the department during this rulemaking and any future rulemakings related to the air permitting program.

Comment: IDEM's Title V program rules should allow the use of the off-permit process to quickly incorporate the requirements of NSR permits and newly adopted regulatory requirements into the permit. This is a process that is authorized by the federal title V program, but Indiana chose not to adopt it when initially establishing the state program. (ELC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: The use of administrative permit amendments and minor permit modification should be expanded to cover a wide range of Title V permit actions where the agency is exercising a limited amount or no discretion in revising a Title V permit. (ELC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Significant Title V permit modifications should only be required when a source requests changes to its compliance monitoring requirements if those compliance monitoring requirements originated in the Title V permit itself. For example, if the Title V permit established a "gap-filling" compliance monitoring condition for an operation because of the underlying SIP rule did not have any monitoring requirements in it, then changes to that monitoring provision would have to be conducted through a significant permit modification. On the other hand, if the change in monitoring was based on an action outside the scope of Title V, such as a state or federal rule or an

alternative monitoring petition approved by U.S. EPA, then that kind of change should be done through an administrative permit amendment or minor permit modification. (ELC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Add language to allow for inclusion of control devices that should be considered an inherent part of the process when calculating potential uncontrolled emissions for an insignificant activity per [326 IAC 2-7-1\(21\)](#). For examples, EPA guidance indicates that a bin vent on a storage silo could be considered an inherent part of the process when calculating potential to emit and may also be accounted for when calculating potential pre-control device emissions for trigger Compliance Assurance monitoring (CAM). However, this bin vent cannot be included when calculating potential uncontrolled emissions to determine if a unit is an insignificant activity for Title V. In doing this, many units with inherently low emissions cannot be classified as insignificant activities and could be subject to unnecessarily stringent permitting and/or monitoring requirements. For example, addition of a new silo with a bin vent may, under current rules, require a permit modification under [326 IAC 2-7-12](#). If inherent control can be used to classify the silo as an insignificant activity under [326 IAC 2-7-1\(21\)\(B\)](#), the unit could potentially be added as an administrative permit amendment under [326 IAC 2-7-11\(a\)\(8\)\(B\)](#), reducing the permitting burden on both IDEM and the source. Also, the relatively high potential uncontrolled emissions calculated under the current rule may lead to monitoring requirements (e.g. daily pressure drop readings) that are not reflective of continuous compliance requirements for insignificant activities and that provide little overall environmental benefit. (TC)

Response: This comment will require a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Modifications limiting PTE to less than the stated levels should be included as Minor Source Modifications processed in accordance with subsection (e) regardless of the means to which emissions are limited. The constraints listed are not consistently utilized by IDEM and other limitations may be applied. For example, IDEM does not typically establish limits through hours of operation [[326 IAC 2-7-10.5\(d\)\(4\)\(B\)](#)] or air flow in conjunction with outlet concentration [[326 IAC 2-7-10.5\(d\)\(4\)\(C\)\(iv\)](#)]. The list contained in [326 IAC 2-7-10.5\(d\)\(4\)\(A\)](#) through (E) creates confusion, is unnecessary, is not applied consistently, and should be removed. (IPL)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: In [326 IAC 2-7-11](#) and [326 IAC 2-7-12](#), add language to allow for an administrative amendment/exemption for changes which would only require permitting based on triggering an NSPS or MACT modification, and are below the emissions based permitting threshold for a source – assuming all applicable requirements are already included with a source's permit. For example, rules such as NSPS VVa and IIII, can be triggered by minor physical changes such as addition of valves and adding emergency generators. (TC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Clarify in [326 IAC 2-7-11](#), if, when, and where an Administrative Amendment is required for a change to be made at a source. IDEM has previously provided verbal guidance on this to the effect that the regulation does not specifically require an Administrative Amendment to be submitted for an exempt change; however, the regulation is not clear on this point. This could possibly be accomplished through a non-rule policy document and not rulemaking. (TC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Clarification should be provided as to what is considered "significant changes to existing monitoring, reporting, or record keeping requirements" in [326 IAC 2-7-12\(b\)\(1\)\(B\)](#) to promote consistency and predictability of permit level. IPL recommends clearly listing each activity that would trigger a significant permit modification. (IPL)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: CountyMark believes that the implementation of every existing rule into Title V permits slows down the permitting process and adds needless language to air permits. CountyMark believes that requirements that are generally applicable requirements, especially including those requirements that do not specifically apply to the permitted source, should not be included in Title V permits. Title V permits should include only source-specific requirements. Existing rules should be revised to ensure that needless language does not

inundate the otherwise source-specific Title V permit requirements. (CMC)

Response: IDEM believes that this position conflicts with the Title V program. IDEM's position is that generally applicable requirements are still applicable requirements. Section 504(a) of the Clean Air Act requires that each Title V permit assure compliance with applicable requirements, including state rules.

Comment: CountryMark believes that too many permitting actions are processed as significant permit modifications, which impose inappropriate and unnecessary administrative burdens, and therefore, supports changes to revise [326 IAC 2-7-11](#) and [326 IAC 2-7-12](#) to clarify the applicability of minor permit modifications and administrative amendments. (CMC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Source Specific Operating Agreement (SSOA) Program and Permit by Rule

Comment: Amend the language in [326 IAC 2-9-2.5\(a\)](#) and [326 IAC 2-9-11\(2\)](#) to define "solvent containing material". Some coatings contain very low amounts of VOC/HAPs and may or may not be considered as "solvent containing material". This would provide direction for the regulated community. (CIN)

Response: IDEM amended the rule language at [326 IAC 2-9-2.5\(a\)](#) and [326 IAC 2-9-11\(a\)\(2\)](#) and added the words "any amount of" when referring to VOC or HAPs to provide additional clarification for the regulated community.

Comment: Amend the language in [326 IAC 2-9-2.5\(b\)\(4\)\(C\)](#) and [326 IAC 2-9-3\(3\)\(C\)](#) to replace Material Safety Sheets (MSDS) with Manufacturer Data Sheets. MSDS provide a range for VOC/HAP content but the Manufacturer Data Sheets document the exact percent of VOC and HAPs. This would make the process of calculating emissions and determining compliance clearer. (CIN)

Response: IDEM amended [326 IAC 2-9-2.5\(b\)\(4\)\(C\)](#) and [326 IAC 2-9-3\(3\)\(C\)](#) to require sources to maintain either the Manufacturer Data Sheet (MDS) or Material Safety Data Sheet (MSDS) for all VOC and HAP containing material used. If both the MDS and MSDS are available, the MDS will be the primary source for determining VOC or HAP content of each solvent containing material.

Comment: Monthly records alone do not support the daily limits in [326 IAC 2-9-3\(2\)](#). A monthly summation of daily VOC/HAP usage would provide a correlation for the daily limits in this section. (CIN)

Response: IDEM added language at [326 IAC 2-9-3\(3\)\(E\)](#) to require daily summation of VOC and HAP usage. Additionally, IDEM amended [326 IAC 2-9-3\(5\)](#) so that the annual notice required by section 1(d) of Rule 9 also include the highest daily VOC total per month.

Comment: Method 22 contains provisions for performing VE readings indoors. [326 IAC 2-9-4\(c\)\(6\)](#), (d)(6), (e)(7), and (f)(7), should be clarified to be consistent with current permit language that typically states VEs are performed when venting to the atmosphere. (CIN)

Response: IDEM added the term "when venting to the atmosphere" at [326 IAC 2-9-4\(c\)\(6\)](#), (d)(6), (e)(7), and (f)(7) to be consistent with current permit language.

Comment: Consideration should be made to match the definition of "Crushed stone" with the definition of "Nonmetallic Mineral" in 40 CFR 60.671, Subpart OOO. Additionally, the definition should include concrete and recycled asphalt pavement crushing. (CIN)

Response: This issue is being addressed in a separate rulemaking. A First Notice of Comment Period (LSA #10-571) published on September 15, 2010 concerning amendments to rules concerning Source Specific Operating Agreements (SSOAs) for crushed stone processing plants. The comment period for the First Notice ended on October 15, 2010. IDEM is currently drafting the Second Notice of Comment Period that will contain draft rule language. Additional information regarding this rulemaking may be obtained from Amy Smith, Rule and State Implementation Plan Development Section, Office of Air Quality, (317) 233-8628 or (800)451-6027 (in Indiana) and via email at: asmith@idem.in.gov

Comment: In [326 IAC 2-9-13\(e\)\(1\)](#) and [326 IAC 2-9-14\(d\)\(1\)](#) the "hours operated for each combustion unit" is typically logged by an hour meter on each combustion unit and recorded as total hours operated. To correlate fuel usage, the language should read "monthly hours operated for each combustion unit". (CIN)

Response: IDEM added the term "monthly" to [326 IAC 2-9-13\(e\)\(1\)](#) and [326 IAC 2-9-14\(d\)\(1\)](#) to clarify the rule language.

Comment: Add language to [326 IAC 2-10](#) that reflects the guidance provided by IDEM on the Permit by Rule process since the inception of the rule. This language should include obtaining a Permit by Rule for a new source or modifying an existing Permit by Rule source. (TC)

Response: IDEM amended [326 IAC 2-10-1\(a\)](#) to clarify that sources subject to a major NESHAP cannot have a Permit by Rule and clarify the transition from New Source Review to Permit by Rule.

Additional Comments to be Addressed in the Long-Term Rulemaking (LSA #09-492)

Comment: Lilly recommends maintaining the existing flexible air permitting provisions in the state rules and potentially increasing options for flexible permits. Our experience with flexible permitting has been positive, and we would like to explore whether there are more techniques to enhance these kind of options. (ELC)

Response: This comment requires a more extensive time frame for discussion and drafting rule language

than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: AEP appreciates that IDEM offers Permits by Rule, General Permits, and Source Specific Operating Agreements (SSOA), in addition to full Title V Permits and Federally Enforceable State Operating Permit (FESOP) in an effort to streamline the permitting process for sources. As part of this proceeding we suggest that IDEM add a section to Article 2 that would implement a program where sources that would be Title V Sources based on potential to emit, but whose actual emissions are significantly below those thresholds could enjoy the flexibility of a Title V like program without all of the red tape such a permit brings. An excellent example of a program of this nature is currently in place in the State of Michigan and is found at R336.1208a.

Indiana Michigan Power currently operates its D.C. Cook Nuclear Plant located at Bridgman, Michigan under this provision and finds it a user friendly and appropriate way to handle the air permit needs of the facility. At this time, we do not appear to have a similarly situated facility in Indiana, but considering that we cannot predict the future, implementing a program of this nature at this time would allow the benefits of this program to accrue to qualifying sources now and in the future. (AEP)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: AEP's concern relates to what constitutes an administrative amendment, minor modification, and significant modification of a permit under [326 IAC 2-7-11](#), [326 IAC 2-7-12](#), [326 IAC 2-8-10](#) and [326 IAC 2-8-11.1](#). Over the past three years, IDEM has been very inconsistent in what they consider minor and significant modifications. We have experienced this situation first hand when a modification at Rockport Plant was considered a minor modification in 2006 and an identical application (except for the values in the application) for modification relating to the same equipment in 2009 was classified as a significant modification. Article 2 needs to be revised to add clarity to what constitutes each of these levels to minimize the risk of these inconsistent decisions by IDEM in the future and allow for the better flow of permit applications through the agency. (AEP)

Comment: IUG supports changes to revise [326 IAC 2-7-11](#), [326 IAC 2-7-12](#), [326 IAC 2-8-10](#), and [326 IAC 2-8-11.1](#) to clarify the applicability of minor permit modifications/revisions and administrative amendments. Due to lack of clarity in existing rules, too many permitting actions are processed as significant permit modification/revisions, which impose inappropriate and unnecessary administrative burdens. For example, IUG does not believe that changes to compliance monitoring, record keeping, or reporting requirements should be considered significant permit modifications/revisions, which appears to be current practice. Additionally, permit modifications/revisions designed to comply with applicable NSPS or NESHAP requirements should not be considered significant permit modifications/revisions. In the collective experience of IUG, there are many other examples of permit modifications/revisions that should be processed through minor permit modifications/revisions or administrative amendments. IUG can provide additional examples in the course of our collective efforts to streamline existing rules. (IUG) (CEG) (IPL) (NS)

Response: These comments require a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. These comments will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG supports revision to compliance monitoring regulations to specifically define monitoring obligations. Existing language at [326 IAC 2-7-5](#), [326 IAC 2-7-6](#), [326 IAC 2-8-4](#), and [326 IAC 2-8-5](#) is vague, and should be modified to add clarity. Units subject to the Federal Compliance Assurance Monitoring rule, 40 CFR Part 64 ("CAM"), and Indiana's CAM rule, [326 IAC 3-8](#), should not be subject to other compliance monitoring requirements. For units not subject to CAM, compliance monitoring provisions should be developed through permit-specific and unit-specific negotiations with the source. (IUG) (CEG) (AEP) (IPL) (NS)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG supports rule revisions at [326 IAC 1-6-3](#), [326 IAC 2-7-4\(c\)\(9\)](#), [326 IAC 2-7-5\(13\)](#), [326 IAC 2-8-4](#), and [326 IAC 2-8-5](#) to clarify that Preventive Maintenance Plans should apply only to emission control devices. (IUG) (CMC) (CEG) (AEP) (IPL) (NS)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: Citizens Energy Group supports revisions to the scope and applicability of the permit modifications, especially those in [326 IAC 2-7](#) and [326 IAC 2-8](#). IDEM's response to minor and significant modifications is inconsistent and imposes unnecessary burdens on the applicant. (CEG)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG and CountryMark supports revisions to rules and forms to eliminate unnecessary or

redundant information submissions. Existing rules and practices routinely require sources to submit information already within the agency's possession and/or other information that may not be essential for agency review. These rules and practice place administrative burdens on the source that could be reduced to streamline the permitting process. Additionally, duplicative submissions expose sources to greater likelihood that nay confidential information submitted will not be fully protected from disclosure. IUG and CountryMark supports efforts to streamline information submissions, including permit applications, quarterly or semi-annual reporting requirements, and other submissions so that essential information is provided once to the agency in the most efficient and cost-effective manner. (IUG) (CMC) (CEG) (AEP) (IPL) (NS)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: IUG believes that the availability of general permits should be expanded. IUG supports promulgating general permits for units that have low actual emissions but have high potential emissions, such as emergency generators, or emergency back-up air compressors. Currently, general permits or permits by rule are limited to only sources that have 20% of the potential to emit required to trigger other permitting requirements. The availability of these general permits or permits by rule should be expanded to cover a variety of units with low actual emissions to reduce permitting requirements. (IUG) (CEG) (AEP) (IPL) (NS)

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

Comment: NiSource recommends IDEM clarify what a health based standard is and what a technology based standard is.

Response: This comment requires a more extensive time frame for discussion and drafting rule language than IDEM had contemplated for the near-term rulemaking. This comment will be addressed as part of the long-term rulemaking (LSA #09-492).

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#09-493(APCB) Article 2 Initiative: Near-Term

Amy Smith Mail Code 61-50

c/o Administrative Assistant

Rule and SIP Development Section

Office of Air Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5967, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by January 21, 2011.

Additional information regarding this action may be obtained from Amy Smith, Rule and SIP Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 2-1.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-1.1-1](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-11-2](#); [IC 13-15](#); [IC 13-17](#)

Sec. 1. For purposes of this article, the definition given for a term in this rule shall control in any conflict between [326 IAC 1-2](#) and this article. In addition to the definitions provided in [IC 13-11-2](#) and [326 IAC 1-2](#), the following definitions apply throughout this article unless expressly stated otherwise or unless the context clearly

implies otherwise:

- (1) "Authorized individual" means an individual responsible for the overall operation of one (1) or more manufacturing, production, or operating plants or a duly authorized representative of the person. For any public agency, the term means either a ranking elected official, the chief executive officer, or a designated representative of the person having responsibility for the overall operations of a principal geographic unit of the agency.
- (2) "General permit" means a permit that is applicable to a class or category of sources or modifications thereto, whether or not under common ownership or control, that are subject to similar applicable requirements.
- (3) "Minor source" means any source or facility to which [326 IAC 2-5.1](#) applies, but to which neither [326 IAC 2-2](#) nor [326 IAC 2-3](#) applies.
- (4) "New emissions unit" means an emissions unit for which construction commences on or after December 25, 1998.
- (5) "New portable source" means any portable operation that:
 - (A) has not commenced construction as of December 25, 1998; or
 - (B) does not have a valid operating permit as of December 25, 1998.
- (6) "New source" means a source for which construction commences on or after December 25, 1998, that will be constructed:
 - (A) on undeveloped land; or
 - (B) at a location for which a valid permit has not been issued.

(7) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

~~(7)~~ **(8) "Operation" means:**

- (A) a single piece of equipment or multiple pieces of like equipment;
- (B) a process or multiple like processes;
- (C) a plant or multiple like plants; or
- (D) any combination of clauses (A) through (C);

that performs similar functions or when operated together produces similar products.

~~(8) "Pollution control project" means any activity or project undertaken at an existing emissions unit that, as its primary purpose, reduces regulated air pollutant emissions from the unit. Such activities or projects do not include the replacement of an existing unit with a newer or different unit, or the reconstruction of an existing unit, and are limited to any of the following:~~

- ~~(A) The installation of conventional or innovative pollution control equipment technology, including, but not limited to, the following:
 - (i) Conventional and advanced flue gas desulfurization and sorbent injection for sulfur dioxide (SO₂);
 - (ii) Electrostatic precipitators, baghouses, high efficiency multiclones, and scrubbers for particulates;
 - (iii) Flue gas recirculation, low-NO_x burners, selective noncatalytic reduction, and selective catalytic reduction for NO_x;
 - (iv) Regenerative thermal oxidizers (RTO), catalytic oxidizers, condensers, thermal incinerators, flares, and carbon adsorbers for VOCs and HAPs.~~
- ~~(B) Switching to an inherently less polluting fuel. Any activity that is necessary to accommodate switching to an inherently less polluting fuel is considered to be part of the pollution control project to the extent the activities are undertaken to maintain the currently used capacity of the unit at the time the fuel switch is implemented.~~

~~(9) "Pollution prevention project" means any activity or project at an existing emissions unit where the primary purpose of the activity or project is the reduction or elimination of the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources. Such activity or project includes any practice that reduces the:~~

- ~~(A) amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and~~
- ~~(B) hazards to public health and the environment associated with the release of the substances, pollutants, or contaminants.~~

The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. The term does not include recycling, energy recovery, treatment, disposal, or the use of any add-on air pollution control technology.

~~(10)~~ **(9) "Portable source" means any operation, process, or emissions unit, other than mobile sources, that emits or has the potential to emit any regulated air pollutant and is specifically designed to be and capable of being moved from one (1) location or site to another location or site and is moved to other locations or sites at least one (1) time during the term of the permit. Indicia of transportability include, but are not limited to:**

- (A) wheels;

- (B) skids;
- (C) trailer; or
- (D) platform.

~~(44) (10) "Potential to emit" means the maximum capacity of a stationary source or emissions unit to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the U.S. EPA, the department, or the appropriate local air pollution control agency.~~

as a practical matter. The term does not alter or affect the use of potential to emit for any other purpose under the CAA, (or "capacity factor" as used in Title IV of the CAA) or the regulations promulgated thereunder.

~~(42) (11) "Process" means any combination of equipment that is physically connected and operated in sequence that, when the process is operated, could operate independently to:~~

- ~~(A) generate energy;~~
- ~~(B) refine or produce materials or parts; or~~
- ~~(C) produce a finished product.~~

(Air Pollution Control Board; [326 IAC 2-1.1-1](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 980; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#))

SECTION 2. [326 IAC 2-1.1-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-1.1-3](#) Exemptions

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. (a) The operation of a source that consists solely of emission units, operations, or processes identified in this section is exempt from the registration and permitting requirements of this article unless the potential to emit any regulated pollutant from the entire source exceeds an emission threshold establishing the requirement to have a registration or permit under this article.

(b) (Voided by P.L.112-2000, SECTION 7, effective March 16, 2000.)

(c) Construction or modification of any emission unit, operation, or process identified in this section is exempt from the new source requirements in [326 IAC 2-5.1-2](#) for registrations, new source requirements in [326 IAC 2-5.1-3](#) for permits, modification approval requirements in [326 IAC 2-7-10.5](#), and permit revision requirements in [326 IAC 2-6.1-6](#) and [326 IAC 2-8-11.1](#), unless the construction or modification:

- (1) is subject to federal prevention of significant deterioration (PSD) requirements as set out in [326 IAC 2-2](#) and 40 CFR 52.21*;
- (2) is subject to nonattainment new source review requirements as set out in [326 IAC 2-3](#);
- (3) is located at a source that has an operating permit issued under [326 IAC 2-7](#), where the construction or modification would be considered a Title I modification under 40 CFR Part 70*; or
- (4) would result in the source needing to make a transition to an operating permit issued under [326 IAC 2-6.1](#), [326 IAC 2-7](#), or [326 IAC 2-8](#).

(d) The new source requirements of [326 IAC 2-5.1-2](#) for registrations and [326 IAC 2-5.1-3](#) for permits, including the requirement to submit an application, do not apply to new **or modifications to existing** sources as follows:

- (1) New **sources or modifications to existing** sources that obtain and comply with one (1) of the following enforceable operating agreements under [326 IAC 2-9](#):
 - (A) [326 IAC 2-9-2.5](#) or [326 IAC 2-9-3](#) for surface coating operations.
 - (B) [326 IAC 2-9-4\(b\)](#) through [326 IAC 2-9-4\(d\)](#) and [326 IAC 2-9-4\(f\)](#) for woodworking operations.
 - (C) [326 IAC 2-9-5](#) for abrasive cleaning operations.
 - (D) [326 IAC 2-9-7\(b\)\(1\)](#) for sand and gravel operations.
 - (E) [326 IAC 2-9-8\(b\)\(1\)](#) for crushed stone processing plants.
 - (F) [326 IAC 2-9-9](#) for concrete batch operations.
 - (G) [326 IAC 2-9-10](#) for coal mines and coal preparation plants that:
 - (i) have provided public notice under [312 IAC 25-4-108](#); and

- (ii) included a reference of the application for an operating agreement in the notice.
- (H) [326 IAC 2-9-11](#) for automobile refinishing operations.
- (I) [326 IAC 2-9-12](#) for degreasing operations.
- (J) [326 IAC 2-9-16](#) for miscellaneous metal parts surface coating operations.
- (K) [326 IAC 2-9-18](#) for wood furniture and cabinet surface coating operations.

(2) New sources or modifications to existing sources that obtain and comply with up to four (4) of the enforceable operating agreements under [326 IAC 2-9](#) if the total source PTE is less than the following thresholds:

- (A) Twenty-five (25) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).
- (B) Twenty-five (25) tons per year of the following pollutants:
 - (i) Sulfur dioxide (SO_2).
 - (ii) Nitrogen oxides (NO_x).
- (C) Twenty-five (25) tons per year of VOC for sources that are not described by clause (D).
- (D) Twenty-five (25) tons per year of VOC for sources that require the use of air pollution control equipment to comply with the applicable provisions of [326 IAC 8](#).
- (E) One hundred (100) tons per year of carbon monoxide (CO).
- (F) Five (5) tons per year of lead (Pb).
- (G) Twenty-five (25) tons per year of the following regulated air pollutants:
 - (i) Hydrogen sulfide (H_2S).
 - (ii) Total reduced sulfur (TRS).
 - (iii) Reduced sulfur compounds.
 - (iv) Fluorides.
- ~~(2) (3)~~ New sources that comply with the limitations set forth in [326 IAC 2-11](#).
- ~~(3) (4)~~ New sources eligible for and obtaining a general permit that includes emissions limits that are less than the applicability thresholds in [326 IAC 2-5.1-2](#) and [326 IAC 2-5.1-3](#).
- ~~(4) (5)~~ New sources with the potential to emit less than ten (10) tons per year of a single HAP, as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of HAPs, and not otherwise required to apply for and obtain a registration or permit.

The exclusion from the new source requirements of [326 IAC 2-5.1-2](#) for registrations and [326 IAC 2-5.1-3](#) for permits under subdivisions (1) through ~~(3)~~ (4) shall only apply to those rules and rule sections that have been approved by the U.S. EPA as part of the SIP.

(e) Except for modifications subject to [326 IAC 2-2](#) or [326 IAC 2-3](#), the new source requirements of [326 IAC 2-5.1-2](#) for registrations and [326 IAC 2-5.1-3](#) for permits, the modification approval requirements under [326 IAC 2-7-10.5](#), and the permit revision requirements under [326 IAC 2-6.1-6](#) and [326 IAC 2-8-11.1](#), including the requirement to submit an application, do not apply to the following:

(1) New sources or modifications to existing sources that are proposed to be operated or constructed, that have the potential to emit less than the following amounts:

- (A) Five (5) tons per year of either particulate matter (PM) or particulate matter with an aerodynamic diameter less than ten (10) micrometers (PM_{10}).
- (B) Ten (10) tons per year of sulfur dioxide (SO_2).
- (C) Ten (10) tons per year of nitrogen oxides (NO_x).
- (D) Ten (10) tons per year of VOC for sources or modifications. ~~that are not described by clause (E).~~
- ~~(E) Five (5) tons per year of VOC for sources or modifications that require the use of air pollution control equipment to comply with the applicable provisions of [326 IAC 8](#).~~
- ~~(F) (E)~~ Twenty-five (25) tons per year of carbon monoxide (CO).
- ~~(G) (F)~~ Two-tenths (0.2) ton per year of lead (Pb).
- ~~(H) (G)~~ One (1) ton per year of a single HAP or two and one-half (2.5) tons per year of any combination of HAPs listed pursuant to Section 112(b) of the CAA.
- ~~(H) (H)~~ Five (5) tons per year of the following regulated air pollutants:
 - (i) Hydrogen sulfide (H_2S).
 - (ii) Total reduced sulfur (TRS).
 - (iii) Reduced sulfur compounds.
 - (iv) Fluorides.

(2) Modifications of existing sources that consist of only an emissions unit or units or process or processes whose primary purpose is to conduct research and development into new processes and products, provided the modification:

- (A) is operated under the close supervision of technically trained personnel;
- (B) is conducted for the primary purpose of theoretical research or research and development into new or

improved processes and products;

(C) does not manufacture more than de minimis amounts of commercial products;

(D) does not contribute to the manufacture of commercial products by collocated sources in more than a de minimis manner; and

(E) is not subject to [326 IAC 2-2](#) or [326 IAC 2-3](#).

(3) New sources or modifications of existing sources that consist of only a laboratory as defined in this subdivision. As used in this subdivision, "laboratory" means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds or other substances, or similar activities, provided that the activities described in this subdivision are conducted on a laboratory scale. Activities are conducted on a laboratory scale if the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one (1) person. If a laboratory manufactures or produces products for profit in more than a de minimis manner, it shall not be considered to be a laboratory under this subdivision. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or from emission units that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(4) New sources or modifications of existing sources that consist of only educational and teaching activities as defined in this subdivision. As used in this subdivision, "educational and teaching activities" means activities conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes provided the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution. Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities. Support activities do not include the provision of power to the educational and teaching activities from emission units that provide power to multiple projects or from emission units that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

(5) New sources or modifications of existing sources that consist of only combustion related activities, as follows:

(A) Space heaters, process heaters, heat treat furnaces, or boilers described as follows:

(i) Natural gas-fired combustion sources with heat input equal to or less than ten million (10,000,000) British thermal units per hour.

(ii) Propane or ~~liquefied~~ **liquefied** petroleum gas or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) British thermal units per hour.

(iii) Fuel oil-fired combustion sources:

(AA) with heat input equal to or less than two million (2,000,000) British thermal units per hour; and

(BB) firing fuel containing equal to or less than five-tenths percent (0.5%) sulfur by weight.

(iv) Wood-fired combustion sources:

(AA) with heat input equal to or less than one million (1,000,000) British thermal units per hour; and

(BB) not burning treated wood or chemically contaminated wood.

(B) Equipment powered by diesel fuel fired or natural gas fired internal combustion engines of capacity equal to or less than five hundred thousand (500,000) British thermal units per hour, except where total capacity of equipment operated by one (1) stationary source exceeds two million (2,000,000) British thermal units per hour.

(C) Combustion source flame safety purging on start-up.

(D) Portable electrical generators that can be moved by hand from one (1) location to another. As used in this clause, "moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance, or device.

(E) Combustion emissions from propulsion of mobile sources.

(F) Fuel use related to food preparation for on-site consumption.

(G) Tobacco smoking rooms and areas.

(H) Blacksmith forges.

(I) Indoor and outdoor kerosene heaters.

(6) New sources or modifications of existing sources that consist of only activities that dispense fuel, as follows:

(A) A gasoline dispensing operation:

(i) having a storage tank capacity equal to or less than ten thousand five hundred (10,500) gallons; and

(ii) dispensing less than or equal to one thousand three hundred (1,300) gallons per day.

Such storage tanks may be in a fixed location or on mobile equipment.

(B) A petroleum fuel other than a gasoline dispensing facility:

(i) having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons; and

- (ii) dispensing three thousand five hundred (3,500) gallons per day or less.
- (7) New sources or modifications of existing sources that consist of only the following VOC and HAP storage containers:
 - (A) Storage tanks with:
 - (i) capacity less than or equal to one thousand (1,000) gallons; and
 - (ii) annual throughputs equal to or less than twelve thousand (12,000) gallons.
 - (B) Vessels storing the following:
 - (i) Lubricating oils.
 - (ii) Hydraulic oils.
 - (iii) Machining oils.
 - (iv) Machining fluids.
- (8) New sources or modifications of existing sources that consist of only refractory storage not requiring air pollution control equipment.
- (9) New sources or modifications of existing sources that consist of only equipment used exclusively for the following:
 - (A) Packaging of the following:
 - (i) Lubricants.
 - (ii) Greases.
 - (B) Filling drums, pails, or other packaging containers with the following:
 - (i) Lubricating oils.
 - (ii) Waxes.
 - (iii) Greases.
- (10) New sources or modifications of existing sources that consist of only the following:
 - (A) Application of:
 - (i) oils;
 - (ii) greases;
 - (iii) lubricants; and
 - (iv) nonvolatile material;as temporary protective coatings.
 - (B) Machining where an aqueous cutting coolant continuously floods the machining interface.
 - (C) Degreasing operations that do not exceed one hundred forty-five (145) gallons per twelve (12) months except if subject to [326 IAC 20-6](#).
 - (D) Cleaners and solvents characterized as having a vapor pressure equal to or less than:
 - (i) two (2) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight (38) degrees Centigrade (one hundred (100) degrees Fahrenheit); or
 - (ii) seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit);the use of which, for all cleaners and solvents combined, does not exceed one hundred forty-five (145) gallons per twelve (12) months.
 - (E) The following equipment related to manufacturing activities not resulting in the emission of HAPs as defined under Section 112(b) of the CAA:
 - (i) Brazing.
 - (ii) Cutting torches.
 - (iii) Soldering.
 - (iv) Welding.
 - (F) Closed loop heating and cooling systems.
 - (G) Infrared cure equipment.
 - (H) Exposure chambers (towers or columns), for curing of ultraviolet inks and ultraviolet coatings where heat is the intended discharge.
 - (I) Any of the following structural steel and bridge fabrication activities:
 - (i) Cutting two hundred thousand (200,000) linear feet or less of one (1) inch plate or equivalent per year.
 - (ii) Using eighty (80) tons or less of welding consumables per year.
- (11) New sources or modifications of existing sources that consist of only activities associated with the following recovery systems:
 - (A) Rolling oil recovery systems.
 - (B) Ground water oil recovery wells.
- (12) New sources or modifications of existing sources that consist of only solvent recycling systems with batch capacity less than or equal to one hundred (100) gallons.
- (13) New sources or modifications of existing sources that consist of only the following water based activities:
 - (A) Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume.

- (B) Water runoff ponds for petroleum coke-cutting and coke storage piles.
 - (C) Activities associated with the transportation and treatment of sanitary sewage, provided discharge to the treatment plant is under the control of the owner or operator, that is, an on-site sewage treatment facility. This does not include sanitary sludge incineration.
 - (D) Any operation using aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs as defined under Section 112(b) of the CAA.
 - (E) Water-based adhesives that are less than or equal to five percent (5%) by volume of VOCs excluding HAPs as defined under Section 112(b) of the CAA.
 - (F) Noncontact cooling tower systems with either of the following:
 - (i) Natural draft cooling towers not regulated under a NESHAP.
 - (ii) Forced and induced draft cooling tower systems not regulated under a NESHAP.
 - (G) Quenching operations used with heat treating processes.
- Oil, grease, or VOC content shall be determined by a test method acceptable to the commissioner and the U.S. EPA.
- (14) New sources or modifications of existing sources that consist of only trimmers that:
 - (A) do not produce fugitive emissions; and
 - (B) are equipped with a dust collection or trim material recovery device, such as a bag filter or cyclone.
 - (15) New sources or modifications of existing sources that consist of only stockpiled soils from soil remediation activities that are covered and waiting transport for disposal.
 - (16) New sources or modifications of existing sources that consist of only paved and unpaved roads and parking lots with public access.
 - (17) New sources or modifications of existing sources that consist of only general construction activities not related to the construction of an emissions unit.
 - (18) New sources or modifications of existing sources that consist of only conveyors as follows:
 - (A) Covered conveyors for solid raw material, including:
 - (i) coal or coke conveying less than or equal to three hundred sixty (360) tons per day; or
 - (ii) limestone conveying less than or equal to seven thousand two hundred (7,200) tons per day for sources other than mineral processing plants constructed after August 31, 1983.
 - (B) Uncovered coal or coke conveying less than or equal to one hundred twenty (120) tons per day.
 - (C) Underground conveyors.
 - (D) Enclosed systems for conveying plastic raw material and plastic finished goods.
 - (19) New sources or modifications of existing sources that consist of only coal bunker and coal scale exhausts and associated dust collector vents.
 - (20) New sources or modifications of existing sources that consist of only asbestos abatement projects regulated by [326 IAC 14-10](#).
 - (21) New sources or modifications of existing sources that consist of only routine maintenance and repair of buildings, structures, or vehicles at the source where air emissions from those activities would not be associated with any production process, as follows:
 - (A) Purging of gas lines.
 - (B) Purging of vessels.
 - (22) New sources or modifications of existing sources that consist of only flue gas conditioning systems and associated chemicals, as follows:
 - (A) Sodium sulfate.
 - (B) Ammonia.
 - (C) Sulfur trioxide.
 - (23) New sources or modifications of existing sources that consist of only equipment used to collect any material that might be released during a malfunction, process upset, or spill cleanup, as follows:
 - (A) Catch tanks.
 - (B) Temporary liquid separators.
 - (C) Tanks.
 - (D) Fluid handling equipment.
 - (24) New sources or modifications of existing sources that consist of only furnaces used for melting metals other than beryllium with a brim full capacity equal to or less than four hundred fifty (450) cubic inches by volume.
 - (25) New sources or modifications of existing sources that consist of only activities associated with emergencies, as follows:
 - (A) On-site fire training approved by the commissioner.
 - (B) Emergency generators as follows:
 - (i) Gasoline generators not exceeding one hundred ten (110) horsepower.
 - (ii) Diesel generators not exceeding one thousand six hundred (1,600) horsepower.
 - (iii) Natural gas turbines or reciprocating engines not exceeding sixteen thousand (16,000) horsepower.

- (C) Stationary fire pump engines.
- (26) New sources or modifications of existing sources that consist of only grinding, and machining, operations controlled with fabric filters, scrubbers, mist collectors, wet collectors, and electrostatic precipitators with a design **outlet** grain loading of less than or equal to three-hundredths (0.03) grain per actual cubic foot and a gas flow rate less than or equal to four thousand (4,000) actual cubic feet per minute, as follows:
 - (A) Deburring.
 - (B) Buffing.
 - (C) Polishing.
 - (D) Abrasive blasting.
 - (E) Pneumatic conveying.
 - (F) Woodworking operations.
- (27) New sources or modifications of existing sources that consist of only purge double block and bleed valves.
- (28) New sources or modifications of existing sources that consist of only filter or coalescer media changeout.
- (29) New sources or modifications of existing sources that consist of only vents from ash transport systems not operated at positive pressure.
- (30) New sources or modifications of existing sources that consist of only mold release agents using low volatile products with a vapor pressure less than or equal to two (2.0) kilo Pascals measured at thirty-eight (38) degrees Centigrade.
- (31) New sources or modifications of existing sources that consist of only farm operations, except concentrated animal feeding operations as defined in 40 CFR 122.23.
- (32) New sources or modifications of existing sources that consist of only water-related activities, as follows:
 - (A) Production of hot water for on-site personal use not related to any industrial or production process.
 - (B) Water treatment activities used to provide potable and process water for the plant, excluding any activities associated with wastewater treatment.
 - (C) Steam traps, vents, leaks, and safety relief valves.
 - (D) Cooling ponds.
 - (E) Laundry operations using only water solutions of bleach or detergents.
 - (F) Demineralized water tanks and demineralizer vents.
 - (G) Boiler water treatment operations, not including cooling towers.
 - (H) Oxygen scavenging (deaeration) of water.
 - (I) Steam cleaning operations and steam sterilizers.
 - (J) Pressure washing of equipment.
 - (K) Water jet cutting operations.
- (33) New sources or modifications of existing sources that consist of only ventilation, venting equipment, and refrigeration, as follows:
 - (A) Ventilation exhaust, central chiller water systems, refrigeration, and air conditioning equipment not related to any industrial or production process, including natural draft hoods or ventilating systems that do not remove air pollutants.
 - (B) Stack and vents from plumbing traps used to prevent the discharge of sewer gases, handling domestic sewage only, excluding those at wastewater treatment plants or those handling any industrial waste.
 - (C) Vents from continuous emissions monitors and other analyzers.
 - (D) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
 - (E) Air vents from air compressors.
 - (F) Vents for air cooling of electric motors provided the air does not commingle with regulated air pollutants.
 - (G) Vents from equipment used to air blow water from cooled plastics strands or sheets.
- (34) New sources or modifications of existing sources that consist of only activities related to routine fabrication, maintenance, and repair of buildings, structures, equipment, or vehicles at the source where air emissions from those activities would not be associated with any commercial production process, as follows:
 - (A) Activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and roadways.
 - (B) Painting, including interior and exterior painting of buildings, and solvent use excluding degreasing operations utilizing halogenated organic solvents.
 - (C) Brazing, soldering, or welding operations and associated equipment.
 - (D) Portable blast-cleaning equipment with enclosures.
 - (E) Blast-cleaning equipment using water as the suspension agent and associated equipment.
 - (F) Batteries and battery charging stations, except at battery manufacturing plants.
 - (G) Lubrication, including:
 - (i) hand-held spray can lubrication;
 - (ii) dipping metal parts into lubricating oil; or
 - (iii) manual or automated addition of cutting oil in machining operations.

- (H) Nonasbestos insulation installation or removal.
 - (I) Tarring, retarring, and repair of building roofs.
 - (J) Bead blasting of heater tubes.
 - (K) Instrument air dryer and filter maintenance.
 - (L) Manual tank gauging.
 - (M) Open tumblers associated with deburring operations in maintenance shops.
- (35) New sources or modifications of existing sources that consist of only activities performed using hand-held equipment, as follows:
- (A) Application of hot melt adhesives with no VOC in the adhesive formulation.
 - (B) Buffing.
 - (C) Carving.
 - (D) Cutting, excluding cutting torches.
 - (E) Drilling.
 - (F) Grinding.
 - (G) Machining wood, metal, or plastic.
 - (H) Polishing.
 - (I) Routing.
 - (J) Sanding.
 - (K) Sawing.
 - (L) Surface grinding.
 - (M) Turning wood, metal, or plastic.
- (36) New sources or modifications of existing sources that consist of only housekeeping and janitorial activities and supplies, as follows:
- (A) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
 - (B) Steam cleaning activities.
 - (C) Restrooms and associated cleanup operations and supplies.
 - (D) Alkaline or phosphate cleaners and associated equipment.
 - (E) Mobile floor sweepers and floor scrubbers.
 - (F) Pest control fumigation.
- (37) New sources or modifications of existing sources that consist of only office-related activities, as follows:
- (A) Office supplies and equipment.
 - (B) Photocopying equipment and associated supplies.
 - (C) Paper shredding.
 - (D) Blueprint machines, photographic equipment, and associated supplies.
- (38) New sources or modifications of existing sources that consist of only lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
- (39) New sources or modifications of existing sources that consist of only storage equipment and activities, as follows:
- (A) Pressurized storage tanks and associated piping for the following:
 - (i) Acetylene.
 - (ii) Anhydrous ammonia.
 - (iii) Carbon monoxide.
 - (iv) Chlorine.
 - (v) Inorganic compounds.
 - (vi) Liquid petroleum gas (LPG).
 - (vii) Liquid natural gas (LNG).
 - (viii) Natural gas.
 - (ix) Nitrogen dioxide.
 - (x) Sulfur dioxide.
 - (B) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOC or HAP as defined under Section 112(b) of the CAA.
 - (C) Storage tanks, reservoirs, and pumping and handling equipment of any size containing:
 - (i) soap;
 - (ii) vegetable oil;
 - (iii) grease;
 - (iv) wax;
 - (v) animal fat; and
 - (vi) nonvolatile aqueous salt solutions;provided appropriate lids and covers are utilized.
 - (D) Storage of drums containing maintenance raw materials.

- (E) Storage of:
 - (i) castings;
 - (ii) lance rods; or
 - (iii) any non-HAP containing material in solid form stored in a sealed or covered container.
- (F) Portable containers used for the collection, storage, or disposal of materials provided the:
 - (i) container capacity is equal to or less than forty-six hundredths (0.46) cubic meter; and
 - (ii) container is closed, except when the material is added or removed.
- (40) New sources or modifications of existing sources that consist of only emergency and standby equipment, as follows:
 - (A) Emergency (backup) electrical generators at residential locations, such as dormitories, prisons, and hospitals.
 - (B) Safety and emergency equipment except engine driven fire pumps, including fire suppression systems and emergency road flares.
 - (C) Process safety relief devices installed solely for the purpose of minimizing injury to persons or damage to equipment that could result from abnormal process operating conditions, as follows:
 - (i) Explosion relief vents, diaphragms, or panels.
 - (ii) Rupture discs.
 - (iii) Safety relief valves.
 - (D) Activities and equipment associated with on-site medical care not otherwise specifically regulated.
 - (E) Vacuum producing devices for the purpose of removing potential accidental releases.
- (41) New sources or modifications of existing sources that consist of only sampling and testing equipment and activities, as follows:
 - (A) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
 - (B) Hydraulic and hydrostatic testing equipment.
 - (C) Ground water monitoring wells and associated sample collection equipment.
 - (D) Environmental chambers not using HAP gases.
 - (E) Shock chambers.
 - (F) Humidity chambers.
 - (G) Solar simulators.
 - (H) Sampling activities, including:
 - (i) sampling of waste; or
 - (ii) glove box sampling, charging, and packaging.
 - (I) Instrument air dryers and distribution.
 - (J) VOC sampling activities associated with soil remediation projects.
- (42) New sources or modifications of existing sources that consist of only use of consumer products and equipment where the product or equipment is:
 - (A) used at a source in the same manner as normal consumer use; and
 - (B) not associated with any production process.
- (43) New sources or modifications of existing sources that consist of only equipment and activities related to the handling, treating, and processing of animals, as follows:
 - (A) Equipment used exclusively to slaughter animals, but not including the following:
 - (i) Rendering cookers.
 - (ii) Boilers.
 - (iii) Heating plants.
 - (iv) Incinerators.
 - (v) Electrical power generating equipment.
 - (B) Veterinary operating rooms and laboratories.
- (44) New sources or modifications of existing sources that consist of only activities generating limited amounts of fugitive dust, as follows:
 - (A) Fugitive emissions related to movement of passenger vehicles, provided:
 - (i) the emissions are not counted for applicability purposes as a major source under [326 IAC 2-7-1\(22\)\(B\)](#); and
 - (ii) any required fugitive dust control plan or its equivalent is submitted.
 - (B) Soil boring.
 - (C) Road salting and sanding.
- (45) New sources or modifications of existing sources that consist of only activities associated with production, as follows:
 - (A) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.
 - (B) Electrical resistance welding.
 - (C) Carbon dioxide (CO₂) lasers, used only on metals and other materials that do not emit HAPs as defined

under Section 112(b) of the CAA in the process.

(D) Laser trimmers that:

(i) do not produce fugitive emissions; and

(ii) are equipped with a dust collection device, such as a bag filter, cyclone, or equivalent device.

(E) Application equipment for hot melt adhesives with no VOC in the adhesive formulation.

(F) Drop hammers or hydraulic presses for forging or metalworking.

(G) Air compressors and pneumatically operated equipment, including hand tools.

(H) Compressor or pump lubrication and seal oil systems.

(I) Equipment used to mix and package:

(i) soaps;

(ii) vegetable oil;

(iii) grease;

(iv) animal fat; and

(v) nonvolatile aqueous salt solutions;

provided appropriate lids and covers are utilized.

(J) Equipment for washing or drying fabricated glass or metal products, if no:

(i) VOCs or HAPs as defined under Section 112(b) of the CAA are used in the process; and

(ii) gas, oil, or solid fuel is burned.

(K) Handling of solid steel, including coils and slabs, excluding scrap burning, scarfing, and charging into steel making furnaces and vessels.

(46) The following types of miscellaneous equipment and activities:

(A) Equipment used for surface coating, painting, dipping, or spraying operation, except those that will emit VOCs or HAPs as defined under Section 112(b) of the CAA.

(B) Condensate drains for natural gas and landfill gas.

(C) Electric or steam heated drying ovens and autoclaves, including only the heating emissions and not any associated process emissions.

(D) Salt baths using nonvolatile salts, including caustic solutions that do not result in emissions of any regulated air pollutants.

(E) Ozone generators.

(F) Portable dust collectors.

(G) Scrubber systems circulating water based solutions of inorganic salts or bases that are installed to be available for response to emergency situations.

(H) Soil borrow pits.

(I) Manual loading and unloading operations.

(J) Purging of refrigeration devices using a combination of nitrogen and CFC-22 (R-22) as pressure test media.

(K) Construction and demolition operations.

(L) Mechanical equipment gear boxes and vents that are isolated from process materials.

(M) Nonvolatile mold release waxes and agents.

(N) The reconfiguration of existing equipment.

(O) The movement of existing equipment within a building.

(P) The replacement, reconfiguration, or addition of secondary equipment that supports an emission unit.

(Q) The replacement, reconfiguration, or addition of supporting devices, such as piping or ductwork.

(R) The replacement or addition of air pollution control devices.

(S) The removal of equipment.

This subdivision is not meant to describe emission units or activities associated with the miscellaneous equipment and activities that would otherwise require approval under this article.

(f) [326 IAC 2-7](#), [326 IAC 2-8](#), and [326 IAC 2-9](#) shall not apply to a source operating in compliance with the requirements of [326 IAC 2-10](#) or [326 IAC 2-11](#).

(g) [326 IAC 2-6.1](#) shall not apply to a source operating pursuant to one (1) of the following:

(1) A Part 70 permit under [326 IAC 2-7](#).

(2) A federally enforceable state operating permit (FESOP) under [326 IAC 2-8](#).

(3) An operating agreement under [326 IAC 2-9](#).

(4) A permit-by-rule under one (1) of the following rules:

(A) [326 IAC 2-10](#).

(B) [326 IAC 2-11](#).

(h) The requirements for an operating permit revision under [326 IAC 2-6.1-6](#) or [326 IAC 2-8-11.1](#), modification approval under [326 IAC 2-7-10.5](#), or an administrative amendment under [326 IAC 2-8-10](#) shall not apply to the following modifications:

(1) A modification that has the potential to emit less than one (1) ton per year of a single HAP as defined under Section 112(b) of the CAA or two and five-tenths (2.5) tons per year of any combination of HAPs.

(2) A modification at an existing source that:

(A) consists only of:

(i) changes in a method of operation;

(ii) minor physical changes as follows:

(AA) the reconfiguration of existing equipment;

(BB) the movement of existing equipment within a building;

(CC) the replacement, reconfiguration, or addition of secondary equipment that supports an emission unit;

(DD) the replacement, reconfiguration, or addition of supporting devices, such as piping or ductwork;

(EE) the replacement or addition of air pollution control devices; **or**

(FF) the removal of equipment.

(iii) or a combination thereof; and

(B) ~~that~~ does not result in an increase in the potential to emit that:

(i) exceeds the significance levels established in [326 IAC 2-2-1](#);

(ii) exceeds the significance levels established in [326 IAC 2-3-1](#);

(iii) is subject to [326 IAC 2-4.1](#) concerning new source toxics control;

(iv) is greater than or equal to fifteen (15) pounds per day of VOCs from an existing source in Lake County or Porter County that has the potential to emit, as defined by [326 IAC 2-3-1](#)(gg), or actual emissions of twenty-five (25) tons per year;

(v) is greater than or equal to twenty-five (25) pounds per day of NO_x from an existing source in Lake County or Porter County that has the potential to emit, as defined by [326 IAC 2-3-1](#)(gg), or actual emissions of twenty-five (25) tons per year;

(vi) is greater than or equal to one (1) ton or more per year of lead or lead compounds measured as elemental lead and the source is:

(AA) a primary lead smelter;

(BB) a secondary lead smelter;

(CC) a primary copper smelter;

(DD) a lead gasoline additive plant; or

(EE) a lead-acid storage battery manufacturing plant that produces two thousand (2,000) or more batteries per day;

(vii) is greater than or equal to five (5) tons or more per year of lead or lead compounds measured as elemental lead and the source is not listed in ~~clause (F)~~; **item (vi)**;

(viii) is greater than or equal to six-tenths (0.6) ton per year, for a source of lead emissions with a potential to emit greater than or equal to five (5) tons per year;

(ix) is an emissions increase of VOC or NO_x subject to [326 IAC 2-3-2](#)(b)(2) or [326 IAC 2-3-2](#)(b)(3) at an existing source in Lake County or Porter County that emits or has the potential to emit twenty-five (25) tons per year of VOC or NO_x;

(x) is greater than or equal to fifteen (15) tons per year particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀); or

(xi) is subject to the provisions of [326 IAC 8-1-6](#) that has not previously been subject to review in accordance with [326 IAC 8-1-6](#).

(3) Temporary operations and experimental trials that involve construction, reconstruction, or modification and that meet the following criteria:

(A) The potential emissions from the construction or reconstruction of a facility or source or the potential emissions increase from the modification are less than twenty-five (25) tons for the duration of the operation.

(B) The construction, reconstruction, or modification is not a major source or modification as defined by [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-7](#).

(C) The purpose of the construction, reconstruction, or modification is to:

(i) collect data for experimental purposes, including, but not limited to, process improvements, new product development, and pollution prevention; or

(ii) temporarily conduct an operation not considered part of the normal operation or production of the facility or source.

(D) The duration of the temporary operation or experimental trial is less than thirty (30) days of total operating time.

(E) If the construction, reconstruction, or modification is part of a soil or water remediation project, the:

(i) duration of the project is less than twenty-four (24) hours or a greater period, not to exceed seventy-two

- (72) hours, as determined to be necessary by the department considering the nature of the project or the manner of testing; and
- (ii) purpose of the project is to identify parameters necessary to design the remediation effort.
- (F) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at least seven (7) days before beginning the construction, reconstruction, or modification. The notice shall contain the following information:
- (i) A description of the purpose of the construction, reconstruction, or modification.
 - (ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or source.
 - (iii) The dates the owner or operator anticipates the construction, reconstruction, or modification to begin, operations to begin, and operations to cease.
 - (iv) An estimate of the potential emissions and actual emissions increase resulting from the construction or reconstruction.
 - (v) The equipment involved in the construction, reconstruction, or modification.
- (G) If the construction, reconstruction, or modification would otherwise require a modification approval or operating permit revision, the owner or operator shall provide the department written notice of the proposed construction, reconstruction, or modification at most seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain the following information:
- (i) The actual start date of the construction, reconstruction, or modification.
 - (ii) The duration of the temporary operation or experimental trial.
 - (iii) The actual emissions occurring during the temporary operation or experimental trial.
- (H) The exemption provided by this subdivision shall not apply to facilities or sources whose operations are:
- (i) experimental in nature;
 - (ii) part of pilot plants; or
 - (iii) characterized by frequent product changes.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-1.1-3](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 982; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1550; filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#))

SECTION 3. [326 IAC 2-1.1-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-1.1-6](#) Public notice

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-15-3-1](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15-5-3](#); [IC 13-17](#)

Sec. 6. (a) Registrations, permits, modification approvals, and operating permit revisions issued under this article shall be subject to the following public notice requirements, except as otherwise required in this article. The commissioner shall notify the public of the opportunity to comment on the proposed approval or denial of the registration, permit, modification approval, or operating permit revision as follows:

(1) The commissioner shall **do the following**:

(A) Provide notice of the receipt of a permit or operating permit revision application to the following:

- (A) (i)** The county executive of a county that is affected by the permit application.
- (B) (ii)** The executive of a city that is affected by the permit application.
- (C) (iii)** The executive of a town council of a town that is affected by the permit application.

The commissioner may require a person who submits an application to provide information on the application necessary for the commissioner to implement this subdivision.

~~(2) The commissioner shall~~ **(B)** Publish a notice requesting comment on the proposed permit or permit revision approval or denial in a newspaper of general circulation in the area where the source or emissions unit is located.

~~(3) The commissioner shall~~ **(C)** Provide a document supporting the proposed permit or permit revision for public inspection in the offices of the local air pollution control agency or the local health commissioner.

- ~~(4) The commissioner shall~~ **(D)** Allow a period of at least thirty (30) calendar days opportunity for public comment.
- ~~(5)~~ **(2)** The commissioner may allow opportunity for a public hearing unless otherwise noted.
- ~~(6)~~ **(3)** The commissioner shall provide notice of the commissioner's issuance or denial to those parties listed in [IC 13-15-5-3\(c\)](#).

(b) The following approvals and operating permit revisions shall not be subject to the public notice requirements of this section:

- (1) Registrations issued pursuant to ~~under~~ [326 IAC 2-5.1-2](#).
- (2) ~~Notice only~~ **Administrative amendment** operating permit revisions pursuant to ~~under~~ [326 IAC 2-6.1-6\(d\)](#).
- (3) Administrative amendments pursuant to ~~under~~ [326 IAC 2-7-11](#) and [326 IAC 2-8-10](#).
- (4) A determination by the commissioner that a source is exempt from the requirements of this article.
- (5) A minor permit revision or modification approval under the following:
 - (A) [326 IAC 2-6.1-6\(g\)](#).
 - (B) [326 IAC 2-7-10.5\(d\)](#).
 - (C) [326 IAC 2-8-11.1\(d\)](#).

(c) Within ten (10) days of the submission of an application, each applicant shall place a copy of the permit application or operating permit revision application for public review at a library in the county where the construction or modification is proposed. Each applicant shall notify the commissioner of the location of the library where the copy of the application was placed.

(d) Any person applying for a permit upon land that is either undeveloped or for which a valid existing permit has not been issued shall make, not more than ten (10) working days after submitting the permit application, a reasonable effort to provide notice to all owners or occupants of land adjoining the land ~~which~~ **that** is the subject of the application. Each applicant shall pay the cost of compliance with this subsection. The notice shall:

- (1)** be in writing; and
- (2)** include:
 - (A)** the date on which the application was submitted; and
 - (B)** a brief description of the subject of the application.

(e) Upon written request to the commissioner, a person may be included on a list of persons to receive notification of public comment periods, issuances or denials, or both.

(Air Pollution Control Board; [326 IAC 2-1.1-6](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 990; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#))

SECTION 4. [326 IAC 2-1.1-8](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-1.1-8](#) Time periods for determination on permit applications

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 4-21.5](#); [IC 13-15](#); [IC 13-17](#)

Sec. 8. (a) The department shall approve or deny an application received by the department within the following number of calendar days from receipt of ~~such~~ **the** application:

- (1) Two hundred seventy (270) days for an application concerning an air pollution construction permit for a major source or major modification, **significant source** modification, ~~approval~~, a significant permit revision under [326 IAC 2-6.1-6\(i\)\(1\)\(A\)](#), [326 IAC 2-7-10.5\(f\)\(1\)](#), or [326 IAC 2-8-11.1\(f\)\(1\)\(A\)](#), or a federally enforceable state operating permit (FESOP) under [326 IAC 2-8](#). For FESOP applications submitted before July 1, 1995, the two hundred seventy (270) days shall commence July 1, 1995.
- (2) One hundred twenty (120) days for an application concerning an air pollution construction permit for a minor source required under [326 IAC 2-5.1-3](#), ~~or~~ a significant permit revision required under [326 IAC 2-6.1-6\(i\)\(1\)\(B\)](#) through [326 IAC 2-6.1-6\(i\)\(1\)\(J\)](#), ~~or~~ **[326 IAC 2-8-11.1\(f\)\(1\)\(B\)](#) through [326 IAC 2-8-11.1\(f\)\(1\)\(J\)](#), or a significant source modification under [326 IAC 2-7-10.5\(f\)\(2\)](#) through [326 IAC 2-7-10.5\(f\)\(9\)](#).** ~~or [326 IAC 2-8-11.1\(f\)\(1\)\(B\)](#) through [326 IAC 2-8-11.1\(f\)\(1\)\(J\)](#).~~
- (3) Sixty (60) days for an application concerning an air pollution registration required under [326 IAC 2-5.1-2](#), **administrative amendments under [326 IAC 2-7-11](#)**, or a source specific operating agreement under [326 IAC](#)

2-9.

(4) ~~Forty-five (45)~~ **Sixty (60)** days for an application concerning a minor permit revision described under [326 IAC 2-6.1-6\(g\)](#), [326 IAC 2-7-10.5\(d\)](#), or [326 IAC 2-8-11.1\(d\)\(1\)](#).

(5) Forty-five (45) days shall be added to the time period established in this subsection if the department determines that a public hearing should be held under section 6 of this rule.

(b) The department shall approve or deny an application filed with the department within the time period described under subsection (a) unless **the:**

(1) the general assembly enacts a statute that imposes a new requirement on permit applications that makes it infeasible for the department to approve or deny the application within the applicable time period specified in subsection (a); or

(2) ~~the~~ department and an applicant, in regard to a particular permit application, agree in writing to extend the time period allowed under subsection (a).

(c) The time period described under subsection (a) shall begin and end as follows:

(1) The time period begins on **the date:**

(A) ~~the date~~ an application and a required fee is received and stamped received by the department; or

(B) ~~the date~~ marked by the department on a certified mail return receipt accompanying an application and a required fee;

whichever is earlier.

(2) The time period ends on the date that the department's decision to approve or deny an application is issued.

(d) The time period described under subsection (a) may be suspended if **the department:**

(1) ~~the department~~ receives a written request from an applicant to suspend processing of the application so that an issue related to an application can be resolved or additional information concerning an application can be provided; or

(2) ~~the department~~ mails a request for additional information to the applicant describing the reasons the application is not complete after determining that: ~~any of the following apply:~~

(A) an application:

(i) does not contain all of the information or documents, required by rules adopted by the board, that the department needs to process the application; **or**

~~(B) an application~~ (ii) contains provisions that are not consistent with an applicable rule or law; **or**

~~(C) (B)~~ an applicant fails to pay the required fee or submits a check that is not covered with sufficient funds.

(e) The time period described under subsection (a) shall be suspended on the day the applicant receives the department's request for additional information.

(f) The department may request, as part of a request for additional information, that an applicant conduct tests or sampling to provide information, consistent with requirements in rules adopted by the board, that is necessary for the department to process the application.

(g) The time period described under subsection (a) shall resume **on the date:**

(1) ~~on the date~~ the department receives, and stamps as received, the information or payment completing the application; or

(2) ~~on the date~~ marked on the certified mail return receipt that accompanied information or payment completing the application;

whichever is earlier.

(h) If an applicant's response does not provide all information requested in the request for additional information, the department shall notify the applicant within forty-five (45) calendar days after receiving the response. If the department finds an application to be incomplete after reviewing an applicant's response to a second or subsequent request for additional information, the department shall:

(1) deny the application pursuant to **under** subsection (j); or

(2) choose to issue a further request for additional information.

However, the time period described in subsection (a) may not be suspended unless the applicant agrees in writing to defer processing of the application pending the applicant's response to the request for additional information.

(i) The department shall inform a source of the status of the department's review of the source's application or shall issue a request for additional information:

- (1) within thirty (30) calendar days of the day an application concerning an air pollution construction permit for a minor source or a minor modification was filed with the department; and
- (2) within forty-five (45) calendar days of the day an application concerning an air pollution construction permit for a major source or major modification was filed with the department.

This rule does not establish a time frame for responding to air registration applications filed with the department other than that listed in subsection (a).

(j) The department may deny a permit application because the application is incomplete if an applicant:

- (1) fails to submit, within ~~sixty (60)~~ **thirty (30)** calendar days of receipt of a request for additional information, the requested information or a schedule for providing the requested information;
- (2) does not adhere to the schedule submitted under subdivision (1); or
- (3) fails to submit, within thirty (30) calendar days of receipt of a request for payment, a required fee or submits a check that is not covered with sufficient funds.

(k) The department may deny a permit application because it contains provisions that are not consistent with applicable rules or laws.

(l) A permit application fee for renewal of an operating permit or an annual fee for an operating permit is nonrefundable.

(m) If the department does not issue or deny a construction permit, registration, or permit revision within the time period specified under subsection (a), the department shall automatically refund the permit, registration, or permit revision application fee paid by the applicant, except as described in subsection (n)(2).

(n) Upon expiration of the specified time period in subsection (a), the department shall do the following:

- (1) Provide the applicant with a written determination of whether the time period specified under subsection (a) has expired.
- (2) If the time period under subsection (a) has expired, the department shall refund the applicant's application fee within thirty (30) calendar days of the expiration of the time period specified in subsection (a). The department shall not refund the application fee if, within thirty (30) calendar days of the expiration of the time period specified in subsection (a), the department determines:
 - (A) one (1) or more of the proposed emissions units is in operation without prior written authorization from the department; or
 - (B) construction has commenced on one (1) or more of the emissions units without prior written authorization from the department.
- (3) If the applicant is eligible for a refund of the application fee, the department shall do the following:
 - (A) Continue to review the application.
 - (B) Approve or deny the application as soon as practicable.
 - (C) Not bill the applicant for additional charges related to the application.
 - (D) Issue a schedule to the applicant for making a final determination on the pending application.

(o) The department shall present a report to the air pollution control board by October 15 of each calendar year, beginning in 1993. The report shall contain an evaluation of the actions taken by the department to improve the process of issuing air permits. The report shall include the following information for permits subject to the permit schedules in subsection (a) and for permit renewal applications:

- (1) The number of permit applications received, ~~and~~ the number of permits issued or denied in the previous calendar year, and the number of pending applications.
- (2) A description of the reduction or increase in the number of permit applications in the air permit program during the preceding calendar year.
- (3) The median review time spent on applications and renewals.
- (4) The number of public hearings requested and conducted.
- (5) The amount of air program permit fees collected and air program fee revenue spent during the preceding calendar year and the amount of fees refunded.
- (6) A discussion of possible increases or decreases in the operating costs of the department's air program permit and inspection activities.

- (7) A discussion of the measures that have been taken by the department to improve the operating efficiency of the air permit and inspection programs.
- (8) The amount of time the department spent conducting hearings on appeal and objections hearings under [IC 4-21.5](#) regarding air permits.
- (9) The number of requests for additional information issued by the department under subsection (d).
- (10) A discussion of the department's operational goals for the air program in the next twelve (12) months. The goals shall include processing at least ninety-five percent (95%) of the permit applications within the time frames listed under subsection (a).

(p) The remedies provided in subsections (m) and (n) are not the only remedies available to a permit applicant. A permit applicant is not prohibited from seeking other remedies available at law or in equity.

(Air Pollution Control Board; [326 IAC 2-1.1-8](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 993; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105)

SECTION 5. [326 IAC 2-1.1-9](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-1.1-9](#) Revocation

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 9. Any permit to construct or operate or any permit revision approval, **permit modification approval, or source modification approval** granted by the commissioner may be revoked for any of the following reasons:

- (1) Violation of any conditions of the permit, ~~or~~ permit revision approval, **permit modification approval, or source modification approval**.
- (2) Failure to disclose all the relevant facts or misrepresentation in obtaining the permit, ~~or~~ permit revision approval, **permit modification approval, or source modification approval**.
- (3) Changes in regulatory requirements that mandate either a temporary or permanent reduction of discharge of contaminants. However, the amendment of appropriate sections of a permit shall not require revocation of a permit.
- (4) Noncompliance with an order issued pursuant to [under 326 IAC 1-5](#) to reduce emissions during an air pollution episode.
- (5) For a permit authorizing construction, failure to commence construction of the source or emissions unit within eighteen (18) months from the date of the issuance of the permit or if, during the construction of the source or emissions unit, work is suspended for a continuous period of one (1) year or more.
- (6) Any other cause that establishes in the judgment of the commissioner the fact that continuance of the permit, ~~or~~ permit revision approval, **permit modification approval, or source modification approval** is not consistent with the purposes of this article.

(Air Pollution Control Board; [326 IAC 2-1.1-9](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 995)

SECTION 6. [326 IAC 2-5.1-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-5.1-3](#) Permits

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15-4-9](#); [IC 13-17](#)

Sec. 3. (a) On and after December 25, 1998, a new source must obtain a construction permit prior to beginning construction of an emissions unit under either of the following conditions:

- (1) The potential to emit is equal to or greater than the following:
 - (A) One (1) ton or more per year of lead or lead compounds measured as elemental lead and the source is one (1) of the following:
 - (i) A primary lead smelter.
 - (ii) A secondary lead smelter.
 - (iii) A primary copper smelter.
 - (iv) A lead gasoline additive plant.

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- (v) A lead-acid storage battery manufacturing plant that produces two thousand (2,000) or more batteries per day.
 - (B) Five (5) tons or more per year of lead or lead compounds measured as elemental lead and the source is not listed in clause (A).
 - (C) One hundred (100) tons per year of carbon monoxide (CO).
 - (D) Ten (10) tons per year of any single HAP or twenty-five (25) tons per year of any combination of HAPs listed pursuant to Section 112(b) of the CAA.
 - (E) Twenty-five (25) tons per year of the following regulated air pollutants:
 - (i) Particulate matter (PM) or particulate matter less than ten (10) microns (PM₁₀).
 - (ii) Sulfur dioxide (SO₂).
 - (iii) Nitrogen oxides (NO_x).
 - (iv) VOC.
 - (v) Hydrogen sulfide (H₂S).
 - (vi) Total reduced sulfur (TRS).
 - (vii) Reduced sulfur compounds.
 - (viii) Fluorides.
 - (2) The source belongs to any of the following source categories:
 - (A) A source consisting of a chromium electroplating tank, chromium anodizing tank, or an operation subject to [326 IAC 20-8](#). Sources consisting only of decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent that are subject to section 2 of this rule are not included.
 - (B) A source that includes medical waste incinerators subject to 40 CFR 60, Subpart Ec*.
 - (C) Area or minor sources that include an emission unit or units that require a Part 70 operating permit under [326 IAC 2-7](#).
- (b) Any person proposing the construction of a new source and required to obtain a construction permit under subsection (a), including any source or emissions unit that is subject to [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-4.1](#), shall prepare and submit a permit application to the commissioner in accordance with subsection (c).
- (c) At a minimum, an application shall include the following information:
- (1) The company name and address.
 - (2) The following descriptive information:
 - (A) A description of the nature and location of the proposed construction.
 - (B) The design capacity and typical operating schedule of the proposed construction.
 - (C) A description of the source and the emissions unit or units comprising the source.
 - (D) A description of any emission control equipment, including design specifications.
 - (3) A schedule for construction of the source.
 - (4) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA, the ambient air quality standards set forth in [326 IAC 1-3](#), or the prevention of significant deterioration maximum allowable increase under [326 IAC 2-2](#):
 - (A) Information on the nature and amount of the pollutants to be emitted, including an estimate of the potential to emit any regulated air pollutants.
 - (B) Estimates of offset credits as required under [326 IAC 2-3](#), for sources to be constructed in nonattainment areas.
 - (C) Monitoring, testing, reporting, and record keeping requirements.
 - (D) Any other information (including, but not limited to, the air quality impact) determined by the commissioner to be necessary to demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.
 - (5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an ~~acknowledgement~~ **acknowledgment** that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. The signature shall:
 - (A) constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application; and
 - (B) subject the applicant to liability under state laws forbidding false or misleading statements.
- (d) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

- (1) do not contain adequate information for the commissioner to process the application; or
- (2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within ~~sixty (60)~~ **thirty (30)** calendar days of receipt of the notice of deficiency. If the additional information is not submitted within ~~sixty (60)~~ **thirty (30)** calendar days, or the additional time provided by the commissioner, the application may be denied in accordance with [IC 13-15-4-9](#).

(e) Permits issued under this article shall contain the following:

(1) Emission limitations for any source or emissions unit that assure:

- (A) the ambient air quality standards set forth in [326 IAC 1-3](#) will be attained or maintained, or both;
- (B) the applicable prevention of significant deterioration maximum allowable increases set forth in [326 IAC 2-2](#) will be maintained;
- (C) the public health will be protected; and
- (D) compliance with the requirements of this title and the requirements of the CAA will be maintained.

(2) Monitoring, testing, reporting, and record keeping requirements that assure reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA. The requirements shall be in accordance with [326 IAC 3](#) and other applicable regulations.

(3) A requirement that any revision of an emission limitation, monitoring, testing, reporting, and record keeping requirements shall be made consistent with the permit revision requirements under [326 IAC 2-6.1-6](#), [326 IAC 2-7-12](#), or [326 IAC 2-8-11.1](#).

(4) The following requirements with respect to compliance:

- (A) The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with [326 IAC 3](#) or other methods approved by the commissioner.
- (B) Upon presentation of credentials and other documents as may be required by law, the owner or operator shall allow the commissioner, an authorized representative of the commissioner, or the U.S. EPA to perform the following:
 - (i) Enter upon the premises where:
 - (AA) a permitted source is located or emissions related activity is conducted; or
 - (BB) records required by a permit term or condition are kept.
 - (ii) Have access to and copy any records that must be kept under this title or the conditions of a permit or permit revision.
 - (iii) Inspect any:
 - (AA) operations;
 - (BB) processes;
 - (CC) emissions units (including monitoring and air pollution control equipment); or
 - (DD) practices;regulated or required under a permit or permit revision.
 - (iv) Sample or monitor substances or parameters for the purpose of assuring compliance with a permit, permit revision, or applicable requirement, as authorized by the CAA and this title.
 - (v) Document alleged violations using cameras or video equipment. The documentation may be subject to a claim of confidentiality under [326 IAC 17.1](#).

(5) For sources that will operate pursuant to an operating permit under [326 IAC 2-6.1](#), a requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the permit. The commissioner may request that the source provide an identification of all emissions units that have been installed that are described under [326 IAC 2-1.1-3\(d\)\(1\)](#) through [326 IAC 2-1.1-3\(d\)\(31\)](#) with the annual notification.

(f) Any permit issued under this section shall conform to the permit content requirements under subsection (e), except for the following:

- (1) Any permit that includes limitations on the potential to emit of a source must conform with the federally enforceable state operating permit (FESOP) permit content and compliance requirements under [326 IAC 2-8-4](#) and [326 IAC 2-8-5](#).
- (2) An applicant may request that the permit content and compliance requirements conform with the Part 70 requirements under [326 IAC 2-7-5](#) and [326 IAC 2-7-6](#) if the applicant is also requesting that the Part 70 permit issuance requirements under [326 IAC 2-7](#) apply.

(g) The commissioner shall provide for public notice and comment in accordance with [326 IAC 2-1.1-6](#) prior to issuing a construction permit.

(h) After receiving an approval to construct and prior to receiving approval to operate, a source shall prepare an affidavit of construction as follows:

(1) The affidavit shall include the following:

(A) The name and title of the authorized individual.

(B) The company name.

(C) An affirmation that the source was constructed in conformance with the requirements and intent of the construction permit application.

(D) Identification of any changes to the source not included in the construction permit application or any amendment thereof.

(E) The signature of the authorized individual.

(2) The affidavit shall be notarized.

(3) A source shall submit the affidavit to the commissioner after construction has been completed.

(i) A source may not operate any air pollutant emitting source or emissions unit prior to receiving a validation letter issued by the commissioner, except as provided in the following:

(1) A source may operate upon submission of an affidavit of construction that affirms that the source is described by, and will comply with, the construction permit as issued or previously amended.

(2) The commissioner shall issue a validation letter within five (5) working days of receipt of the affidavit of construction.

(3) The validation letter may authorize the operation of all or part of the source.

(4) The validation letter may include amendments to the permit if the amendments are requested by the source and if the amendment does not constitute a revision and require public notice and comment under [326 IAC 2-1.1-6](#).

(5) A validation letter may not approve the operation of any emissions unit if an amendment requested by the source would constitute a revision and require public notice and comment under [326 IAC 2-1.1-6](#).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-5.1-3](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1009; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed May 21, 2002, 10:20 a.m.: 25 IR 3059; filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#))

SECTION 7. [326 IAC 2-5.5-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-5.5-6](#) Registration revisions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 6. (a) Any person proposing to construct new emissions units, modify existing emissions units, or otherwise modify the source as described in this section shall submit an application or notification in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof, **without prior approval**, if the repair or replacement:

(1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;

(2) is not a major modification under [326 IAC 2-2-1](#), [326 IAC 2-3-1](#), or [326 IAC 2-4.1](#); and

(3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or registration revision under a provision of this rule, the

owner or operator of the source must submit an application for a permit or registration revision to the commissioner ~~no~~ **not** later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following:

(1) The information required under section 3(b) of this rule.

(2) **An** identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable:

(A) emission limits and standards; ~~applicable~~

(B) monitoring and test methods; and ~~applicable~~

(C) record keeping and reporting requirements as appropriate.

(d) Notwithstanding the public participation requirements under [326 IAC 2-1.1-6](#), the following changes shall be designated as ~~notice-only changes~~ **administrative amendments** and shall not require public notice or prior approval by the commissioner:

(1) Changes correcting typographical errors.

(2) Minor administrative changes such as a change in:

(A) the name, address, or telephone number of any person identified in a permit; or ~~a change in~~

(B) descriptive information concerning the source or emissions unit or units.

(3) Changes in ownership or operational control of a source.

(4) Modifications that would require more frequent monitoring or reporting.

~~(5) Modifications involving a pollution control project or pollution prevention project as defined in [326 IAC 2-1.1-1](#) that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in [326 IAC 2-5.1-3](#)(a) or a significant change in the method or methods to demonstrate or monitor compliance.~~

~~(6)~~ **(5)** Incorporation **or deletion** of newly applicable requirements as a result of a change in applicability.

~~(7)~~ **(6)** Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60, 40 CFR 61, or 40 CFR 63*.

~~(8)~~ **(7)** Incorporation of newly-applicable monitoring or testing requirements specified in 40 CFR 60, 40 CFR 61, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.

~~(9)~~ **(8)** Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.

~~(10)~~ **(9)** Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single ~~hazardous air pollutant~~ HAP as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs unless the modification would increase the potential to emit of the source above ten (10) tons per year of a single HAP or twenty-five (25) tons per year of any combination of HAPs.

~~(11) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless:~~

~~(A) the modification results in the replacement or repair of an entire process;~~

~~(B) the modification qualifies as a reconstruction of an entire process; or~~

~~(C) the modification may result in an increase of actual emissions.~~

(10) A modification that adds an emissions unit or units of the same type that are already permitted or replaces an existing unit and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in [326 IAC 2-2](#), [326 IAC 2-3](#), or would result in a potential to emit of the source equal to or greater than the thresholds in [326 IAC 2-5.1-3](#)(a).

~~(12)~~ **(11)** Modifications that consist of emission units described under [326 IAC 2-1.1-3](#)(e)(1) through [326 IAC 2-1.1-3](#)(e)(31).

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) days of making the change or modification and shall include the information required under section 3(b) of this rule. The notification shall be sent by one (1) of the following means:

(1) Certified mail.

(2) Delivery by hand or express service.

(3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall **do the following**:

(1) Revise the registration consistent with the following:

- ~~(1) The commissioner shall~~ **(A)** Revise the registration within thirty (30) days of receipt of the notification.
- ~~(2) The commissioner shall~~ **(B)** Send a copy of the revised registration to the registrant.
- ~~(3)~~ **(2)** The registrant may implement the change or modification upon submittal of the notification.

(g) Any person proposing to make a change or modification not described in subsection (d) shall:

- (1)** submit an application concerning the change or modification prior to making the change or modification; and ~~shall~~
- (2)** include the information under subsection (c).

(h) An application submitted in accordance with subsection (g) shall be processed as follows:

- (1) Within forty-five (45) days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:
 - (A) Approve the modification request and issue a revised registration incorporating the modification.
 - (B) Determine that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under [326 IAC 2-6.1](#), [326 IAC 2-7](#), or [326 IAC 2-8](#).
 - (C) Deny the modification request.
- (2) If, after review of the application, the commissioner determines that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under [326 IAC 2-6.1](#), [326 IAC 2-7](#), or [326 IAC 2-8](#), the commissioner shall:
 - (A) notify the source of the requirement to obtain an operating permit;
 - (B) provide the source with the appropriate permit application forms; and
 - (C) issue or deny the operating permit pursuant to the requirements in under [326 IAC 2-6.1](#), [326 IAC 2-7](#), or [326 IAC 2-8](#), whichever is applicable.

(Air Pollution Control Board; [326 IAC 2-5.5-6](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 794; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#); readopted filed Aug 25, 2010, 2:42 p.m.: [20100922-IR-326100394BFA](#))

SECTION 8. [326 IAC 2-6.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-6.1-1](#) Exemptions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. The following shall be exempt from the requirements of this rule:

- (1) Existing sources or modifications to existing sources **A new source or existing source** that meet ~~meets~~ the criteria for an exemption under [326 IAC 2-1.1-3](#). ~~or are not specifically required to obtain a permit under this rule shall be exempt from the requirements of this rule.~~
- (2) Existing sources operating pursuant **Except for sources described in section 2(2) of this rule, a new or existing source subject** to one (1) of the following:
 - (A) A Part 70 permit under [326 IAC 2-7](#).
 - (B) A federally enforceable state operating permit (FESOP) under [326 IAC 2-8](#).
 - (C) A source specific operating agreement under [326 IAC 2-9](#).
 - (D) A permit by rule under:
 - (i) [326 IAC 2-10](#); or
 - (E) A permit by rule under (ii) [326 IAC 2-11](#).
 - (E) A registration under [326 IAC 2-5.5](#)**

(Air Pollution Control Board; [326 IAC 2-6.1-1](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795; readopted filed Aug 25, 2010, 2:42 p.m.: [20100922-IR-326100394BFA](#))

SECTION 9. [326 IAC 2-6.1-2](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-6.1-2](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Sec. 2. Except for **The following** sources required to have a Part 70 permit as described in [326 IAC 2-7-2](#), sources in existence prior to December 25, 1998, and meeting any of the applicability criteria under [326 IAC 2-5.1-3\(a\)](#) shall apply for an air operating permit as described in this rule:

- (1) A source that meets the applicability criteria of [326 IAC 2-5.1-3\(a\)\(1\)](#) and is not exempted under section 1 of this rule.
- (2) A source with potential to emit below the Part 70 thresholds as defined in [326 IAC 2-7-1\(22\)](#) that includes the following:
 - (A) A chromium electroplating tank.
 - (B) A chromium anodizing tank.
 - (C) An operation subject to [326 IAC 20-8](#).

Sources consisting only of decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent that are subject to [326 IAC 2-5.5](#) are exempt from this rule.

- (3) A source that meets the criteria for an exemption under [326 IAC 2-1.1-3](#) or a registration under [326 IAC 2-5.5-1](#) that elects to apply for a permit under this rule.

(Air Pollution Control Board; [326 IAC 2-6.1-2](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795; readopted filed Aug 25, 2010, 2:42 p.m.: [20100922-IR-326100394BFA](#))

SECTION 10. [326 IAC 2-6.1-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-6.1-6](#) Permit revisions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15-5](#); [IC 13-17](#)

Sec. 6. (a) Any person proposing to construct new emission units, modify existing emission units, or otherwise modify the source as described in this section shall submit an application or notification for a permit revision in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof, **without prior approval**, if the repair or replacement:

- (1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;
- (2) is not a major modification under [326 IAC 2-2-1](#), [326 IAC 2-3-1](#), or [326 IAC 2-4.1](#); and
- (3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner ~~no~~ **not** later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following information:

- (1) The company name and address.
- (2) A description of the change and the emissions resulting from the change.
- (3) An identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable:
 - (A) emission limits and standards; ~~applicable~~
 - (B) monitoring and test methods; and ~~applicable~~
 - (C) record keeping and reporting requirements.
- (4) A schedule of compliance, if applicable.
- (5) Each application or notification shall be signed by an authorized individual whose signature constitutes an ~~acknowledgement~~ **acknowledgment** that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be modified and will operate in compliance with all

- applicable Indiana air pollution control rules and the requirements of the CAA. ~~Such~~ **The signature shall: also**
- (A)** constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application; and ~~shall~~
 - (B)** subject the applicant to liability under state laws forbidding false or misleading statements.

(d) Notwithstanding the public participation requirements under [326 IAC 2-1.1-6](#), the following changes shall be designated as ~~notice-only changes~~ **administrative amendments** and shall not require public notice or prior approval by the commissioner:

- (1) Changes correcting typographical errors.
- (2) Minor administrative changes such as a change in:
 - (A)** the name, address, or telephone number of any person identified in a permit; or ~~a change in~~
 - (B)** descriptive information concerning the source or emissions unit or units.
- (3) Changes in ownership or operational control of a source.
- (4) Modifications that would require more frequent monitoring or reporting.
- ~~(5) Modifications involving a pollution control project or pollution prevention project as defined in [326 IAC 2-1.1-1](#) that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in [326 IAC 2-1.1-3](#)(e)(1) or a significant change in the method or methods to demonstrate or monitor compliance.~~
- ~~(6)~~ **(5)** Incorporation **or deletion** of newly applicable requirements as a result of a change in applicability.
- ~~(7)~~ **(6)** Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60*, 40 CFR 61*, or 40 CFR 63*, **and there is no new equipment and change to operations or processes.**
- ~~(8)~~ **(7)** Incorporation of newly applicable monitoring or testing requirements specified in 40 CFR 60*, 40 CFR 61*, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability, **and there is no new equipment and no change to operations or processes.**
- ~~(9)~~ **(8)** Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit, **and there is no new equipment and no change to operations or processes.**
- ~~(10)~~ **(9)** Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant HAP as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs.
- ~~(11)~~ **(10)** A modification that meets the applicability criteria and can meet and will comply with the operational limitations for a source specific operating agreement under [326 IAC 2-9](#) or a general permit under [326 IAC 2-12](#).
- ~~(12) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:~~
 - ~~(A) results in the replacement or repair of an entire process;~~
 - ~~(B) qualifies as a reconstruction of an entire process; or~~
 - ~~(C) may result in an increase of actual emissions.~~
- ~~(13)~~ **(11)** A modification that adds an emissions unit or units of the same type that are already permitted **or replaces an existing unit** and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in [326 IAC 2-2](#) or [326 IAC 2-3](#) **or would result in a potential to emit equal to or greater than the thresholds in [326 IAC 2-7](#).**
- ~~(14)~~ **(12)** A modification that is subject to the following reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*:
 - (A) 40 CFR 60.40c*, except for modifications to a source located in Lake County.
 - (B) 40 CFR 60.110b*.
 - (C) 40 CFR 60.250*, except for modifications that include thermal dryers.
 - (D) 40 CFR 60.330* for modifications that only include emergency generators.
 - (E) 40 CFR 60.670*.
 - (F) 40 CFR 61.110*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP. For modifications under clauses (A) through (D), the source must use the monitoring specified in the relevant RACT, NSPS, or NESHAP.

~~(15)~~ **(13)** A modification that is subject to the following new source performance standards (NSPSs), except for modifications that would be subject to [326 IAC 8-1-6](#):

- (A) 40 CFR 60.310*.
- (B) 40 CFR 60.390*.
- (C) 40 CFR 60.430*.
- (D) 40 CFR 60.440*.
- (E) 40 CFR 60.450*.
- (F) 40 CFR 60.460*.
- (G) 40 CFR 60.490*.
- (H) 40 CFR 60.540*.
- (I) 40 CFR 60.560*.
- (J) 40 CFR 60.580*.
- (K) 40 CFR 60.600*.
- (L) 40 CFR 60.660*.
- (M) 40 CFR 60.720*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the NSPS. For modifications under clauses (A) through (H), the source must use the monitoring specified in the NSPS.

(14) The addition of an exempt emissions unit or units at the request of the applicant.

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) calendar days of making the change or modification and shall include the information required under subsection (c). The notification shall be sent by one (1) of the following means:

- (1) Certified mail.
- (2) Delivery by hand or express service.
- (3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall revise the permit within thirty (30) days of receipt of the notification. The commissioner shall provide the permittee with a copy of the revised permit. Notwithstanding [IC 13-15-5](#), the permit revision shall be effective immediately.

(g) The following modifications shall require minor permit revisions and shall require approval prior to construction and operation:

- (1) Modifications that would reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.
- (2) The addition of a portable source or relocation of a portable source to an existing source, if the addition or relocation would require a change to any permit terms or conditions.
- ~~(3) Modifications involving a pollution control project or pollution prevention project as defined in [326 IAC 2-1.1-1](#) that do not increase the potential to emit any regulated pollutant greater than the thresholds under subdivision (4), but requires a significant change in the method or methods to demonstrate or monitor compliance.~~

~~(4)~~ **(3)** Modifications that would have a potential to emit within the following ranges:

- (A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM₁₀).
- (B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:
 - (i) Sulfur dioxide (SO₂).
 - (ii) Nitrogen oxides (NO_x).
 - (iii) ~~Volatile organic compounds~~ VOC for modifications that are not described in clause (C).
- (C) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of ~~volatile organic compounds~~ VOC for modifications that require the use of air pollution control equipment to comply with the applicable provisions of [326 IAC 8](#).
- (D) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).
- (E) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).
- (F) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:
 - (i) Hydrogen sulfide (H₂S).
 - (ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

~~(5)~~ **(4)** Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated pollutant other than ~~hazardous air pollutants HAPs~~, ten (10) tons per year of any single ~~hazardous air pollutant HAP~~ as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of ~~hazardous air pollutants HAPs~~ by complying with one (1) of the following constraints:

(A) Limiting total annual solvent usage or maximum ~~volatile organic compound~~ **VOC** content, or both.

(B) Limiting annual hours of operation of the process or business.

(C) Using a particulate air pollution control device as follows:

(i) Achieving and maintaining ninety-nine percent (99%) efficiency.

(ii) Complying with a no visible emission standard.

(iii) The potential to emit before air pollution controls does not exceed major source thresholds for federal permitting programs.

(iv) Certifying to the commissioner that the air pollution control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀).

(D) Limiting individual fuel usage and fuel type for a combustion source.

(E) Limiting raw material throughput or sulfur content of raw materials, or both.

~~(6)~~ **(5)** A modification that is not described under subsection (d)(14) or (d)(15) and is subject to a RACT, a NSPS, or a NESHAP, and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.

~~(7)~~ **(6)** A change for which a source requests an emission limit to avoid [326 IAC 8-1-6](#).

(h) Minor permit revision procedures are as follows:

(1) Any person proposing to make a modification described in subsection (g) shall:

(A) submit an application concerning the modification; and ~~shall~~

(B) include the information under subsection (c).

(2) Except as provided in [326 IAC 2-13](#), the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.

(3) Within forty-five (45) calendar days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:

(A) Approve the minor permit revision request.

(B) Deny the minor permit revision request.

(C) Determine that the minor permit revision request would:

(i) cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards; ~~would~~

(ii) allow for an increase in emissions greater than the thresholds in subsection (i); or ~~would~~

(iii) not provide for compliance monitoring consistent with this rule;

and should be processed as a significant permit revision.

(4) The permit shall be revised by incorporating the minor permit revision into the permit. The commissioner shall **do the following**:

(A) Make all changes necessary to assure compliance with this title and the CAA prior to attaching the amendment to the permit. ~~The commissioner shall~~

(B) Notify the source upon attachment of the minor permit revision to the permit.

Notwithstanding [IC 13-15-5](#), the permit revision shall be effective immediately.

(i) Significant permit revision procedures are as follows:

(1) Significant permit revisions are those changes that are not subject to subsection (d) or (g) and include the following:

(A) Any modification that would be subject to [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-4.1](#).

(B) Any modification that results in the source needing to obtain a FESOP under [326 IAC 2-8](#) or a Part 70 permit under [326 IAC 2-7](#).

(C) A modification that is subject to [326 IAC 8-1-6](#).

(D) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.

(E) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of the following pollutants:

- (i) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀).
- (ii) Sulfur dioxide (SO₂).
- (iii) Nitrogen oxides (NO_x).
- (iv) ~~Volatile organic compounds~~ VOC.
- (v) Hydrogen sulfide (H₂S).
- (vi) Total reduced sulfur (TRS).
- (vii) Reduced sulfur compounds.
- (viii) Fluorides.

(F) For a source of lead with a potential to emit greater than or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(G) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single hazardous air pollutant **HAP** as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants. **HAPs**.

(H) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

~~(I) Modifications involving a pollution control project as defined in [326 IAC 2-1.1-1](#) that result in an increase in the potential to emit any regulated pollutant greater than the thresholds under this section and require a significant change in the method or methods to demonstrate or monitor compliance.~~

~~(J) Modifications involving a pollution prevention project as defined in [326 IAC 2-1.1-1](#) that increase the potential to emit any regulated pollutant greater than the thresholds under this section.~~

(I) Any modification that removes or reduces compliance monitoring, testing, record keeping, reporting, or its frequency, unless the modification is a result of a change in applicability under subsection (d)(5).

(2) The following shall apply to significant permit revisions:

(A) Any person proposing to make a modification described in subdivision (1) shall:

- (i) submit an application concerning the modification; and shall
- (ii) include the information under subsection (c).

(B) Except as provided in [326 IAC 2-13](#), the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.

(C) The commissioner shall **do the following**:

(i) Provide for public notice and comment in accordance with [326 IAC 2-1.1-6](#).

~~(D) The commissioner shall~~ (ii) Approve or deny the significant permit revision as follows:

- (i) **(AA)** Within one hundred twenty (120) calendar days from receipt of an application for a significant permit revision, except for a significant permit revision under subdivision (1)(A).
- (ii) **(BB)** Within two hundred seventy (270) calendar days from receipt of an application for a significant permit revision under subdivision (1)(A).

~~(E) (D)~~ The permit shall be revised by incorporating the significant permit revision into the permit. The commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the significant permit revision to the permit.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-6.1-6](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1017; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed May 21, 2002, 10:20 a.m.: 25 IR 3062; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 797; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#); readopted filed Aug 25, 2010, 2:42 p.m.: [20100922-IR-326100394BFA](#))

SECTION 11. [326 IAC 2-7-1](#), PROPOSED TO BE AMENDED AT [20100901-IR-326100505FDA](#), SECTION 3, IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-7-1](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-11-2](#)

Sec. 1. For purposes of this rule, the definition given for a term in this rule shall control in any conflict between [326 IAC 1-2](#) and this rule. In addition to the definitions provided in [IC 13-11-2](#), [326 IAC 1-2](#), and [326 IAC 2-1.1](#), the following definitions apply throughout this rule unless expressly stated otherwise or unless the context clearly implies otherwise:

- (1) "Acid rain program" means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with Title IV of the CAA, 40 CFR 72*, and 40 CFR 75* through 40 CFR 78*, 58 FR 3590*, and regulations implementing Sections 407 and 410 of the CAA.
- (2) "Actual emissions" means the actual rate of emissions in tons per year of any regulated pollutant emitted from a Part 70 source over the preceding calendar year or any other period determined by the commissioner to be representative of normal source operation.
- (3) "Affected source" shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.
- (4) "Affected states" means all states:
 - (A) whose air quality may be affected and are contiguous to the state of Indiana; or
 - (B) that are within fifty (50) miles of the permitted source.
- (5) "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.
- (6) "Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source (including requirements that have been promulgated or approved by the U.S. EPA through rulemaking at the time of permit issuance but have future effective compliance dates):
 - (A) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the U.S. EPA through rulemaking under Title I of the CAA that implements the relevant requirements of the CAA, including any revisions to that plan promulgated in 40 CFR 52*.
 - (B) Any term or condition of any preconstruction permits issued under regulations approved or promulgated through rulemaking under Title I, including Part C or D of the CAA.
 - (C) Any standard or other requirement under Section 111 of the CAA, including Section 111(d) of the CAA.
 - (D) Any standard or other requirement under Section 112 of the CAA, including any requirement concerning accident prevention under Section 112(r)(7) of the CAA.
 - (E) Any standard or other requirement of the acid rain program under Title IV of the CAA or the regulations promulgated thereunder.
 - (F) Any requirements established under Section 504(b) or 114(a)(3) of the CAA.
 - (G) Any standard or other requirement under Section 126(a)(1) and 126(c) of the CAA.
 - (H) Any standard or other requirement governing solid waste incineration under Section 129 of the CAA.
 - (I) Any standard or other requirement for consumer and commercial products under Section 183(e) of the CAA.
 - (J) Any standard or other requirement for tank vessels under Section 183(f) of the CAA.
 - (K) Any standard or other requirement of the Code of Federal Regulations promulgated to protect stratospheric ozone under Title VI of the CAA, unless the U.S. EPA has determined that the requirements need not be contained in a Part 70 permit.
 - (L) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the CAA, but only as it would apply to temporary sources permitted under Section 504(e) of the CAA.
- (7) "Area source" means any stationary source of HAPs that is not a major source. The term does not include motor vehicles or nonroad vehicles subject to regulation under Title II of the CAA.
- (8) "Clean Air Act" or "CAA" means the Clean Air Act, as amended (including the Clean Air Act Amendments of 1990 (P.L. 101-549)), 42 U.S.C. 7401, et seq.
- (9) "Code of Federal Regulations" or "CFR", unless otherwise provided, has the same meaning as set forth in [326 IAC 1-1-3](#).
- (10) "Designated representative" shall have the meaning given to it in Section 402(26) of the CAA and the regulations promulgated thereunder.
- (11) "Draft Part 70 permit" means the version of a Part 70 permit for which the commissioner offers public participation and notice to affected states under section 17 of this rule.
- (12) "Emergency" means any situation, including acts of God, arising from sudden and reasonably unforeseeable events beyond the reasonable control of the source that:
 - (A) requires immediate corrective action to restore normal operation; and
 - (B) causes the source to exceed an emission limit under a Part 70 permit due to unavoidable increases in emissions attributable to the emergency.The term shall not include noncompliance to the extent caused by improperly designed equipment, failure to implement an adequate preventive maintenance plan, careless or improper operation, or operator error.
- (13) "Emission limitation or standard" means any of the following as defined under the CAA:
 - (A) A federally enforceable emission limitation or standard.
 - (B) A standard of performance.

(C) A means of emission limitation.

An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate, or concentration of emissions (for example, pounds of sulfur dioxide (SO₂) per hour, pounds of sulfur dioxide (SO₂) per mmBtu, or kilograms of VOC per liter of applied coating solids) or as the relationship of uncontrolled to controlled emissions (for example, percent capture and destruction efficiency of VOC or percent reduction of SO₂). An emission limitation or standard may also be expressed either as a work practice process or other form of design, equipment operation, or operation and maintenance requirement.

(14) "Emissions allowable under the Part 70 permit" means a federally enforceable Part 70 permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(15) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the CAA. The term is not meant to alter or affect the definition of unit for purposes of Title IV of the CAA.

(16) "Federally enforceable state operating permit" or "FESOP" means a permit issued under [326 IAC 2-8](#).

(17) "Final Part 70 permit" means the version of a Part 70 permit issued by the commissioner that has completed all review procedures required by sections 17 and 18 of this rule.

(18) "Fugitive emissions" means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(19) "General Part 70 permit" means a Part 70 permit that is applicable to a class or category of sources or modifications thereto, whether or not under common ownership or control, that are subject to similar applicable requirements.

(20) "Health-based emission limit" means any enforceable condition the sole purpose of which is to protect public health or welfare without regard to technical achievability, including, but not limited to, any requirement in a permit based on:

(A) an emission standard for HAPs promulgated under 40 CFR 61*, including [326 IAC 14](#);

(B) conditions to prevent significant deterioration of air quality established under 40 CFR 52.21*, including [326 IAC 2-2-5](#) and [326 IAC 2-2-6](#) but excluding conditions based on BACT;

(C) limits relied upon in a formal attainment demonstration supporting a SIP approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA, with the exception of limits based on RACT for sources of VOCs in areas designated attainment for ozone in accordance with the CAA; or

(D) conditions established as residual risk standards under 42 U.S.C. 7412(f).

(21) "Insignificant activity" has any of the meanings, subject to clauses (A) through (D), specified in clauses (E) through ~~(K)~~ **(J)** as follows:

(A) Detailed information concerning emissions from activities or equipment listed in clauses (E) through ~~(K)~~

(J) is not required in a permit application submitted under this rule or [326 IAC 2-8](#); however, additional emissions information must be provided upon request by the department.

(B) Notwithstanding any other requirements in this rule, the applicant shall include all emissions sources and quantify emissions if needed to determine:

(i) major source status;

(ii) compliance with any applicable requirement; or

(iii) the applicability of any applicable requirement.

Identification of an activity or equipment as insignificant under this section does not preclude the inclusion of the activity or equipment in a compliance plan or protocol as appropriate.

(C) Notwithstanding any other provision of this rule or [326 IAC 2-6](#), emissions from activities defined as insignificant in this subdivision or trivial in subdivision ~~(41)~~ **(42)** need not be included in a source's annual emission statement required by [326 IAC 2-6](#).

(D) A change in a source's insignificant or trivial activities or the addition of an insignificant activity or trivial activity shall not constitute a modification for purposes of sections 10.5 and 12 of this rule, if the new activity or modified activity:

(i) meets the definition of insignificant activity of this subdivision or trivial activity of subdivision ~~(41)~~ **(42)**;

(ii) has all applicable requirements and associated monitoring in the current permit; and

(iii) is not a modification under any provision of Title I of the CAA.

The department may request that the source update its list of insignificant activities as part of its annual compliance certification.

(E) An emission unit or activity whose potential uncontrolled emissions meet the exemption levels specified in [326 IAC 2-1.1-3](#)(e)(1) or the exemption levels specified in the following, whichever is lower:

(i) For lead or lead compounds measured as elemental lead, the exemption level is six-tenths (0.6) ton per year or three and twenty-nine hundredths (3.29) pounds per day.

(ii) For carbon monoxide (CO), the exemption limit is twenty-five (25) pounds per day.

(iii) For sulfur dioxide, the exemption level is five (5) pounds per hour or twenty-five (25) pounds per day.

- (iv) For VOC, the exemption limit is three (3) pounds per hour or fifteen (15) pounds per day.
- (v) For nitrogen oxides (NO_x), the exemption limit is five (5) pounds per hour or twenty-five (25) pounds per day.
- (vi) For PM₁₀, the exemption level is either five (5) pounds per hour or twenty-five (25) pounds per day.**

~~(F)~~ For an emission unit or activity with potential uncontrolled emissions of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀), the exemption level is either five (5) pounds per hour or twenty-five (25) pounds per day.

~~(G)~~ **(F)** For units with potential uncontrolled emissions of HAPs, that are not listed as insignificant in clauses (H) through (L) or defined as trivial in subdivision ~~(40)~~, **(41)**, an insignificant activity is any of the following:

- (i) Any unit, not regulated by a NESHAP, emitting greater than one (1) pound per day but less than five (5) pounds per day or one (1) ton per year of a single HAP.
- (ii) Any unit, not regulated by a NESHAP, emitting greater than one (1) pound per day but less than twelve and five-tenths (12.5) pounds per day or two and five-tenths (2.5) tons per year of any combination of HAPs.

The source shall provide a description of the insignificant activity, including identification of the HAPs emitted and any applicable requirements. A source may rely on MSDS sheets, product labels, other manufacturer's information, or other technical and scientific judgement for identification of HAPs.

Insignificant activities that are part of a multistep process line shall be reported as such on the operating permit application, and the source shall include a description of the function and components of the process line on the operating permit application. Insignificant activities that perform equivalent functions shall be grouped, and the function and number of those units shall be included on the operating permit application.

~~(H)~~ **(G)** Emissions from a laboratory as defined in this clause. As used in this clause, "laboratory" means a place or activity devoted to experimental study or teaching, or to the testing and analysis of drugs, chemicals, chemical compounds or other substances, or similar activities, provided that the activities described in this clause are conducted on a laboratory scale. Activities are conducted on a laboratory scale if the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one (1) person. If a facility manufactures or produces products for profit in any quantity, it shall not be considered to be a laboratory under this clause. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support activities do not include the provision of power to the laboratory from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to an entire facility.

~~(I)~~ **(H)** Emissions from research and development activities as defined in this clause. As used in this clause, "research and development activities" means activities conducted under close supervision of technically trained personnel that are not engaged in the manufacture of products for sale, exchange for commercial profit, or distribution, except in a de minimis manner and the primary purpose of which is to:

- (i) test more efficient production processes;
- (ii) test methods for preventing or reducing adverse environmental impacts; or
- (iii) conduct research and development into new processes and products.

Support activities necessary to the research and development activities are considered to be part of the research and development activities. Support activities do not include the provision of power to the research and development activities from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

~~(J)~~ **(I)** Emissions from educational and teaching activities as defined in this clause. As used in this clause, "educational and teaching activities" means activities conducted at public and nonpublic schools and postsecondary educational institutions for educational, vocational, agricultural, occupational, employment, or technical training purposes provided the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit or distribution. Support activities necessary to the educational and teaching activities are considered to be part of the educational and teaching activities. Support activities do not include the provision of power to the educational and teaching activities from sources that provide power to multiple projects or from sources that would otherwise require permitting, such as boilers that provide power to a source or solid waste disposal units, such as incinerators.

~~(K)~~ **(J)** Any of the following listed activities:

- (i) Combustion related activities, as follows:
 - (AA) Space heaters, process heaters, heat treat furnaces, or boilers using the following fuels:
 - (aa) Natural gas-fired combustion sources with heat input equal to or less than ten million (10,000,000) British thermal units per hour.
 - (bb) Propane or ~~liquefied~~ **liquefied** petroleum gas or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) British thermal units per hour.
 - (cc) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) British

- thermal units per hour and firing fuel containing equal to or less than five-tenths percent (0.5%) sulfur by weight.
- (dd) Wood-fired combustion sources with heat input equal to or less than one million (1,000,000) British thermal units per hour and not burning treated wood or chemically contaminated wood.
- (BB) Equipment powered by diesel fuel fired or natural gas fired internal combustion engines of capacity equal to or less than five hundred thousand (500,000) British thermal units per hour except where total capacity of equipment operated by one (1) stationary source as defined by subdivision (38) exceeds two million (2,000,000) British thermal units per hour.
- (CC) Combustion source flame safety purging on start-up.
- (ii) Fuel dispensing activities, as follows:
- (AA) A gasoline fuel transfer dispensing operation handling less than or equal to one thousand three hundred (1,300) gallons per day and filling storage tanks having a capacity equal to or less than ten thousand five hundred (10,500) gallons. Such storage tanks may be in a fixed location or on mobile equipment.
- (BB) A petroleum fuel other than gasoline dispensing facility, having a storage tank capacity less than or equal to ten thousand five hundred (10,500) gallons, and dispensing three thousand five hundred (3,500) gallons per day or less.
- (iii) The following VOC and HAP storage containers:
- (AA) Storage tanks with capacity less than or equal to one thousand (1,000) gallons and annual throughputs equal to or less than twelve thousand (12,000) gallons.
- (BB) Vessels storing the following:
- (aa) Lubricating oils.
- (bb) Hydraulic oils.
- (cc) Machining oils.
- (dd) Machining fluids.
- (iv) Refractory storage not requiring air pollution control equipment.
- (v) Equipment used exclusively for the following:
- (AA) Packaging the following:
- (aa) Lubricants.
- (bb) Greases.
- (BB) Filling drums, pails, or other packaging containers with the following:
- (aa) Lubricating oils.
- (bb) Waxes.
- (cc) Greases.
- (vi) Production related activities, including the following:
- (AA) Application of:
- (aa) oils;
- (bb) greases;
- (cc) lubricants; and
- (dd) nonvolatile material;
- as temporary protective coatings.
- (BB) Machining where an aqueous cutting coolant continuously floods the machining interface.
- (CC) Degreasing operations that do not exceed one hundred forty-five (145) gallons per twelve (12) months, except if subject to [326 IAC 20-6](#).
- (DD) Cleaners and solvents characterized as having a vapor pressure equal to or less than:
- (aa) two (2.0) kilo Pascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pound per square inch) measured at thirty-eight (38) degrees Centigrade (one hundred (100) degrees Fahrenheit); or
- (bb) seven-tenths (0.7) kilo Pascal (five (5) millimeters of mercury or one-tenth (0.1) pound per square inch) measured at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit);
- the use of which, for all cleaners and solvents combined, does not exceed one hundred forty-five (145) gallons per twelve (12) months.
- (EE) The following equipment related to manufacturing activities not resulting in the emission of HAPs:
- (aa) Brazing.
- (bb) Cutting torches.
- (cc) Soldering.
- (dd) Welding.
- (FF) Closed loop heating and cooling systems.
- (GG) Infrared cure equipment.
- (HH) Exposure chambers (towers or columns), for curing of ultraviolet inks and ultraviolet coatings where heat is the intended discharge.
- (II) Any of the following structural steel and bridge fabrication activities:

- (aa) Cutting two hundred thousand (200,000) linear feet or less of one (1) inch plate or equivalent per year.
- (bb) Using eighty (80) tons or less of welding consumables per year.
- (vii) Activities associated with the following recovery systems:
 - (AA) Rolling oil recovery systems.
 - (BB) Ground water oil recovery wells.
- (viii) Solvent recycling systems with batch capacity less than or equal to one hundred (100) gallons.
- (ix) Water based activities, including the following:
 - (AA) Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume.
 - (BB) Water run-off ponds for petroleum coke-cutting and coke storage piles.
 - (CC) Activities associated with the transportation and treatment of sanitary sewage, provided discharge to the treatment plant is under the control of the owner or operator, that is, an on-site sewage treatment facility. This does not include sanitary sludge incineration.
 - (DD) Any operation using aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs.
 - (EE) Water based adhesives that are less than or equal to five percent (5%) by volume of VOCs excluding HAPs.
 - (FF) Noncontact cooling tower systems with either of the following:
 - (aa) Natural draft cooling towers not regulated under a NESHAP.
 - (bb) Forced and induced draft cooling tower systems not regulated under a NESHAP.
 - (GG) Quenching operations used with heat treating processes.
- Oil, grease, or VOC content shall be determined by a test method acceptable to the department and the U.S. EPA.
- (x) Repair activities, including the following:
 - (AA) Replacement or repair of electrostatic precipitators, bags in baghouses, and filters in other air filtration equipment.
 - (BB) Heat exchanger cleaning and repair.
 - (CC) Process vessel degassing and cleaning to prepare for internal repairs.
- (xi) Trimmers that:
 - (AA) do not produce fugitive emissions; and
 - (BB) are equipped with a dust collection or trim material recovery device, such as a bag filter or cyclone.
- (xii) Stockpiled soils from soil remediation activities that are covered and waiting transport for disposal.
- (xiii) Paved and unpaved roads and parking lots with public access.
- (xiv) Conveyors as follows:
 - (AA) Covered conveyors for solid raw material, including the following:
 - (aa) Coal or coke conveying of less than or equal to three hundred sixty (360) tons per day.
 - (bb) Limestone conveying of less than or equal to seven thousand two hundred (7,200) tons per day for sources other than mineral processing plants constructed after August 31, 1983.
 - (BB) Uncovered coal or coke conveying of less than or equal to one hundred twenty (120) tons per day.
 - (CC) Underground conveyors.
 - (DD) Enclosed systems for conveying plastic raw material and plastic finished goods.
- (xv) Coal bunker and coal scale exhausts and associated dust collector vents.
- (xvi) Asbestos abatement projects regulated by [326 IAC 14-10](#).
- (xvii) Routine maintenance and repair of buildings, structures, or vehicles at the source where air emissions from those activities would not be associated with any production process, including the following:
 - (AA) Purging of gas lines.
 - (BB) Purging of vessels.
- (xviii) Flue gas conditioning systems and associated chemicals, such as the following:
 - (AA) Sodium sulfate.
 - (BB) Ammonia.
 - (CC) Sulfur trioxide.
- (xix) Equipment used to collect any material that might be released during a malfunction, process upset, or spill cleanup, including the following:
 - (AA) Catch tanks.
 - (BB) Temporary liquid separators.
 - (CC) Tanks.
 - (DD) Fluid handling equipment.
- (xx) Blowdown for the following:
 - (AA) Sight glass.

- (BB) Boiler.
- (CC) Cooling tower.
- (DD) Compressors.
- (EE) Pumps.
- (xxi) Furnaces used for melting metals other than beryllium with a brim full capacity equal to or less than four hundred fifty (450) cubic inches by volume.
- (xxii) Activities associated with emergencies, including the following:
 - (AA) On-site fire training approved by the department.
 - (BB) Emergency generators as follows:
 - (aa) Gasoline generators not exceeding one hundred ten (110) horsepower.
 - (bb) Diesel generators not exceeding one thousand six hundred (1,600) horsepower.
 - (cc) Natural gas turbines or reciprocating engines not exceeding sixteen thousand (16,000) horsepower.
 - (CC) Stationary fire pump engines.
- (xxiii) Grinding and machining operations controlled with fabric filters, scrubbers, mist collectors, wet collectors, and electrostatic precipitators with a design grain loading of less than or equal to three one-hundredths (0.03) grains per actual cubic foot and a gas flow rate less than or equal to four thousand (4,000) actual cubic feet per minute, including the following:
 - (AA) Deburring.
 - (BB) Buffing.
 - (CC) Polishing.
 - (DD) Abrasive blasting.
 - (EE) Pneumatic conveying.
 - (FF) Woodworking operations.
- (xxiv) Purge double block and bleed valves.
- (xxv) Filter or coalescer media changeout.
- (xxvi) Vents from ash transport systems not operated at positive pressure.
- (xxvii) Mold release agents using low volatile products (vapor pressure less than or equal to two (2) kilo Pascals measured at thirty-eight (38) degrees Centigrade).
- (xxviii) Farm operations, except concentrated animal feeding operations as defined in 40 CFR 122.23.
- (xxix) Woodworking equipment controlled by a baghouse provided that the following criteria are met:
 - (AA) The baghouse does not exhaust to the atmosphere greater than one hundred twenty-five thousand (125,000) cubic feet per minute.
 - (BB) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of three-thousandths (0.003) grain per dry standard cubic feet of outlet air.
 - (CC) Opacity from the baghouse does not exceed ten percent (10%).
 - (DD) The baghouse is in operation at all times that the woodworking equipment is in use.
 - (EE) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (aa) The baghouse shall be inspected.
 - (bb) Corrective actions, such as replacing or reseating bags, are initiated, when necessary.
 - (FF) The baghouse is inspected quarterly when vented to the atmosphere.
 - (GG) The owner or operator keeps the following records:
 - (aa) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
 - (bb) Quarterly inspection reports, when vented to the atmosphere.
 - (cc) Visible observation reports.
 - (dd) Records of corrective actions.
- (xxx) Woodworking equipment controlled by a baghouse provided that the following criteria are met:
 - (AA) The baghouse does not exhaust to the atmosphere greater than forty thousand (40,000) cubic feet per minute.
 - (BB) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
 - (CC) Opacity from the baghouse does not exceed ten percent (10%).
 - (DD) The baghouse is in operation at all times that the woodworking equipment is in use.
 - (EE) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (aa) The baghouse shall be inspected.
 - (bb) Corrective actions, such as replacing or reseating bags, are initiated, when necessary.
 - (FF) The baghouse is inspected quarterly when vented to the atmosphere.
 - (GG) The owner or operator keeps the following records:

- (aa) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
- (bb) Quarterly inspection reports, when vented to the atmosphere.
- (cc) Visible observation reports.
- (dd) Records of corrective actions.

(22) "Major source" means any stationary source or any group of stationary sources as described in this subdivision. For purposes of clauses (B) and (C), the term shall include any group of stationary sources that are located on one (1) or more contiguous or adjacent properties and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping. In addition, for the purposes of defining major source in clause (B) or (C), a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at the source or group of stationary sources on contiguous or adjacent properties belong to the same major group (that is, all have the same two (2) digit code) as described in the Standard Industrial Classification Manual, 1987*. For purposes of clauses (B) and (C), any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and are located on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the two (2) digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source. The term includes the following:

(A) A major source under Section 112 of the CAA, which is defined as follows:

(i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate:

(AA) ten (10) tons per year (tpy) or more of any HAP that has been listed in Section 112(b) of the CAA;

(BB) twenty-five (25) tpy or more of any combination of such HAPs; or

(CC) such lesser quantity as the U.S. EPA may establish by rule.

(ii) Notwithstanding item (i):

(AA) emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources; and

(BB) research and development activities may be considered separately for purposes of determining whether a major source is present and need not be aggregated with collocated stationary sources unless the research and development activities contribute to the product produced or service rendered by the collocated sources in a more than de minimis manner.

(iii) For radionuclides, major source shall have the meaning specified by the U.S. EPA by rule.

(B) A major stationary source of air pollutants, as defined in Section 302 of the CAA, that directly emits or has the potential to emit, one hundred (100) tpy or more of any regulated air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by the U.S. EPA by rule). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the CAA unless the source belongs to one (1) of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers).

(ii) Kraft pulp mills.

(iii) Portland cement plants.

(iv) Primary zinc smelters.

(v) Iron and steel mills.

(vi) Primary aluminum ore reduction plants.

(vii) Primary copper smelters.

(viii) Municipal incinerators, or combinations of municipal incinerators, capable of charging more than fifty (50) tons of refuse per day.

(ix) Hydrofluoric, sulfuric, or nitric acid plants.

(x) Petroleum refineries.

(xi) Lime plants.

(xii) Phosphate rock processing plants.

(xiii) Coke oven batteries.

(xiv) Sulfur recovery plants.

(xv) Carbon black plants (furnace process).

(xvi) Primary lead smelters.

(xvii) Fuel conversion plants.

(xviii) Sintering plants.

(xix) Secondary metal production plants.

- (xx) Chemical process plants.
 - (xxi) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
 - (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.
 - (xxiii) Taconite ore processing plants.
 - (xxiv) Glass fiber processing plants.
 - (xxv) Charcoal production plants.
 - (xxvi) Fossil fuel fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.
 - (xxvii) Any other stationary source category regulated under Section 111 or 112 of the CAA and for which the U.S. EPA has made an affirmative determination under Section 302(j) of the CAA.
- (C) A major stationary source as defined in Part D of Title I of the CAA, including the following:
- (i) For ozone nonattainment areas, sources with the potential to emit:
 - (AA) one hundred (100) tpy or more of VOC or oxides of nitrogen in areas classified as marginal or moderate;
 - (BB) fifty (50) tpy or more of VOC or oxides of nitrogen in areas classified as serious;
 - (CC) twenty-five (25) tpy or more of VOC or oxides of nitrogen in areas classified as severe; or
 - (DD) ten (10) tpy or more of VOC or oxides of nitrogen in areas classified as extreme;except that the references in this item to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the U.S. EPA has made a finding, under Section 182(f)(1) or 182(f)(2) of the CAA, that requirements under Section 182(f) of the CAA do not apply.
 - (ii) For ozone transport regions established under Section 184 of the CAA, sources with the potential to emit fifty (50) or more tpy of VOC.
 - (iii) For carbon monoxide nonattainment areas:
 - (AA) that are classified as serious; and
 - (BB) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the U.S. EPA;sources with the potential to emit fifty (50) tpy or more of carbon monoxide.
 - (iv) For particulate matter PM_{10} nonattainment areas classified as serious, sources with the potential to emit seventy (70) tpy or more of PM_{10} .
- (23) "Part 70 permit" or "permit" means any Part 70 permit or group of Part 70 permits authorizing the operation of a Part 70 source that is issued, renewed, amended, or revised under this rule.
- (24) "Part 70 permit modification" means a revision to a Part 70 permit that meets the requirements of section 12 of this rule.
- (25) "Part 70 permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a Part 70 permit program, as set forth in section 19 of this rule (whether the costs are incurred by the commissioner or other state or local agencies that do not issue Part 70 permits directly, but that support Part 70 permit issuance or administration).
- (26) "Part 70 permit revision" means any Part 70 permit modification or administrative Part 70 permit amendment.
- (27) "Part 70 program" means the operating permit program established by this rule and approved by the U.S. EPA under 40 CFR 70*.
- (28) "Part 70 source" means any source subject to the permitting requirements as provided in section 2 of this rule.
- (29) "Part 70 source modification" means a modification to a Part 70 source that meets the requirements of section 10.5 of this rule.**
- ~~(29)~~ **(30)** "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation is enforceable by the U.S. EPA. This term does not alter or affect the use of this term for any other purpose under the CAA, (or the term "capacity factor" as used in Title IV of the CAA) (or the regulations promulgated thereunder).
- ~~(30)~~ **(31)** "Proposed Part 70 permit" means the version of a Part 70 permit that the commissioner proposes to issue and forwards to the U.S. EPA for review in compliance with section 18 of this rule.
- ~~(31)~~ **(32)** "Regulated air pollutant" means any of the following:
- (A) Nitrogen oxides or any VOC.
 - (B) Any pollutant for which a national ambient air quality standard has been promulgated.
 - (C) Any pollutant that is subject to any standard promulgated under Section 111 of the CAA.

(D) Any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the CAA.

(E) Any pollutant subject to a standard promulgated under Section 112 of the CAA or other requirements established under Section 112 of the CAA, including Section 112(g), 112(j), and 112(r) of the CAA, including the following:

(i) Any pollutant subject to requirements under Section 112(j) of the CAA. If the U.S. EPA fails to promulgate a standard by the date established under Section 112(e) of the CAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established under Section 112(e) of the CAA.

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the CAA have been met, but only with respect to the individual source subject to Section 112(g)(2) of the CAA.

The term does not include particulate matter greater than ten (10) micrometers (µm).

~~(32)~~ **(33)** "Regulated pollutant that is used only for purposes of section 19 of this rule" means any regulated air pollutant, except the following:

(A) Carbon monoxide.

(B) Any pollutant that is a regulated air pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the CAA.

(C) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the CAA.

(D) Any pollutant emitted by an insignificant or trivial activity as defined in this rule.

~~(33)~~ **(34)** "Renewal" means the process by which a Part 70 permit is reissued at the end of its term.

~~(34)~~ **(35)** "Responsible official" means the following:

(A) For a corporation:

(i) a president;

(ii) a secretary;

(iii) a treasurer;

(iv) a vice president of the corporation in charge of a principal business function;

(v) any other person who performs similar policy or decision making functions for the corporation; or

(vi) a duly authorized representative of any person listed in this clause if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a Part 70 permit and either the:

(AA) facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or

(BB) delegation of authority to the representative is approved in advance by the commissioner.

(B) For a partnership or sole proprietorship, a general partner or the proprietor, respectively.

(C) For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official. As used in this clause, "principal executive officer of a federal agency" includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency, for example, a regional administrator of the U.S. EPA.

(D) For affected sources:

(i) the designated representative for actions, standards, requirements, or prohibitions under Title IV of the CAA or the regulations promulgated thereunder; and

(ii) the designated representative for any other purposes under a Part 70 permit.

~~(35)~~ **(36)** "Risk management plan" means a plan specified by Section 112(r) of the CAA.

~~(36)~~ **(37)** "Section 502(b)(10) changes" means changes that contravene an express Part 70 permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable Part 70 permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

~~(37)~~ **(38)** "State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program. The term shall have its conventional meaning where the meaning is clear from the context. For purposes of the acid rain program, the term shall be limited to authorities within the forty-eight (48) contiguous states and the District of Columbia as provided in Section 402(14) of the CAA.

~~(38)~~ **(39)** "Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the CAA.

~~(39)~~ **(40)** "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the CAA, or a nationally applicable regulation codified by the U.S. EPA in 40 CFR, Chapter I, Subchapter C, that requires actual control of the quantity of emissions of that pollutant, and that the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from that regulated activity, except as follows:

~~(4)~~ **(A)** Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a)*, as added by 75 FR 25686 (May 7, 2010), as the aggregate group of six (6) greenhouse gases shall not be subject to regulation

unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit one hundred thousand (100,000) tpy CO₂ equivalent emissions (CO₂e) or more. Pollutant GHGs includes the following:

- (A) (i) Carbon dioxide.
- (B) (ii) Nitrous oxide.
- (C) (iii) Methane.
- (D) (iv) Hydrofluorocarbons.
- (E) (v) Perfluorocarbons.
- (F) (vi) Sulfur hexafluoride.

(2) (B) "Tons per year (tpy) CO₂ equivalent emissions (CO₂e)" shall represent an amount of GHGs emitted and shall be calculated as follows:

(A) (i) Multiply the mass amount of emissions in tpy for each of the six (6) greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in 40 CFR 98, Subpart A, Table A-1 (Global Warming Potentials)*, as added by 74 FR 56395 (October 30, 2009).

(B) (ii) Sum the resultant value from clause (A) item (i) for each gas to compute a tpy CO₂e.

~~(40)~~ (41) "Technology-based emission limit" means any enforceable condition that is derived solely or in part from the capabilities of man-made equipment or processes, including, but not limited to, any requirement in a permit based on:

- (A) RACT;
- (B) BACT;
- (C) maximum achievable control technology (MACT);
- (D) lowest achievable emissions reduction (LAER);
- (E) generally available control technology (GACT);
- (F) best available retrofit technology (BART);
- (G) any manufacturers' specifications; or
- (H) the sources' physical potential to emit;

unless the applicable requirement was relied upon in a formal attainment demonstration supporting a SIP approved by the U.S. EPA under Section 110(a)(2)(K) of the CAA.

~~(44)~~ (42) "Trivial activity" has any of the following meanings, subject to clauses (A) and (B), specified in clauses (C) through (S), as follows:

(A) A change in a source's trivial activities or the addition of a trivial activity shall not constitute a modification for purposes of section 12 of this rule, if the new activity or modified activity:

- (i) meets the definition of trivial activity of this subdivision;
- (ii) has all applicable requirements and associated monitoring in the current permit; and
- (iii) is not a modification under any provision of Title I of the CAA.

(B) Trivial activities do not need to be included in a permit application required under this rule or [326 IAC 2-8](#), provided that the applicant documents applicable requirements and compliance status as required by section 4 of this rule. Upon request, the applicant shall submit any information necessary to fulfill the requirements of this rule or [326 IAC 2-8](#).

(C) Any activity or emission unit:

- (i) not regulated by a NESHAP, with potential uncontrolled emissions that are equal to or less than one (1) pound per day on an emission unit basis for any single HAP or combination of HAPs; and
- (ii) for which the potential uncontrolled emissions meet the exemption levels specified in the following:
 - (AA) For lead or lead compounds measured as elemental lead, potential uncontrolled emissions that are equal to or less than one (1) pound per day.
 - (BB) For carbon monoxide (CO), potential uncontrolled emissions that are equal to or less than one (1) pound per day.
 - (CC) For sulfur dioxide, potential uncontrolled emissions that are equal to or less than one (1) pound per day.
 - (DD) For VOC, potential uncontrolled emissions that are equal to or less than one (1) pound per day.
 - (EE) For nitrogen oxides (NO_x), potential uncontrolled emissions that are equal to or less than one (1) pound per day.
 - (FF) For particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀), potential uncontrolled emissions that are equal to or less than one (1) pound per day.

(D) Water related activities, including the following:

- (i) Production of hot water for on-site personal use not related to any industrial or production process.
- (ii) Water treatment activities used to provide potable and process water for the plant, excluding any activities associated with wastewater treatment.
- (iii) Steam traps, vents, leaks, and safety relief valves.
- (iv) Cooling ponds.
- (v) Laundry operations using only water solutions of bleach or detergents.

- (vi) Demineralized water tanks and demineralizer vents.
- (vii) Boiler water treatment operations, not including cooling towers.
- (viii) Oxygen scavenging (deaeration) of water.
- (ix) Steam cleaning operations and steam sterilizers.
- (x) Pressure washing of equipment.
- (xi) Water jet cutting operations.
- (E) Combustion activities, including the following:
 - (i) Portable electrical generators that can be moved by hand from one (1) location to another. As used in this item, "moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance, or device.
 - (ii) Combustion emissions from propulsion of mobile sources.
 - (iii) Fuel use related to food preparation for on-site consumption.
 - (iv) Tobacco smoking rooms and areas.
 - (v) Blacksmith forges.
 - (vi) Indoor and outdoor kerosene heaters.
- (F) Activities related to ventilation, venting equipment, and refrigeration, including the following:
 - (i) Ventilation exhaust, central chiller water systems, refrigeration, and air conditioning equipment, not related to any industrial or production process, including natural draft hoods or ventilating systems that do not remove air pollutants.
 - (ii) Stack and vents from plumbing traps used to prevent the discharge of sewer gases, handling domestic sewage only, excluding those at wastewater treatment plants or those handling any industrial waste.
 - (iii) Vents from continuous emissions monitors and other analyzers.
 - (iv) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
 - (v) Air vents from air compressors.
 - (vi) Vents for air cooling of electric motors provided the air does not commingle with regulated air pollutants.
 - (vii) Vents from equipment used to air blow water from cooled plastics strands or sheets.
- (G) Activities related to routine fabrication, maintenance, and repair of buildings, structures, equipment, or vehicles at the source where air emissions from those activities would not be associated with any commercial production process, including the following:
 - (i) Activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and roadways.
 - (ii) Painting, including interior and exterior painting of buildings, and solvent use excluding degreasing operations utilizing halogenated organic solvents.
 - (iii) Brazing, soldering, or welding operations and associated equipment.
 - (iv) Portable blast-cleaning equipment with enclosures.
 - (v) Blast-cleaning equipment using water as the suspension agent and associated equipment.
 - (vi) Batteries and battery charging stations except at battery manufacturing plants.
 - (vii) Lubrication, including the following:
 - (AA) Hand-held spray can lubrication.
 - (BB) Dipping metal parts into lubricating oil.
 - (CC) Manual or automated addition of cutting oil in machining operations.
 - (viii) Nonasbestos insulation installation or removal.
 - (ix) Tarring, retarring, and repair of building roofs.
 - (x) Bead blasting of heater tubes.
 - (xi) Instrument air dryer and filter maintenance.
 - (xii) Manual tank gauging.
 - (xiii) Open tumblers associated with deburring operations in maintenance shops.
- (H) Activities performed using hand-held equipment, including the following:
 - (i) Application of hot melt adhesives with no VOC in the adhesive formulation.
 - (ii) Buffing.
 - (iii) Carving.
 - (iv) Cutting, excluding cutting torches.
 - (v) Drilling.
 - (vi) Grinding.
 - (vii) Machining wood, metal, or plastic.
 - (viii) Polishing.
 - (ix) Routing.
 - (x) Sanding.
 - (xi) Sawing.
 - (xii) Surface grinding.

- (xiii) Turning wood, metal, or plastic.
- (I) Housekeeping and janitorial activities and supplies, including the following:
 - (i) Vacuum cleaning systems used exclusively for housekeeping or custodial activities, or both.
 - (ii) Steam cleaning activities.
 - (iii) Restrooms and associated cleanup operations and supplies.
 - (iv) Alkaline or phosphate cleaners and associated equipment.
 - (v) Mobile floor sweepers and floor scrubbers.
 - (vi) Pest control fumigation.
- (J) Office related activities, including the following:
 - (i) Office supplies and equipment.
 - (ii) Photocopying equipment and associated supplies.
 - (iii) Paper shredding.
 - (iv) Blueprint machines, photographic equipment, and associated supplies.
- (K) Lawn care and landscape maintenance activities and equipment, including the storage, spraying, or application of insecticides, pesticides, and herbicides.
- (L) Storage equipment and activities, including the following:
 - (i) Pressurized storage tanks and associated piping for the following:
 - (AA) Acetylene.
 - (BB) Anhydrous ammonia.
 - (CC) Carbon monoxide.
 - (DD) Chlorine.
 - (EE) Inorganic compounds.
 - (FF) Liquid petroleum gas (LPG).
 - (GG) Liquid natural gas (LNG).
 - (HH) Natural gas.
 - (II) Nitrogen dioxide.
 - (JJ) Sulfur dioxide.
 - (ii) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOC or HAP.
 - (iii) Storage tanks, reservoirs, and pumping and handling equipment of any size containing:
 - (AA) soap;
 - (BB) vegetable oil;
 - (CC) grease;
 - (DD) wax;
 - (EE) animal fat; and
 - (FF) nonvolatile aqueous salt solutions;provided appropriate lids and covers are utilized.
 - (iv) Storage of drums containing maintenance raw materials.
 - (v) Storage of the following:
 - (AA) Castings.
 - (BB) Lance rods.
 - (CC) Any non-HAP containing material in solid form stored in a sealed or covered container.
 - (vi) Portable containers used for the collection, storage, or disposal of materials provided the container capacity is equal to or less than forty-six hundredths (0.46) cubic meters and the container is closed, except when the material is added or removed.
- (M) Emergency and standby equipment, including the following:
 - (i) Emergency (backup) electrical generators at residential locations, such as dormitories, prisons, and hospitals.
 - (ii) Safety and emergency equipment except engine driven fire pumps, including fire suppression systems and emergency road flares.
 - (iii) Process safety relief devices installed solely for the purpose of minimizing injury to persons or damage to equipment that could result from abnormal process operating conditions, including the following:
 - (AA) Explosion relief vents, diaphragms, or panels.
 - (BB) Rupture discs.
 - (CC) Safety relief valves.
 - (iv) Activities and equipment associated with on-site medical care not otherwise specifically regulated.
 - (v) Vacuum-producing devices for the purpose of removing potential accidental releases.
- (N) Sampling and testing equipment and activities, including the following:
 - (i) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
 - (ii) Hydraulic and hydrostatic testing equipment.

- (iii) Ground water monitoring wells and associated sample collection equipment.
- (iv) Environmental chambers not using HAP gases.
- (v) Shock chambers.
- (vi) Humidity chambers.
- (vii) Solar simulators.
- (viii) Sampling activities, including the following:
 - (AA) Sampling of waste.
 - (BB) Glove box sampling, charging, and packaging.
- (ix) Instrument air dryers and distribution.
- (O) Use of consumer products and equipment where the product or equipment is:
 - (i) used at a source in the same manner as normal consumer use; and
 - (ii) not associated with any production process.
- (P) Equipment and activities related to the handling, treating, and processing of animals, including the following:
 - (i) Equipment used exclusively to slaughter animals, but not including the following:
 - (AA) Rendering cookers.
 - (BB) Boilers.
 - (CC) Heating plants.
 - (DD) Incinerators.
 - (EE) Electrical power generating equipment.
 - (ii) Veterinary operating rooms.
- (Q) Activities generating limited amounts of fugitive dust, including the following:
 - (i) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes under subdivision (22)(B), and any required fugitive dust control plan or its equivalent is submitted.
 - (ii) Soil boring.
 - (iii) Road salting and sanding.
- (R) Activities associated with production, including the following:
 - (i) Closed, nonvented tumblers used for cleaning or deburring metal products without abrasive blasting.
 - (ii) Electrical resistance welding.
 - (iii) CO₂ lasers, used only on metals and other materials that do not emit HAPs in the process.
 - (iv) Laser trimmers that:
 - (AA) do not produce fugitive emissions; and
 - (BB) are equipped with a dust collection device, such as a bag filter, cyclone, or equivalent device.
 - (v) Application equipment for hot melt adhesives with no VOC in the adhesive formulation.
 - (vi) Drop hammers or hydraulic presses for forging or metalworking.
 - (vii) Air compressors and pneumatically operated equipment, including hand tools.
 - (viii) Compressor or pump lubrication and seal oil systems.
 - (ix) Equipment used to mix and package:
 - (AA) soaps;
 - (BB) vegetable oil;
 - (CC) grease;
 - (DD) animal fat; and
 - (EE) nonvolatile aqueous salt solutions;provided appropriate lids and covers are utilized.
 - (x) Equipment for washing or drying fabricated glass or metal products, if no:
 - (AA) VOCs or HAPs are used in the process; and
 - (BB) gas, oil, or solid fuel is burned.
 - (xi) Handling of solid steel, including coils and slabs, excluding scrap burning, scarfing, and charging into steelmaking furnaces and vessels.
- (S) Miscellaneous equipment, but not emissions associated with the process for which the equipment is used, and activities, including the following:
 - (i) Equipment used for surface coating, painting, dipping, or spraying operation, except those that will emit VOCs or HAPs.
 - (ii) Condensate drains for natural gas and landfill gas.
 - (iii) Electric or steam heated drying ovens and autoclaves, including only the heating emissions and not any associated process emissions.
 - (iv) Salt baths using nonvolatile salts, including caustic solutions that do not result in emissions of any regulated air pollutants.
 - (v) Ozone generators.
 - (vi) Portable dust collectors.

- (vii) Scrubber systems circulating water based solutions of inorganic salts or bases that are installed to be available for response to emergency situations.
 - (viii) Soil borrow pits.
 - (ix) Manual loading and unloading operations.
 - (x) Purging of refrigeration devices using a combination of nitrogen and CFC-22 (R-22) as pressure test media.
 - (xi) Construction and demolition operations.
 - (xii) Mechanical equipment gear boxes and vents that are isolated from process materials.
 - (xiii) Nonvolatile mold release waxes and agents.
- ~~(42)~~ **(43)** "U.S. EPA" means the administrator of the United States Environmental Protection Agency or the administrator's designee.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

~~**Copies of these documents may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.~~

(Air Pollution Control Board; [326 IAC 2-7-1](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2249; filed Dec 19, 1995, 3:05 p.m.: 19 IR 1051; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045; filed May 31, 1996, 4:00 p.m.: 19 IR 2856; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2326; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1020; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1573; filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#))

SECTION 12. [326 IAC 2-7-8](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-7-8](#) Permit issuance, renewal, and revisions

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 8. (a) A Part 70 permit, Part 70 permit modification, or renewal may be issued only if all of the following conditions have been met:

- (1) The commissioner has received a complete application for a Part 70 permit, permit modification, or Part 70 permit renewal, except that a complete application need not be received before issuance of a general Part 70 permit under section 13 of this rule.
- (2) Except for administrative amendments under section 11 of this rule, the commissioner has complied with the requirements for public notice under section 17 of this rule.
- (3) The commissioner has complied with the requirements of section 17 of this rule for notifying and responding to affected states.
- (4) The conditions of a Part 70 permit provide for compliance with all applicable requirements and the requirements of this rule.
- (5) The U.S. EPA has received a copy of the proposed Part 70 permit and any notices required and has not objected to issuance of the Part 70 permit within the time period specified in section 18(b), 18(c), or 18(d) of this rule.

(b) Except as provided under:

(1) the initial transition plan provided for under 40 CFR 70.4(b)(11)*; or ~~under~~

(2) regulations promulgated under Title IV or Title V of the CAA for the permitting of affected sources under the acid rain program;

the commissioner shall take final action on each Part 70 permit application (including a request for Part 70 permit modification or renewal) within eighteen (18) months or such lesser time approved by the U.S. EPA, after receiving a complete application.

(c) The commissioner shall promptly provide notice to the applicant of whether the application is complete **in accordance with section 4(a)(2) of this rule**. Unless the commissioner requests additional substantive information or otherwise notifies the applicant of incompleteness within sixty (60) days of receipt of an application, the application shall be deemed complete. For modifications processed through minor Part 70 permit modification procedures, such as those in section 12(b) and 12(c) of this rule, the commissioner is not required to make a completeness determination.

(d) The commissioner shall **do the following**:

(1) Provide a technical support document that sets forth the legal and factual basis for a draft Part 70 permit conditions (including references to the applicable statutory or regulatory provisions). ~~The commissioner shall~~

(2) Send this technical support document to **the following**:

(A) The U.S. EPA. ~~to~~

(B) The applicant. ~~and to~~

(C) Any other person who requests it.

(e) If the commissioner fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the CAA to terminate or revoke and reissue a Part 70 permit.

(f) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under [326 IAC 2-2](#) through [326 IAC 2-3](#) or a preconstruction approval under [326 IAC 2-5.1](#), [326 IAC 2-6.1](#), or section 10.5 of this rule.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-7-8](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2260; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2344; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1037; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 20)

SECTION 13. [326 IAC 2-7-10.5](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-7-10.5](#) Part 70 permits; source modifications

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15-5](#); [IC 13-17](#)

Sec. 10.5. (a) An owner or operator of a Part 70 source proposing to:

- (1) construct new emission units;
- (2) modify existing emission units; or
- (3) otherwise modify the source as described in this section;

shall submit a request for a modification approval in accordance with this section.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof without prior approval if the repair or replacement:

- (1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;
- (2) is not a major modification under [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-4.1](#); and
- (3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a modification approval or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner not later than thirty (30) calendar days after initiating the repair or replacement.

(c) Any person proposing to make a modification described in subsection (d) or (f) shall submit an application to the commissioner concerning the modification as follows:

(1) If only preconstruction approval is requested, the application shall contain the following information:

(A) The company name and address.

(B) The following descriptive information:

(i) A description of the nature and location of the proposed construction or modification.

(ii) The design capacity and typical operating schedule of the proposed construction or modification.

(iii) A description of the following:

(AA) The source and the emissions unit or units comprising the source.

(BB) Any proposed emission control equipment, including design specifications.

(C) A schedule for proposed construction or modification of the source.

(D) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA, the ambient air quality standards set forth in [326 IAC 1-3](#), or the prevention of significant deterioration maximum allowable increase under [326 IAC 2-2](#):

(i) Information on the nature and amount of the pollutant to be emitted, including an estimate of the potential to emit any regulated air pollutants.

(ii) Estimates of offset credits, as required under [326 IAC 2-3](#), for sources to be constructed in nonattainment areas.

(iii) Any other information, including, but not limited to, the air quality impact, determined by the commissioner to be necessary to reasonably demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.

(E) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes the following:

(i) An ~~acknowledgement~~ **acknowledgment** that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA.

(ii) Affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(2) If the source requests that the preconstruction approval and operating permit revision be combined, the application shall contain the information in subdivision (1) and the following information consistent with section 4(c) of this rule:

(A) An identification of the applicable requirements to which the source will be subject as a result of the modification, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements.

(B) A description of the Part 70 permit terms and conditions that will apply to the modification and that are consistent with sections 5 and 6 of this rule.

(C) A schedule of compliance, if applicable.

(D) A statement describing what the compliance status of the modification will be after construction has been completed consistent with section 4(c)(10) of this rule.

(E) A certification consistent with section 4(f) of this rule.

(d) The following **minor** modifications shall be processed in accordance with subsection (e):

(1) Modifications that would reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.

(2) The addition of a portable source or relocation of a portable source to an existing source if the addition or relocation would require a change to any permit terms or conditions.

(3) Modifications that would have a potential to emit within any of the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM₁₀).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO₂).

(ii) Nitrogen oxides (NO_x).

(iii) VOC for modifications that are not described in clause (C).

(C) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of VOC for modifications that require the use of air pollution control equipment to comply with the applicable provisions of [326 IAC 8](#).

- (D) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).
- (E) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).
- (F) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:
 - (i) Hydrogen sulfide (H₂S).
 - (ii) Total reduced sulfur (TRS).
 - (iii) Reduced sulfur compounds.
 - (iv) Fluorides.
- (4) Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated pollutant other than HAPs, ten (10) tons per year of any single HAP as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of HAPs by complying with one (1) of the following constraints:
 - (A) Limiting total annual solvent usage or maximum VOC content, or both.
 - (B) Limiting annual hours of operation of the process or business.
 - (C) Using a particulate air pollution control device as follows:
 - (i) Achieving and maintaining ninety-nine percent (99%) efficiency.
 - (ii) Complying with a no visible emission standard.
 - (iii) The potential to emit before controls does not exceed major source thresholds for federal permitting programs.
 - (iv) Certifying to the commissioner that the control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀).
 - (D) Limiting individual fuel usage and fuel type for a combustion source.
 - (E) Limiting raw material throughput or sulfur content of raw materials, or both.
- (5) A modification that is subject to a RACT, a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR Part 63, Subpart B, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.
- (6) A change for which a source requests an emission limit to avoid [326 IAC 8-1-6](#).
- (7) A modification of an existing source that has a potential to emit greater than the thresholds under subdivision (3) if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:
 - (A) results in the replacement or repair of an entire process;
 - (B) qualifies as a reconstruction of an entire process;
 - (C) may result in an increase of actual emissions; or
 - (D) would result in a net emissions increase greater than the significant levels in [326 IAC 2-2](#) or [326 IAC 2-3](#).
- (8) A modification that has a potential to emit greater than the thresholds under subdivision (3) that adds an emissions unit or units of the same type that are already permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in [326 IAC 2-2](#) or [326 IAC 2-3](#).
- (9) For a source in Lake County or Porter County with the potential to emit twenty-five (25) tons per year of either VOC or NO_x, any modification that would result in an increase of either emissions greater than or equal to the following:
 - (A) Fifteen (15) pounds per day of VOCs.
 - (B) Twenty-five (25) pounds per day of NO_x.
- (e) **Minor** modification approval procedures for modifications described under subsection (d) are as follows:
 - (1) Except as provided in [326 IAC 2-13](#), the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has approved the modification request.
 - (2) Within forty-five (45) calendar days from receipt of an application for a modification described under subsection (d), the commissioner shall do one (1) of the following:
 - (A) Approve the modification request.
 - (B) Deny the modification request.
 - (C) Determine that the minor permit revision request would cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards would

allow for an increase in emissions greater than the thresholds in subsection (f) or would not provide for compliance monitoring consistent with this rule and should be processed under subsection (g).

(3) The source may begin construction as follows:

(A) If the source has a final Part 70 permit and only requests preconstruction approval or if the source does not have a final Part 70 permit, the source may begin construction upon approval by the commissioner. Notwithstanding [IC 13-15-5](#), the commissioner's approval shall become effective immediately. Operation of the modification shall be as follows:

(i) For a source that has a final Part 70 permit, operation of the modification may commence in accordance with section 12 of this rule.

(ii) For a source without a final Part 70 permit, operation may begin after construction is completed.

(B) If the source requests that the preconstruction approval and operating permit revision be combined, the source may begin construction upon approval and operation may begin in accordance with section 12 of this rule.

(f) The following **significant** modifications shall be processed in accordance with subsection (g):

(1) Any modification that ~~would be~~ **is** subject to [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-4.1](#).

(2) A modification that is subject to [326 IAC 8-1-6](#).

(3) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.

(4) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of any of the following pollutants:

(A) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀).

(B) Sulfur dioxide (SO₂).

(C) Nitrogen oxides (NO_x).

(D) VOC.

(E) Hydrogen sulfide (H₂S).

(F) Total reduced sulfur (TRS).

(G) Reduced sulfur compounds.

(H) Fluorides.

(5) For a source of lead with a potential to emit greater than or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(6) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single HAP as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of HAPs.

(7) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

~~(8) Modifications involving a pollution prevention project, as defined in [326 IAC 2-1.1-1](#)(9), that increase the potential to emit any regulated pollutant greater than the applicable thresholds under subdivisions (3) through (7). The requirement to process the modifications in accordance with subsection (g) does not apply to pollution prevention projects that the department approved as an environmentally beneficial pollution prevention project through a permit issued prior to July 1, 2000.~~

(g) The following shall apply to the **significant** modifications described in subsection (f):

(1) Any person proposing to make a modification described in subsection (f) shall:

(A) submit an application concerning the modification; and

(B) include the information under subsection (c).

(2) Except as provided in [326 IAC 2-13](#), the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has issued a modification approval.

(3) The commissioner shall approve or deny the modification as follows:

(A) Within one hundred twenty (120) calendar days from receipt of an application for a modification in subsection (f) except subsection (f)(1).

(B) Within two hundred seventy (270) calendar days from receipt of an application for a modification under subsection (f)(1).

(4) A modification approval under this subsection may be issued only if all of the following conditions have been met:

(A) The commissioner has received a complete application for a modification.

(B) The commissioner has complied with the requirements for public notice as follows:

(i) For modifications for which a source is only requesting preconstruction approval, the commissioner has complied with the requirements under [326 IAC 2-1.1-6](#).

(ii) For modifications for which a source is requesting a combined preconstruction approval and operating permit revision, the commissioner has complied with the requirements under section 17 of this rule.

(C) The conditions of the modification approval provide for compliance with all applicable requirements and this rule.

(D) For modifications for which a source is requesting a combined preconstruction approval and operating permit revision, the U.S. EPA has received a copy of the proposed modification approval and any notices required and has not objected to the issuance of the modification approval within the time period specified in section 18 of this rule.

(5) The commissioner shall do the following:

(A) Provide a technical support document that sets forth the legal and factual basis for draft modification approval conditions, including references to the applicable statutory and regulatory provisions.

(B) Send this technical support document to:

- (i) the U.S. EPA;
- (ii) the applicant; and
- (iii) any other person who requests it.

(h) The following shall apply to a modification approval described in subsection (f) for a source that has not received a final Part 70 permit:

(1) After receiving an approval to construct and prior to receiving approval to operate, a source shall prepare an affidavit of construction as follows:

(A) The affidavit shall include the following:

- (i) The name and title of the authorized individual.
- (ii) The company name.
- (iii) Subject to item (iv), an affirmation that the emissions units described in the modification approval:
 - (AA) were constructed in conformance with the request for modification approval; and
 - (BB) will comply with the modification approval.
- (iv) Identification of any changes to emissions units not included in the request for modification approval, but which should have been included under subsection (a).
- (v) The signature of the authorized individual.

(B) The affidavit shall be notarized.

(C) A source shall submit the affidavit to the commissioner either after construction of all the emission units described in the modification approval or after each phase of construction of the emission units described in the modification approval, as applicable, has been completed.

(2) A source may not operate any emissions units described in the modification approval prior to receiving a validation letter issued by the commissioner, except as provided in the following:

(A) A source may operate the emissions units covered by the affirmation in the affidavit of construction upon submission of the affidavit of construction.

(B) The commissioner shall issue a validation letter within five (5) working days of receipt of the affidavit of construction.

(C) The validation letter shall authorize the operation of all or part of each emissions unit covered by the affirmation in the affidavit of construction.

(D) Subject to clause (E), the validation letter shall include any amendments to the modification approval if the amendment is requested by the source and if the amendment does not constitute a modification and require public notice and comment under [326 IAC 2-1.1-6](#).

(E) A validation letter shall not approve the operation of any emissions unit if an amendment to the modification approval requested by the source would constitute a modification and require public notice and comment under [326 IAC 2-1.1-6](#).

(i) Each modification approval issued under this rule shall provide that construction must commence within eighteen (18) months of the issuance of the modification approval.

(j) All modification approval proceedings under this section shall provide adequate procedures for public notice, including offering an opportunity for public comment and a hearing on the draft modification approval as established in [326 IAC 2-1.1-6](#) or section 17 of this rule.

(k) The commissioner shall provide for review by the U.S. EPA and affected states of each:

- (1) modification application;
- (2) draft modification approval;
- (3) proposed modification approval; and
- (4) final modification approval;

in accordance with the procedures established in section 18 of this rule for modifications that a source is

requesting a combined preconstruction approval and operating permit revision.

(l) A modification approval issued in accordance with this section shall be incorporated into the source's Part 70 permit or permit application as follows:

- (1) For a source that has a final Part 70 permit and requested that the preconstruction approval and permit revision be combined, the modification approval shall be incorporated into the Part 70 permit as an administrative amendment in accordance with section 11 of this rule.
- (2) For a source that has a final Part 70 permit and requested only a preconstruction approval, the source may begin operation in accordance with section 12 of this rule.
- (3) For a source that has a complete Part 70 permit application on file, but does not have a final Part 70 permit and requested only preconstruction approval, the modification approval:
 - (A) shall be deemed incorporated in the Part 70 permit application; and
 - (B) will be included in the Part 70 permit when issued.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-7-10.5](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1039; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed Oct 23, 2000, 9:47 a.m.: 24 IR 672; filed May 21, 2002, 10:20 a.m.: 25 IR 3065; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3947; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#); filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#))

SECTION 14. [326 IAC 2-7-12](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-7-12](#) Permit modification

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 12. (a) A Part 70 permit modification is any revision to a Part 70 permit that cannot be accomplished under the program's provisions for administrative permit amendments under section 11 of this rule. A permit modification, for purposes of the acid rain portion of the permit, shall be governed by regulations promulgated under Title IV of the CAA.

(b) Minor permit modification procedures shall be as follows:

(1) Minor permit modification procedures may be used only for those permit modifications that meet the following requirements:

- (A) Do not violate any applicable requirement.
- (B) Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the Part 70 permit.
- (C) Do not require or change a:
 - (i) case-by-case determination of an emission limitation or other standard;
 - (ii) source specific determination for temporary sources of ambient impacts; or
 - (iii) visibility or increment analysis.
- (D) Do not seek to establish or change a Part 70 permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. The terms and conditions include the following:
 - (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the CAA.
 - (ii) An alternative emissions limit approved under regulations promulgated under Section 112(i)(5) of the CAA.
- (E) Are not modifications under any provision of Title I of the CAA.
- (F) Are not required by the Part 70 program to be processed as a significant modification.

(2) Notwithstanding subdivision (1) and subsection (c)(1), minor Part 70 permit modification procedures may be used for Part 70 permit modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that the minor Part 70 permit modification

procedures are explicitly provided for in the applicable implementation plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

(3) An application requesting the use of minor Part 70 permit modification procedures shall meet the requirements of section 4(c) of this rule and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(B) The source's suggested draft Part 70 permit reflecting the requested change.

(C) Certification by a responsible official, consistent with section 4(f) of this rule, that the proposed modification meets the criteria for use of minor Part 70 permit modification procedures and a request that the procedures be used.

(D) Completed forms for the commissioner to use to notify the U.S. EPA and affected states.

~~(E) A copy of any previous approval issued by the commissioner under this article.~~

(4) The public notice provisions of section 17 of this rule shall apply to minor modifications.

(5) Within five (5) working days of receipt of a complete Part 70 permit modification application, the commissioner shall notify the U.S. EPA and affected states of the requested Part 70 permit modification. The commissioner promptly shall send any notice required to the U.S. EPA.

(6) The commissioner may not issue a final Part 70 permit modification until after the U.S. EPA's forty-five (45) day review period or until the U.S. EPA has notified the commissioner that the U.S. EPA will not object to issuance of the Part 70 permit modification, whichever is first, although the commissioner may approve the Part 70 permit modification prior to that time. Within ninety (90) days of the commissioner's receipt of an application under the minor Part 70 permit modification procedures or fifteen (15) days after the end of the U.S. EPA's forty-five (45) day review period, whichever is later, the commissioner shall do any of the following:

(A) Issue the Part 70 permit modification as proposed.

(B) Deny the Part 70 permit modification application.

(C) Determine that the requested modification:

(i) does not meet the minor Part 70 permit modification criteria; and

(ii) should be reviewed under the significant modification procedures.

(D) Revise the draft Part 70 permit modification and transmit to the U.S. EPA the new proposed Part 70 permit modification as required by section 18(b) of this rule.

(7) The source may make the change proposed in its minor Part 70 permit modification application immediately after it files the application. After the source makes the change allowed by this subdivision, and until the commissioner takes any of the actions specified in subdivision (6)(A) through (6)(C), the source must comply with both the applicable requirements governing the change and the proposed Part 70 permit terms and conditions. During this time period, the source need not comply with the existing Part 70 permit terms and conditions it seeks to modify. If the source fails to comply with its proposed Part 70 permit terms and conditions during this time period, the existing Part 70 permit terms and conditions it seeks to modify may be enforced against it.

(8) The Part 70 permit shield under section 15 of this rule is not applicable to minor Part 70 permit modifications until after the commissioner has issued the modification. **The modification approval shall be effective upon issuance.**

(c) Consistent with the following, the commissioner may modify the procedure outlined in subsection (b) to process groups of a source's applications for modifications eligible for minor Part 70 permit modification processing:

(1) Group processing of modifications may be used only for those Part 70 permit modifications that meet the following requirements:

(A) The modifications meet the criteria for minor Part 70 permit modification procedures under subsection (b).

(B) The modifications are exempt from preconstruction or permit revision approval under [326 IAC 2-1.1-3](#).

(2) An application requesting the use of group processing procedures shall meet the requirements of section 4(c) of this rule and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(B) The source's suggested draft Part 70 permit that reflects the requested change.

(C) Certification by a responsible official, consistent with section 4(f) of this rule, that the proposed modification meets the criteria for use of group processing procedures and a request that the procedures be used.

(D) A list of the source's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subdivision (1)(B).

- (E) Certification, consistent with section 4(f) of this rule, that the source has notified the U.S. EPA of the proposed modification. The notification need only contain a brief description of the requested modification.
- (F) Completed forms for the commissioner to use to notify the U.S. EPA and affected states as required under section 18 of this rule.

(3) The notice provisions of section 17 of this rule shall apply to modifications eligible for group processing.

(4) On a quarterly basis or within five (5) business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under subdivision (1)(B), whichever is earlier, the commissioner promptly shall notify the U.S. EPA, under section 18(a) of this rule, and affected states, under section 17(c)(3) of this rule, of the requested Part 70 permit modifications. The commissioner shall send any notice required under section 18(b) of this rule to the U.S. EPA.

(5) The provisions of subsection (b)(6) shall apply to modifications eligible for group processing, except that the commissioner shall take one (1) of the actions specified in subsection (b)(6) within one hundred eighty (180) days of receipt of the application or fifteen (15) days after the end of the U.S. EPA's forty-five (45) day review period, whichever is later.

(6) The provisions of subsection (b)(7) shall apply to modifications eligible for group processing.

(7) The Part 70 permit shield under section 15 of this rule is not applicable to modifications eligible for group processing until after the commissioner has issued the modifications. **The modification approval shall be effective upon issuance.**

(d) Significant modification procedures shall be as follows:

(1) Significant modification procedures shall be used for applications requesting Part 70 permit modifications that do not qualify as minor permit modifications or as administrative amendments. Every significant change in existing monitoring Part 70 permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall be considered significant. The:

- (A) addition;
- (B) renewal;
- (C) termination;
- (D) revocation; and
- (E) revision;

of PAL provisions in accordance with [326 IAC 2-2.4](#) or [326 IAC 2-3.4](#) shall be considered significant. Nothing in this subdivision shall be construed to preclude the permittee from making changes consistent with this rule that would render existing Part 70 permit compliance terms and conditions irrelevant.

(2) Significant Part 70 permit modifications shall meet all requirements of this rule, including those for application, public participation, review by affected states, and review by the U.S. EPA, and availability of the permit shield as they apply to Part 70 permit issuance and Part 70 permit renewal. The commissioner shall complete review of the majority of significant Part 70 permit modifications within nine (9) months after receipt of a complete application.

(Air Pollution Control Board; [326 IAC 2-7-12](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2262; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2358; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2345; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1044; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1591; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3952; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#); filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#))

SECTION 15. [326 IAC 2-7-17](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-7-17](#) Public participation and notice to affected states

Authority: [IC 13-14-8](#); [IC 13-15](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15-5-3](#)

Sec. 17. (a) Any person applying for a Part 70 permit upon land ~~which~~ **that** is either undeveloped or for which a valid existing permit has not been issued shall, not more than ten (10) working days after submitting the Part 70 permit application, make a reasonable effort to provide notice to all owners or occupants of land adjoining the land ~~which~~ **that** is the subject of the application. Each applicant shall pay the cost of compliance with this requirement. The notice shall:

- (1) be in writing; and
- (2) include:
 - (A) the date on which the application was submitted; and

(B) a brief description of the subject of the application.

(b) Each applicant for a Part 70 permit shall do the following:

- (1) Place a copy of the permit application, permit modification application, and any additional information submitted to the department for public review at a library in the county where the source is located or will be located not later than ten (10) days after submitting the permit application, permit modification application, or additional information to the department.
- (2) Provide the commissioner with the location of the library where the copy may be found.
- (3) Comply with the requirements of subdivisions (1) and (2) when providing any additional material regarding the application to the department.
- (4) The applicant may remove the Part 70 permit application and related information previously placed at the public library anytime not earlier than sixty (60) days after the final Part 70 permit has become effective.

(c) All Part 70 permit proceedings, including initial Part 70 permit issuance, significant modifications, minor **permit** modifications, and renewals, shall provide adequate procedures for public notice, including offering an opportunity for public comment and a hearing on the draft Part 70 permit as follows:

(1) Prior to issuing a Part 70 permit, the draft permit shall be available for review in the following manner:

(A) The commissioner shall notify the public of the draft Part 70 permit as follows:

- (i) By publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice.
- (ii) To persons on a mailing list developed by the commissioner, including those who request in writing to be on the list.
- (iii) By other means if necessary to assure adequate notice to the affected public.

(B) The notice shall identify the following:

- (i) The affected facility.
- (ii) The name and address of the permittee.
- (iii) The name and address of the commissioner processing a Part 70 permit.
- (iv) The activity or activities involved in a Part 70 permit action and information sufficient to notify the public as to the emissions implications of those activities.
- (v) The emissions change involved in any Part 70 permit modification.
- (vi) The name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of a Part 70 permit draft, the application, all relevant supporting materials, and all other materials available to the commissioner that are relevant to a Part 70 permit decision.

(C) The notice shall include the following:

- (i) Notification of receipt of the permit application.
- (ii) The commissioner's draft approval of the permit application.
- (iii) Notification to the public of **the following**:

(AA) At least a thirty (30) day period for submitting written comments to the commissioner and a brief description of the comment procedures required by this section.

~~(iv) Notification to the public of~~ **(BB)** The opportunity for a public hearing including a statement of procedures to request a hearing (unless a hearing has already been scheduled) for consideration of the permit application. Notification including the time and place of any hearing that may be held shall be given at least thirty (30) days in advance of the hearing if such a hearing has been scheduled.

~~(v) Notification to the public~~ **(CC)** That a copy of the application and commissioner's analysis thereof are available for inspection at the library designated in subsection (b).

(2) A copy of the notice provided under subdivision (1) shall also be provided to the appropriate federal, state, or local agency.

(3) The commissioner shall **do the following**:

(A) Provide notice and opportunity for participation by affected states. Except as otherwise waived by the U.S. EPA, the commissioner shall give notice of each draft permit to any affected state on or before the time that the commissioner provides notice to the public under this section, except to the extent that section 12(b) and 12(c) of this rule requires timing of the notice to be different.

~~(4) The commissioner shall~~ **(B)** Keep a record of the commenters and also of the issues raised during the public participation process so that the U.S. EPA may fulfill its obligation under Section 505(b)(2) of the CAA to determine whether a citizen petition may be granted. ~~Such~~ **The** records shall be available to the public.

~~(5) The commissioner shall~~ **(C)** Prepare a written response to comments ~~which~~ **that** shall be available to the public at the time a proposed permit is submitted to the U.S. EPA.

~~(6)~~ **(4)** Notification, in writing, of the final determination shall be:

(A) given according to [IC 13-15-5-3](#); ~~such notification shall be and~~

(B) made available for public inspection at the public library identified in subsection (b)(2).

(7) (5) A permit may be denied by the commissioner on the basis of adverse comment if the comment demonstrates the following:

(A) The ambient air quality standards under [326 IAC 1-3](#) cannot be attained or maintained if a permit is issued.

(B) The prevention of significant deterioration requirements under [326 IAC 2-2](#) will not be met.

(C) The offset requirements under [326 IAC 2-3](#) will not be satisfied.

(D) For any other reason such as, but not limited to, interference with attainment and maintenance of the standards under [326 IAC 12](#).

(Air Pollution Control Board; [326 IAC 2-7-17](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2266; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2348)

SECTION 16. [326 IAC 2-8-10](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-8-10](#) Administrative permit amendments

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 10. (a) An administrative permit amendment is a FESOP revision that does any of the following:

(1) Corrects typographical errors.

(2) Identifies a change in the name, address, or telephone number of any person identified in the FESOP or provides a similar minor administrative change at the source.

(3) Requires more frequent monitoring or reporting by the permittee.

(4) Allows for a change in ownership or operational control of a source where the commissioner determines that no other change in a FESOP is necessary, provided that a written agreement containing a specific date for transfer of a FESOP responsibility, coverage, and liability between the current and new permittee has been submitted to the commissioner.

(5) Makes a change to a **testing**, monitoring, maintenance, or record keeping requirement that is not environmentally significant. ~~Such~~ **The** change shall not be an administrative amendment if the monitoring, maintenance, or record keeping is required by an applicable requirement.

(6) Revises descriptive information where the revision will not trigger a new applicable requirement or violate a permit term.

(7) Incorporates alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60*, 40 CFR 61*, or 40 CFR 63*, **and there is no new equipment and no change to operations or processes.**

(8) Incorporates newly-applicable monitoring or testing requirements specified in 40 CFR 60*, 40 CFR 61*, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability, **and there is no new equipment and no change to operations or processes.**

(9) Incorporates test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit, **and there is no new equipment and no change to operations or processes.**

(10) Allows for the construction and operation of a modification that has received advance approval under this rule.

~~(11) Allows for changes or modifications involving a pollution control project or pollution prevention project as defined in [326 IAC 2-1.1-1](#) that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in [326 IAC 2-1.1-3](#)(e)(1) or a significant change in the method or methods to demonstrate or monitor compliance.~~

~~(12) (11)~~ Allows for a change or modification that meets the applicability criteria and can meet and will comply with the operational limitations for a source specific operating agreement under [326 IAC 2-9](#) or a general permit under [326 IAC 2-12](#) or section 18 of this rule and does not require an adjustment to the potential to emit of the source.

~~(13) (12)~~ Incorporates a modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:

(A) results in the replacement or repair of an entire process;

(B) qualifies as a reconstruction of an entire process; or

(C) may result in an increase of actual emissions.

~~(14) (13)~~ Incorporates a modification that adds an emissions unit or units of the same type that are already

permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in [326 IAC 2-2](#) or [326 IAC 2-3](#).

~~(15)~~ **(14)** Incorporates a modification that is subject to the following reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B, Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*:

- (A) 40 CFR 60.40c*, except for modifications to a source located in Lake County.
- (B) 40 CFR 60.110b*.
- (C) 40 CFR 60.250*, except for modifications that include thermal dryers.
- (D) 40 CFR 60.330* for modifications that only include emergency generators.
- (E) 40 CFR 60.670*.
- (F) 40 CFR 61.110*.

As part of the request under subsection (b)(1), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP. For modifications under clauses (A) through (D), the source must use the monitoring specified in the relevant RACT, NSPS, or NESHAP.

~~(16)~~ **(15)** Incorporates a modification that is subject to one (1) of the following NSPSs, except for modifications that would be subject to [326 IAC 8-1-6](#):

- (A) 40 CFR 60.310*.
- (B) 40 CFR 60.390*.
- (C) 40 CFR 60.430*.
- (D) 40 CFR 60.440*.
- (E) 40 CFR 60.450*.
- (F) 40 CFR 60.460*.
- (G) 40 CFR 60.490*.
- (H) 40 CFR 60.540*.
- (I) 40 CFR 60.560*.
- (J) 40 CFR 60.580*.
- (K) 40 CFR 60.600*.
- (L) 40 CFR 60.660*.
- (M) 40 CFR 60.720*.

As part of the request under subsection (b)(1), the applicant shall acknowledge the requirement to comply with the NSPS. For modifications under clauses (A) through (H), the source must use the monitoring specified in the NSPS.

(16) Adds an exempt emissions unit or units at the request of the applicant.

(17) Incorporates or deletes applicable requirements as a result of a change in applicability.

(b) An administrative permit amendment may be made by the commissioner consistent with the following:

(1) The commissioner shall take no more than sixty (60) days from receipt of a request for an administrative permit amendment to take final action on ~~such~~ **the** request and may incorporate ~~such~~ **the** changes without providing prior notice to the public or affected states provided that it designates any such permit revisions as having been made under this subsection.

(2) The commissioner shall submit a copy of a revised FESOP to the U.S. EPA.

(3) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-8-10](#); filed May 25, 1994, 11:00 a.m.: 17 IR 2275; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2358; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1054; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed May 21, 2002, 10:20 a.m.: 25 IR 3071; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#))

SECTION 17. [326 IAC 2-8-11.1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-8-11.1](#) Permit revisions

Sec. 11.1. (a) Any person proposing to add additional emission units, modify existing emission units, or otherwise modify a FESOP source as described in this section shall submit a permit revision request in accordance with this section.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment, or components thereof, **without prior approval**, if the repair or replacement:

- (1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit for the equipment or the affected emissions unit that was repaired or replaced;
- (2) is not a major modification under [326 IAC 2-2-1](#), [326 IAC 2-3-1](#), or [326 IAC 2-4.1](#); and
- (3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner not later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application required under this section shall meet the requirements of section 3(c) of this rule and include the following information:

- (1) The company name and address.
- (2) A description of the change and the emissions resulting from the change.
- (3) An identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements.
- (4) Proposed permit terms and conditions required to implement the change, including limitations and methods to be used to comply with the limitations for modifications described in subsection (d)(5).
- (5) A schedule of compliance, if applicable.
- (6) A certification consistent with section 3(d) of this rule.

(d) The following modifications shall require minor permit revisions and shall require approval prior to construction and operation:

- (1) Modifications that reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.
- (2) The addition of a portable source or relocation of a portable source to an existing source, if the addition or relocation would require a change to any permit terms or conditions.
- ~~(3) Modifications or revisions involving a pollution control project or pollution prevention project as defined in [326 IAC 2-1.1-1](#) that do not increase the potential to emit any regulated pollutant greater than the thresholds under subsection (f)(1), but requires a significant change in the method or methods to demonstrate or monitor compliance.~~
- (4) **(3)** Modifications that would have a potential to emit within the following ranges:
 - (A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM_{10}).
 - (B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of sulfur dioxide (SO_2).
 - (C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of nitrogen oxides (NO_x).
 - (D) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of VOC for modifications that are not described in clause (E).
 - (E) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of VOC for modifications that require the use of air pollution control equipment to comply with the applicable provisions of [326 IAC 8](#).
 - (F) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).
 - (G) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

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- (H) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:
- (i) Hydrogen sulfide (H₂S).
 - (ii) Total reduced sulfur (TRS).
 - (iii) Reduced sulfur compounds.
 - (iv) Fluorides.
- ~~(5)~~ **(4)** Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated pollutant other than HAPs, ten (10) tons per year of any single HAP as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of HAPs by complying with one (1) of the following constraints:
- (A) Limiting total annual solvent usage or maximum VOC content, or both.
 - (B) Limiting annual hours of operation of the process or business.
 - (C) Using a particulate air pollution control device as follows:
 - (i) Achieving and maintaining ninety-nine percent (99%) efficiency.
 - (ii) Complying with a no visible emission standard.
 - (iii) The potential to emit before air pollution controls does not exceed major source thresholds for federal permitting programs.
 - (iv) Certifying to the commissioner that the air pollution control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM₁₀).
 - (D) Limiting individual fuel usage and fuel type for a combustion source.
 - (E) Limiting raw material throughput or sulfur content of raw materials, or both.
- ~~(6)~~ **(5)** A change that is not described under section 10(a)(15) or 10(a)(16) of this rule and is subject to a RACT, a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.
- ~~(7)~~ **(6)** A modification for which a source requests an emission limit to avoid [326 IAC 8-1-6](#).
- (e) Minor permit revision procedures shall be as follows:
- (1) Any person proposing to make a change described in subsection (d) shall:
 - (A) submit an application concerning the change; and
 - (B) include the information under subsection (c).
 - (2) Except as provided in [326 IAC 2-13](#), the source may not begin construction on any emissions unit that is necessary to implement the change until the commissioner has revised the permit.
 - (3) Within forty-five (45) calendar days from receipt of an application for a minor permit revision, the commissioner shall either:
 - (A) approve the minor permit revision request;
 - (B) deny the minor permit revision; or
 - (C) determine that the minor permit revision request would cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards, would allow for an increase in emissions greater than the thresholds in subsection (f), or would not provide for compliance monitoring consistent with this rule and should be processed as a significant permit revision.
 - (4) If approved, the permit shall be revised by incorporating the minor permit revision into the permit. The commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the minor permit revision to the permit. The commissioner shall do the following:
 - (A) Notify the permittee upon incorporation of the minor permit revision to the permit.
 - (B) Provide a copy of the minor permit revision to the permittee.
- Notwithstanding [IC 13-15-5](#), the commissioner's decision shall become effective immediately.
- (f) Significant permit revision procedures are as follows:
- (1) A significant permit revision is a modification that is not an administrative amendment under section 10 of this rule or subject to subsection (d) and includes the following:
 - (A) Any modification that would be subject to [326 IAC 2-2](#), [326 IAC 2-3](#), or [326 IAC 2-4.1](#).
 - (B) Any modification that results in the source needing to obtain a Part 70 permit under [326 IAC 2-7](#).
 - (C) A modification that is subject to [326 IAC 8-1-6](#).
 - (D) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.
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- (E) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of the following pollutants:
- (i) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM_{10}).
 - (ii) Sulfur dioxide (SO_2).
 - (iii) Nitrogen oxides (NO_x).
 - (iv) VOC.
 - (v) Hydrogen sulfide (H_2S).
 - (vi) Total reduced sulfur² (TRS).
 - (vii) Reduced sulfur compounds.
 - (viii) Fluorides.

(F) For a source of lead with a potential to emit greater than or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(G) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single HAP as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of HAPs.

(H) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

~~(I) Any modification involving a pollution control project as defined in [326 IAC 2-1.1-1](#) that:~~

~~(i) results in an increase in the potential to emit any regulated pollutant greater than the thresholds under this section; and~~

~~(ii) requires a change in the method or methods to demonstrate or monitor compliance.~~

~~(J) Any modification involving a pollution prevention project as defined in [326 IAC 2-1.1-1](#) that:~~

~~(i) increases the potential to emit any regulated pollutant greater than the thresholds under this section; or~~

~~(ii) results in emissions of any regulated pollutant not previously emitted.~~

(I) Any modification that removes or reduces compliance monitoring, testing, record keeping, reporting, or its frequency.

(2) The following conditions shall apply to significant permit revisions:

(A) Any person proposing to make a modification described in this subsection shall:

(i) submit an application concerning the modification; and

(ii) include the information under subsection (c).

(B) The commissioner shall provide a copy of the significant permit revision application and draft and final operating permit revision to the U.S. EPA.

(C) Except as provided in [326 IAC 2-13](#), the source may not begin construction on any emissions unit that is necessary to implement the change until the commissioner has revised the permit.

(D) The commissioner shall provide for public notice and comment in accordance with section 13 of this rule.

(E) The commissioner shall approve or deny the significant permit revision as follows:

(i) Within one hundred twenty (120) calendar days from receipt of an application for a significant permit revision, except for a significant permit revision under subdivision (1)(A).

(ii) Within two hundred seventy (270) calendar days from receipt of an application for a significant permit revision under subdivision (1)(A).

(F) If approved, the permit shall be revised by incorporating the significant permit revision into the permit.

The commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the significant permit revision to the permit.

(g) Notwithstanding a permit requirement for emissions to remain below major source thresholds under Part 70 in [326 IAC 2-7](#), PSD in [326 IAC 2-2](#), or emission offset in [326 IAC 2-3](#), any modifications that require an adjustment to the FESOP emission limitations shall be required to be reviewed in accordance with the procedures in subsection (f).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-8-11.1](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 1055; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; filed May 21, 2002, 10:20 a.m.: 25 IR 3072; errata filed Jul 23, 2007, 4:19 p.m.: [20070815-IR-326070466ACA](#); filed Oct 1, 2010, 3:48 p.m.: [20101027-IR-326070372FRA](#))

SECTION 18. [326 IAC 2-9-2.5](#), PROPOSED TO BE AMENDED AT [20101124-IR-326070286SNA](#), SECTION

7, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-2.5 Industrial or commercial surface coating operations not subject to [326 IAC 8-2](#); graphic arts operations not subject to [326 IAC 8-5-5](#)

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-11-2](#); [IC 13-15](#); [IC 13-17](#)

Sec. 2.5. (a) As used in this section, "solvent containing material" means any product used in surface coating or graphic arts operations that contains ~~volatile organic compounds~~ **any amount of VOC or hazardous air pollutants (HAP), HAPs**, including, but not limited to, the following:

- (1) Coatings.
- (2) Inks.
- (3) Thinners.
- (4) Degreasing solvents.
- (5) Clean-up solvents.
- (6) Other additives.

(b) Except if it is a modification of a major source in Lake County or Porter County subject to [326 IAC 2-3-3](#), any industrial or commercial surface coating operation not subject to the requirements of [326 IAC 8-2](#) or graphic arts operation not subject to the requirements of [326 IAC 8-5-5](#) may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Request a source specific operating agreement under this section.

(2) One (1) of the following:

(A) All surface coating or graphic arts operations at the source shall use two thousand (2,000) gallons or less of solvent containing material for every twelve (12) month period.

(B) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:

(i) The total amount of VOC shall not exceed two (2) tons per month.

(ii) The total amount of a single HAP shall not exceed eight hundred thirty-three (833) pounds per month.

(iii) The total amount of any combination of HAP shall not exceed one (1) ton per month.

(3) For surface coating or graphic arts operations complying with subdivision (2)(A), the following records shall be kept at the source:

(A) Purchase orders or invoices of solvent containing materials.

(B) An annual summation on a calendar year basis of purchase orders or invoices for all solvent containing materials.

(4) For surface coating or graphic arts operations complying with subdivision (2)(B), the following records shall be kept at the source:

(A) The number of gallons of each solvent containing material used.

(B) VOC and HAP content (pounds/gallon) of each solvent containing material used.

(C) **Manufacturer data sheets (MDS) or material safety data sheets (MSDS)** for each solvent containing material used. **If a range of VOC or HAP content is provided on either the MDS or MSDS, the highest content reported shall be used. If both the MDS and MSDS are available, the MDS shall be the primary source for determining the VOC or HAP content (pounds/gallon) of each solvent containing material.**

(D) A monthly summation of VOC and HAP usage.

(E) Purchase orders and invoices for each solvent containing material used.

(5) Particulate matter emissions **from spray application** shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.

(6) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC and HAP totals and total VOC and HAP emissions for the previous twelve (12) months.

(Air Pollution Control Board; [326 IAC 2-9-2.5](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2305; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 802)

SECTION 19. [326 IAC 2-9-3](#), PROPOSED TO BE AMENDED AT [20101124-IR-326070286SNA](#), SECTION 8, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-3 Surface coating or graphic arts operations**Authority:** [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 3. Any industrial or commercial surface coating operation or graphic arts operation may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following:

- (1) Request a source specific operating agreement under this section.
- (2) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:
 - (A) Fifteen (15) pounds per day from surface coating or graphic arts operations at sources located outside of Lake and Porter counties.
 - (B) Seven (7) pounds per day from surface coating or graphic arts operations at sources located in Lake and Porter counties.
- (3) For surface coating or graphic arts operations complying with subdivision (2), the following records shall be kept at the source:
 - (A) The number of gallons of each solvent containing material used.
 - (B) VOC and HAP content (pounds/gallon) of each solvent containing material used.
 - (C) **Manufacturer data sheets (MDS) or** material safety data sheets (MSDS) for all VOC and HAP containing material used. **If a range of VOC or HAP content is provided on either the MDS or MSDS, the highest content reported shall be used. If both the MDS and MSDS are available, the MDS shall be the primary source for determining the VOC or HAP content (pounds/gallon) of each solvent containing material.**
 - (D) A monthly summation of VOC and HAP usage.
 - (E) Daily summation of VOC and HAP usage.**
 - ~~(E)~~ **(F)** Purchase orders and invoices for each solvent containing material used.
- (4) Particulate matter emissions **from spray application** shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.
- (5) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC totals, **highest daily total per month**, and total VOC emissions for the previous twelve (12) months.

(Air Pollution Control Board; [326 IAC 2-9-3](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2305; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 803)

SECTION 20. [326 IAC 2-9-4](#), PROPOSED TO BE AMENDED AT [20101124-IR-326070286SNA](#), SECTION 9, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-4 Woodworking operations**Authority:** [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 4. (a) Any woodworking operation subject to [326 IAC 6-1](#) or [326 IAC 6-3](#) may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the conditions under subsection (b), (c), (d), (e), or (f).

(b) Woodworking operations with an air flow of not greater than four hundred thousand (400,000) actual cubic feet per minute and that emit not greater than one-thousandth (0.001) grain per actual cubic foot of PM₁₀ shall meet the following conditions:

- (1) Request a source specific operating agreement under this section.
- (2) The source shall not emit PM₁₀ in excess of one-thousandth (0.001) grain per actual cubic foot.
- (3) The source shall discharge no visible emissions to the outside air from the woodworking operation.
- (4) The source shall not at any time exhaust to the atmosphere greater than four hundred thousand (400,000) actual cubic feet per minute.
- ~~(5) The source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.~~

(5) The baghouse is in operation at all times that the woodworking equipment is in use.

(6) When venting to the atmosphere, visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:

(A) The baghouse shall be inspected.

(B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.

(7) The baghouse is inspected quarterly when vented to the atmosphere.

(8) The owner or operator keeps the following records:

(A) Records documenting the date when the baghouse vented to the atmosphere.

(B) Quarterly inspection reports when vented to the atmosphere.

(C) Visible observation reports.

(D) Records of corrective actions.

(c) Woodworking operations with an air flow of not greater than one hundred twenty-five thousand (125,000) cubic feet per minute and that emit not greater than three-thousandths (0.003) grain per dry standard cubic feet of PM_{10} shall meet the following conditions:

(1) The woodworking operations shall be controlled by a baghouse.

(2) The baghouse does not exhaust to the atmosphere greater than one hundred twenty-five thousand (125,000) cubic feet per minute.

(3) The baghouse does not emit PM_{10} in excess of three-thousandths (0.003) grain per dry standard cubic feet of outlet air.

(4) Opacity from the baghouse does not exceed ten percent (10%) opacity.

(5) The baghouse is in operation at all times that the woodworking equipment is in use.

(6) **When venting to the atmosphere**, visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:

(A) The baghouse shall be inspected.

(B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.

(7) The baghouse is inspected quarterly when vented to the atmosphere.

(8) The owner or operator keeps the following records:

(A) Records documenting the date when the baghouse ~~redirected indoors or~~ **vented** to the atmosphere.

(B) Quarterly inspection reports when vented to the atmosphere.

(C) Visible observation reports.

(D) Records of corrective actions.

(d) Woodworking operations with an air flow of not greater than forty thousand (40,000) cubic feet per minute and that emit not greater than one-hundredth (0.01) grain per dry standard cubic feet of PM_{10} shall meet the following conditions:

(1) The woodworking operations shall be controlled by a baghouse.

(2) The baghouse does not exhaust to the atmosphere greater than forty thousand (40,000) cubic feet per minute.

(3) The baghouse does not emit PM_{10} in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.

(4) Opacity from the baghouse does not exceed ten percent (10%).

(5) The baghouse is in operation at all times that the woodworking equipment is in use.

(6) **When venting to the atmosphere**, visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:

(A) The baghouse shall be inspected.

(B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.

(7) The baghouse is inspected quarterly when vented to the atmosphere.

(8) The owner or operator keeps the following records:

(A) Records documenting the date when the baghouse ~~redirected indoors or~~ **vented** to the atmosphere.

(B) Quarterly inspection reports when vented to the atmosphere.

(C) Visible observation reports.

(D) Records of corrective actions.

(e) Woodworking operations with an airflow not greater than one hundred twenty-five thousand (125,000) cubic feet per minute and that emit not greater than one-hundredth (0.01) grain per dry standard cubic feet of PM₁₀ shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) Request a source specific operating agreement under this section.
- (3) The baghouse shall not exhaust greater than one hundred twenty-five thousand (125,000) cubic feet per minute to the atmosphere.
- (4) The baghouse shall not emit PM₁₀ in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
- (5) Opacity from the baghouse does not exceed ten percent (10%).
- (6) The baghouse is in operation at all times that the woodworking equipment is in use.
- (7) **When venting to the atmosphere**, visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (A) The baghouse shall be inspected.
 - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (8) The baghouse is inspected quarterly when vented to the atmosphere.
- (9) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse ~~redirected indoors or~~ **vented** to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

(f) Woodworking operations with an airflow not greater than sixty-five thousand (65,000) cubic feet per minute and that emit not greater than one-hundredth (0.01) grain per dry standard cubic feet of PM₁₀ shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) Request a source specific operating agreement under this section.
- (3) The baghouse shall not exhaust greater than sixty-five thousand (65,000) cubic feet per minute to the atmosphere.
- (4) The baghouse shall not emit PM₁₀ in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
- (5) Opacity from the baghouse does not exceed ten percent (10%).
- (6) The baghouse is in operation at all times that the woodworking equipment is in use.
- (7) **When venting to the atmosphere**, visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
 - (A) The baghouse shall be inspected.
 - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (8) The baghouse is inspected quarterly when vented to the atmosphere.
- (9) The owner or operator keeps the following records:
 - (A) Records documenting the date when the baghouse ~~redirected indoors or~~ **vented** to the atmosphere.
 - (B) Quarterly inspection reports when vented to the atmosphere.
 - (C) Visible observation reports.
 - (D) Records of corrective actions.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-9-4](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1060; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; filed May 21, 2002, 10:20 a.m.: 25 IR 3075; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 803)

SECTION 21. [326 IAC 2-9-11](#) PROPOSED TO BE AMENDED AT [20101124-IR-326070286SNA](#), SECTION 16, IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-11 Automobile refinishing operations

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 11. (a) The following definitions apply throughout this section:

(1) "Automobile refinishing" has the meaning set forth in 326 IAC 8-10-2(5).

(2) "Solvent containing material" means any product used in automobile refinishing operations that contains ~~volatile organic compounds~~ **any amount of VOC or hazardous air pollutants HAP**, including, but not limited to, the following:

- (A) Pretreatment wash primers.
- (B) Precoats.
- (C) Primers.
- (D) Primer surfacers.
- (E) Primer sealers.
- (F) Topcoats.
- (G) Specialty coatings.
- (H) Surface preparation products.
- (I) Gun cleaning solutions.
- (J) Paint removers.
- (K) Degreasing solvents.
- (L) Hardeners.
- (M) Catalysts.
- (N) Reducers.
- (O) Other additives.

(b) An owner or operator of an automobile refinishing shop may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) The requirements of 326 IAC 8-10, if applicable.

(2) One (1) of the following:

(A) The total amount of all solvent containing material delivered to the automobile refinishing shop, less the amount of solvent containing material quantified by manifest as having been shipped off-site, shall not exceed two thousand (2,000) gallons annually.

(B) The total amount of all solvent containing material delivered to the automobile refinishing shop that meets the VOC limits of 326 IAC 8-10-4(b), less the amount of solvent containing material quantified by manifest as having been shipped off-site, shall not exceed three thousand (3,000) gallons annually.

(C) The total amount of VOC delivered to the automobile refinishing shop, less the amount of VOC that is quantified by manifest as having been shipped off-site, shall not exceed one (1) ton per month.

(3) For automobile refinishing shops electing to comply with subdivision (2)(A) or (2)(B), usage shall be determined based on either:

- (A) actual use records; or
- (B) purchase records.

(4) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.

(5) Request a source specific operating agreement under this section.

(c) An owner or operator of an automobile refinishing shop that has been issued an operating agreement under this section shall keep the following records at the source:

(1) For automobile refinishing shops complying with subsection (b)(2)(A), the following records shall be kept:

- (A) Purchase or use records of solvent containing materials.
- (B) An annual summation on a calendar year basis of purchase or use records for all solvent containing materials.
- (C) Amount of waste solvent containing material manifested off-site.

(2) For automobile refinishing shops complying with subsection (b)(2)(B), the records required under subdivision (1) and the records required under 326 IAC 8-10-9(a) shall be kept.

(3) For automobile refinishing shops complying with subsection (b)(2)(C), the following records shall be kept:

- (A) Purchase orders and invoices for each solvent containing material.
- (B) The number of gallons of each solvent containing material used.
- (C) VOC content (pounds/gallon) of each solvent containing material used.
- (D) The amount of waste VOC manifested off-site.
- (E) A summation on a monthly basis of emissions of VOC.

(Air Pollution Control Board; [326 IAC 2-9-11](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2312; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 810)

SECTION 22. [326 IAC 2-9-13](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-13](#) External combustion sources

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 13. (a) The following definitions apply throughout this section:

- (1) "Boiler" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water above the boiling point for water at the operating pressure.
- (2) "Dryer" means a device that uses the heat generated from combustion of a fuel or electrical resistance to drive off volatile compounds by evaporation from materials processed in such a device.
- (3) "Oven" means a device that uses the heat generated from combustion of a fuel or electrical resistance to cause or expedite a chemical curing process or drive off volatile compounds from material processed in such a device.
- (4) "Process heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat a material so as to augment or expedite its processing.
- (5) "Space heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat the air inside a building or otherwise provide comfort heating.
- (6) "Water heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water below the boiling point for water at the operating pressure.

(b) Any external combustion source, including any combination of boilers, space heaters, ovens, dryers, or water heaters may elect to comply with this section by complying with the requirements of section 1 of this rule and the following: ~~conditions:~~

- (1) Visible emissions from the source shall not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*.
- (2) ~~One (1) of the following:~~ (A) Limiting fuel usage for every twelve (12) month period to less than the limits found in:
 - (A) subsection (f), Table 1 for a single fuel or a combination of two (2) fuels; **or**
 - (B) ~~Limiting fuel usage for every twelve (12) month period to less than the limits found in~~ subsection (g), Table 2 for a single fuel or a combination of two (2) fuels.

(c) Sources electing to comply with subsection (b)(2)(A) must be able to demonstrate compliance ~~no~~ **not** later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(d) Sources electing to comply with subsection (b)(2)(B) must:

- (1)** comply with the requirements of section 1 of this rule; and
- (2)** submit a request for a source specific operating agreement accompanied by a one **(1)** time application fee of five hundred dollars (\$500).

(e) For sources complying with subsection (b)(2)(B), the following records shall be kept at the source:

- (1) **Monthly** hours operated for each combustion unit.
- (2) Records of annual fuel usage for each combustion unit.
- (3) Routine maintenance records.

(f) Table 1 limits shall be as follows:

TABLE 1

Fuel	Maximum Fuel Usage per Year
Single Fuel	
Natural gas	1,000.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	714.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	181.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,408.0 kgals
Fuel oil #5 and #6 (distillate)	181.0 kgals
Liquified petroleum gas (LPG)	5,263.0 MMCF
Coal (bituminous and subbituminous)	786.0 tons
Bark-only	5,882.0 tons
Wood-only	7,352.0 tons
Wood and bark	7,352.0 tons
Dual Fuel ¹	
Natural gas	976.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	697.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	177.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	83.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	59.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	15.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,291.0 kgals
Fuel oil #5 and #6 (residual)	15.0 kgals
Coal (bituminous and subbituminous)	786.0 tons
Bark, wood, or wood and bark	490.0 tons
Bark, wood, or wood and bark	5,858.0 tons
Coal (bituminous and subbituminous)	65.0 tons

(¹Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)

Unit abbreviations:

kgals = 10³ gallons

MMCF = 10⁶ cubic feet

(g) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per Year
Single Fuel	
Natural gas	1,600.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	

Natural gas	1,142.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	290.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	2,253.0 kgals
Fuel oil #5 and #6 (residual)	291.0 kgals
Liquified petroleum gas (LPG)	8,421.0 MMCF
Coal (bituminous and subbituminous)	1,258.0 tons
Bark-only	9,411.0 tons
Wood-only	11,764.0 tons
Wood/bark	11,764.0 tons
Dual Fuel ¹	
Natural gas	1,562.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,115.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	284.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	133.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	95.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	24.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,065.0 kgals
Fuel oil #5 and #6 (residual)	24.0 kgals
Coal (bituminous and subbituminous)	1,258.0 tons
Bark, wood, or wood and bark	784.0 tons
Bark, wood, or wood and bark	9,373.0 tons
Coal (bituminous and subbituminous)	104.0 tons

(¹Top fuel is intended to be the primary fuel; the bottom fuel is the secondary fuel.)

Unit abbreviations:

kgals = 10³ gallons

MMCF = 10⁶ cubic feet

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 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 46204.

(Air Pollution Control Board; [326 IAC 2-9-13](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2313; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 28; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 811)

SECTION 23. [326 IAC 2-9-14](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-9-14](#) Internal combustion sources

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Sec. 14. (a) Any stationary internal combustion source, including any combination of turbines, reciprocating engines, or engines, may elect to comply with this section by complying with section 1 of this rule and ~~one (1) of the following:~~ (1) limiting fuel usage for every twelve (12) month period to less than the limits found in:

(1) subsection (e), Table 1 for a single fuel or a combination of two (2) fuels; **or**

(2) ~~Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 2 for a single fuel or a combination of two (2) fuels.~~

(b) Sources electing to comply with subsection (a)(1) must be able to demonstrate compliance ~~no~~ **not** later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(c) Sources electing to comply with subsection (a)(2) must:

(1) comply with the requirements of section 1 of this rule; and

(2) submit a request for a source specific operating agreement accompanied by a one (1) time application fee of five hundred dollars (\$500).

(d) For sources complying with subsection (a)(2), the following records shall be kept at the source:

(1) **Monthly** hours operated for each combustion unit.

(2) Records of annual fuel usage for each combustion unit.

(3) Routine maintenance records.

(e) Table 1 limits shall be as follows:

TABLE 1

Fuel	Maximum Fuel Usage per Year
Large turbine	
Natural gas	227.27 MMCF/yr
Distillate	1,414.42 kgal/yr
Uncontrolled natural gas prime movers	
Gas turbines	294.11 MMCF/yr
2-cycle lean burn	37.03 MMCF/yr
4-cycle lean burn	31.25 MMCF/yr
4-cycle rich burn	43.47 MMCF/yr
Diesel, reciprocating	
<600 HP	165.51 kgal/yr
Gasoline, reciprocating	
<250 HP	12.26 kgal/yr
Diesel, large stationary	235.45 kgal/yr
Unit abbreviations:	
kgal = 10 ³ gallons	
MMCF = 10 ⁶ cubic feet	

(f) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per Year
Large turbine	
Natural gas	363.63 MMCF/yr
Distillate	2,263.07 kgal/yr
Uncontrolled natural gas prime movers	
Gas turbines	470.58 MMCF/yr
2-cycle lean burn	59.25 MMCF/yr

4-cycle lean burn	50.00 MMCF/yr
4-cycle rich burn	69.56 MMCF/yr
Diesel, reciprocating <600 HP	264.82 kgal/yr
Gasoline, reciprocating <250 HP	19.62 kgal/yr
Diesel, large stationary	376.72 kgal/yr
Unit abbreviations:	
kgal = 10 ³ gallons	
MMCF = 10 ⁶ cubic feet	

(Air Pollution Control Board; [326 IAC 2-9-14](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2315; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 814)

SECTION 24. [326 IAC 2-10-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-10-1](#) Limiting potential to emit

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) **A source must obtain all construction approvals prior to operating under this rule.** A **stationary or portable** source that would otherwise be required to have a permit under [326 IAC 2-6.1](#), [326 IAC 2-7](#), [326 IAC 2-8](#), or an operating agreement as described in [326 IAC 2-9](#) may limit its potential to emit by complying with the conditions of this rule. A source complying with this rule is not subject to [326 IAC 2-6.1](#), [326 IAC 2-7](#), [326 IAC 2-8](#), or [326 IAC 2-9](#) unless:

- (1) **the source is required to obtain a Part 70 permit in accordance with 40 CFR 63, which requires a major affected source to have a Part 70 permit on the compliance date of an applicable NESHAP; or**
- (2) otherwise required by federal law.

(b) A **stationary or portable** source complying with this rule may at any time apply for a state operating permit under [326 IAC 2-6.1](#), Part 70 permit under [326 IAC 2-7](#), a FESOP under [326 IAC 2-8](#), or an operating agreement under [326 IAC 2-9](#), as applicable.

(Air Pollution Control Board; [326 IAC 2-10-1](#); filed Sep 5, 1996, 11:00 a.m.: 20 IR 10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063; readopted filed Aug 2, 2004, 3:10 p.m.: 27 IR 3954)

SECTION 25. [326 IAC 2-11-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-11-1](#) General provisions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-11-2](#); [IC 13-15](#); [IC 13-17](#); [IC 13-30-3](#)

Sec. 1. (a) This section contains general provisions applicable to all other sections in this rule.

(b) Definitions provided in [IC 13-11-2](#), [326 IAC 1-2](#), and [326 IAC 2-7](#) shall apply to this rule.

(c) A source may limit its allowable emissions or potential to emit by complying with the conditions of the applicable section of this rule. A source complying with this rule is not subject to [326 IAC 2-6.1](#) unless otherwise required by law. A source complying with this rule is not subject to [326 IAC 2-5.1](#) or [326 IAC 2-7](#) provided the rule limits the source's allowable emissions or potential to emit below the applicability thresholds for [326 IAC 2-5.1](#) or [326 IAC 2-7](#) unless:

- (1) **the source is required to obtain a Part 70 permit in accordance with 40 CFR 63, which requires a major affected source to have a Part 70 permit on the compliance date of an applicable NESHAP; or**

(2) otherwise required by federal law.

(d) A source complying with this rule may at any time apply for a permit under [326 IAC 2-5.1](#), [326 IAC 2-6.1](#), [326 IAC 2-7](#), [326 IAC 2-8](#), or an operating agreement under [326 IAC 2-9](#), as applicable.

(e) Before a source subject to this rule modifies its facility or operations in such a way that it will no longer comply with this rule, it shall obtain the appropriate approval from the commissioner under [326 IAC 2-5.1](#), [326 IAC 2-6.1](#), [326 IAC 2-2](#), [326 IAC 2-3](#), [326 IAC 2-7](#), or [326 IAC 2-8](#).

(f) Not later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, the owner or operator of a source subject to this rule shall demonstrate that the source is in compliance with limits in the applicable section of this rule by providing throughput records for the previous twelve (12) months.

(g) A source electing to comply with this rule shall ~~comply with~~ **do** the following:

(1) ~~The source shall~~ Operate and properly maintain air pollution control devices at the source.

(2) ~~The source shall~~ Follow generally accepted industry work practices to minimize emissions of regulated air pollutants.

(3) ~~The source shall~~ Not discharge air pollutants so as to create a public nuisance.

(h) This section does not affect a requirement to comply with the provisions of any other applicable federal, state, or local requirement, except as specifically provided in this title.

(i) A source subject to this rule may be subject to applicable requirements for a major source, including [326 IAC 2-7](#), if:

(1) at any time the source is not in compliance with the conditions provided in an applicable section of this rule; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in an applicable section of this rule.

(j) Any violation of this rule may result in administrative or judicial enforcement proceedings and penalties under [IC 13-30-3](#).

(Air Pollution Control Board; [326 IAC 2-11-1](#); filed May 7, 1997, 4:00 p.m.: 20 IR 2316; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; readopted filed Aug 2, 2004, 3:25 p.m.: 27 IR 3955)

SECTION 26. [326 IAC 2-6.1-3](#) IS REPEALED.

[Notice of Public Hearing](#)

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