

TITLE 326 AIR POLLUTION CONTROL DIVISION**IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES**

LSA Document #22-126

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

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

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

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

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

LIST OF RULES THAT DO NOT EXPIRE

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

326 IAC 2-11-2	Gasoline dispensing operations
326 IAC 6.5-4-2	Kimball Office - Jasper 15th Street
326 IAC 6.5-4-17	Kimball Office - Jasper Cherry Street
326 IAC 6.5-4-24	OFS Brands, Inc. - Plant #3
326 IAC 6.5-5-2	FCA US, LLC - Kokomo Casting Plant and Kokomo Transmission Plant
326 IAC 6.5-5-5	GM Components Holdings, LLC
326 IAC 6.5-6-2	Allison Transmission
326 IAC 6.5-6-25	Ingredion Incorporated Indianapolis Plant
326 IAC 6.5-6-26	Navistar, Inc.
326 IAC 6.5-6-33	Rolls-Royce Corporation
326 IAC 6.8-2-18	Jupiter Aluminum Corporation
326 IAC 6.8-2-29	Harsco Minerals - Plant #14
326 IAC 6.8-2-34	Huhtamaki Foodservice, Inc.
326 IAC 7-1.1-3	Compliance date
326 IAC 7-4-2.1	Marion County sulfur dioxide emission limitations
326 IAC 7-4-3.1	Vigo County sulfur dioxide emission limitations
326 IAC 7-4-11.1	Morgan County sulfur dioxide emission limitations
326 IAC 7-4-15	Pike County sulfur dioxide emission limitations
326 IAC 7-4.1-21	Walsh and Kelly sulfur dioxide emission limitations
326 IAC 8-4-1	Applicability
326 IAC 8-4-6	Gasoline dispensing facilities
326 IAC 8-10-1	Applicability
326 IAC 8-10-2	Definitions

326 IAC 8-10-3	Requirements
326 IAC 8-10-4	Means to limit volatile organic compound emissions
326 IAC 8-10-5	Work practice standards
326 IAC 8-10-6	Compliance procedures
326 IAC 8-10-7	Test procedures
326 IAC 8-10-9	Record keeping and reporting
326 IAC 8-12-4	Volatile organic compound emissions limiting requirements
326 IAC 8-16-1	Applicability
326 IAC 8-16-2	Exemptions
326 IAC 8-16-3	Definitions
326 IAC 8-16-4	Control requirements
326 IAC 8-16-5	Compliance dates
326 IAC 8-16-8	Reporting requirements for monitoring and record keeping information
326 IAC 8-16-9	Retention factors and capture efficiencies
326 IAC 8-16-10	Requirements on compliance certification
326 IAC 8-16-11	Record keeping requirements for exempt sources
326 IAC 8-17-1	Applicability
326 IAC 8-17-2	Exemptions
326 IAC 8-17-3	"Composite partial vapor pressure" defined
326 IAC 8-17-4	VOC emissions control requirements
326 IAC 8-17-5	Compliance dates
326 IAC 8-17-6	Compliance test methods
326 IAC 8-17-7	Monitoring and record keeping
326 IAC 8-17-8	Reporting requirements for monitoring and record keeping information
326 IAC 8-17-9	Requirements on compliance certification
326 IAC 8-17-10	Record keeping requirements for exempt sources
326 IAC 8-18-1	Applicability
326 IAC 8-18-2	Air oxidation unit processes
326 IAC 8-18-3	Distillation operations
326 IAC 8-18-4	Reactor processes
326 IAC 8-18-5	Delayed compliance
326 IAC 8-19-1	Applicability
326 IAC 8-19-2	Definitions
326 IAC 8-19-3	Control requirements for VOC emissions from process vents
326 IAC 8-19-4	Determination of uncontrolled total annual mass emissions and actual weighted average flow rate values for a batch process train or unit operation
326 IAC 8-19-5	Compliance testing requirements
326 IAC 8-19-6	Monitoring requirements
326 IAC 8-19-7	Record keeping
326 IAC 8-19-8	Reporting
326 IAC 8-19-9	Compliance dates
326 IAC 8-20-1	Applicability
326 IAC 8-20-2	Definitions
326 IAC 8-20-3	Overall requirements for industrial wastewater
326 IAC 8-20-4	Control requirements for process wastewater
326 IAC 8-20-5	Alternate methods of control
326 IAC 8-20-6	Inspection and monitoring
326 IAC 8-20-7	Approved test methods
326 IAC 8-20-8	Record keeping
326 IAC 8-20-9	Determination of wastewater characteristics
326 IAC 8-20-10	Maintenance wastewater requirements
326 IAC 8-20-11	Compliance
326 IAC 8-21-1	Applicability
326 IAC 8-21-2	Definitions
326 IAC 8-21-3	VOC emissions control requirements
326 IAC 8-21-4	Application equipment

326 IAC 8-21-5	Solvent cleaning
326 IAC 8-21-6	Control equipment and monitoring
326 IAC 8-21-7	Compliance schedule
326 IAC 8-21-8	Record keeping requirements
326 IAC 8-21-9	Test methods
326 IAC 8-22-1	Applicability
326 IAC 8-22-2	Definitions
326 IAC 8-22-3	VOC content limits
326 IAC 8-22-4	Exemptions and exceptions
326 IAC 8-22-5	Compliance dates
326 IAC 8-22-6	Record keeping
326 IAC 8-22-7	Compliance procedures and test methods
326 IAC 8-22-8	Record keeping requirements for exempt sources

LIST OF EXEMPT RULES

There are no rules in [326 IAC](#) to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#) to list for 2022.

REQUEST FOR PUBLIC COMMENTS

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

- (1) By mail or common carrier to the following address:
LSA Document #22-126 2022 Title 326 Rule Review
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

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

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

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than May 20, 2022.

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

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

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