

Legislative Notice for Rule Readoption

LSA Document #23-809

Under [IC 4-22-2.6-3](#), the Indiana Department of Environmental Management (IDEM) notifies the Legislative Council of its intent to readopt rules in anticipation of rules expiring January 1, 2025.

STATUTORY AUTHORITY: [IC 4-22-2.6](#)

SUBJECT MATTER:

This rulemaking is required under [IC 4-22-2.6](#), which provides for the expiration and readoption of administrative rules. All rules expire on January 1 of the fifth year after the year in which each rule takes effect unless the rule expires or is repealed on an earlier date. The rules listed to be readopted have an expiration date of January 1, 2025, or later. IDEM has chosen to readopt all articles in the Indiana Administrative Code at one time rather than readopt each rule separately as its expiration date approaches.

Rules in Article 1 contain federally mandated regulations under the Clean Air Act's (CAA) primary and secondary National Ambient Air Quality Standards (NAAQS) at 40 CFR 50. Under section 110 of the CAA, IDEM is required to submit a state implementation plan (SIP) to the United States Environmental Protection Agency (U.S. EPA) that demonstrates attainment and maintenance of these standards through control programs directed to sources of the relevant pollutants. Requirements related to IDEM's SIP can also be found in Article 2, Articles 5-11, Articles 13-16, Articles 19 and 20, and Article 26. Article 1 also contains state-only rules authorized by [IC 13-17-3-4](#) and [IC 13-17-3-14](#) pertaining to sampling procedures and quality assurance guidelines for ambient air quality standards.

Beyond the federal SIP requirement, Article 2 contains federal requirements related to the CAA's Title V permitting program pursuant to 40 CFR 70. Additionally, the federal requirements at 40 CFR 51 and 52 for the prevention of significant deterioration of air quality regulate major sources located in areas designated as attainment or unclassifiable under the NAAQS for criteria pollutants and are undergoing construction or are newly constructed. State-only rules in Article 2 set compliance standards pursuant to [IC 13-17-7](#), thermal oxidizer requirements under [IC 13-17-11](#), and permitting requirements, including IDEM's minor source and source specific operating permit programs, under [IC 13-17-13](#).

The CAA compliance assurance monitoring rules under 40 CFR 64, 70, and 71, incorporated into Article 3, are intended to implement monitoring for major stationary sources of air pollution that are required to obtain operating permits under the Title V permitting program. These rules were federally established by U.S. EPA on October 22, 1997 (62 FR 54900), and require owners or operators of such sources to conduct monitoring that satisfies particular criteria to provide a reasonable assurance of compliance with applicable requirements under the CAA.

Several articles contain a mix of federally required and state-specific rules, many of which have been approved into Indiana's SIP. Article 4 contains federal regulations related to open burning and incinerators at 40 CFR 49, which were finalized on December 9, 2014 (79 FR 72979). It also contains state-only rules, pursuant to [IC 13-17-9](#) and [IC 13-17-10](#), that address regulations related to air curtain destructors and outdoor hydronic heaters. Article 6 contains requirements related to the SIP, as well as state-only requirements pursuant to 40 CFR 60 related to the control of particulate matter emissions, including fugitive dust and total suspended particles in Porter County. In addition to federal SIP requirements, Article 11 contains federal regulations concerning hospital incinerators, medical incinerators, and infectious waste incinerators at 40 CFR 60. State-only rule sections in Article 11 establish emissions limitations for specific source types, including sulfur dioxide plants and waste incineration units. These rules incorporate federal standards related to the specific source types. New Source Performance Standards that regulate emissions from stationary sources are contained in Article 12.

Additionally, SIP regulations under 40 CFR 51 and 40 CFR 85 related to motor vehicle emission and fuel standards, as well as Reid vapor pressure, are found in Article 13. Motor vehicle tampering, engine and fuel switching regulated at [IC 13-17-5](#) are also contained in Article 13. Federal asbestos emissions standards based on the final rule at 81 FR 74581 and regulated under 40 CFR 61 concerning emission standards for hazardous air pollutants are contained in Article 14, as well as SIP provisions for hazardous air pollutants. State-only rules for asbestos demolition and renovation under [IC 13-17-6](#) are also included in Article 14. Beyond a federal SIP concerning general conformity, Article 16 includes rules for state environmental policy and environmental assessment regulated under [IC 13-12-4](#). State-only rules concerning public records management and confidentiality under [IC 13-14-11](#), and asbestos management under [IC 13-17-6](#), are contained in Articles 17.1 and 18, respectively.

Also, the National Emission Standards for Hazardous Air Pollutant delegations are contained in Article 20 and are regulated under 40 CFR 63. State-only rules for this article include operator training for reinforced plastic composites production at [326 IAC 20-56-2](#) and penalties for exceedance of emission limits during malfunction at

[326 IAC 13-1.1-15](#). Article 21 incorporates by reference federal provisions at 40 CFR 72 through 40 CFR 78 concerning acid deposition control. Protection of stratospheric ozone as established in U.S. EPA final rule 57 FR 33787, and amended by final rule 60 FR 24986, are contained in Article 22. The SIP nitrogen oxide and sulfur dioxide trading programs as set forth in the federal final rule 81 FR 74581 are contained in Article 24. Article 25 concerns state-only voluntary performance-based leadership programs under [IC 13-27-7](#), and Article 26 contains federal regional haze SIP regulations as finalized in 64 FR 35714, as well as state-only regional haze requirements and best available retrofit technology standards consistent with 40 CFR 51 requirements.

Finally, the rule to be repealed at [326 IAC 1-4](#) deals with the attainment status designations for each county in the state regarding the air pollutants that contribute to the National Ambient Air Quality Standards in Indiana. This rule is being repealed in accordance with [IC 4-22-2-19.5](#) because the attainment status designations for the state are contained in the federal rule at 40 CFR 81 and are not required by federal law to be included in Indiana's rules. The designations will continue to be tracked and maintained by the Office of Air Quality staff going forward.

OVERVIEW

Rules to be readopted without changes are as follows:

326 IAC 1-1	Provisions Applicable Throughout Title 326
326 IAC 1-2	Definitions
326 IAC 1-3	Ambient Air Quality Standards
326 IAC 1-5	Episode Alert Levels
326 IAC 1-6	Malfunctions
326 IAC 1-7	Stack Height Provisions
326 IAC 2	PERMIT REVIEW RULES
326 IAC 3	MONITORING REQUIREMENTS
326 IAC 4	BURNING REGULATIONS
326 IAC 5	OPACITY REGULATIONS
326 IAC 6	PARTICULATE RULES
326 IAC 6.5	PARTICULATE MATTER LIMITATIONS EXCEPT LAKE COUNTY
326 IAC 6.8	PARTICULATE MATTER LIMITATIONS FOR LAKE COUNTY
326 IAC 7	SULFUR DIOXIDE RULES
326 IAC 8	VOLATILE ORGANIC COMPOUND RULES
326 IAC 9	CARBON MONOXIDE EMISSION RULES
326 IAC 10	NITROGEN OXIDES RULES
326 IAC 11	EMISSION LIMITATIONS FOR SPECIFIC TYPES OF OPERATIONS
326 IAC 12	NEW SOURCE PERFORMANCE STANDARDS
326 IAC 13	MOTOR VEHICLE EMISSION AND FUEL STANDARDS
326 IAC 14	EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
326 IAC 15	LEAD RULES
326 IAC 16	STATE ENVIRONMENTAL POLICY
326 IAC 17.1	PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS
326 IAC 18	ASBESTOS MANAGEMENT
326 IAC 19	MOBILE SOURCE RULES
326 IAC 20	HAZARDOUS AIR POLLUTANTS
326 IAC 21	ACID DEPOSITION CONTROL
326 IAC 22	STRATOSPHERIC OZONE PROTECTION
326 IAC 23	LEAD-BASED PAINT PROGRAM
326 IAC 24	CROSS-STATE AIR POLLUTION RULE (CSAPR) PROGRAMS
326 IAC 25	VOLUNTARY PERFORMANCE BASED LEADERSHIP PROGRAMS
326 IAC 26	REGIONAL HAZE

Rules to be repealed are as follows:

326 IAC 1-4	Attainment Status Designations
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